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June 16, 2017
TWENTIETH DAY

Friday, June 16, 2017

TWENTIETH DAY

[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

The House of Delegates met at 10:00 a.m., and was called to order by the Honorable Tim Armstead, Speaker.

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

The Clerk proceeded to read the Journal of Thursday, June 15, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title, as follows:

S. C. R. 104 – “Suspending the provisions of Joint Rule 3, relating to committees of conference and reports relative thereto.”

Resolved by the Legislature of West Virginia, two thirds of the members present and voting in each house agreeing thereto:

That pursuant to Rule 25 of the Joint Rules of the Senate and House of Delegates, the provisions of Joint Rule 3, paragraph (b) are suspended as follows: the committee of conference on the disagreeing votes of the two houses, as to Engrossed Committee Substitute for House Bill 106 (*Relating generally to the furlough of public employees during a declared fiscal emergency*), is hereby extended until Monday, June 19, 2017.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (S. C. R. 104) to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, the yeas and nays were taken (**Roll No. 652**), and there were—yeas 84, nays 1, absent and not voting 15, with the nays and absent and not voting being as follows:

Nays: Marcum.

Absent and Not Voting: Ambler, Butler, Ellington, A. Evans, N. Foster, Hill, Hornbuckle, Householder, Iaquina, C. Miller, Phillips, Rodighiero, R. Romine, Storch and Summers.

So, two thirds of the members present and voting having voted in the affirmative, the Speaker declared the resolution (S. C. R. 104) adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1017, Relating generally to Tax Reform Act of 2017.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 1017) to a committee was dispensed with, and it was taken up for immediate consideration and read a first time.

Delegate Walters moved, pursuant to the provisions of House Rule 103, that S. B. 1017 be rejected on First Reading.

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

The yeas and nays having been ordered, were taken (**Roll No. 653**), and there were—yeas 36, nays 52, absent and not voting 12, with the yeas and absent and not voting being as follows:

Yeas: Speaker Armstead, Arvon, Atkinson, Capito, Cooper, Criss, Espinosa, Fast, Folk, G. Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Harshbarger, Higginbotham, Hollen, Howell, Kessinger, Martin, Maynard, McGeehan, Moore, O'Neal, Overington, Paynter, Rohrbach, C. Romine, Rowan, Shott, Sobonya, Storch, Walters, Ward and Wilson.

Absent and Not Voting: Ambler, Butler, Ellington, A. Evans, N. Foster, Hill, Householder, laquinta, C. Miller, Phillips, R. Romine and Summers.

So, a majority of the members present and voting not having voted in the affirmative, the motion was rejected.

The bill was ordered to second reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 654**), and there were—yeas 80, nays 8, absent and not voting 12, with the nays and absent and not voting being as follows:

Nays: Barrett, Howell, Kessinger, Martin, Maynard, McGeehan, Paynter and Sobonya.

Absent and Not Voting: Ambler, Butler, Ellington, A. Evans, N. Foster, Hill, Householder, laquinta, C. Miller, Phillips, R. Romine and Summers.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time.

Delegates Hartman, Isner, Lewis, Sypolt, Lynch and Hamilton moved to amend the bill on page thirty-eight, section nine, line three hundred seventy, by striking out the semicolon, inserting a colon, and the following proviso:

“Provided further, That the proviso also does not apply to the transportation of trees, wood and wood products that are excluded from the definition of “consumer-ready wood products” pursuant to section two, article thirteen-m, chapter eleven of this code” and a semicolon.

Delegate Shott asked and obtained unanimous consent to proceed to consideration of the following strike and insert amendment and to allow consideration of amendments to the strike and insert amendment if it is adopted:

Delegates Sponaugle, Nelson and Shott moved to amend the bill on page two, by striking out everything after the enacting clause, and inserting in lieu thereof the following:

“That §11-15-2, §11-15-3, §11-15-9, §11-15-9b and §11-15-9h of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto three new sections, designated §11-15-3d, §11-15-3e and §11-15-35; that §11-15A-2 and §11-15A-10 of said code be amended and reenacted; that §11-21-8a, §11-21-8e, §11-21-12 and §11-21-16 of said code be amended and reenacted; and that § 11-24-23a and §11-24-23e of said code be amended and reenacted, all to read as follows:

CHAPTER 11. TAXATION.

ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.

§11-15-2. Definitions.

(a) *General.* When used in this article and article fifteen-a of this chapter, words defined in subsection (b) of this section have the meanings ascribed to them in this section, except in those instances where a different meaning is provided in this article or the context in which the word is used clearly indicates that a different meaning is intended by the Legislature.

(b) *Definitions.*

(1) ‘Business’ includes all activities engaged in or caused to be engaged in with the object of gain or economic benefit, direct or indirect, and all activities of the state and its political subdivisions which involve sales of tangible personal property or the rendering of services when those service activities compete with or may compete with the activities of other persons.

(2) ‘Communication’ means all telephone, radio, light, light wave, radio telephone, telegraph and other communication or means of communication, whether used for voice communication, computer data transmission or other encoded symbolic information transfers and includes commercial broadcast radio, commercial broadcast television and cable television.

(3) ‘Contracting’:

(A) *In general.* ‘Contracting’ means and includes the furnishing of work, or both materials and work, for another (by a sole contractor, general contractor, prime contractor, subcontractor or

construction manager) in fulfillment of a contract for the construction, alteration, repair, decoration or improvement of a new or existing building or structure, or any part thereof, or for removal or demolition of a building or structure, or any part thereof, or for the alteration, improvement or development of real property. Contracting also includes services provided by a construction manager so long as the project for which the construction manager provides the services results in a capital improvement to a building or structure or to real property.

(B) *Form of contract not controlling.* An activity that falls within the scope of the definition of contracting constitutes contracting regardless of whether the contract governing the activity is written or verbal and regardless of whether it is in substance or form a lump sum contract, a cost-plus contract, a time and materials contract, whether or not open-ended, or any other kind of construction contract.

(C) *Special rules.* For purposes of this definition:

(i) The term 'structure' includes, but is not limited to, everything built up or composed of parts joined together in some definite manner and attached or affixed to real property or which adds utility to real property or any part thereof or which adds utility to a particular parcel of property and is intended to remain there for an indefinite period of time;

(ii) The term 'alteration' means, and is limited to, alterations which are capital improvements to a building or structure or to real property;

(iii) The term 'repair' means, and is limited to, repairs which are capital improvements to a building or structure or to real property;

(iv) The term 'decoration' means, and is limited to, decorations which are capital improvements to a building or structure or to real property;

(v) The term 'improvement' means, and is limited to, improvements which are capital improvements to a building or structure or to real property;

(vi) The term 'capital improvement' means improvements that are affixed to or attached to and become a part of a building or structure or the real property or which add utility to real property, or any part thereof, and that last or are intended to be relatively permanent. As used herein, 'relatively permanent' means lasting at least a year in duration without the necessity for regularly scheduled recurring service to maintain the capital improvement. 'Regular recurring service' means regularly scheduled service intervals of less than one year;

(vii) Contracting does not include the furnishing of work, or both materials and work, in the nature of hookup, connection, installation or other services if the service is incidental to the retail sale of tangible personal property from the service provider's inventory: *Provided*, That the hookup, connection or installation of the foregoing is incidental to the sale of the same and performed by the seller thereof or performed in accordance with arrangements made by the seller thereof. Examples of transactions that are excluded from the definition of contracting pursuant to this subdivision include, but are not limited to, the sale of wall-to-wall carpeting and the installation of wall-to-wall carpeting, the sale, hookup and connection of mobile homes, window air conditioning units, dishwashers, clothing washing machines or dryers, other household appliances, drapery rods, window shades, venetian blinds, canvas awnings, free-standing industrial or commercial equipment and other similar items of tangible personal property. Repairs made to the foregoing are within the definition of contracting if the repairs involve permanently

affixing to or improving real property or something attached thereto which extends the life of the real property or something affixed thereto or allows or intends to allow the real property or thing permanently attached thereto to remain in service for a year or longer; and

(viii) The term 'construction manager' means a person who enters into an agreement to employ, direct, coordinate or manage design professionals and contractors who are hired and paid directly by the owner or the construction manager. The business activities of a 'construction manager' as defined in this subdivision constitute contracting, so long as the project for which the construction manager provides the services results in a capital improvement to a building or structure or to real property.

(4) 'Digital code' is defined in section three-e of this article;

(5) 'Digital products' is defined in section three-e of this article;

~~(4)~~ (6) 'Directly used or consumed' in the activities of manufacturing, transportation, transmission, communication or the production of natural resources means used or consumed in those activities or operations which constitute an integral and essential part of the activities, as contrasted with and distinguished from those activities or operations which are simply incidental, convenient or remote to the activities.

(A) Uses of property or consumption of services which constitute direct use or consumption in the activities of manufacturing, transportation, transmission, communication or the production of natural resources include only:

(i) In the case of tangible personal property, physical incorporation of property into a finished product resulting from manufacturing production or the production of natural resources;

(ii) Causing a direct physical, chemical or other change upon property undergoing manufacturing production or production of natural resources;

(iii) Transporting or storing property undergoing transportation, communication, transmission, manufacturing production or production of natural resources;

(iv) Measuring or verifying a change in property directly used in transportation, communication, transmission, manufacturing production or production of natural resources;

(v) Physically controlling or directing the physical movement or operation of property directly used in transportation, communication, transmission, manufacturing production or production of natural resources;

(vi) Directly and physically recording the flow of property undergoing transportation, communication, transmission, manufacturing production or production of natural resources;

(vii) Producing energy for property directly used in transportation, communication, transmission, manufacturing production or production of natural resources;

(viii) Facilitating the transmission of gas, water, steam or electricity from the point of their diversion to property directly used in transportation, communication, transmission, manufacturing production or production of natural resources;

(ix) Controlling or otherwise regulating atmospheric conditions required for transportation, communication, transmission, manufacturing production or production of natural resources;

(x) Serving as an operating supply for property undergoing transmission, manufacturing production or production of natural resources, or for property directly used in transportation, communication, transmission, manufacturing production or production of natural resources;

(xi) Maintaining or repairing of property, including maintenance equipment, directly used in transportation, communication, transmission, manufacturing production or production of natural resources;

(xii) Storing, removal or transportation of economic waste resulting from the activities of manufacturing, transportation, communication, transmission or the production of natural resources;

(xiii) Engaging in pollution control or environmental quality or protection activity directly relating to the activities of manufacturing, transportation, communication, transmission or the production of natural resources and personnel, plant, product or community safety or security activity directly relating to the activities of manufacturing, transportation, communication, transmission or the production of natural resources; or

(xiv) Otherwise using as an integral and essential part of transportation, communication, transmission, manufacturing production or production of natural resources.

(B) Uses of property or services which do not constitute direct use or consumption in the activities of manufacturing, transportation, transmission, communication or the production of natural resources include, but are not limited to:

(i) Heating and illumination of office buildings;

(ii) Janitorial or general cleaning activities;

(iii) Personal comfort of personnel;

(iv) Production planning, scheduling of work or inventory control;

(v) Marketing, general management, supervision, finance, training, accounting and administration; or

(vi) An activity or function incidental or convenient to transportation, communication, transmission, manufacturing production or production of natural resources, rather than an integral and essential part of these activities.

~~(5)~~ (7) 'Directly used or consumed' in the activities of gas storage, the generation or production or sale of electric power, the provision of a public utility service or the operation of a utility business means used or consumed in those activities or operations which constitute an integral and essential part of those activities or operation, as contrasted with and distinguished from activities or operations which are simply incidental, convenient or remote to those activities.

(A) Uses of property or consumption of services which constitute direct use or consumption in the activities of gas storage, the generation or production or sale of electric power, the provision of a public utility service or the operation of a utility business include only:

(i) Tangible personal property, custom software, digital code, digital products or services, including equipment, machinery, apparatus, supplies, fuel and power and appliances, which are used immediately in production or generation activities and equipment, machinery, supplies, tools and repair parts used to keep in operation exempt production or generation devices. For purposes of this subsection, production or generation activities shall commence from the intake, receipt or storage of raw materials at the production plant site;

(ii) Tangible personal property, custom software, digital code, digital products or services, including equipment, machinery, apparatus, supplies, fuel and power, appliances, pipes, wires and mains, which are used immediately in the transmission or distribution of gas, water and electricity to the public, and equipment, machinery, tools, repair parts and supplies used to keep in operation exempt transmission or distribution devices, and these vehicles and their equipment as are specifically designed and equipped for those purposes are exempt from the tax when used to keep a transmission or distribution system in operation or repair. For purposes of this subsection, transmission or distribution activities shall commence from the close of production at a production plant or wellhead when a product is ready for transmission or distribution to the public and shall conclude at the point where the product is received by the public;

(iii) Tangible personal property, custom software, digital code, digital products, or services, including equipment, machinery, apparatus, supplies, fuel and power, appliances, pipes, wires and mains, which are used immediately in the storage of gas or water, and equipment, machinery, tools, supplies and repair parts used to keep in operation exempt storage devices;

(iv) Tangible personal property, custom software, digital code, digital products, or services used immediately in the storage, removal or transportation of economic waste resulting from the activities of gas storage, the generation or production or sale of electric power, the provision of a public utility service or the operation of a utility business;

(v) Tangible personal property, custom software, digital code, digital products, or services used immediately in pollution control or environmental quality or protection activity or community safety or security directly relating to the activities of gas storage, generation or production or sale of electric power, the provision of a public utility service or the operation of a utility business.

(B) Uses of property, digital code, digital products, or services which would not constitute direct use or consumption in the activities of gas storage, generation or production or sale of electric power, the provision of a public utility service or the operation of a utility business include, but are not limited to:

(i) Heating and illumination of office buildings;

(ii) Janitorial or general cleaning activities;

(iii) Personal comfort of personnel;

(iv) Production planning, scheduling of work or inventory control;

(v) Marketing, general management, supervision, finance, training, accounting and administration; or

(vi) An activity or function incidental or convenient to the activities of gas storage, generation or production or sale of electric power, the provision of public utility service or the operation of a utility business.

~~(6)~~ (8) 'Gas storage' means the injection of gas into a storage reservoir or the storage of gas for any period of time in a storage reservoir or the withdrawal of gas from a storage reservoir engaged in by businesses subject to the business and occupation tax imposed by sections two and two-e, article thirteen of this chapter.

~~(7)~~ (9) 'Generating or producing or selling of electric power' means the generation, production or sale of electric power engaged in by businesses subject to the business and occupation tax imposed by section two, two-d, two-m or two-n, article thirteen of this chapter.

~~(8)~~ (10) 'Gross proceeds' means the amount received in money, credits, property or other consideration from sales and services within this state, without deduction on account of the cost of property sold, amounts paid for interest or discounts or other expenses whatsoever. Losses may not be deducted, but any credit or refund made for goods returned may be deducted.

~~(9)~~ (11) 'Includes' and 'including', when used in a definition contained in this article, does not exclude other things otherwise within the meaning of the term being defined.

~~(10)~~ (12) 'Manufacturing' means a systematic operation or integrated series of systematic operations engaged in as a business or segment of a business which transforms or converts tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed.

~~(11)~~ (13) 'Person' means any individual, partnership, association, corporation, limited liability company, limited liability partnership or any other legal entity, including this state or its political subdivisions or an agency of either, or the guardian, trustee, committee, executor or administrator of any person.

~~(12)~~ (14) 'Personal service' includes those: (A) Compensated by the payment of wages in the ordinary course of employment; and (B) rendered to the person of an individual without, at the same time, selling tangible personal property, such as nursing, barbering, shoe shining, manicuring and similar services.

~~(13)~~ (15) 'Prepaid wireless calling service' means a telecommunications service that provides the right to utilize mobile wireless service as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance that is sold in predetermined units or dollars of which the number decline with use in a known amount.

~~(14)~~ (16) Production of natural resources.

(A) 'Production of natural resources' means, except for oil and gas, the performance, by either the owner of the natural resources or another, of the act or process of exploring, developing, severing, extracting, reducing to possession and loading for shipment and shipment for sale, profit or commercial use of any natural resource products and any reclamation, waste disposal or

environmental activities associated therewith and the construction, installation or fabrication of ventilation structures, mine shafts, slopes, boreholes, dewatering structures, including associated facilities and apparatus, by the producer or others, including contractors and subcontractors, at a coal mine or coal production facility.

(B) For the natural resources oil and gas, 'production of natural resources' means the performance, by either the owner of the natural resources, a contractor or a subcontractor, of the act or process of exploring, developing, drilling, well-stimulation activities such as logging, perforating or fracturing, well-completion activities such as the installation of the casing, tubing and other machinery and equipment and any reclamation, waste disposal or environmental activities associated therewith, including the installation of the gathering system or other pipeline to transport the oil and gas produced or environmental activities associated therewith and any service work performed on the well or well site after production of the well has initially commenced.

(C) All work performed to install or maintain facilities up to the point of sale for severance tax purposes is included in the 'production of natural resources' and subject to the direct use concept.

(D) 'Production of natural resources' does not include the performance or furnishing of work, or materials or work, in fulfillment of a contract for the construction, alteration, repair, decoration or improvement of a new or existing building or structure, or any part thereof, or for the alteration, improvement or development of real property, by persons other than those otherwise directly engaged in the activities specifically set forth in this subdivision as 'production of natural resources'.

~~(45)~~ (17) 'Providing a public service or the operating of a utility business' means the providing of a public service or the operating of a utility by businesses subject to the business and occupation tax imposed by sections two and two-d, article thirteen of this chapter.

~~(46)~~ (18) 'Purchaser' means a person who purchases tangible personal property, custom software or a service taxed by this article.

~~(47)~~ (19) 'Sale', 'sales' or 'selling' includes any transfer of the possession or ownership of tangible personal property, digital code, digital products, or custom software for a consideration, including a lease or rental, when the transfer or delivery is made in the ordinary course of the transferor's business and is made to the transferee or his or her agent for consumption or use or any other purpose. 'Sale' also includes the furnishing of a service for consideration. Notwithstanding anything to the contrary in this code, effective after the thirtieth day of June, two thousand eight, 'sale' also includes the furnishing of prepaid wireless calling service for consideration.

~~(48)~~ (20) 'Service' or 'selected service' includes all nonprofessional activities engaged in for other persons for a consideration, which involve the rendering of a service as distinguished from the sale of tangible personal property, digital code, digital products, or custom software, but does not include contracting, personal services or the services rendered by an employee to his or her employer or any service rendered for resale: *Provided*, That the term 'service' or 'selected service' does not include payments received by a vendor of tangible personal property as an incentive to sell a greater volume of such tangible personal property under a manufacturer's, distributor's or other third party's marketing support program, sales incentive program, cooperative advertising agreement or similar type of program or agreement, and these payments are not considered to be payments for a 'service' or 'selected service' rendered, even though the vendor may engage

in attendant or ancillary activities associated with the sales of tangible personal property as required under the programs or agreements.

~~(19)~~ (21) 'Streamlined Sales and Use Tax Agreement' or 'agreement', when used in this article, has the same meaning as when used in article fifteen-b of this chapter, except when the context in which the word 'agreement' is used clearly indicates that a different meaning is intended by the Legislature.

~~(20)~~ (22) 'Tax' includes all taxes, additions to tax, interest and penalties levied under this article or article ten of this chapter.

~~(24)~~ (23) 'Tax Commissioner' means the State Tax Commissioner or his or her delegate. The term 'delegate' in the phrase 'or his or her delegate', when used in reference to the Tax Commissioner, means any officer or employee of the State Tax Division duly authorized by the Tax Commissioner directly, or indirectly by one or more redelegations of authority, to perform the functions mentioned or described in this article or rules promulgated for this article.

~~(22)~~ (24) 'Taxpayer' means any person liable for the tax imposed by this article or additions to tax, penalties and interest imposed by article ten of this chapter.

~~(23)~~ (25) 'Transmission' means the act or process of causing liquid, natural gas or electricity to pass or be conveyed from one place or geographical location to another place or geographical location through a pipeline or other medium for commercial purposes.

~~(24)~~ (26) 'Transportation' means the act or process of conveying, as a commercial enterprise, passengers or goods from one place or geographical location to another place or geographical location.

~~(25)~~ (27) 'Ultimate consumer' or 'consumer' means a person who uses or consumes services, digital code, digital products, or personal property.

~~(26)~~ (28) 'Vendor' means any person engaged in this state in furnishing services taxed by this article or making sales of tangible personal property, digital code, digital products, or custom software. 'Vendor' and 'seller' are used interchangeably in this article.

(c) *Additional definitions.* Other terms used in this article are defined in article fifteen-b of this chapter, which definitions are incorporated by reference into article fifteen of this chapter. Additionally, other terms used in this section may be defined in other sections of this article. ~~may define terms primarily used in the section in which the term is defined~~

§11-15-3. Amount of tax; allocation of tax and transfers.

(a) *Vendor to collect.* — For the privilege of selling tangible personal property or custom software and for the privilege of furnishing certain selected services defined in sections two and eight of this article, the vendor shall collect from the purchaser the tax as provided under this article and article fifteen-b of this chapter, and shall pay the amount of tax to the Tax Commissioner in accordance with the provisions of this article or article fifteen-b of this chapter.

(b) *Amount of tax.* — The general consumer sales and service tax imposed by this article shall be at the rate of ~~6¢ on the dollar~~ six percent of the sales price of sales or services tangible personal property, digital products, digital code, custom software or taxable service purchased, excluding

gasoline and special fuel sales, which remain taxable at the rate of ~~5¢ on the dollar of sales~~ five percent.

~~(c) Calculation tax on fractional parts of a dollar until January 1, 2004. — There shall be no tax on sales where the monetary consideration is 5¢ or less. The amount of the tax shall be computed as follows:~~

~~(1) On each sale, where the monetary consideration is from 6¢ to 16¢, both inclusive, 1¢.~~

~~(2) On each sale, where the monetary consideration is from 17¢ to 33¢, both inclusive, 2¢.~~

~~(3) On each sale, where the monetary consideration is from 34¢ to 50¢, both inclusive, 3¢.~~

~~(4) On each sale, where the monetary consideration is from 51¢ to 67¢, both inclusive, 4¢.~~

~~(5) On each sale, where the monetary consideration is from 68¢ to 84¢, both inclusive, 5¢.~~

~~(6) On each sale, where the monetary consideration is from 85¢ to \$1, both inclusive, 6¢.~~

~~(7) If the sale price is in excess of \$1, 6¢ on each whole dollar of sale price, and upon any fractional part of a dollar in excess of whole dollars as follows: 1¢ on the fractional part of the dollar if less than 17¢; 2¢ on the fractional part of the dollar if in excess of 16¢ but less than 34¢; 3¢ on the fractional part of the dollar if in excess of 33¢ but less than 51¢; 4¢ on the fractional part of the dollar if in excess of 50¢ but less than 68¢; 5¢ on the fractional part of the dollar if in excess of 67¢ but less than 85¢; and 6¢ on the fractional part of the dollar if in excess of 84¢. For example, the tax on sales from \$1.01 to \$1.16, both inclusive, 7¢; on sales from \$1.17 to \$1.33, both inclusive, 8¢; on sales from \$1.34 to \$1.50, both inclusive, 9¢; on sales from \$1.51 to \$1.67, both inclusive, 10¢; on sales from \$1.68 to \$1.84, both inclusive, 11¢ and on sales from \$1.85 to \$2, both inclusive, 12¢: *Provided*, That beginning January 1, 2004, tax due under this article shall be calculated as provided in subsection (d) of this subsection and this subsection (c) does not apply to sales made after December 31, 2003.~~

~~(d) (c) Calculation of tax on fractional parts of a dollar after December 31, 2003. - Beginning January 1, 2004, the The tax computation under subsection (b) of this section shall be carried to the third decimal place, and the tax rounded up to the next whole cent whenever the third decimal place is greater than four and rounded down to the lower whole cent whenever the third decimal place is four or less. The vendor may elect to compute the tax due on a transaction on a per item basis or on an invoice basis provided the method used is consistently used during the reporting period.~~

~~(e) (d) No aggregation of separate sales transactions, exception for coin-operated devices. - Separate sales, such as daily or weekly deliveries, shall not be aggregated for the purpose of computation of the tax even though the sales are aggregated in the billing or payment therefor. Notwithstanding any other provision of this article, coin-operated amusement and vending machine sales shall be aggregated for the purpose of computation of this tax.~~

~~(f) (e) Rate of tax on certain mobile homes. - Notwithstanding any provision of this article to the contrary, after December 31, 2003 the tax levied on sales of mobile homes to be used by the owner thereof as his or her principal year-round residence and dwelling shall be an amount equal to six percent of fifty percent of the sales price multiplied by the general rate of the consumers sales and service tax specified in this section.~~

~~(g)~~ (f) Construction; custom software, digital goods and digital code. - After December 31, 2003, whenever Whenever the words 'tangible personal property' or 'property' appear in this article, the same shall also include the words 'custom software', 'digital products' and 'digital code.'

~~(h)~~ (g) Computation of tax on sales of gasoline and special fuel. - The method of computation of tax provided in this section does not apply to sales of gasoline and special fuel.

§11-15-3d. Imposition of consumers sales tax on telecommunications service and ancillary services.

(a) Notwithstanding the provisions of section eight of this article or any other provision of this code, on and after July 1, 2017, 'telecommunications service,' and 'ancillary services' as defined in article fifteen-b of this chapter, shall be subject to the consumers sales and service tax imposed by this article, and the use tax imposed by article fifteen-a of this chapter: *Provided*, That payment of the tax imposed under this article or under article fifteen-a of this chapter on prepaid wireless services is sufficient to fulfill the mandate of this section, and prepaid wireless services shall not be subjected to double taxation under this article: *Provided, however*, That this section shall not be interpreted to prevent imposition of any other lawfully imposed municipal tax or fee or any other tax or fee lawfully imposed under any state or federal law, or the laws of any subdivision thereof on such prepaid wireless services.

(b) The tax imposed by this section shall be in addition to any municipal utilities tax, municipal consumers sales and service tax and use tax, or other tax lawfully imposed on telephone service, telecommunications service and ancillary services.

(c) The sale of telecommunications service and ancillary services on which tax is imposed by this section shall be subject to sourcing rules set forth in sections nineteen and twenty, article fifteen-b of this chapter.

(d) Notwithstanding the fact that a service provider did not meet the threshold amount for the previous calendar year that would cause accelerated payment to be made in the current year, the accelerated payment rule imposed under subsection (g), section sixteen of this article applies to the tax imposed by this section, if the service provider's total combined monthly remittance of the taxes levied by this article and article fifteen-a of this chapter for any calendar month beginning on and after July 1, 2017, exceeds, or can reasonably be expected to exceed, \$100,000.

§11-15-3e. Imposition of consumers sales tax on sales of digital products, digital code and digital services.

(a) Notwithstanding any other provision of this code to the contrary, on and after July 1, 2017, sales of digital code, digital products and digital services electronically transferred to the purchaser shall be subject to the consumers sales and service tax imposed by this article, except as otherwise provided in this article, and the use of digital code, digital products and digital services electronically transferred to the purchaser shall be subject to the use tax imposed by article fifteen-a of this chapter, except as otherwise provided in article fifteen-a of this chapter. The tax imposed by this article shall apply to sales of digital code, digital products and digital services electronically transferred to the purchaser regardless of whether the digital code, digital product or digital service is provided for permanent use or less than permanent use and regardless of whether continued payment is required.

(b) Definitions —

(1) 'Designated digital products' means digital audio works, digital audio-visual works, digital books, video game digital products and digital automated services that are electronically transferred to a purchaser.

(2) 'Digital audio-visual works' means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sound, if any. Digital audio-visual works include such items as motion pictures, movies, music videos, news and entertainment and live events. Digital audio-visual works do not include audio greeting cards sent by electronic mail. Digital audio-visual works includes the digital code, or a subscription to or access to a digital code, for receiving, accessing, or otherwise obtaining digital audio-visual works.

(3) 'Digital audio works' means works that result from the fixation of a series of musical, spoken, or other sounds including ringtones. Digital audio works includes such items as the following which may either be prerecorded or live: songs, music, readings of books or other written materials, speeches, ringtones, or other sound recordings. Digital audio works does not include audio greeting cards sent by electronic mail. Unless the context provides otherwise, in this article digital audio works includes the digital code, or a subscription to or access to a digital code, for receiving, accessing, or otherwise obtaining digital audio works.

(4) 'Digital automated services' defined.

(A) 'Digital automated service,' except as provided in paragraph (B) of this subdivision (4), means any service transferred electronically that uses one or more software applications that would be taxable if the results of the service were transferred on a tangible medium.

(B) 'Digital automated service' does not include:

(i) Any service that primarily involves the application of human effort by the seller, and the human effort originated after the customer requested the service;

(ii) The loaning or transferring of money or the purchase, sale, or transfer of financial instruments. For purposes of this section, 'financial instruments' include cash, accounts receivable and payable, loans and notes receivable and payable, debt securities, equity securities, as well as derivative contracts such as forward contracts, swap contracts, and options;

(iii) Dispensing cash or other physical items from a machine;

(iv) Payment processing services;

(vi) Telecommunications services and ancillary services as those terms are defined article fifteen-b of this chapter; or

(vii) The internet and internet access.

(5) 'Digital books' means works that are generally recognized in the ordinary and usual sense as 'books.' It includes works of fiction and nonfiction and short stories. It does not include periodicals, magazines, newspapers, or other news or information productions, chat rooms, or weblogs. Unless the context provides otherwise, in this chapter digital books includes the digital

code, or a subscription to access to a digital code, for receiving, accessing, or otherwise obtaining digital books.

(6) 'Digital code' means a code which provides a purchaser with a right to obtain one or more digital products. 'Digital code' does not include a code that represents a stored monetary value that is deducted from the total as it is used by the purchaser. 'Digital code' also does not include a code that represents a redeemable card, gift card, or gift certificate that entitles the holder to select digital products of an indicated cash value, which digital products are subject to tax when the digital product is selected. A digital code may be obtained by any means, including e-mail or by tangible means regardless of its designation as song code, video code, book code, or some other term.

(7) 'Digital goods' defined.

(A) 'Digital goods,' except as provided in this subdivision, means sounds, images, data, facts, or information, or any combination thereof, transferred electronically, including, but not limited to, designated digital products and other products transferred electronically not included within the definition of designated digital products.

(B) The term 'digital goods' does not include:

(i) Telecommunications services and ancillary services as those terms are defined in article fifteen-b of this chapter;

(ii) Computer software as defined in article fifteen-b of this chapter;

(iii) The internet and internet access service as those terms are defined the Internet Tax Freedom Act, Title 47, U.S.C. § 151 note, as existing on July 1, 2009.

(8) 'Digital products' means digital audio-visual works, digital audio works, digital automated services, digital books, other digital products and designated digital products.

(9) 'Electronically transferred' or 'transferred electronically' means obtained by the purchaser by means other than tangible storage media. It is not necessary that a copy of the product be physically transferred to the purchaser. So long as the purchaser may access the product, it will be considered to have been electronically transferred to the purchaser.

(10) 'Internet access service' means a service that enables users to access content, information, electronic mail, or other services offered over the internet and may also include access to proprietary content, information, and other services as part of a package of services offered to consumers. The term does not include telecommunications services.

(11) 'Other digital products' means and includes, but is not limited to, the following when electronically transferred:

(A) Periodicals;

(B) Magazines;

(C) Video or electronic games; and

(D) Newspapers or other news or information products.

(12) 'Ringtone' means digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(c) The sales of digital code and digital products on which tax is imposed by this section shall be subject to the transaction sourcing rules in article fifteen-b of this chapter.

(d) For purposes of this section, the sale, license, lease, or rental of or the storage, use, or other consumption of a digital code is treated the same as the sale, license, lease, or rental of or the storage, use, or other consumption of any digital product to which the digital code relates.

§11-15-9. Exemptions.

(a) *Exemptions for which exemption certificate may be issued.* — A person having a right or claim to any exemption set forth in this subsection may, in lieu of paying the tax imposed by this article and filing a claim for refund, execute a certificate of exemption, in the form required by the Tax Commissioner, and deliver it to the vendor of the property or service in the manner required by the Tax Commissioner. However, the Tax Commissioner may, by rule, specify those exemptions authorized in this subsection for which exemption certificates are not required. The following sales of tangible personal property and services are exempt as provided in this subsection:

(1) Sales of gas, steam and water delivered to consumers through mains or pipes and sales of electricity;

(2) Sales of textbooks required to be used in any of the schools of this state or in any institution in this state which qualifies as a nonprofit or educational institution subject to the West Virginia Department of Education and the Arts, ~~the board of Trustees of the University System of West Virginia or the board of directors for~~ Higher Education Policy Commission or the Council for Community and Technical College Education for universities and colleges located in this state;

(3) Sales of property or services to this state, its institutions or subdivisions, governmental units, institutions or subdivisions of other states: *Provided*, That the law of the other state provides the same exemption to governmental units or subdivisions of this state and to the United States, including agencies of federal, state or local governments for distribution in public welfare or relief work;

(4) Sales of vehicles which are titled by the Division of Motor Vehicles and which are subject to the tax imposed by section four, article three, chapter seventeen-a of this code or like tax;

(5) Sales of property or services to churches which make no charge whatsoever for the services they render: *Provided*, That the exemption granted in this subdivision applies only to services, equipment, supplies, food for meals and materials directly used or consumed by these organizations and does not apply to purchases of gasoline or special fuel;

(6) Sales of tangible personal property or services to a corporation or organization which has a current registration certificate issued under article twelve of this chapter, which is exempt from federal income taxes under Section 501(c)(3) or (c)(4) of the Internal Revenue Code of 1986, as amended, and which is:

(A) A church or a convention or association of churches as defined in Section 170 of the Internal Revenue Code of 1986, as amended;

(B) An elementary or secondary school which maintains a regular faculty and curriculum and has a regularly enrolled body of pupils or students in attendance at the place in this state where its educational activities are regularly carried on;

(C) A corporation or organization which annually receives more than one half of its support from any combination of gifts, grants, direct or indirect charitable contributions or membership fees;

(D) An organization which has no paid employees and its gross income from fundraisers, less reasonable and necessary expenses incurred to raise the gross income (or the tangible personal property or services purchased with the net income), is donated to an organization which is exempt from income taxes under Section 501(c)(3) or (c)(4) of the Internal Revenue Code of 1986, as amended;

(E) A youth organization, such as the Girl Scouts of the United States of America, the Boy Scouts of America or the YMCA Indian Guide/Princess Program and the local affiliates thereof, which is organized and operated exclusively for charitable purposes and has as its primary purpose the nonsectarian character development and citizenship training of its members;

(F) For purposes of this subsection:

(i) The term 'support' includes, but is not limited to:

(I) Gifts, grants, contributions or membership fees;

(II) Gross receipts from fundraisers which include receipts from admissions, sales of merchandise, performance of services or furnishing of facilities in any activity which is not an unrelated trade or business within the meaning of Section 513 of the Internal Revenue Code of 1986, as amended;

(III) Net income from unrelated business activities, whether or not the activities are carried on regularly as a trade or business;

(IV) Gross investment income as defined in Section 509(e) of the Internal Revenue Code of 1986, as amended;

(V) Tax revenues levied for the benefit of a corporation or organization either paid to or expended on behalf of the organization; and

(VI) The value of services or facilities (exclusive of services or facilities generally furnished to the public without charge) furnished by a governmental unit referred to in Section 170(c)(1) of the Internal Revenue Code of 1986, as amended, to an organization without charge. This term does not include any gain from the sale or other disposition of property which would be considered as gain from the sale or exchange of a capital asset or the value of an exemption from any federal, state or local tax or any similar benefit;

(ii) The term 'charitable contribution' means a contribution or gift to or for the use of a corporation or organization, described in Section 170(c)(2) of the Internal Revenue Code of 1986, as amended; and

(iii) The term 'membership fee' does not include any amounts paid for tangible personal property or specific services rendered to members by the corporation or organization;

(G) The exemption allowed by this subdivision does not apply to sales of gasoline or special fuel or to sales of tangible personal property or services to be used or consumed in the generation of unrelated business income as defined in Section 513 of the Internal Revenue Code of 1986, as amended. The exemption granted in this subdivision applies only to services, equipment, supplies and materials used or consumed in the activities for which the organizations qualify as tax-exempt organizations under the Internal Revenue Code and does not apply to purchases of gasoline or special fuel which are taxable as provided in section eighteen-b of this article and article fourteen-c of this chapter;

(7) An isolated transaction in which any taxable service or any tangible personal property is sold, transferred, offered for sale or delivered by the owner of the property or by his or her representative for the owner's account, the sale, transfer, offer for sale or delivery not being made in the ordinary course of repeated and successive transactions of like character by the owner or on his or her account by the representative: *Provided*, That nothing contained in this subdivision may be construed to prevent an owner who sells, transfers or offers for sale tangible personal property in an isolated transaction through an auctioneer from availing himself or herself of the exemption provided in this subdivision, regardless of where the isolated sale takes place. The Tax Commissioner may propose a legislative rule for promulgation pursuant to article three, chapter twenty-nine-a of this code which he or she considers necessary for the efficient administration of this exemption;

(8) Sales of tangible personal property or of any taxable services rendered for use or consumption in connection with the commercial production of an agricultural product the ultimate sale of which is subject to the tax imposed by this article or which would have been subject to tax under this article: *Provided*, That sales of tangible personal property and services to be used or consumed in the construction of or permanent improvement to real property and sales of gasoline and special fuel are not exempt: *Provided, however*, That nails and fencing may not be considered as improvements to real property;

(9) Sales of tangible personal property to a person for the purpose of resale in the form of tangible personal property: *Provided*, That sales of gasoline and special fuel by distributors and importers is taxable except when the sale is to another distributor for resale: *Provided, however*, That sales of building materials or building supplies or other property to any person engaging in the activity of contracting, as defined in this article, which is to be installed in, affixed to or incorporated by that person or his or her agent into any real property, building or structure is not exempt under this subdivision;

(10) Sales of newspapers when delivered to consumers by route carriers;

(11) Sales of drugs, durable medical goods, mobility-enhancing equipment and prosthetic devices dispensed upon prescription and sales of insulin to consumers for medical purposes. The amendment to this subdivision shall apply to sales made after December 31, 2003;

(12) Sales of radio and television broadcasting time, preprinted advertising circulars and newspaper and outdoor advertising space for the advertisement of goods or services;

(13) Sales and services performed by day care centers;

(14) Casual and occasional sales of property or services not conducted in a repeated manner or in the ordinary course of repetitive and successive transactions of like character by a corporation or organization which is exempt from tax under subdivision (6) of this subsection on its purchases of tangible personal property or services. For purposes of this subdivision, the term 'casual and occasional sales not conducted in a repeated manner or in the ordinary course of repetitive and successive transactions of like character' means sales of tangible personal property or services at fundraisers sponsored by a corporation or organization which is exempt, under subdivision (6) of this subsection, from payment of the tax imposed by this article on its purchases when the fundraisers are of limited duration and are held no more than six times during any twelve-month period and 'limited duration' means no more than eighty-four consecutive hours: *Provided*, That sales for volunteer fire departments and volunteer school support groups, with duration of events being no more than eighty-four consecutive hours at a time, which are held no more than eighteen times in a twelve-month period for the purposes of this subdivision are considered 'casual and occasional sales not conducted in a repeated manner or in the ordinary course of repetitive and successive transactions of a like character';

(15) Sales of property or services to a school which has approval from the ~~board of Trustees of the University System of West Virginia or the board of Directors of the state College System~~ Higher Education Policy Commission or the Council for Community and Technical College Education to award degrees, which has its principal campus in this state and which is exempt from federal and state income taxes under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended: *Provided*, That sales of gasoline and special fuel are taxable as provided in section eighteen-b of this article and article fourteen-c of this chapter;

(16) Sales of lottery tickets and materials by licensed lottery sales agents and lottery retailers authorized by the State Lottery Commission, under the provisions of article twenty-two, chapter twenty-nine of this code;

(17) Leases of motor vehicles titled pursuant to the provisions of article three, chapter seventeen-a of this code to lessees for a period of thirty or more consecutive days;

(18) Notwithstanding the provisions of section eighteen or eighteen-b of this article or any other provision of this article to the contrary, sales of propane to consumers for poultry house heating purposes, with any seller to the consumer who may have prior paid the tax in his or her price, to not pass on the same to the consumer, but to make application and receive refund of the tax from the Tax Commissioner pursuant to rules which are promulgated after being proposed for legislative approval in accordance with chapter twenty-nine-a of this code by the Tax Commissioner;

(19) Any sales of tangible personal property or services purchased and lawfully paid for with food stamps pursuant to the federal food stamp program codified in 7 U. S. C. §2011, *et seq.*, as amended, or with drafts issued through the West Virginia special supplement food program for women, infants and children codified in 42 U. S. C. §1786;

(20) Sales of tickets for activities sponsored by elementary and secondary schools located within this state;

~~(21) Sales of electronic data processing services and related software: *Provided*, That, for the purposes of this subdivision, 'electronic data processing services' means:~~

~~(A) The processing of another's data, including all processes incident to processing of data such as keypunching, keystroke verification, rearranging or sorting of previously documented data for the purpose of data entry or automatic processing and changing the medium on which data is sorted, whether these processes are done by the same person or several persons; and~~

~~(B) Providing access to computer equipment for the purpose of processing data or examining or acquiring data stored in or accessible to the computer equipment;~~

~~(22) (21) Tuition charged for attending educational summer camps;~~

~~(23) (22) Dispensing of services performed by one corporation, partnership or limited liability company for another corporation, partnership or limited liability company when the entities are members of the same controlled group or are related taxpayers as defined in Section 267 of the Internal Revenue Code. 'Control' means ownership, directly or indirectly, of stock, equity interests or membership interests possessing fifty percent or more of the total combined voting power of all classes of the stock of a corporation, equity interests of a partnership or membership interests of a limited liability company entitled to vote or ownership, directly or indirectly, of stock, equity interests or membership interests possessing fifty percent or more of the value of the corporation, partnership or limited liability company;~~

~~(24) (23) Food for the following are exempt:~~

~~(A) Food purchased or sold by a public or private school, school-sponsored student organizations or school-sponsored parent-teacher associations to students enrolled in the school or to employees of the school during normal school hours; but not those sales of food made to the general public;~~

~~(B) Food purchased or sold by a public or private college or university or by a student organization officially recognized by the college or university to students enrolled at the college or university when the sales are made on a contract basis so that a fixed price is paid for consumption of food products for a specific period of time without respect to the amount of food product actually consumed by the particular individual contracting for the sale and no money is paid at the time the food product is served or consumed;~~

~~(C) Food purchased or sold by a charitable or private nonprofit organization, a nonprofit organization or a governmental agency under a program to provide food to low-income persons at or below cost;~~

~~(D) Food sold by a charitable or private nonprofit organization, a nonprofit organization or a governmental agency under a program operating in West Virginia for a minimum of five years to provide food at or below cost to individuals who perform a minimum of two hours of community service for each unit of food purchased from the organization;~~

~~(E) Food sold in an occasional sale by a charitable or nonprofit organization, including volunteer fire departments and rescue squads, if the purpose of the sale is to obtain revenue for the functions and activities of the organization and the revenue obtained is actually expended for that purpose;~~

(F) Food sold by any religious organization at a social or other gathering conducted by it or under its auspices, if the purpose in selling the food is to obtain revenue for the functions and activities of the organization and the revenue obtained from selling the food is actually used in carrying out those functions and activities: *Provided*, That purchases made by the organizations are not exempt as a purchase for resale; or

(G) Food sold by volunteer fire departments and rescue squads that are exempt from federal income taxes under Section 501(c)(3) or (c)(4) of the Internal Revenue Code of 1986, as amended, when the purpose of the sale is to obtain revenue for the functions and activities of the organization and the revenue obtained is exempt from federal income tax and actually expended for that purpose;

~~(25)~~ (24) Sales of food by little leagues, midget football leagues, youth football or soccer leagues, band boosters or other school or athletic booster organizations supporting activities for grades kindergarten through twelve and similar types of organizations, including scouting groups and church youth groups, if the purpose in selling the food is to obtain revenue for the functions and activities of the organization and the revenues obtained from selling the food is actually used in supporting or carrying on functions and activities of the groups: *Provided*, That the purchases made by the organizations are not exempt as a purchase for resale;

~~(26)~~ (25) Charges for room and meals by fraternities and sororities to their members: *Provided*, That the purchases made by a fraternity or sorority are not exempt as a purchase for resale;

~~(27)~~ (26) Sales of or charges for the transportation of passengers in interstate commerce;

~~(28)~~ (27) Sales of tangible personal property or services to any person which this state is prohibited from taxing under the laws of the United States or under the Constitution of this state;

~~(29)~~ (28) Sales of tangible personal property or services to any person who claims exemption from the tax imposed by this article or article fifteen-a of this chapter pursuant to the provision of any other chapter of this code;

~~(30)~~ (29) Charges for the services of opening and closing a burial lot;

~~(31)~~ (30) Sales of livestock, poultry or other farm products in their original state by the producer of the livestock, poultry or other farm products or a member of the producer's immediate family who is not otherwise engaged in making retail sales of tangible personal property; and sales of livestock sold at public sales sponsored by breeders or registry associations or livestock auction markets: *Provided*, That the exemptions allowed by this subdivision may be claimed without presenting or obtaining exemption certificates provided the farmer maintains adequate records;

~~(32)~~ (31) Sales of motion picture films to motion picture exhibitors for exhibition if the sale of tickets or the charge for admission to the exhibition of the film is subject to the tax imposed by this article and sales of coin-operated video arcade machines or video arcade games to a person engaged in the business of providing the machines to the public for a charge upon which the tax imposed by this article is remitted to the Tax Commissioner: *Provided*, That the exemption provided in this subdivision may be claimed by presenting to the seller a properly executed exemption certificate;

~~(33)~~ (32) Sales of aircraft repair, remodeling and maintenance services when the services are to an aircraft operated by a certified or licensed carrier of persons or property, or by a governmental entity, or to an engine or other component part of an aircraft operated by a certificated or licensed carrier of persons or property, or by a governmental entity and sales of tangible personal property that is permanently affixed or permanently attached as a component part of an aircraft owned or operated by a certificated or licensed carrier of persons or property, or by a governmental entity, as part of the repair, remodeling or maintenance service and sales of machinery, tools or equipment directly used or consumed exclusively in the repair, remodeling or maintenance of aircraft, aircraft engines or aircraft component parts for a certificated or licensed carrier of persons or property or for a governmental entity;

~~(34)~~ ~~Charges for memberships or services provided by health and fitness organizations relating to personalized fitness programs;~~

~~(35)~~ (33) Sales of services by individuals who babysit for a profit: *Provided*, That the gross receipts of the individual from the performance of baby-sitting services do not exceed \$5,000 in a taxable year;

~~(36)~~ (34) Sales of services by public libraries or by libraries at academic institutions or by libraries at institutions of higher learning;

~~(37)~~ (35) Commissions received by a manufacturer's representative;

~~(38)~~ (36) Sales of primary opinion research services when:

(A) The services are provided to an out-of-state client;

(B) The results of the service activities, including, but not limited to, reports, lists of focus group recruits and compilation of data are transferred to the client across state lines by mail, wire or other means of interstate commerce, for use by the client outside the State of West Virginia; and

(C) The transfer of the results of the service activities is an indispensable part of the overall service: *Provided*, That this exemption shall not be allowable on and after July 1, 2017.

For the purpose of this subdivision, the term 'primary opinion research' means original research in the form of telephone surveys, mall intercept surveys, focus group research, direct mail surveys, personal interviews and other data collection methods commonly used for quantitative and qualitative opinion research studies;

~~(39)~~ (37) Sales of property or services to persons within the state when those sales are for the purposes of the production of value-added products: *Provided*, That the exemption granted in this subdivision applies only to services, equipment, supplies and materials directly used or consumed by those persons engaged solely in the production of value-added products: *Provided, however*, That this exemption may not be claimed by any one purchaser for more than five consecutive years, except as otherwise permitted in this section.

For the purpose of this subdivision, the term 'value-added product' means the following products derived from processing a raw agricultural product, whether for human consumption or for other use. For purposes of this subdivision, the following enterprises qualify as processing raw agricultural products into value-added products: Those engaged in the conversion of:

- (A) Lumber into furniture, toys, collectibles and home furnishings;
- (B) Fruits into wine;
- (C) Honey into wine;
- (D) Wool into fabric;
- (E) Raw hides into semifinished or finished leather products;
- (F) Milk into cheese;
- (G) Fruits or vegetables into a dried, canned or frozen product;
- (H) Feeder cattle into commonly accepted slaughter weights;
- (I) Aquatic animals into a dried, canned, cooked or frozen product; and
- (J) Poultry into a dried, canned, cooked or frozen product;

~~(40)~~ (38) Sales of music instructional services by a music teacher and artistic services or artistic performances of an entertainer or performing artist pursuant to a contract with the owner or operator of a retail establishment, restaurant, inn, bar, tavern, sports or other entertainment facility or any other business location in this state in which the public or a limited portion of the public may assemble to hear or see musical works or other artistic works be performed for the enjoyment of the members of the public there assembled when the amount paid by the owner or operator for the artistic service or artistic performance does not exceed \$3,000: *Provided*, That nothing contained herein may be construed to deprive private social gatherings, weddings or other private parties from asserting the exemption set forth in this subdivision. For the purposes of this exemption, artistic performance or artistic service means and is limited to the conscious use of creative power, imagination and skill in the creation of aesthetic experience for an audience present and in attendance and includes, and is limited to, stage plays, musical performances, poetry recitations and other readings, dance presentation, circuses and similar presentations and does not include the showing of any film or moving picture, gallery presentations of sculptural or pictorial art, nude or strip show presentations, video games, video arcades, carnival rides, radio or television shows or any video or audio taped presentations or the sale or leasing of video or audio tapes, air shows or any other public meeting, display or show other than those specified herein: *Provided, however*, That nothing contained herein may be construed to exempt the sales of tickets from the tax imposed in this article. The State Tax Commissioner shall propose a legislative rule pursuant to article three, chapter twenty-nine-a of this code establishing definitions and eligibility criteria for asserting this exemption which is not inconsistent with the provisions set forth herein: *Provided further*, That nude dancers or strippers may not be considered as entertainers for the purposes of this exemption;

~~(44)~~ (39) Charges to a member by a membership association or organization which is exempt from paying federal income taxes under Section 501(c)(3) or (c)(6) of the Internal Revenue Code of 1986, as amended, for membership in the association or organization, including charges to members for newsletters prepared by the association or organization for distribution primarily to its members, charges to members for continuing education seminars, workshops, conventions, lectures or courses put on or sponsored by the association or organization, including charges for related course materials prepared by the association or organization or by the speaker or

speakers for use during the continuing education seminar, workshop, convention, lecture or course, but not including any separate charge or separately stated charge for meals, lodging, entertainment or transportation taxable under this article: *Provided*, That the association or organization pays the tax imposed by this article on its purchases of meals, lodging, entertainment or transportation taxable under this article for which a separate or separately stated charge is not made. A membership association or organization which is exempt from paying federal income taxes under Section 501(c)(3) or (c)(6) of the Internal Revenue Code of 1986, as amended, may elect to pay the tax imposed under this article on the purchases for which a separate charge or separately stated charge could apply and not charge its members the tax imposed by this article or the association or organization may avail itself of the exemption set forth in subdivision (9) of this subsection relating to purchases of tangible personal property for resale and then collect the tax imposed by this article on those items from its member;

~~(42)~~ (40) Sales of governmental services or governmental materials by county assessors, county sheriffs, county clerks or circuit clerks in the normal course of local government operations;

~~(43)~~ (41) Direct or subscription sales by the Division of Natural Resources of the magazine currently entitled *Wonderful West Virginia* and by the Division of Culture and History of the magazine currently entitled *Goldenseal* and the journal currently entitled *West Virginia History*;

~~(44)~~ (42) Sales of soap to be used at car wash facilities;

~~(45)~~ (43) Commissions received by a travel agency from an out-of-state vendor;

~~(46)~~ (44) The service of providing technical evaluations for compliance with federal and state environmental standards provided by environmental and industrial consultants who have formal certification through the West Virginia Department of Environmental Protection or the West Virginia Bureau for Public Health or both. For purposes of this exemption, the service of providing technical evaluations for compliance with federal and state environmental standards includes those costs of tangible personal property directly used in providing such services that are separately billed to the purchaser of such services and on which the tax imposed by this article has previously been paid by the service provider;

~~(47)~~ (45) Sales of tangible personal property and services by volunteer fire departments and rescue squads that are exempt from federal income taxes under Section 501(c)(3) or (c)(4) of the Internal Revenue Code of 1986, as amended, if the sole purpose of the sale is to obtain revenue for the functions and activities of the organization and the revenue obtained is exempt from federal income tax and actually expended for that purpose;

~~(48)~~ (46) Lodging franchise fees, including royalties, marketing fees, reservation system fees or other fees assessed after December 1, 1997, that have been or may be imposed by a lodging franchiser as a condition of the franchise agreement; and

~~(49)~~ (47) Sales of the regulation size United States flag and the regulation size West Virginia flag for display.

(b) *Refundable exemptions.* — Any person having a right or claim to any exemption set forth in this subsection shall first pay to the vendor the tax imposed by this article and then apply to the Tax Commissioner for a refund or credit, or as provided in section nine-d of this article, give to the vendor his or her West Virginia direct pay permit number. The following sales of tangible personal property and services are exempt from tax as provided in this subsection:

(1) Sales of property or services to bona fide charitable organizations who make no charge whatsoever for the services they render: *Provided*, That the exemption granted in this subdivision applies only to services, equipment, supplies, food, meals and materials directly used or consumed by these organizations and does not apply to purchases of gasoline or special fuel;

(2) Sales of services, machinery, supplies and materials directly used or consumed in the activities of manufacturing, transportation, transmission, communication, production of natural resources, gas storage, generation or production or selling electric power, provision of a public utility service or the operation of a utility service or the operation of a utility business, in the businesses or organizations named in this subdivision and does not apply to purchases of gasoline or special fuel: *Provided*, That beginning on July 1, 2017, all sales of services, machinery, supplies and materials directly used or consumed in the business activity of communication, shall be subject to the tax imposed by this article;

(3) Sales of property or services to nationally chartered fraternal or social organizations for the sole purpose of free distribution in public welfare or relief work: *Provided*, That sales of gasoline and special fuel are taxable;

(4) Sales and services, firefighting or station house equipment, including construction and automotive, made to any volunteer fire department organized and incorporated under the laws of the State of West Virginia: *Provided*, That sales of gasoline and special fuel are taxable;

(5) Sales of building materials or building supplies or other property to an organization qualified under Section 501(c)(3) or (c)(4) of the Internal Revenue Code of 1986, as amended, which are to be installed in, affixed to or incorporated by the organization or its agent into real property or into a building or structure which is or will be used as permanent low-income housing, transitional housing, an emergency homeless shelter, a domestic violence shelter or an emergency children and youth shelter if the shelter is owned, managed, developed or operated by an organization qualified under Section 501(c)(3) or (c)(4) of the Internal Revenue Code of 1986, as amended; and

(6) Sales of construction and maintenance materials acquired by a second party for use in the construction or maintenance of a highway project: *Provided*, That in lieu of any refund or credit to the person that paid the tax imposed by this article, the Tax Commissioner shall pay to the Division of Highways for deposit into the State Road Fund of the state reimbursement for the tax in the amount estimated under the provisions of this subdivision: *Provided, however*, That by June 15 of each fiscal year, the division shall provide to the Tax Department an itemized listing of highway projects with the amount of funds expended for highway construction and maintenance. The Commissioner of Highways shall request reimbursement of the tax based on an estimate that forty percent of the total gross funds expended by the agency during the fiscal period were for the acquisition of materials used for highway construction and maintenance. The amount of the reimbursement shall be calculated at six percent of the forty percent: *Provided*, That on and after July 1, 2017, the maximum amount that may be transferred to the State Road Fund pursuant to this subdivision is \$10 million in any fiscal year.

(c) *Effective date.* — The amendments to this section in 2017 shall take effect beginning July 1, 2017, and apply to sales made on and after that date.

§11-15-9b. Exemption for purchases of tangible personal property and services for direct use in research and development.

(a) Sales of tangible personal property and services after June 30, 2002, directly used or consumed in the activity of research and development are exempt from tax imposed by this article. Any person having a right or claim to the exemption set forth in this section shall first pay to the vendor the tax imposed by this article and then apply to the Tax Commissioner for a refund or credit or give to the vendor the person's West Virginia direct pay permit number in accordance with the provisions of section nine-d of this article.

(b) For purposes of this article:

(1) 'Directly used or consumed in the activity of research and development' means used or consumed in those activities or operations which constitute an integral and essential part of research and development, as contrasted with and distinguished from those activities or operations which are simply incidental, convenient or remote to research and development.

(A) Uses of property or consumption of services which constitute direct use or consumption in the activity of research and development include only:

(i) In the case of tangible personal property, physical incorporation of property into tangible personal property that is the subject of, or directly used in, research and development;

(ii) Causing a direct physical, chemical or other change upon property that is the subject of, or directly used in, research and development;

(iii) Transporting or storing property that is the subject of, or directly used in, research and development;

(iv) Measuring or verifying a change in property that is the subject of, or directly used in, research and development;

(v) Physically controlling or directing the physical movement or operation of property that is the subject of, or directly used in, research and development;

(vi) Directly and physically recording the flow of property that is the subject of, or directly used in, research and development;

(vii) Producing energy for property that is the subject of, or directly used in, research and development;

(viii) Controlling or otherwise regulating atmospheric or other environmental conditions required for research and development;

(ix) Serving as an operating supply for property that is the subject of, or directly used in, research and development;

(x) Maintenance or repair of property, including maintenance equipment, that is directly used in research and development;

(xi) Storage, removal or transportation of economic or other waste resulting from the activity of research and development;

(xii) Pollution control or environmental quality or environmental protection activity directly relating to the activity of research and development, and personnel, plant, property or community safety or security activity directly relating to the activity of research and development; or

(xiii) Otherwise being used as an integral and essential part of research and development.

(B) Uses of property or services which do not constitute direct use or consumption in the activity of research and development include, but are not limited to:

(i) Heating and illumination of office buildings;

(ii) Janitorial or general cleaning activities;

(iii) Personal comfort of personnel;

(iv) Planning or scheduling of work or inventory control;

(v) Marketing, general management, supervision, finance, training, accounting and administration; or

(vi) An activity or function incidental or convenient to research and development, rather than an integral and essential part of these activities.

(2) 'Research and development' means systematic scientific, engineering or technological study and investigation in a field of knowledge in the physical, computer or software sciences, often involving the formulation of hypotheses and experimentation, for the purpose of revealing new facts, theories or principles, or increasing scientific knowledge, which may reveal the basis for new or enhanced products, equipment or manufacturing processes. Research and development includes, but is not limited to, design, refinement and testing of prototypes of new or improved products, or design, refinement and testing of manufacturing processes before commercial sales relating thereto have begun. For purposes of this section commercial sales include, but are not limited to, sales of prototypes or sales for market testing.

(A) Research and development does not include:

(i) Market research;

(ii) Sales research;

(iii) Efficiency surveys;

(iv) Consumer surveys;

(v) Product market testing;

(vi) Product testing by product consumers or through consumer surveys for evaluation of consumer product performance or consumer product usability;

(vii) The ordinary testing or inspection of materials or products for quality control (quality control testing);

(viii) Management studies;

(ix) Advertising;

(x) Promotions;

(xi) The acquisition of another's patent, model, production or process or investigation or evaluation of the value or investment potential related thereto;

(xii) Research in connection with literary, historical or similar projects;

(xiii) Research in the social sciences, economics, humanities or psychology and other nontechnical activities; and

(xiv) The providing of sales services or any other service, whether technical service or nontechnical service.

(c) No provision of this section may be interpreted to alter, abrogate or impede application of the exemption for sales of primary opinion research services set forth in section nine of this article: Provided, That on and after July 1, 2017, the exemption for primary opinion research shall not be an allowable exemption.

§11-15-9h. Exemptions for sales of computer hardware and software directly incorporated into manufactured products; certain leases; sales of electronic data processing service; sales of computer hardware and software directly used in communication; sales of educational software; sales of Internet advertising; sales of high-technology business services directly used in fulfillment of a government contract; sales of tangible personal property for direct use in a high-technology business or Internet advertising business; definitions.

(a) In order to modernize the exemptions from tax contained in this article as a result of technological advances in computers and the expanded role of computers, the Internet and global instant communications in business and to encourage computer software developers, computer hardware designers, systems engineering firms, ~~electronic data processing companies~~ and other high-technology companies to locate and expand their businesses in West Virginia, the following sales of tangible personal property and software are exempt:

(1) Sales of computer hardware or software (including custom designed software) to be directly incorporated by a manufacturer into a manufactured product. For purposes of this subsection, the payment of licensing fees for the right to incorporate hardware or software developed by persons other than the manufacturer into a manufactured product is exempt from the tax imposed by this article;

(2) Sales of computer hardware or software (including custom designed software) directly used in communication as defined in this article;

~~(3) Sales of electronic data processing services;~~

~~(4)~~ (3) Sales of educational software required to be used in any of the public schools of this state or in any institution in this state which qualifies as a nonprofit or educational institution subject to administration, regulation, certification or approval of the Department of Education, the Department of Education and the Arts or the Higher Education Policy Commission;

~~(5)~~ (4) Sales of Internet advertising of goods and services;

~~(6)~~ (5) Sales of high-technology business services to high-technology businesses which enter into contracts with this state, its institutions and subdivisions, governmental units, institutions or subdivisions of other states, or with the United States, including agencies of federal, state or local governments for direct use in fulfilling the government contract; and

~~(7)~~ (6) Sales of prewritten computer software, computers, computer hardware, servers and building materials and tangible personal property to be installed into a building or facility for direct use in a high-technology business or an Internet advertising business.

(b) *Definitions.* — As used in this article, the following terms have the following meanings:

(1) 'Computer hardware' means a computer, as defined in article fifteen-b of this chapter, and the directly and immediately connected physical equipment involved in the performance of data processing or communications functions, including data input, data output, data processing, data storage and data communication apparatus that is directly and immediately connected to the computer. The term 'computer hardware' does not include computer software.

(2) 'High-technology business' means and is limited to businesses primarily engaged in the following activities: Computer hardware design and development; computer software design, development, customization and upgrade; computer systems design and development; website design and development; network design and development; design and development of new manufactured products which incorporate computer hardware and software; electronic data processing; network management, maintenance, engineering, administration and security services; website management, maintenance, engineering, administration and security services and computer systems management, maintenance, engineering, administration and security services. High-technology business as defined herein is intended to include businesses which engage in the activities enumerated in this definition as their primary business activity, and not as a secondary or incidental activity and not as an activity in support of or incidental to business activity not specifically enumerated in this definition.

(3) 'High-technology business services' means and is limited to computer hardware design and development; computer software design, development, customization and upgrade; computer systems design and development; website design and development; network design and development; electronic data processing; computer systems management; computer systems maintenance; computer systems engineering; computer systems administration and computer systems security services.

(4) 'Internet advertising business' means a for-profit business that is engaged, for monetary remuneration, in the primary business activity of announcing, or calling public attention to, goods or services in order to induce the public to purchase those goods or services, and which uses the Internet as its sole advertising communications medium. For purposes of this definition, Internet advertising must be the primary business activity of the business and not a secondary or incidental activity and not an activity in support of or incidental to other business activity.

(5) 'Network' means a group of two or more computer systems linked together.

(6) 'Server' means a computer or device on a network that manages network resources.

(c) The amendments to this section made in the first extraordinary session of the Legislature in 2009 shall apply to purchases made on and after July 1, 2009. The amendments to this section made in 2017 shall apply on and after July 1, 2017.

§11-15-35. Administrative rules.

Legislative rules; emergency rules. — The tax commissioner shall propose for promulgation legislative rules explaining and implementing the amendments to this article enacted in the year 2017 in accordance with the provisions of article three, chapter twenty-nine-a of this code. The authority to promulgate rules includes authority to amend or repeal those rules. If proposed legislative rules for this section are filed in the state register before October 1, 2017, those rules may be promulgated as emergency legislative rules as provided in article three, chapter twenty-nine-a of this code.

ARTICLE 15A. USE TAX.

§11-15A-2. Imposition of tax; ~~six percent~~ tax rate; inclusion of services as taxable; transition rules; allocation of tax and transfers.

(a) An excise tax is hereby levied and imposed on the use in this state of tangible personal property, custom software or taxable services, to be collected and paid as provided in this article or article fifteen-b of this chapter, at the rate of six percent of the purchase price of the property, digital code, digital product or taxable services, except as otherwise provided in this article.

(b) *Calculation of tax on fractional parts of a dollar.* — The tax computation under subsection (a) of this section shall be carried to the third decimal place and the tax rounded up to the next whole cent whenever the third decimal place is greater than four and rounded down to the lower whole cent whenever the third decimal place is four or less. The vendor may elect to compute the tax due on a transaction on a per item basis or on an invoice basis provided the method used is consistently used during the reporting period.

(c) 'Taxable services,' for the purposes of this article, means services of the nature that are subject to the tax imposed by article fifteen of this chapter. In this article, wherever the words 'tangible personal property' or 'property' appear, the same shall include the words 'or taxable services,' where the context so requires.

(d) Use tax is hereby imposed upon every person using tangible personal property, digital code, digital products, custom software, or telecommunication service, ancillary telecommunication service, digital service or other taxable service within this state. That person's liability is not extinguished until the tax has been paid. A receipt with the tax separately stated thereon issued by a retailer engaged in business in this state, or by a foreign retailer who is authorized by the Tax Commissioner to collect the tax imposed by this article, relieves the purchaser from further liability for the tax to which the receipt refers.

(e) Purchases of tangible personal property, digital code, digital products, digital services, telecommunication services, ancillary telecommunication services or other taxable services made for the government of the United States or any of its agencies by ultimate consumers is subject to the tax imposed by this section. Industrial materials and equipment owned by the federal government within the State of West Virginia of a character not ordinarily readily obtainable within the state, is not subject to use tax when sold, if the industrial materials and equipment would not be subject to use taxes if sold outside of the state for use in West Virginia.

(f) This article does not apply to purchases made by counties or municipal corporations.

§11-15A-10. Payment to Tax Commissioner.

(a) Each retailer required or authorized, pursuant to section six, six-a or seven, or pursuant to article fifteen-b of this chapter, to collect the tax imposed in section two of this article, is required to pay to the Tax Commissioner the amount of the tax on or before the twentieth day of the month next succeeding each calendar month, except as otherwise provided in this article or article fifteen-b of this chapter.

(b) Each certified service provider for a Model I seller shall pay to the Tax Commissioner the tax levied by this article on or before the twentieth day of the month next succeeding the calendar month in which the tax accrued, except as otherwise provided in this article or article fifteen-b of this chapter.

(c) At that time, each retailer, seller or certified service provider shall file with the Tax Commissioner a return for the preceding monthly period, except as otherwise provided in this article or article fifteen-b of this chapter, in the form prescribed by the Tax Commissioner showing the sales price of any or all tangible personal property, custom software and taxable services sold by the retailer or seller during the preceding quarterly period, the use of which is subject to the tax imposed by this article, and any other information the Tax Commissioner may consider necessary for the proper administration of this article. The return shall be accompanied by a remittance of the amount of the tax, for the period covered by the return, except as otherwise provided in this article or article fifteen-b of this chapter: *Provided*, That where the tangible personal property, digital code, digital products or custom software is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part of the sum is extended over a period longer than sixty days from the date of the sale, the retailer may collect and remit each monthly period that portion of the tax equal to six percent of that portion of the purchase price actually received during the monthly period: *Provided*, That beginning July 1, 2017, the tax to be remitted shall be determined by multiplying the portion of the purchase price actually received during the monthly period by the general consumers sales and service tax rate specified in section three, article fifteen of this chapter.

(d) The Tax Commissioner may, upon request and a proper showing of the necessity to do so, grant an extension of time not to exceed thirty days for making any return and payment.

(e) Returns shall be signed by the retailer or seller or his or her duly authorized agent, and must be certified by him or her to be correct, except as otherwise provided in this article or article fifteen-b of this chapter.

(f) *Accelerated payment.* –

(1) ~~For calendar years beginning after December 31, 2002, taxpayers~~ Taxpayers whose average monthly payment of the taxes levied by this article and article fifteen of this chapter during the previous calendar year exceeds \$100,000, shall remit the tax attributable to the first fifteen days of June each year on or before June 20 of said month.

(2) For purposes of complying with subdivision (1) of this subsection, the taxpayer shall remit an amount equal to the amount of tax imposed by this article and article fifteen of this chapter on actual taxable sales of tangible personal property and custom software and sales of taxable services during the first fifteen days of June or, at the taxpayer's election, taxpayer may remit an

amount equal to fifty percent of taxpayer's liability for tax under this article on taxable sales of tangible personal property and custom software and sales of taxable services made during the preceding month of May.

(3) For a business which has not been in existence for a full calendar year, the total tax due from the business during the prior calendar year shall be divided by the number of months, including fractions of a month, that it was in business during the prior calendar year; and if that amount exceeds \$100,000, the tax attributable to the first fifteen days of June each year shall be remitted on or before June 20 of said month as provided in subdivision (2) of this subsection.

(4) When a taxpayer required to make an advanced payment of tax under subdivision (1) of this subsection makes out its return for the month of June, which is due on July 20, the taxpayer may claim as a credit against its liability under this article for tax on taxable transactions during the month of June, the amount of the advanced payment of tax made under subdivision (1) of this subsection.

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-8a. Credit for qualified rehabilitated buildings investment.

A credit against the tax imposed by the provisions of this article shall be allowed as follows:

Certified historic structures. - For certified historic structures, the credit is equal to ten percent of qualified rehabilitation expenditures as defined in §47(c)(2), Title 26 of the United States Code, as amended: Provided, That for qualified rehabilitation expenditures made after June 30, 2017, the credit allowed by this section is equal to twenty-five percent of the qualified rehabilitation expenditure: Provided, however, That the credit authorized by this section for qualified rehabilitation expenditures made after June 30, 2017, may not be used to offset tax liabilities prior to the tax year beginning January 1, 2019: Provided further, That the taxpayer may not be entitled to this credit if the taxpayer is in arrears in the payment of any tax administered by the Tax Division or the taxpayer is delinquent in the payment of property taxes on the property containing the certified historic tax structure when the applicant begins to claim the credit and throughout the time period within which the credit is claimed. The Tax Commissioner shall promulgate procedural rules in accordance with article three, chapter twenty-nine-a of this code that provide what information must accompany any claim for the tax credit for the determination that the taxpayer is not in arrears in the payment of any tax administered by the Tax Division nor is the taxpayer delinquent in the payment of property taxes on the property containing the certified historic tax structure. The Tax Commissioner may also propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code for the administration of this tax credit and to provide any necessary mechanism to recover credits claimed by taxpayers that become delinquent in the payment of property taxes on the property containing the historic structure or become in arrears in the payment of any tax administered by the Tax Division. This credit is available for both residential and nonresidential buildings located in this state, that are reviewed by the West Virginia Division of Culture and History and designated by the national park service, United States department of the interior as 'certified historic structures,' and further defined as a 'qualified rehabilitated building,' as defined under §47(c)(1), Title 26 of the United States Code, as amended.

The credit authorized pursuant to this section may not exceed the greater of \$3.75 million for the portion of a certified rehabilitation as defined in 26 U.S.C. §47(c)(2)(C) placed in service in the state in the taxable year, or \$3.75 million for each building that is a component of a certified

historic structure for which a credit is claimed under this section. No more than \$30 million of the tax credits authorized by this section and section twenty-three-a, article twenty-four of this chapter, cumulatively, may be allocated by the Division of Culture and History in any given West Virginia state fiscal year. The Division of Culture and History shall allocate the tax credits in the order the applications therefor are received.

§11-21-8e. Carryback Credit carryback, carryforward.

(a) Any unused portion of the credit for qualified rehabilitated buildings investment authorized by section eight-a of this article which may not be taken in the taxable year to which the credit applies qualifies for carryback and carryforward treatment subject to the identical general provisions under §39, Title 26 of the United States Code, as amended: *Provided*, That the amount of the credit taken in a taxable year shall in no event exceed the tax liability due for the taxable year: *Provided, however*, That for tax years beginning on and after January 1, 2019, any unused portion of the credit authorized by section eight-a of this article may not be carried back to any prior taxable year: *Provided further*, That for tax years beginning on and after January 1, 2019, any unused portion of the credit authorized by section eight-a of this article may be carried over to each of the next five tax years following the unused credit year until used or forfeited due to lapse of time.

(b) Effective for taxable years beginning on and after January 1, 2001, credits granted to an electing small business corporation (S corporation), limited partnership, general partnership, limited liability company or multiple owners of property shall be passed through to the shareholders, partners, members or owners, either pro rata or pursuant to an agreement among the shareholders, partners, members or owners documenting an alternative distribution method. The Tax Commissioner shall promulgate procedural rules in accordance with article three, chapter twenty-nine-a of this code that provide the method of reporting the alternative method of distribution authorized by this section.

§11-21-12. West Virginia adjusted gross income of resident individual.

(a) *General.* — The West Virginia adjusted gross income of a resident individual means his or her federal adjusted gross income as defined in the laws of the United States for the taxable year with the modifications specified in this section.

(b) *Modifications increasing federal adjusted gross income.* — There shall be added to federal adjusted gross income unless already included therein the following items:

(1) Interest income on obligations of any state other than this state or of a political subdivision of any other state unless created by compact or agreement to which this state is a party;

(2) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

(3) Any deduction allowed when determining federal adjusted gross income for federal income tax purposes for the taxable year that is not allowed as a deduction under this article for the taxable year;

(4) Interest on indebtedness incurred or continued to purchase or carry obligations or securities the income from which is exempt from tax under this article, to the extent deductible in determining federal adjusted gross income;

(5) Interest on a depository institution tax-exempt savings certificate which is allowed as an exclusion from federal gross income under Section 128 of the Internal Revenue Code, for the federal taxable year;

(6) The amount of a lump sum distribution for which the taxpayer has elected under Section 402(e) of the Internal Revenue Code of 1986, as amended, to be separately taxed for federal income tax purposes; and

(7) Amounts withdrawn from a medical savings account established by or for an individual under section twenty, article fifteen, chapter thirty-three of this code or section fifteen, article sixteen of said chapter that are used for a purpose other than payment of medical expenses, as defined in those sections.

(c) Modifications reducing federal adjusted gross income. — There shall be subtracted from federal adjusted gross income to the extent included therein:

(1) Interest income on obligations of the United States and its possessions to the extent includable in gross income for federal income tax purposes;

(2) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States or of the State of West Virginia to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States or of the State of West Virginia, including federal interest or dividends paid to shareholders of a regulated investment company, under Section 852 of the Internal Revenue Code for taxable years ending after the thirtieth day of June, one thousand nine hundred eighty-seven;

(3) Any amount included in federal adjusted gross income for federal income tax purposes for the taxable year that is not included in federal adjusted gross income under this article for the taxable year;

(4) The amount of any refund or credit for overpayment of income taxes imposed by this state, or any other taxing jurisdiction, to the extent properly included in gross income for federal income tax purposes;

(5) Annuities, retirement allowances, returns of contributions and any other benefit received under the West Virginia Public Employees Retirement System, the West Virginia State Teachers Retirement System and all forms of military retirement, including regular armed forces, reserves and National Guard, including any survivorship annuities derived therefrom, to the extent includable in gross income for federal income tax purposes: *Provided*, That notwithstanding any provisions in this code to the contrary this modification shall be limited to the first two thousand dollars of benefits received under the West Virginia Public Employees Retirement System, the West Virginia State Teachers Retirement System and, including any survivorship annuities derived therefrom, to the extent includable in gross income for federal income tax purposes for taxable years beginning after the thirty-first day of December, one thousand nine hundred eighty-six; and the first two thousand dollars of benefits received under any federal retirement system to which Title 4 U.S.C. §111 applies: *Provided, however*, That the total modification under this

paragraph shall not exceed two thousand dollars per person receiving retirement benefits and this limitation shall apply to all returns or amended returns filed after the last day of December, one thousand nine hundred eighty-eight;

(6) Retirement income received in the form of pensions and annuities after the thirty-first day of December, one thousand nine hundred seventy-nine, under any West Virginia police, West Virginia Firemen's Retirement System or the West Virginia State Police Death, Disability and Retirement Fund, the West Virginia State Police Retirement System or the West Virginia Deputy Sheriff Retirement System, including any survivorship annuities derived from any of these programs, to the extent includable in gross income for federal income tax purposes;

(7) (A) For taxable years beginning after the thirty-first day of December, two thousand, and ending prior to the first day of January, two thousand three, an amount equal to two percent multiplied by the number of years of active duty in the armed forces of the United States of America with the product thereof multiplied by the first thirty thousand dollars of military retirement income, including retirement income from the regular armed forces, reserves and National Guard paid by the United States or by this state after the thirty-first day of December, two thousand, including any survivorship annuities, to the extent included in gross income for federal income tax purposes for the taxable year.

(B) For taxable years beginning after the thirty-first day of December, two thousand two, the first twenty thousand dollars of military retirement income, including retirement income from the regular armed forces, reserves and National Guard paid by the United States or by this state after the thirty-first day of December, two thousand two, including any survivorship annuities, to the extent included in gross income for federal income tax purposes for the taxable year.

(C) For taxable years beginning on and after January 1, 2018, the amount of military retirement income, including retirement income from the regular Armed Forces, Reserves, and National Guard, paid by the United States or this state on and after January 1, 2018, that is included in federal adjusted gross income for the taxable year, shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article.

~~(C)~~ (D) In the event that any of the provisions of this subdivision are found by a court of competent jurisdiction to violate either the Constitution of this state or of the United States, or is held to be extended to persons other than specified in this subdivision, this subdivision shall become null and void by operation of law.

(8) Federal adjusted gross income in the amount of eight thousand dollars received from any source after the thirty-first day of December, one thousand nine hundred eighty-six, by any person who has attained the age of sixty-five on or before the last day of the taxable year, or by any person certified by proper authority as permanently and totally disabled, regardless of age, on or before the last day of the taxable year, to the extent includable in federal adjusted gross income for federal tax purposes: *Provided*, That if a person has a medical certification from a prior year and he or she is still permanently and totally disabled, a copy of the original certificate is acceptable as proof of disability. A copy of the form filed for the federal disability income tax exclusion is acceptable: *Provided, however*, That:

(i) Where the total modification under subdivisions (1), (2), (5), (6), ~~and~~ (7) and (12) of this subsection is eight thousand dollars per person or more, no deduction shall be allowed under this subdivision; and

(ii) Where the total modification under subdivisions (1), (2), (5), (6), ~~and (7)~~ and (12) of this subsection is less than eight thousand dollars per person, the total modification allowed under this subdivision for all gross income received by that person shall be limited to the difference between eight thousand dollars and the sum of modifications under subdivisions (1), (2), (5), (6), ~~and (7)~~ and (12) of this subsection;

(9) Federal adjusted gross income in the amount of eight thousand dollars received from any source after the thirty-first day of December, one thousand nine hundred eighty-six, by the surviving spouse of any person who had attained the age of sixty-five or who had been certified as permanently and totally disabled, to the extent includable in federal adjusted gross income for federal tax purposes: *Provided, That:*

(i) Where the total modification under subdivisions (1), (2), (5), (6), (7), ~~and (8)~~ and (12) of this subsection is eight thousand dollars or more, no deduction shall be allowed under this subdivision; and

(ii) Where the total modification under subdivisions (1), (2), (5), (6), (7), ~~and (8)~~ and (12) of this subsection is less than eight thousand dollars per person, the total modification allowed under this subdivision for all gross income received by that person shall be limited to the difference between eight thousand dollars and the sum of subdivisions (1), (2), (5), (6), (7), ~~and (8)~~ and (12) of this subsection;

(10) Contributions from any source to a medical savings account established by or for the individual pursuant to section twenty, article fifteen, chapter thirty-three of this code or section fifteen, article sixteen of said chapter, plus interest earned on the account, to the extent includable in federal adjusted gross income for federal tax purposes: *Provided, That* the amount subtracted pursuant to this subdivision for any one taxable year may not exceed two thousand dollars plus interest earned on the account. For married individuals filing a joint return, the maximum deduction is computed separately for each individual;

(11) For the two thousand six taxable year only, severance wages received by a taxpayer from an employer as the result of the taxpayer's permanent termination from employment through a reduction in force and through no fault of the employee, not to exceed thirty thousand dollars. For purposes of this subdivision:

(i) The term 'severance wages' means any monetary compensation paid by the employer in the taxable year as a result of permanent termination from employment in excess of regular annual wages or regular annual salary;

(ii) The term 'reduction in force' means a net reduction in the number of employees employed by the employer in West Virginia, determined based on total West Virginia employment of the employer's controlled group;

(iii) The term 'controlled group' means one or more chains of corporations connected through stock ownership with a common parent corporation if stock possessing at least fifty percent of the voting power of all classes of stock of each of the corporations is owned directly or indirectly by one or more of the corporations and the common parent owns directly stock possessing at least fifty percent of the voting power of all classes of stock of at least one of the other corporations;

(iv) The term 'corporation' means any corporation, joint-stock company or association and any business conducted by a trustee or trustees wherein interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument;

(12) Decreasing modification for social security income.

(A) For taxable years beginning on and after January 1, 2018, twenty-five percent of the amount of social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including but not limited to social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 et. seq. or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 et. seq., included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in paragraph (D) of this subdivision (12).

(B) For taxable years beginning on or after January 1, 2019, fifty percent of the social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including but not limited to social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 et. seq. or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 et. seq., included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in paragraph (C) of this subdivision (12).

(C) For taxable years beginning on or after January 1, 2019, one hundred percent of the social security benefits received pursuant to Title 42 U.S.C., Chapter 7, including but not limited to social security benefits paid by the Social Security Administration as Old Age, Survivors and Disability Insurance Benefits as provided in §42 U.S.C. 401 et. seq. or as Supplemental Security Income for the Aged, Blind, and Disabled as provided in §42 U.S.C. 1381 et. seq., included in federal adjusted gross income for the taxable year shall be allowed as a decreasing modification from federal adjusted gross income when determining West Virginia taxable income subject to the tax imposed by this article, subject to the limitation in paragraph (C) of this subdivision (12).

(D) Limitation on taking the deduction allowed by paragraphs (A) and (B) of subdivision (12). – The deduction allowed by paragraphs (A) and (B) of this subdivision (12) shall be allowable only when the federal adjusted gross income of a married couple filing a joint return, or a single individual, does not exceed \$100,000, or \$50,000 in the case of a married individual filing a separate return.

(E) In the event that any provision of this subdivision (12) is found by a court of competent jurisdiction to violate either the Constitution of the United States or this state, or is held to be extended to persons other than those specified in this section, this section shall become null and void by operation of law; and

~~(12)~~ (13) Any other income which this state is prohibited from taxing under the laws of the United States.

(d) *Modification for West Virginia fiduciary adjustment.* — There shall be added to or subtracted from federal adjusted gross income, as the case may be, the taxpayer's share, as

beneficiary of an estate or trust, of the West Virginia fiduciary adjustment determined under section nineteen of this article.

(e) *Partners and S corporation shareholders.* — The amounts of modifications required to be made under this section by a partner or an S corporation shareholder, which relate to items of income, gain, loss or deduction of a partnership or an S corporation, shall be determined under section seventeen of this article.

(f) *Husband and wife.* — If husband and wife determine their federal income tax on a joint return but determine their West Virginia income taxes separately, they shall determine their West Virginia adjusted gross incomes separately as if their federal adjusted gross incomes had been determined separately.

(g) *Effective date.* — (1) Changes in the language of this section enacted in the year two thousand shall apply to taxable years beginning after the thirty-first day of December, two thousand.

(2) Changes in the language of this section enacted in the year two thousand two shall apply to taxable years beginning after the thirty-first day of December, two thousand two.

(3) Changes in the language of this section enacted in the year 2017 shall apply to taxable years beginning after December 31, 2017.

§11-21-16. West Virginia personal exemptions of resident individual.

(a) *General.* — For any tax imposed under the provisions of this article with respect to any taxable year prior to January 1, 1983, a resident individual shall be allowed a West Virginia exemption of \$600 for each exemption for which he or she is entitled to a deduction for the taxable year for federal income tax purposes. With respect to any taxable year beginning on or after January 1, 1983, and prior to January 1, 1984, said exemption shall be \$700; with respect to any taxable year beginning on or after January 1, 1984, said exemption shall be \$800; ~~and~~ with respect to any taxable year beginning on or after January 1, 1987, said exemption shall be \$2,000. For taxable years beginning on and after January 1, 2018, an individual or married persons filing a joint return under this article that have federal adjusted gross income of \$100,000 or less for the taxable year shall be allowed a West Virginia exemption of \$2,500 for each exemption for which he or she is entitled to a deduction for the taxable year for federal income tax purposes.

(b) ~~*Husband and wife*~~ *Married Individuals.* — If the West Virginia income taxes of ~~a husband and wife~~ married individuals are separately determined but their federal income tax is determined on a joint return, each of them shall be separately entitled, with respect to any taxable year prior to January 1, 1983, to a West Virginia exemption of \$600 for each federal exemption to which he or she would be separately entitled for the taxable year if their federal income taxes had been determined on separate returns. With respect to any taxable year beginning on or after January 1, 1983, and prior to January 1, 1984, said exemption shall be \$700; with respect to any taxable year beginning on or after January 1, 1984, said exemption shall be \$800; and with respect to any taxable year beginning on or after January 1, 1987, said exemption shall be \$2,000. For taxable years beginning on and after January 1, 2018, married individuals filing separate returns under this article that have federal adjusted gross income of \$50,000 or less for the taxable year shall be allowed a West Virginia exemption of \$2,500 for each federal exemption to which he or she would be separately entitled for the taxable year if their federal income taxes had been determined on separate returns.

(c) *Surviving spouse.* — For taxable years beginning after December 31, 1986, a surviving spouse shall be allowed one additional exemption of \$2,000 for the two taxable years beginning after the year of death of the deceased spouse; and in lieu thereof, for taxable years beginning after December 31, 2017, a surviving spouse that has a federal adjusted gross income of \$50,000 or less for the taxable year shall be allowed one additional exemption of \$2,500 for the two taxable years beginning after the year of death of the deceased spouse.

For purposes of this section and section twelve of this article, a surviving spouse means a taxpayer whose spouse died during the taxable year prior to the taxable year for which the annual return is being filed and who has not remarried at any time before the end of the taxable year for which the annual return is being filed.

(d) *Certain dependents.* — Notwithstanding any provisions in this section, for taxable years beginning after December 31, 1986, a resident individual whose exemption amount for federal tax purposes is zero by virtue of section 151(d)(2) of the Internal Revenue Code of 1986, shall be allowed a single West Virginia exemption in the amount of \$500.

ARTICLE 24. CORPORATE NET INCOME TAX.

§11-24-23a. Credit for qualified rehabilitated buildings investment.

A credit against the tax imposed by the provisions of this article shall be allowed as follows:

Certified historic structures. - For certified historic structures, the credit is equal to ten percent of qualified rehabilitation expenditures as defined in §47(c)(2), Title 26 of the United States Code, as amended: Provided, That for qualified rehabilitation expenditures made after June 30, 2017, the credit allowed by this section is equal to twenty-five percent of the qualified rehabilitation expenditure: Provided, however, That the credit authorized by this section for qualified rehabilitation expenditures made after June 30, 2017, may not be used to offset tax liabilities prior to the tax year beginning January 1, 2019: Provided further, That the taxpayer may not be entitled to this credit if the taxpayer is in arrears in the payment of any tax administered by the Tax Division or if the taxpayer is delinquent in the payment of property taxes on the property containing the certified historic tax structure when the applicant begins to claim the credit and throughout the time period within which the credit is claimed. The Tax Commissioner shall promulgate procedural rules in accordance with article three, chapter twenty-nine-a of this code that provide what information must accompany any claim for the tax credit for the determination that the taxpayer is not in arrears in the payment of any tax administered by the Tax Division nor is the taxpayer delinquent in the payment of property taxes on the property containing the certified historic tax structure. The Tax Commissioner may also propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code for the administration of this tax credit and to provide any necessary mechanism to recover credits claimed by taxpayers that become delinquent in the payment of property taxes on the property containing the historic structure or become in arrears in the payment of any tax administered by the Tax Division. This credit is available for both residential and nonresidential buildings located in this state that are reviewed by the West Virginia Division of Culture and History and designated by the national park service, United States department of the interior as 'certified historic building', and further defined as a 'qualified rehabilitated building', as defined under §47(c)(1), Title 26, of the United States Code, as amended.

The credit authorized pursuant to this section may not exceed the greater of \$3.75 million for the portion of a certified rehabilitation as defined in 26 U.S.C. §47(c)(2)(C) placed in service in

the state in the taxable year, or \$3.75 million for each building that is a component of a certified historic structure for which a credit is claimed under this section. No more than \$30 million of the tax credits authorized by this section and section eight-a, article twenty-one of this chapter, cumulatively, may be allocated by the Division of Culture and History in any given West Virginia state fiscal year. The Division of Culture and History shall allocate the tax credits in the order the applications therefor are received.

§11-24-23e. Carryback Credit carryback, carryforward.

Any unused portion of the credit for qualified rehabilitated buildings investment authorized by section twenty-three-a of this article which may not be taken in the taxable year to which the credit applies shall qualify for carryback and carryforward treatment subject to the identical general provisions under §39, Title 26 of the United States Code, as amended: *Provided*, That the amount of such credit taken in a taxable year shall in no event exceed the tax liability due for the taxable year: *Provided, however*, That for tax years beginning on and after January 1, 2019, any unused portion of the credit authorized by section twenty-three-a of this article may not be carried back to any prior taxable year: *Provided further*, That for tax years beginning on and after January 1, 2019, any unused portion of the credit authorized by section twenty-three-a of this article may be carried over to each of the next five tax years following the unused credit year until used or forfeited due to lapse of time.

Delegate Folk arose to a point of order regarding the use of an easel and sign on the floor by Delegate Fluharty.

The Speaker replied stating that the matter was not addressed by the Rules of the House.

Delegate Folk moved that the House recess for two hours, which motion did not prevail.

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

The yeas and nays having been ordered, they were taken (**Roll No. 655**), and there were— yeas 64, nays 24, absent and not voting 12, with the nays and absent and not voting being as follows:

Nays: Baldwin, Bates, Blair, Boggs, Brewer, Canestraro, Caputo, Deem, Diserio, Eldridge, Ferro, Fleischauer, Hicks, Isner, Lane, Longstreth, Love, Lynch, Pethtel, Pyles, Statler, Thompson, Upson and White.

Absent and Not Voting: Ambler, Butler, Ellington, A. Evans, N. Foster, Hill, Householder, laquinta, C. Miller, Phillips, R. Romine and Summers.

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

Pursuant to the earlier motion by Delegate Shott, the Clerk then reported amendments to the amendment as follows:

Delegates Hartman, Isner, Lewis, Sypolt and Hamilton moved to amend the amendment on page thirty-three, section nine, line four hundred fifty-eight, by striking out the semi-colon, inserting a colon, and the following proviso:

“Provided further, That the proviso also does not apply to the transportation of trees, wood and wood products that are excluded from the definition of “consumer-ready wood products” pursuant to section two, article thirteen-m, chapter eleven of this code” and a semicolon.

Whereupon,

Delegate Hartman asked and obtained unanimous consent that the amendment be withdrawn.

Delegate Pushkin moved to amend amendment on page twelve, following line two hundred eighty-three, by striking out section three in its entirety, and inserting in lieu thereof the following:

“§11-15-3. Amount of tax; allocation of tax and transfers.

(a) *Vendor to collect.* — For the privilege of selling tangible personal property or custom software and for the privilege of furnishing certain selected services defined in sections two and eight of this article, the vendor shall collect from the purchaser the tax as provided under this article and article fifteen-b of this chapter, and shall pay the amount of tax to the Tax Commissioner in accordance with the provisions of this article or article fifteen-b of this chapter.

(b) *Amount of tax.* — The general consumer sales and service tax imposed by this article shall be at the rate of ~~6¢ on the dollar~~ six percent of the sales price of sales or services tangible personal property, digital products, digital code, custom software or taxable service purchased, excluding gasoline and special fuel sales, which remain taxable at the rate of ~~5¢ on the dollar of sales~~ five percent; *Provided, That beginning July 1, 2017, the general consumers sales and service tax rate shall be six and fifty hundredths percent of the sales price, excluding sales of gasoline and special fuel, which remain taxable at the rate of five percent as provided in section eighteen-b of this article, and sales of motor vehicles, which are taxable as provided in section three-c of this article.*

(c) *Calculation tax on fractional parts of a dollar until January 1, 2004.* — There shall be no tax on sales where the monetary consideration is ~~5¢ or less~~. The amount of the tax shall be computed as follows:

- ~~(1) On each sale, where the monetary consideration is from 6¢ to 16¢, both inclusive, 1¢.~~
- ~~(2) On each sale, where the monetary consideration is from 17¢ to 33¢, both inclusive, 2¢.~~
- ~~(3) On each sale, where the monetary consideration is from 34¢ to 50¢, both inclusive, 3¢.~~
- ~~(4) On each sale, where the monetary consideration is from 51¢ to 67¢, both inclusive, 4¢.~~
- ~~(5) On each sale, where the monetary consideration is from 68¢ to 84¢, both inclusive, 5¢.~~
- ~~(6) On each sale, where the monetary consideration is from 85¢ to \$1, both inclusive, 6¢.~~

~~(7) If the sale price is in excess of \$1, 6¢ on each whole dollar of sale price, and upon any fractional part of a dollar in excess of whole dollars as follows: 1¢ on the fractional part of the dollar if less than 17¢; 2¢ on the fractional part of the dollar if in excess of 16¢ but less than 34¢; 3¢ on the fractional part of the dollar if in excess of 33¢ but less than 51¢; 4¢ on the fractional part of the dollar if in excess of 50¢ but less than 68¢; 5¢ on the fractional part of the dollar if in excess of 67¢ but less than 85¢; and 6¢ on the fractional part of the dollar if in excess of 84¢. For~~

~~example, the tax on sales from \$1.01 to \$1.16, both inclusive, 7¢; on sales from \$1.17 to \$1.33, both inclusive, 8¢; on sales from \$1.34 to \$1.50, both inclusive, 9¢; on sales from \$1.51 to \$1.67, both inclusive, 10¢; on sales from \$1.68 to \$1.84, both inclusive, 11¢ and on sales from \$1.85 to \$2, both inclusive, 12¢: *Provided*, That beginning January 1, 2004, tax due under this article shall be calculated as provided in subsection (d) of this subsection and this subsection (c) does not apply to sales made after December 31, 2003.~~

~~(d) (c) Calculation of tax on fractional parts of a dollar after December 31, 2003.~~ — Beginning January 1, 2004, the The tax computation under subsection (b) of this section shall be carried to the third decimal place, and the tax rounded up to the next whole cent whenever the third decimal place is greater than four and rounded down to the lower whole cent whenever the third decimal place is four or less. The vendor may elect to compute the tax due on a transaction on a per item basis or on an invoice basis provided the method used is consistently used during the reporting period.

~~(e) (d) No aggregation of separate sales transactions, exception for coin-operated devices.~~ — Separate sales, such as daily or weekly deliveries, shall not be aggregated for the purpose of computation of the tax even though the sales are aggregated in the billing or payment therefor. Notwithstanding any other provision of this article, coin-operated amusement and vending machine sales shall be aggregated for the purpose of computation of this tax.

~~(f) (e) Rate of tax on certain mobile homes.~~ — Notwithstanding any provision of this article to the contrary, ~~after December 31, 2003~~, the tax levied on sales of mobile homes to be used by the owner thereof as his or her principal year-round residence and dwelling shall be an amount equal to ~~six percent of~~ fifty percent of the sales price multiplied by the general rate of the consumers sales and service tax specified in this section.

~~(g) (f) Construction; custom software, digital goods and digital code.~~ — ~~After December 31, 2003, whenever~~ Whenever the words 'tangible personal property' or 'property' appear in this article, the same shall also include the words 'custom software', 'digital products' and 'digital code.'

~~(h) (g) Computation of tax on sales of gasoline and special fuel.~~ — The method of computation of tax provided in this section does not apply to sales of gasoline and special fuel.

(h) Reduction of general consumers sales and service tax rate. — In the event that the calculations and measurements made by the Tax Commissioner under the provisions of paragraph (B), subdivision (1), subsection (e), section four-g, article twenty-one of this chapter effect the reduction of the tax rates sections as provided in subsection (d) of that section, then the Tax Commissioner shall make an additional determination as follows:

(1) The Tax Commissioner shall first measure the rolling average of cumulative collections of taxes imposed by this article and articles fifteen-a and twenty-one of this chapter that were deposited into the General Revenue Fund of the state through the end of that fiscal year and each of the four fiscal years immediately preceding that fiscal year. The Commissioner shall also make a similar measurement of those collections for the five-year period immediately preceding that fiscal year. If the application of the first measurement against the second measurement demonstrates an increase in those collections, then the Tax Commissioner shall determine the amount of that increase in dollars. The Tax Commissioner shall then determine the anticipated cumulative fiscal cost to the state in dollars of (A) the further reduction in the tax rates imposed by section three of this article as provided in subsection (d), section four-g, article twenty-one of

this chapter during the next ensuing calendar year; and (B) a reduction in the general consumers sales and service and use tax rates from 6.5% to 6.25%.

(2) If the cumulative fiscal cost to the state determined in subdivision (2) of this subsection does not exceed the increase in collections, all as measured and calculated by the Tax Commissioner under subdivision (1) of this subsection, then the general consumers sales and service and use tax rates are reduced from 6.5% to 6.25%, effective on and after January 1 of the year in which the final reduction in the tax rates specified in section four-g, article twenty-one of this chapter takes effect.”

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken **(Roll No. 656)**, and there were—yeas 29, nays 60, absent and not voting 11, with the yeas and absent and not voting being as follows:

Yeas: Baldwin, Bates, Boggs, Brewer, Byrd, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Hamilton, Hartman, Hornbuckle, Lane, Longstreth, Love, Lovejoy, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Rowe, Sponaugle, Statler, Wagner and Williams.

Absent and Not Voting: Ambler, Butler, Ellington, A. Evans, N. Foster, Householder, Iaquinta, C. Miller, Phillips, R. Romine and Summers.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

The amendment offered by Delegates Sponaugle, Nelson and Shott was then adopted.

There being no further amendments, the bill was ordered to third reading.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 657)**, and there were—yeas 67, nays 22, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Baldwin, Blair, Criss, Dean, Eldridge, Fast, Folk, Gearheart, Hamrick, Hill, Howell, Isner, Kessinger, Marcum, Martin, McGeehan, Moore, Paynter, Sobonya, Thompson, Upson and Wilson.

Absent and Not Voting: Ambler, Butler, Ellington, A. Evans, N. Foster, Householder, Iaquinta, C. Miller, Phillips, R. Romine and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1017) passed.

On motion of Delegates Sponaugle, Nelson and Shott, the title of the bill was amended to read as follows:

S. B. 1017 – “A Bill to amend and reenact §11-15-2, §11-15-3, §11-15-9, §11-15-9b and §11-15-9h of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections, designated §11-15-3d, §11-15-3e and §11-15-35; to amend and reenact §11-15A-2 and §11-15A-10 of said code; to amend and reenact §11-21-8a, §11-21-8e, §11-21-12 and §11-21-16 of said code; and to amend and reenact §11-24-23a and §11-24-23e of said code; all relating generally to the Tax Reform Act of 2017; defining terms; imposing sales and service tax and use tax on telecommunication services and ancillary telecommunication services as of specified date; imposing consumer sales and service tax and use tax on digital code and digital products as of specified date; eliminating exemption from consumers sales and service tax and use tax for certain memberships or services provided by health and fitness organizations; eliminating exemption from consumers sales and service tax and use tax for primary opinion research services; eliminating exemption from consumer sales and service tax and use tax for certain supplies and materials directly used and consumed in the business activity of communications; imposing a limit on amount of funds from consumer sales and service tax reimbursements, for materials acquired for second party use in state highway projects, that may be transferred to the State Road Fund; eliminating exemption from consumer sales and service tax and use tax for sale of electronic data processing services; providing the Tax Commissioner with rule-making authority and emergency rule-making authority related to changes in consumer sales and service tax; increasing amount of credit allowed against personal and corporation net income taxes for qualified building rehabilitation expenditures made after specified date; establishing limitations on carryback, carryforward, and allowable amount of credit for qualified building rehabilitation expenditures; providing that tax credit for qualified building rehabilitation expenditures will not be available to taxpayers in arrears of payment of certain taxes; providing the Tax Commissioner with rule-making authority related to changes in credit for qualified building rehabilitation expenditures; exempting retirement income for military service from adjusted gross income for purposes of determining personal income tax liability as of specified date; exempting a percentage of social security benefits from adjusted gross income for purposes of determining personal income tax liability for taxpayers meeting certain income requirements for taxable year beginning on January, 1, 2018; exempting all social security benefits from adjusted gross income for purposes of determining personal income tax liability for taxpayers meeting certain income requirements for taxable years beginning on and after January, 1, 2019; increasing amount of the standard exemption from personal income tax to which taxpayers meeting certain income requirements are entitled, as of specified date; deleting obsolete language; and making technical corrections in various sections.”

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

On this question, the yeas and nays were taken (**Roll No. 658**), and there were—yeas 76, nays 13, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Blair, Fast, Folk, Gearheart, Hill, Howell, Kessinger, Marcum, Martin, McGeehan, Paynter, Sobonya and Wilson.

Absent and Not Voting: Ambler, Butler, Ellington, A. Evans, N. Foster, Householder, Iaquinta, C. Miller, Phillips, R. Romine and Summers.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1017) takes effect from its passage.

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

Special Calendar**Third Reading**

S. B. 1006, Increasing funding for State Road Fund; on third reading, coming up in regular order, with amendments pending, was reported by the Clerk.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page three, section five, line two, following the words "on each gallon equivalent", by striking out the colon and the words "Provided, That on and after July 1, 2017, the flat rate tax increases to \$0.22 per invoiced gallon of motor fuel and, on alternative fuel, on each gallon equivalent" and inserting a comma.

On page ten, section three-c, line seventy-two, following the words "of article", by striking out the word "five" and inserting in lieu thereof the words "~~five~~ five-p".

And,

On page twenty-one, section four, beginning on line one hundred eleven, following the words "organization by the", by striking out the words "senior services bureau existing under the provisions of article five" and inserting in lieu thereof the words "~~senior services bureau~~ Bureau of Senior Services existing under the provisions of article ~~five~~ five-p".

Delegate Gearheart moved to amend the bill on page three, section five, line thirteen, after the word "section", by striking out the remainder of the subdivision and inserting in lieu thereof a period.

On page five, section five, line forty-four, after the word "fuel", by striking out the remainder of the sentence and inserting in lieu thereof a period.

And,

On page five, section five, line forty-eight, after the word "year", by striking out the remainder of the sentence inserting in lieu thereof a period.

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

The yeas and nays having been ordered, they were taken (**Roll No. 659**), and there were— yeas 31, nays 58, absent and not voting 11, with the yeas and absent and not voting being as follows:

Yeas: Arvon, Barrett, Blair, Cooper, Dean, Espinosa, Fast, Folk, Frich, Gearheart, Hamrick, Harshbarger, Higginbotham, Hill, Howell, Kessinger, Marcum, Martin, McGeehan, Moore, Moye, O'Neal, Overington, Paynter, Rowan, Sobonya, Sponaule, Thompson, Upson, Ward and Wilson.

Absent and Not Voting: Ambler, Butler, Ellington, A. Evans, N. Foster, Householder, Iaquinta, C. Miller, Phillips, R. Romine and Summers.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Gearheart moved to amend the bill on page three, section five, line thirteen, after the word “after”, by striking out the words “July 1, 2017” and inserting in lieu thereof “the first day of the month following the effective date of this section pursuant to subsection (e) of this section”.

On page five, section five, line forty-five, after the word “after”, by striking out the words “July 1, 2017” and inserting in lieu thereof “the first day of the month following the effective date of this section pursuant to subsection (e) of this section”.

On page five, section five, line forty-eight, after the word “That”, by inserting “on and after the first day of the month following the effective date of this section pursuant to subsection (e) of this section,”.

And,

On page seven, section five, line one hundred seven, by striking out “July 1, 2017” and inserting in lieu thereof “on the first day of the month following the proclamation by the Secretary of State declaring the ratification of the amendment to the Constitution of the State of West Virginia designated as the ‘Roads to Prosperity Amendment of 2017’, proposed in House Joint Resolution 6, adopted by the Legislature during the 2017 regular session.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 660**), and there were—yeas 42, nays 47, absent and not voting 11, with the yeas and absent and not voting being as follows:

Yeas: Arvon, Barrett, Blair, Capito, Cooper, Dean, Espinosa, Fast, Folk, G. Foster, Frich, Gearheart, Hamrick, Hanshaw, Harshbarger, Higginbotham, Hill, Hollen, Howell, Kelly, Kessinger, Lewis, Lovejoy, Marcum, Martin, Maynard, McGeehan, Moore, Moye, O’Neal, Overington, Paynter, Rohrbach, Shott, Sobonya, Sponaugle, Storch, Thompson, Upson, Walters, Ward and Wilson.

Absent and Not Voting: Ambler, Butler, Ellington, A. Evans, N. Foster, Householder, Iaquinta, C. Miller, Phillips, R. Romine and Summers.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Longstreth asked and obtained unanimous consent to amend the bill on third reading.

Delegate Longstreth moved to amend the bill on page thirty-four, section three, line five, by striking out “\$50” and inserting in lieu thereof “\$40”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 661**), and there were—yeas 49, nays 40, absent and not voting 11, with the yeas and absent and not voting being as follows:

Nays: Speaker Armstead, Anderson, Atkinson, Baldwin, Bates, Blair, Boggs, Brewer, Byrd, Capito, Caputo, Cowles, Criss, Deem, E. Evans, Fleischauer, Hamilton, Hanshaw, Hicks, Isner, Lane, Lewis, Love, Miley, R. Miller, Nelson, Pethtel, Pyles, Queen, Robinson, Rodighiero, C. Romine, Rowan, Rowe, Shott, Statler, Walters, Westfall, White and Zatezalo.

Absent and Not Voting: Ambler, Butler, Ellington, A. Evans, N. Foster, Householder, Iaquinta, C. Miller, Phillips, R. Romine and Summers.

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

The bill was read a third time.

Delegates Hamrick and Overington requested to be excused from voting on the passage of S. B. 1006 under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegates would be as members of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Members from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 662**), and there were, including pairs—yeas 59, nays 32, absent and not voting 9, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings were announced by the Clerk:

Paired:

Yea: Criss Nay: Butler

Yea: Iaquinta Nay: Paynter

Nays: Arvon, Barrett, Blair, Cooper, Espinosa, Fast, Folk, G. Foster, Frich, Gearheart, Hamrick, Harshbarger, Higginbotham, Hill, Howell, Kessinger, Lynch, Martin, McGeehan, Moore, Moye, O'Neal, Overington, Robinson, Rodighiero, Sobonya, Sponaugle, Upson, Ward and Wilson.

Absent and Not Voting: Ambler, Ellington, A. Evans, N. Foster, Householder, C. Miller, Phillips, R. Romine and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1006) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

S. B. 1006 – “A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-3c and §11-15-18b of said code; to amend and reenact §17A-2-13 of said code; to amend and reenact §17A-3-4 of said code; to amend and reenact §17A-4-1 of said code; to amend and reenact §17A-4-10 of said code as contained in Chapter 152, Acts of the Legislature, Regular Session, 2017; to amend and reenact §17A-4A-10 of said code; to amend and reenact §17A-7-2 of said code; to amend and reenact §17A-10-3, §17A-10-

10 and §17A-10-11 of said code; to amend said code by adding thereto a new section, designated §17A-10-3c; to amend and reenact §17B-2-1, §17B-2-3a, §17B-2-5, §17B-2-6, §17B-2-8 and §17B-2-11 of said code; to amend and reenact §17C-5A-2a of said code; and to amend and reenact §17D-2-2 of said code, all relating generally to increasing the funding for the State Road Fund; increasing the minimum average wholesale price of motor fuels and minimum tax for purposes of the five percent variable component of motor fuel excise tax as of specified date; increasing the rate of consumers sales and service tax on sales of motor vehicles as of a specified date; deleting superfluous language relating to floorstocks; increasing Division of Motor Vehicles administrative fees, including increasing fees for various documents, records, registrations, certificates, titles, liens, releases, transfers, cards, stickers, decals, licenses and plates; requiring payment of certain fee for each attempt at the written and road skills test; allowing the Division of Motor Vehicles to adjust fees every five years on September 1 based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index; limiting increase in fees to ten percent; imposing annual registration fee for certain alternative fuel vehicles; correcting cross-references and agency title; and specifying effective dates.”

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

On this question, the yeas and nays were taken (**Roll No. 663**), and there were—yeas 78, nays 11, absent and not voting 11, with the nays and absent and not voting being as follows:

Nays: Barrett, Folk, Gearheart, Hill, Kessinger, Marcum, Martin, McGeehan, Paynter, Upson and Wilson.

Absent and Not Voting: Ambler, Butler, Ellington, A. Evans, N. Foster, Householder, Iaquina, C. Miller, Phillips, R. Romine and Summers.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1006) takes effect from its passage.

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

At 2:23 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 4:00 p.m.

* * * * *

Afternoon Session

* * * * *

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

Delegate Cowles asked and obtained unanimous consent that, for the remainder of the Session, members of Conference Committees be permitted to vote on any question or issue before the House which they have missed as a direct result of their duties on Conference Committees, provided that such members notify the Clerk of the House in writing as to how they wish to vote, before the daily Journal is published, and that any such vote will not change the outcome of any question.

Special Calendar

-continued-

Second Reading

Com. Sub. for S. B. 1011, Selling Hopemont Hospital; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, line one, by striking out the section designation “§9-5-26” and inserting in lieu thereof the section designation “§9-5-25”.

On page one, line one, by striking out the word “shall” and inserting in lieu thereof the word, “may”;

On page one, line eleven, by striking out the word “If” and inserting in lieu thereof the word “When”.

And,

On page one, by striking out the enacting section and inserting in lieu thereof the following:

“That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §9-5-25, to read as follows” and a colon.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 664**), and there were—yeas 77, nays 8, absent and not voting 15, with the nays and absent and not voting being as follows:

Nays: Caputo, Diserio, Eldridge, Fluharty, Lewis, Moye, Pushkin and Pyles.

Absent and Not Voting: Ambler, Arvon, Butler, Ellington, A. Evans, Fleischauer, N. Foster, Hanshaw, Householder, Iaquinta, C. Miller, Phillips, R. Romine, Shott and Summers.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then ordered to third reading.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 665**), and there were, including pairs—yeas 51, nays 37, absent and not voting 12, with the paired, nays and absent and not voting being as follows:

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

Paired:

Yea: Sobonya Nay: Iaquinta

Nays: Boggs, Brewer, Byrd, Canestraro, Caputo, Dean, Diserio, Eldridge, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hornbuckle, Isner, Lewis, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, R. Miller, Moye, Pethtel, Pushkin, Pyles, Rodighiero, Rowan, Rowe, Sponaugle, Thompson, Wagner, Ward, White and Williams.

Absent and Not Voting: Ambler, Arvon, Butler, Ellington, A. Evans, Folk, N. Foster, Householder, C. Miller, Phillips, R. Romine and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 1011) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 1011 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to the selling of a certain state-owned health care facility and appurtenances by the Secretary of the Department of Health and Human Resources; ensuring the transfer of existing patients; allowing the Secretary to determine need for a new facility; setting forth requirements for new facility; providing for continuation of licenses of existing beds; exempting certain laws; creating a fund; implementing a benefits package for employees; defining terms; and providing for statutory construction.”

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

On this question, the yeas and nays were taken (**Roll No. 666**), and there were—yeas 70, nays 18, absent and not voting 12, with the nays and absent and not voting being as follows:

Nays: Brewer, Caputo, Diserio, Ferro, Fleischauer, Isner, Longstreth, Lovejoy, Marcum, Martin, Moye, Pushkin, Rodighiero, Sponaugle, Thompson, Wagner, Ward and Williams.

Absent and Not Voting: Ambler, Arvon, Butler, Ellington, A. Evans, N. Foster, Householder, laquinta, C. Miller, Phillips, R. Romine and Summers.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 1011) takes effect from its passage.

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

Com. Sub. for H. B. 113, Relating to the sale of Jackie Withrow Hospital by the DHHR; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 667**), and there were—yeas 84, nays 4, absent and not voting 12, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Love, Moye and Pushkin.

Absent and Not Voting: Ambler, Arvon, Butler, Ellington, A. Evans, N. Foster, Householder, laquinta, C. Miller, Phillips, R. Romine and Summers.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 668**), and there were including pairs—yeas 53, nays 34, absent and not voting 13, with the paired, nays and absent and not voting being as follows:

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

Paired:

Yea: Barrett Nay: Rowe

Nays: Bates, Boggs, Brewer, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hornbuckle, Isner, Lewis, Longstreth, Love, Lovejoy, Martin, Moye, O'Neal, Pethtel, Pushkin, Pyles, Rodighiero, Sponaugle, Sypolt, Thompson, Ward, White and Williams.

Absent and Not Voting: Ambler, Arvon, Butler, Deem, Ellington, A. Evans, N. Foster, Householder, laquinta, C. Miller, Phillips, R. Romine and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 113) passed.

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

On this question, the yeas and nays were taken (**Roll No. 669**), and there were—yeas 69, nays 17, absent and not voting 14, with the nays and absent and not voting being as follows:

Nays: Brewer, Canestraro, Caputo, Diserio, Ferro, Fleischauer, Isner, Longstreth, Lovejoy, Marcum, Moye, Pushkin, Pyles, Sponaugle, Thompson, Ward and Williams.

Absent and Not Voting: Ambler, Arvon, Butler, Deem, Ellington, A. Evans, N. Foster, Householder, laquinta, C. Miller, Phillips, R. Romine, Rowe and Summers.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 113) takes effect from its passage.

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

At 5:33 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 7:30 p.m.

* * * * *

Evening Session

* * * * *

-continued-

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, and changed the effective date, to take effect ninety days from passage, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 113, Relating to the sale of Jackie Withrow Hospital by the DHHR.

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the amendment of the House of Delegates, with further amendment, and the passage, as amended, to take effect from passage, of

S. B. 1013, Budget Bill.

Delegate Cowles moved that the House concur in the following amendment of the bill by the Senate:

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

TITLE I – GENERAL PROVISIONS.

1 **Section 1. General policy.** – The purpose of this bill is to appropriate money necessary for
2 the economical and efficient discharge of the duties and responsibilities of the state and its agencies
3 during the fiscal year 2018.

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

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

3 “Code” shall mean the Code of West Virginia, one thousand nine hundred thirty-one, as
4 amended.

5 “Spending unit” shall mean the department, bureau, division, office, board, commission,
6 agency or institution to which an appropriation is made.

7 The “fiscal year 2018” shall mean the period from July 1, 2017, through June 30, 2018.

8 “General revenue fund” shall mean the general operating fund of the state and includes all
9 moneys received or collected by the state except as provided in W.Va. Code §12-2-2 or as otherwise
10 provided.

11 “Special revenue funds” shall mean specific revenue sources which by legislative enactments
12 are not required to be accounted for as general revenue, including federal funds.

13 “From collections” shall mean that part of the total appropriation which must be collected by
14 the spending unit to be available for expenditure. If the authorized amount of collections is not
15 collected, the total appropriation for the spending unit shall be reduced automatically by the amount
16 of the deficiency in the collections. If the amount collected exceeds the amount designated “from
17 collections,” the excess shall be set aside in a special surplus fund and may be expended for the
18 purpose of the spending unit as provided by Article 2, Chapter 11B of the Code.

1 **Sec. 3. Classification of appropriations.** — An appropriation for:

2 “Personal services” shall mean salaries, wages and other compensation paid to full-time, part-
3 time and temporary employees of the spending unit but shall not include fees or contractual payments
4 paid to consultants or to independent contractors engaged by the spending unit. “Personal services”
5 shall include “annual increment” for “eligible employees” and shall be disbursed only in accordance
6 with Article 5, Chapter 5 of the Code.

7 Unless otherwise specified, appropriations for “personal services” shall include salaries of
8 heads of spending units.

9 “Employee benefits” shall mean social security matching, workers’ compensation,
10 unemployment compensation, pension and retirement contributions, public employees insurance
11 matching, personnel fees or any other benefit normally paid by the employer as a direct cost of
12 employment. Should the appropriation be insufficient to cover such costs, the remainder of such cost
13 shall be paid by each spending unit from its “unclassified” appropriation, or its “current expenses”
14 appropriation or other appropriate appropriation. Each spending unit is hereby authorized and required
15 to make such payments in accordance with the provisions of Article 2, Chapter 11B of the Code.

16 Each spending unit shall be responsible for all contributions, payments or other costs related
17 to coverage and claims of its employees for unemployment compensation and workers compensation.
18 Such expenditures shall be considered an employee benefit.

19 “BRIM Premiums” shall mean the amount charged as consideration for insurance protection
20 and includes the present value of projected losses and administrative expenses. Premiums are
21 assessed for coverages, as defined in the applicable policies, for claims arising from, inter alia, general
22 liability, wrongful acts, property, professional liability and automobile exposures.

23 Should the appropriation for “BRIM Premium” be insufficient to cover such cost, the remainder
24 of such costs shall be paid by each spending unit from its “unclassified” appropriation, its “current
25 expenses” appropriation or any other appropriate appropriation to the Board of Risk and Insurance
26 Management. Each spending unit is hereby authorized and required to make such payments. If there
27 is no appropriation for “BRIM Premium” such costs shall be paid by each spending unit from its “current
28 expenses” appropriation, “unclassified” appropriation or other appropriate appropriation.

29 West Virginia Council for Community and Technical College Education and Higher Education
30 Policy Commission entities operating with special revenue funds and/or federal funds shall pay their

31 proportionate share of the Board of Risk and Insurance Management total insurance premium cost for
32 their respective institutions.

33 "Current expenses" shall mean operating costs other than personal services and shall not
34 include equipment, repairs and alterations, buildings or lands. Each spending unit shall be responsible
35 for and charged monthly for all postage meter service and shall reimburse the appropriate revolving
36 fund monthly for all such amounts. Such expenditures shall be considered a current expense.

37 "Equipment" shall mean equipment items which have an appreciable and calculable period of
38 usefulness in excess of one year.

39 "Repairs and alterations" shall mean routine maintenance and repairs to structures and minor
40 improvements to property which do not increase the capital assets.

41 "Buildings" shall include new construction and major alteration of existing structures and the
42 improvement of lands and shall include shelter, support, storage, protection or the improvement of a
43 natural condition.

44 "Lands" shall mean the purchase of real property or interest in real property.

45 "Capital outlay" shall mean and include buildings, lands or buildings and lands, with such
46 category or item of appropriation to remain in effect as provided by W.Va. Code §12-3-12.

47 From appropriations made to the spending units of state government, upon approval of the
48 Governor there may be transferred to a special account an amount sufficient to match federal funds
49 under any federal act.

50 Appropriations classified in any of the above categories shall be expended only for the
51 purposes as defined above and only for the spending units herein designated: *Provided*, That the
52 secretary of each department shall have the authority to transfer within the department those general
53 revenue funds appropriated to the various agencies of the department: *Provided, however*, That no
54 more than five percent of the general revenue funds appropriated to any one agency or board may be
55 transferred to other agencies or boards within the department: and no funds may be transferred to a
56 "personal services and employee benefits" appropriation unless the source funds are also wholly from
57 a "personal services and employee benefits" line, or unless the source funds are from another
58 appropriation that has exclusively funded employment expenses for at least twelve consecutive
59 months prior to the time of transfer and the position(s) supported by the transferred funds are also
60 permanently transferred to the receiving agency or board within the department: *Provided further*, That
61 the secretary of each department and the director, commissioner, executive secretary, superintendent,
62 chairman or any other agency head not governed by a departmental secretary as established by
63 Chapter 5F of the Code shall have the authority to transfer funds appropriated to "personal services
64 and employee benefits," "current expenses," "repairs and alterations," "equipment," "other assets,"
65 "land," and "buildings" to other appropriations within the same account and no funds from other
66 appropriations shall be transferred to the "personal services and employee benefits" or the
67 "unclassified" appropriation: *And provided further*, That no authority exists hereunder to transfer funds
68 into appropriations to which no funds are legislatively appropriated: *And provided further*, That if the
69 Legislature by subsequent enactment consolidates agencies, boards or functions, the secretary or
70 other appropriate agency head may transfer the funds formerly appropriated to such agency, board or
71 function in order to implement such consolidation. No funds may be transferred from a Special
72 Revenue Account, dedicated account, capital expenditure account or any other account or fund
73 specifically exempted by the Legislature from transfer, except that the use of the appropriations from

74 the State Road Fund for the office of the Secretary of the Department of Transportation is not a use
75 other than the purpose for which such funds were dedicated and is permitted.

76 Appropriations otherwise classified shall be expended only where the distribution of
77 expenditures for different purposes cannot well be determined in advance or it is necessary or
78 desirable to permit the spending unit the freedom to spend an appropriation for more than one of the
79 above classifications.

1 **Sec. 4. Method of expenditure.** — Money appropriated by this bill, unless otherwise
2 specifically directed, shall be appropriated and expended according to the provisions of Article 3,
3 Chapter 12 of the Code or according to any law detailing a procedure specifically limiting that article.

1 **Sec. 5. Maximum expenditures.** — No authority or requirement of law shall be interpreted as
2 requiring or permitting an expenditure in excess of the appropriations set out in this bill.

TITLE II – APPROPRIATIONS.

ORDER OF SECTIONS

- SECTION 1. Appropriations from general revenue.
- SECTION 2. Appropriations from state road fund.
- SECTION 3. Appropriations from other funds.
- SECTION 4. Appropriations from lottery net profits.
- SECTION 5. Appropriations from state excess lottery revenue.
- SECTION 6. Appropriations of federal funds.
- SECTION 7. Appropriations from federal block grants.
- SECTION 8. Awards for claims against the state.
- SECTION 9. Appropriations from general revenue surplus accrued.
- SECTION 10. Appropriations from lottery net profits surplus accrued.
- SECTION 11. Appropriations from state excess lottery revenue surplus accrued.
- SECTION 12. Special revenue appropriations.
- SECTION 13. State improvement fund appropriations.
- SECTION 14. Specific funds and collection accounts.
- SECTION 15. Appropriations for refunding erroneous payment.
- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.

1 **Section 1. Appropriations from general revenue.** – From the State Fund, General Revenue,
2 there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2,
3 Chapter 11B the following amounts, as itemized, for expenditure during the fiscal year 2018.

LEGISLATIVE*1 - Senate*Fund 0165 FY 2018 Org 2100

	Appro-	General
	priation	Revenue
		Fund
1 Compensation of Members (R)	00300	\$ 1,010,000
2 Compensation and Per Diem of Officers		
3 and Employees (R).....	00500	4,011,332
4 Current Expenses and Contingent Fund (R)	02100	276,392
5 Repairs and Alterations (R)	06400	50,000
6 Computer Supplies (R).....	10100	20,000
7 Computer Systems (R).....	10200	60,000
8 Printing Blue Book (R).....	10300	125,000
9 Expenses of Members (R)	39900	370,000
10 BRIM Premium (R).....	91300	<u>29,482</u>
11 Total.....		\$ 5,952,206

12 The appropriations for the Senate for the fiscal year 2017 are to remain in full force and effect
 13 and are hereby reappropriated to June 30, 2018; Provided that on July 1, 2017, the following
 14 reappropriated funds and amounts be transferred to the Division of Human Services - Medical
 15 Services Trust Fund, fund 5185: Fund 0165, fiscal year 2012, appropriation 00500, Compensation
 16 and Per Diem of Officers and Employees, \$2,855,443.90; fund 0165, fiscal year 2012, appropriation
 17 39900, Expenses of Members, \$2,846,352.39; fund 0165, fiscal year 2012, appropriation 10200,
 18 Computer Systems, \$2,475,425.32; fund 0165, fiscal year 2012, appropriation 00300, Compensation
 19 of Members, \$1,994,589.96; fund 0165, fiscal year 2012, appropriation 01000, Employee Benefits,
 20 \$1,075,030.30; fund 0165, fiscal year 2012, appropriation 06400, Repairs and Alterations,
 21 \$752,131.08; and fund 0165, fiscal year 2012, appropriation 02100, Current Expenses and Contingent
 22 Fund, \$98,653.36. Any balances so reappropriated may be transferred and credited to the fiscal year
 23 2017 accounts.

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

26 The Clerk of the Senate, with the approval of the President, is authorized to draw his or her
 27 requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the

28 Senate, for any bills for supplies and services that may have been incurred by the Senate and not
 29 included in the appropriation bill, for supplies and services incurred in preparation for the opening, the
 30 conduct of the business and after adjournment of any regular or extraordinary session, and for the
 31 necessary operation of the Senate offices, the requisitions for which are to be accompanied by bills to
 32 be filed with the Auditor.

33 The Clerk of the Senate, with the approval of the President, or the President of the Senate
 34 shall have authority to employ such staff personnel during any session of the Legislature as shall be
 35 needed in addition to staff personnel authorized by the Senate resolution adopted during any such
 36 session. The Clerk of the Senate, with the approval of the President, or the President of the Senate
 37 shall have authority to employ such staff personnel between sessions of the Legislature as shall be
 38 needed, the compensation of all staff personnel during and between sessions of the Legislature,
 39 notwithstanding any such Senate resolution, to be fixed by the President of the Senate. The Clerk is
 40 hereby authorized to draw his or her requisitions upon the Auditor for the payment of all such staff
 41 personnel for such services, payable out of the appropriation for Compensation and Per Diem of
 42 Officers and Employees or Current Expenses and Contingent Fund of the Senate.

43 For duties imposed by law and by the Senate, the Clerk of the Senate shall be paid a monthly
 44 salary as provided by the Senate resolution, unless increased between sessions under the authority
 45 of the President, payable out of the appropriation for Compensation and Per Diem of Officers and
 46 Employees or Current Expenses and Contingent Fund of the Senate.

47 The distribution of the blue book shall be by the office of the Clerk of the Senate and shall
 48 include 75 copies for each member of the Legislature and two copies for each classified and approved
 49 high school and junior high or middle school and one copy for each elementary school within the state.

50 Included in the above appropriation for Senate (fund 0165, appropriation 02100), an amount
 51 not less than \$5,000 is to be used for the West Virginia Academy of Family Physicians - Doc of the
 52 Day Program.

2 - House of Delegates

Fund 0170 FY 2018 Org 2200

1	Compensation of Members (R)	00300	\$	3,000,000
2	Compensation and Per Diem of Officers			
3	and Employees (R).....	00500		575,000
4	Current Expenses and Contingent Fund (R)	02100		3,929,031
5	Expenses of Members (R)	39900		1,350,000
6	BRIM Premium (R).....	91300		<u>50,000</u>
7	Total		\$	8,904,031

8 The appropriations for the House of Delegates for the fiscal year 2017 are to remain in full
9 force and effect and are hereby reappropriated to June 30, 2018. Any balances so reappropriated
10 may be transferred and credited to the fiscal year 2017 accounts.

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

14 The Clerk of the House of Delegates, with the approval of the Speaker, is authorized to
15 draw his or her requisitions upon the Auditor, payable out of the Current Expenses and Contingent
16 Fund of the House of Delegates, for any bills for supplies and services that may have been
17 incurred by the House of Delegates and not included in the appropriation bill, for bills for services
18 and supplies incurred in preparation for the opening of the session and after adjournment, and for
19 the necessary operation of the House of Delegates' offices, the requisitions for which are to be
20 accompanied by bills to be filed with the Auditor.

21 The Speaker of the House of Delegates, upon approval of the House committee on rules,
22 shall have authority to employ such staff personnel during and between sessions of the
23 Legislature as shall be needed, in addition to personnel designated in the House resolution, and
24 the compensation of all personnel shall be as fixed in such House resolution for the session, or
25 fixed by the Speaker, with the approval of the House committee on rules, during and between
26 sessions of the Legislature, notwithstanding such House resolution. The Clerk of the House of
27 Delegates is hereby authorized to draw requisitions upon the Auditor for such services, payable
28 out of the appropriation for the Compensation and Per Diem of Officers and Employees or Current
29 Expenses and Contingent Fund of the House of Delegates.

30 For duties imposed by law and by the House of Delegates, including salary allowed by law
31 as keeper of the rolls, the Clerk of the House of Delegates shall be paid a monthly salary as
32 provided in the House resolution, unless increased between sessions under the authority of the
33 Speaker, with the approval of the House committee on rules, and payable out of the appropriation
34 for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent
35 Fund of the House of Delegates.

36 Included in the above appropriation for House of Delegates (fund 0170, appropriation
37 02100), an amount not less than \$5,000 is to be used for the West Virginia Academy of Family
38 Physicians - Doc of the Day Program.

3 - Joint Expenses

(WV Code Chapter 4)

Fund 0175 FY 2018 Org 2300

1	Joint Committee on Government and Finance (R)	10400	\$	5,725,138
2	Legislative Printing (R)	10500		760,000
3	Legislative Rule-Making Review Committee (R).....	10600		147,250
4	Legislative Computer System (R).....	10700		1,447,500

5	BRIM Premium (R).....	91300	60,569
6	Total.....		\$ 8,140,457

7 The appropriations for the Joint Expenses for the fiscal year 2017 are to remain in full
 8 force and effect and are hereby reappropriated to June 30, 2018. Any balances reappropriated
 9 may be transferred and credited to the fiscal year 2017 accounts.

10 Upon the written request of the Clerk of the Senate, with the approval of the President of
 11 the Senate, and the Clerk of the House of Delegates, with the approval of the Speaker of the
 12 House of Delegates, and a copy to the Legislative Auditor, the Auditor shall transfer amounts
 13 between items of the total appropriation in order to protect or increase the efficiency of the service.

JUDICIAL

4 - Supreme Court –

General Judicial

Fund 0180 FY 2018 Org 2400

1	Personal Services and Employee Benefits (R).....	00100	\$ 101,924,358
2	Children’s Protection Act (R).....	09000	3,000,000
3	Current Expenses (R)	13000	32,274,266
4	Repairs and Alterations (R).....	06400	636,450
5	Equipment (R).....	07000	1,800,000
6	Judges’ Retirement System (R)	11000	900,000
7	Buildings (R)	25800	100,000
8	Other Assets (R)	69000	500,000
9	BRIM Premium (R).....	91300	624,596
10	Total.....		\$ 141,759,670

11 The appropriations to the Supreme Court of Appeals for the fiscal years 2016 and 2017
 12 are to remain in full force and effect and are hereby reappropriated to June 30, 2018. Any
 13 balances so reappropriated may be transferred and credited to the fiscal year 2017 accounts.

14 This fund shall be administered by the Administrative Director of the Supreme Court of
 15 Appeals, who shall draw requisitions for warrants in payment in the form of payrolls, making
 16 deductions there from as required by law for taxes and other items.

17 The appropriation for the Judges’ Retirement System (fund 0180, appropriation 11000) is
 18 to be transferred to the Consolidated Public Retirement Board, in accordance with the law relating
 19 thereto, upon requisition of the Administrative Director of the Supreme Court of Appeals.

EXECUTIVE*5 - Governor's Office*

(WV Code Chapter 5)

Fund 0101 FY 2018 Org 0100

1	Personal Services and Employee Benefits.....	00100	\$	3,098,903
2	Current Expenses (R)	13000		571,648
3	Repairs and Alterations.....	06400		2,000
4	National Governors Association	12300		60,700
5	Herbert Henderson Office of Minority Affairs	13400		146,726
6	BRIM Premium.....	91300		<u>169,079</u>
7	Total.....		\$	4,049,056

8 Any unexpended balances remaining in the appropriations for Unclassified (fund 0101,
9 appropriation 09900), and Current Expenses (fund 0101, appropriation 13000) at the close of the
10 fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

11 Included in the above appropriation to Personal Services and Employee Benefits (fund
12 0101, appropriation 00100), is \$150,000 for the Salary of the Governor.

13 The above appropriation for Herbert Henderson Office of Minority Affairs (fund 0101,
14 appropriation 13400) shall be transferred to the Minority Affairs Fund (fund 1058).

*6 - Governor's Office –**Custodial Fund*

(WV Code Chapter 5)

Fund 0102 FY 2018 Org 0100

1	Personal Services and Employee Benefits.....	00100	\$	351,089
2	Current Expenses (R)	13000		182,708
3	Repairs and Alterations.....	06400		<u>5,000</u>
4	Total.....		\$	538,797

5 Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102,
6 appropriation 13000) at the close of the fiscal year 2017 is hereby reappropriated for expenditure
7 during the fiscal year 2018, with the exception of fund 0102, fiscal year 2017, appropriation 13000
8 (\$20,000) which shall expire June 30, 2017.

9 Appropriations are to be used for current general expenses, including compensation of
 10 employees, household maintenance, cost of official functions and additional household expenses
 11 occasioned by such official functions.

7 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2018 Org 0100

1 Any unexpended balances remaining in the appropriations for Business and Economic
 2 Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total
 3 (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation
 4 13500), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil
 5 Contingent Fund – Surplus (fund 0105, appropriation 26300), Business and Economic
 6 Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105,
 7 appropriation 61400), and Natural Disasters – Surplus (fund 0105, appropriation 76400) at the
 8 close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year.

9 From this fund there may be expended, at the discretion of the Governor, an amount not
 10 to exceed \$1,000 as West Virginia's contribution to the interstate oil compact commission.

11 The above fund is intended to provide contingency funding for accidental, unanticipated,
 12 emergency or unplanned events which may occur during the fiscal year and is not to be expended
 13 for the normal day-to-day operations of the Governor's Office.

8 - Auditor's Office –

General Administration

(WV Code Chapter 12)

Fund 0116 FY 2018 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$	2,620,288
2	Current Expenses (R)	13000		10,622
3	BRIM Premium.....	91300		<u>11,287</u>
4	Total.....		\$	2,642,197

5 Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116,
 6 appropriation 13000) at the close of the fiscal year 2017 is hereby reappropriated for expenditure
 7 during the fiscal year 2018.

8 Included in the above appropriation to Personal Services and Employee Benefits (fund
 9 0116, appropriation 00100), is \$95,000 for the Salary of the Auditor.

9 - Treasurer's Office

(WV Code Chapter 12)

Fund 0126 FY 2018 Org 1300

1	Personal Services and Employee Benefits.....	00100	\$	2,424,551
2	Unclassified	09900		30,963
3	Current Expenses (R)	13000		472,377
4	Abandoned Property Program.....	11800		41,794
5	Other Assets	69000		10,000
6	ABLE Program	69201		150,000
7	BRIM Premium.....	91300		<u>54,409</u>
8	Total		\$	3,184,094

9 Any unexpended balances remaining in the appropriation for Current Expenses (fund
10 0126, appropriation 13000) at the close of the fiscal year 2017 are hereby reappropriated for
11 expenditure during the fiscal year 2018.

12 Included in the above appropriation to Personal Services and Employee Benefits (fund
13 0126, appropriation 00100), is \$95,000 for the Salary of the Treasurer.

10 - Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2018 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	5,105,550
2	Animal Identification Program	03900		121,528
3	State Farm Museum.....	05500		87,759
4	Current Expenses (R)	13000		135,155
5	Gypsy Moth Program (R)	11900		917,769
6	Huntington Farmers Market.....	12800		37,142
7	Black Fly Control.....	13700		450,434
8	Donated Foods Program.....	36300		45,000
9	Predator Control (R).....	47000		176,400

10	Logan Farmers Market.....	50100	40,988
11	Bee Research	69100	65,470
12	Charleston Farmers Market.....	74600	71,429
13	Microbiology Program	78500	97,126
14	Moorefield Agriculture Center.....	78600	905,605
15	Chesapeake Bay Watershed.....	83000	102,023
16	Livestock Care Standards Board.....	84300	8,820
17	BRIM Premium.....	91300	129,818
18	State FFA-FHA Camp and Conference Center	94101	586,215
19	Threat Preparedness	94200	68,987
20	WV Food Banks	96900	126,000
21	Senior's Farmers' Market Nutrition Coupon Program	97000	<u>55,840</u>
22	Total		\$ 9,335,058

23 Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund
 24 0131, appropriation 09700), Gypsy Moth Program (fund 0131, appropriation 11900), Current
 25 Expenses (fund 0131, appropriation 13000), Predator Control (fund 0131, appropriation 47000),
 26 and Agricultural Disaster and Mitigation Needs – Surplus (fund 0131, appropriation 85000) at the
 27 close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018,
 28 with the exception of fund 0131, fiscal year 2017, appropriation 11900 (\$18,859), fund 0131, fiscal
 29 year 2017, appropriation 13000 (\$19,343), and fund 0131, fiscal year 2017, appropriation 47000
 30 (\$3,600) which shall expire on June 30, 2017.

31 Included in the above appropriation to Personal Services and Employee Benefits (fund
 32 0131, appropriation 00100), is \$95,000 for the Salary of the Commissioner.

33 The above appropriation for Predator Control (fund 0131, appropriation 47000) is to be
 34 made available to the United States Department of Agriculture, Wildlife Services to administer the
 35 Predator Control Program.

36 A portion of the Current Expenses appropriation may be transferred to a special revenue
 37 fund for the purpose of matching federal funds for marketing and development activities.

38 From the above appropriation for WV Food Banks (fund 0131, appropriation 96900),
 39 \$20,000 is for House of Hope and the remainder of the appropriation shall be allocated to the
 40 Huntington Food Bank and the Mountaineer Food Bank in Braxton County.

Fund 0132 FY 2018 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	725,163
2	Unclassified (R).....	09900		77,808
3	Current Expenses (R)	13000		316,049
4	Soil Conservation Projects (R)	12000		6,536,679
5	BRIM Premium.....	91300		<u>30,213</u>
6	Total.....		\$	7,685,912

7 Any unexpended balances remaining in the appropriations for Unclassified (fund 0132,
8 appropriation 09900), Soil Conservation Projects (fund 0132, appropriation 12000), and Current
9 Expenses (fund 0132, appropriation 13000) at the close of the fiscal year 2017 are hereby
10 reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0132, fiscal
11 year 2017, appropriation 12000 (\$157,439) which shall expire on June 30, 2017.

*12 - Department of Agriculture –
Meat Inspection Fund*

(WV Code Chapter 19)

Fund 0135 FY 2018 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	620,127
2	Unclassified	09900		7,090
3	Current Expenses	13000		<u>81,880</u>
4	Total.....		\$	709,097

5 Any part or all of this appropriation may be transferred to a special revenue fund for the
6 purpose of matching federal funds for the above-named program.

*13 - Department of Agriculture –
Agricultural Awards Fund*

(WV Code Chapter 19)

Fund 0136 FY 2018 Org 1400

1	Programs and Awards for 4-H Clubs and FFA/FHA	57700	\$	15,000
2	Commissioner's Awards and Programs	73700		<u>39,250</u>
3	Total.....		\$	54,250

14 - Department of Agriculture –

West Virginia Agricultural Land Protection Authority

(WV Code Chapter 8A)

Fund 0607 FY 2018 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	94,823
2	Unclassified	09900		<u>950</u>
3	Total		\$	95,773

15 - Attorney General

(WV Code Chapters 5, 14, 46A and 47)

Fund 0150 FY 2018 Org 1500

1	Personal Services and Employee Benefits (R).....	00100	\$	2,281,145
2	Unclassified (R).....	09900		24,428
3	Current Expenses (R)	13000		752,408
4	Repairs and Alterations.....	06400		1,000
5	Equipment.....	07000		1,000
6	Criminal Convictions and Habeas Corpus Appeals (R)	26000		908,529
7	Better Government Bureau	74000		271,991
8	BRIM Premium.....	91300		<u>112,761</u>
9	Total		\$	4,353,262

10 Any unexpended balances remaining in the above appropriations for Personal Services
 11 and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation
 12 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas
 13 Corpus Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool
 14 (fund 0150, appropriation 36200) at the close of the fiscal year 2017 are hereby reappropriated
 15 for expenditure during the fiscal year 2018, with the exception of fund 0150, fiscal year 2017,
 16 appropriation 09900 (\$20,000), and fund 0150, fiscal year 2017, appropriation 26000 (\$69,575)
 17 which shall expire on June 30, 2017.

18 Included in the above appropriation to Personal Services and Employee Benefits (fund
 19 0150, appropriation 00100), is \$95,000 for the Salary of the Attorney General.

20 When legal counsel or secretarial help is appointed by the Attorney General for any state
 21 spending unit, this account shall be reimbursed from such spending units specifically appropriated

22 account or from accounts appropriated by general language contained within this bill: *Provided,*
 23 That the spending unit shall reimburse at a rate and upon terms agreed to by the state spending
 24 unit and the Attorney General: *Provided, however,* That if the spending unit and the Attorney
 25 General are unable to agree on the amount and terms of the reimbursement, the spending unit
 26 and the Attorney General shall submit their proposed reimbursement rates and terms to the
 27 Governor for final determination.

16 - Secretary of State

(WV Code Chapters 3, 5 and 59)

Fund 0155 FY 2018 Org 1600

1	Personal Services and Employee Benefits.....	00100	\$	117,213
2	Unclassified (R).....	09900		9,731
3	Current Expenses (R)	13000		805,697
4	BRIM Premium.....	91300		21,695
5	Total		\$	954,336

6 Any unexpended balances remaining in the appropriations for Unclassified (fund 0155,
 7 appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the
 8 fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the
 9 exception of fund 0155, fiscal year 2017 appropriation 13000 (\$19,613) which shall expire on
 10 June 30, 2017.

11 Included in the above appropriation to Personal Services and Employee Benefits (fund
 12 0155, appropriation 00100), is \$95,000 for the Salary of the Secretary of State.

17 - State Election Commission

(WV Code Chapter 3)

Fund 0160 FY 2018 Org 1601

1	Personal Services and Employee Benefits.....	00100	\$	2,477
2	Unclassified	09900		75
3	Current Expenses	13000		4,956
4	Total		\$	7,508

DEPARTMENT OF ADMINISTRATION

18 - Department of Administration –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0186 FY 2018 Org 0201

1	Personal Services and Employee Benefits.....	00100	\$	580,647
2	Unclassified	09900		9,177
3	Current Expenses	13000		84,883
4	Repairs and Alterations.....	06400		100
5	Equipment.....	07000		1,000
6	Financial Advisor (R).....	30400		27,546
7	Lease Rental Payments	51600		15,000,000
8	Design-Build Board	54000		4,000
9	Other Assets	69000		100
10	BRIM Premium.....	91300		<u>5,887</u>
11	Total		\$	15,713,340

12 Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186,
 13 appropriation 30400) at the close of the fiscal year 2017 is hereby reappropriated for expenditure
 14 during the fiscal year 2018, with the exception of fund 0186, fiscal year 2017, appropriation 30400
 15 (\$73,000) which shall expire on June 30, 2017.

16 The appropriation for Lease Rental Payments (fund 0186, appropriation 51600) shall be
 17 disbursed as provided by W.Va. Code §31-15-6b.

19 - Consolidated Public Retirement Board

(WV Code Chapter 5)

Fund 0195 FY 2018 Org 0205

1 The Division of Highways, Division of Motor Vehicles, Public Service Commission and
 2 other departments, bureaus, divisions, or commissions operating from special revenue funds
 3 and/or federal funds shall pay their proportionate share of the retirement costs for their respective
 4 divisions. When specific appropriations are not made, such payments may be made from the
 5 balances in the various special revenue funds in excess of specific appropriations.

20 - Division of Finance

(WV Code Chapter 5A)

Fund 0203 FY 2018 Org 0209

1	Personal Services and Employee Benefits.....	00100	\$	65,574
2	Unclassified	09900		1,400
3	Current Expenses	13000		68,083
4	GAAP Project (R).....	12500		591,072
5	BRIM Premium.....	91300		<u>5,625</u>
6	Total.....		\$	731,754

7 Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203,
8 appropriation 12500) at the close of the fiscal year 2017 is hereby reappropriated for expenditure
9 during the fiscal year 2018.

21 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2018 Org 0211

1	Personal Services and Employee Benefits.....	00100	\$	2,504,207
2	Unclassified	09900		20,000
3	Current Expenses	13000		725,024
4	Repairs and Alterations.....	06400		500
5	Equipment.....	07000		5,000
6	Fire Service Fee.....	12600		14,000
7	Buildings (R)	25800		500
8	Preservation and Maintenance of Statues and Monuments			
9	on Capitol Grounds	37100		68,000
10	Capital Outlay, Repairs and Equipment (R).....	58900		4,122,932
11	Other Assets	69000		500
12	Land (R).....	73000		500
13	BRIM Premium.....	91300		<u>121,479</u>
14	Total.....		\$	7,582,642

15 Any unexpended balances remaining in the above appropriations for Buildings (fund 0230,
16 appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900),

17 Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700), and Land
 18 (fund 0230, appropriation 73000) at the close of the fiscal year 2017 are hereby reappropriated
 19 for expenditure during the fiscal year 2018.

20 From the above appropriation for Preservation and Maintenance of Statues and
 21 Monuments on Capitol Grounds (fund 0230, appropriation 37100), the Division shall consult the
 22 Division of Culture and History and Capitol Building Commission in all aspects of planning,
 23 assessment, maintenance and restoration.

24 The above appropriation for Capital Outlay, Repairs and Equipment (fund 0230,
 25 appropriation 58900) shall be expended for capital improvements, maintenance, repairs and
 26 equipment for state-owned buildings.

22 - Division of Purchasing

(WV Code Chapter 5A)

Fund 0210 FY 2018 Org 0213

1	Personal Services and Employee Benefits.....	00100	\$	997,906
2	Unclassified	09900		144
3	Current Expenses	13000		250
4	Repairs and Alterations.....	06400		200
5	BRIM Premium.....	91300		<u>6,469</u>
6	Total.....		\$	1,004,969

7 The Division of Highways shall reimburse Fund 2031 within the Division of Purchasing for
 8 all actual expenses incurred pursuant to the provisions of W.Va. Code §17-2A-13.

23 - Travel Management

(WV Code Chapter 5A)

Fund 0615 FY 2018 Org 0215

1	Personal Services and Employee Benefits.....	00100	\$	762,556
2	Unclassified	09900		12,032
3	Current Expenses	13000		430,532
4	Repairs and Alterations.....	06400		1,000
5	Equipment.....	07000		5,000
6	Buildings (R)	25800		100

7	Other Assets	69000		<u>100</u>
8	Total		\$	1,211,320

9 Any unexpended balance remaining in the appropriation for Buildings (fund 0615,
10 appropriation 25800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure
11 during the fiscal year 2018.

24 - Commission on Uniform State Laws

(WV Code Chapter 29)

Fund 0214 FY 2018 Org 0217

1	Current Expenses	13000	\$	45,550
2	To pay expenses for members of the commission on uniform state laws.			

25 - West Virginia Public Employees Grievance Board

(WV Code Chapter 6C)

Fund 0220 FY 2018 Org 0219

1	Personal Services and Employee Benefits.....	00100	\$	911,114
2	Unclassified	09900		1,000
3	Current Expenses	13000		142,854
4	Equipment.....	07000		50
5	BRIM Premium.....	91300		<u>9,608</u>
6	Total		\$	1,064,626

26 - Ethics Commission

(WV Code Chapter 6B)

Fund 0223 FY 2018 Org 0220

1	Personal Services and Employee Benefits.....	00100	\$	575,930
2	Unclassified	09900		2,200
3	Current Expenses	13000		104,637
4	Repairs and Alterations.....	06400		500
5	Other Assets	69000		100

6	BRIM Premium.....	91300	<u>4,473</u>
7	Total		\$ 687,840

27 - Public Defender Services

(WV Code Chapter 29)

Fund 0226 FY 2018 Org 0221

1	Personal Services and Employee Benefits.....	00100	\$ 1,322,946
2	Unclassified	09900	314,700
3	Current Expenses	13000	11,165
4	Public Defender Corporations	35200	19,198,028
5	Appointed Counsel Fees (R)	78800	10,723,115
6	BRIM Premium.....	91300	<u>9,594</u>
7	Total		\$ 31,579,548

8 Any unexpended balance remaining in the above appropriation for Appointed Counsel
9 Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2017 is hereby
10 reapportioned for expenditure during the fiscal year 2018.

11 The director shall have the authority to transfer funds from the appropriation to Public
12 Defender Corporations (fund 0226, appropriation 35200) to Appointed Counsel Fees (fund 0226,
13 appropriation 78800).

28 - Committee for the Purchase of

Commodities and Services from the Handicapped

(WV Code Chapter 5A)

Fund 0233 FY 2018 Org 0224

1	Personal Services and Employee Benefits.....	00100	\$ 3,187
2	Current Expenses	13000	<u>868</u>
3	Total		\$ 4,055

29 - Public Employees Insurance Agency

(WV Code Chapter 5)

Fund 0200 FY 2018 Org 0225

1 The Division of Highways, Division of Motor Vehicles, Public Service Commission and
 2 other departments, bureaus, divisions, or commissions operating from special revenue funds
 3 and/or federal funds shall pay their proportionate share of the public employees health insurance
 4 cost for their respective divisions.

30 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 0557 FY 2018 Org 0228

1	Forensic Medical Examinations (R).....	68300	\$	137,954
2	Federal Funds/Grant Match (R)	74900		98,443
3	Total.....		\$	236,397

4 Any unexpended balances remaining in the appropriations for Forensic Medical
 5 Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557,
 6 appropriation 74900) at the close of the fiscal year 2017 are hereby reappropriated for expenditure
 7 during the fiscal year 2018.

31 - Real Estate Division

(WV Code Chapter 5A)

Fund 0610 FY 2018 Org 0233

1	Personal Services and Employee Benefits.....	00100	\$	642,679
2	Unclassified	09900		1,000
3	Current Expenses	13000		137,926
4	Repairs and Alterations.....	06400		100
5	Equipment.....	07000		2,500
6	BRIM Premium.....	91300		7,976
7	Total.....		\$	792,181

DEPARTMENT OF COMMERCE

32 - Division of Forestry

(WV Code Chapter 19)

Fund 0250 FY 2018 Org 0305

1	Personal Services and Employee Benefits.....	00100	\$	2,451,074
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2	Unclassified	09900	21,435
3	Current Expenses	13000	334,903
4	Repairs and Alterations.....	06400	80,000
5	Equipment (R).....	07000	2,061
6	BRIM Premium.....	91300	<u>92,293</u>
7	Total		\$ 2,981,766

8 Any unexpended balance remaining in the appropriation for Equipment (fund 0250,
 9 appropriation 07000) at the close of the fiscal year 2017 is hereby reappropriated for expenditure
 10 during the fiscal year 2018.

11 Out of the above appropriations a sum may be used to match federal funds for cooperative
 12 studies or other funds for similar purposes.

33 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 0253 FY 2018 Org 0306

1	Personal Services and Employee Benefits.....	00100	\$ 1,561,820
2	Unclassified	09900	28,173
3	Current Expenses	13000	49,140
4	Repairs and Alterations.....	06400	968
5	Mineral Mapping System (R).....	20700	1,096,873
6	BRIM Premium.....	91300	<u>22,766</u>
7	Total		\$ 2,759,740

8 Any unexpended balance remaining in the appropriation for Mineral Mapping System
 9 (fund 0253, appropriation 20700) at the close of the fiscal year 2017 is hereby reappropriated for
 10 expenditure during the fiscal year 2018, with the exception of fund 0253, fiscal year 2017,
 11 appropriation 20700 (\$57,599) which shall expire on June 30, 2017.

12 The above Unclassified and Current Expense appropriations include funding to secure
 13 federal and other contracts and may be transferred to a special revolving fund (fund 3105) for the
 14 purpose of providing advance funding for such contracts.

34 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 0256 FY 2018 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	4,261,006
2	Unclassified	09900		108,687
3	Save Our State (SOS).....	05050		0
4	Current Expenses	13000		3,763,900
5	National Youth Science Camp	13200		241,570
6	Local Economic Development Partnerships (R)	13300		792,000
7	ARC Assessment.....	13600		152,585
8	Guaranteed Work Force Grant (R).....	24200		969,633
9	Mainstreet Program	79400		163,758
10	BRIM Premium.....	91300		2,345
11	Hatfield McCoy Recreational Trail.....	96000		<u>198,415</u>
12	Total.....		\$	10,653,899

13 Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund
 14 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local
 15 Economic Development Partnerships (fund 0256, appropriation 13300), Guaranteed Work Force
 16 Grant (fund 0256, appropriation 24200), Industrial Park Assistance (fund 0256, appropriation
 17 48000), Small Business Development (fund 0256, appropriation 70300), Local Economic
 18 Development Assistance (fund 0256, appropriation 81900), and 4-H Camp Improvements (fund
 19 0256, appropriation 94100) at the close of the fiscal year 2017 are hereby reappropriated for
 20 expenditure during the fiscal year 2018.

21 The above appropriation to Local Economic Development Partnerships (fund 0256,
 22 appropriation 13300) shall be used by the West Virginia Development Office for the award of
 23 funding assistance to county and regional economic development corporations or authorities
 24 participating in the Certified Development Community Program developed under the provisions
 25 of W.Va. Code §5B-2-14. The West Virginia Development Office shall award the funding
 26 assistance through a matching grant program, based upon a formula whereby funding assistance
 27 may not exceed \$34,000 per county served by an economic development or redevelopment
 28 corporation or authority.

35 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2018 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	15,476,492
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2	Unclassified	09900	184,711
3	Current Expenses	13000	170,047
4	Repairs and Alterations.....	06400	100
5	Equipment.....	07000	100
6	Buildings	25800	100
7	Litter Control Conservation Officers	56400	139,877
8	Upper Mud River Flood Control.....	65400	159,762
9	Other Assets	69000	100
10	Land (R).....	73000	100
11	Law Enforcement	80600	2,413,523
12	BRIM Premium.....	91300	<u>23,470</u>
13	Total		\$ 18,568,382

14 Any unexpended balances remaining in the appropriations for Buildings (fund 0265,
 15 appropriation 25800), Land (fund 0265, appropriation 73000), and State Park Improvements –
 16 Surplus (fund 0265, appropriation 76300) at the close of the fiscal year 2017 are hereby
 17 reappropriated for expenditure during the fiscal year 2018.

18 Any revenue derived from mineral extraction at any state park shall be deposited in a
 19 special revenue account of the Division of Natural Resources, first for bond debt payment
 20 purposes and with any remainder to be for park operation and improvement purposes.

36 - Division of Miners' Health, Safety and Training

(WV Code Chapter 22)

Fund 0277 FY 2018 Org 0314

1	Personal Services and Employee Benefits.....	00100	\$ 9,205,577
2	Unclassified	09900	120,000
3	Current Expenses	13000	1,378,532
4	Coal Dust and Rock Dust Sampling	27000	474,050
5	BRIM Premium.....	91300	<u>75,110</u>
6	Total		\$ 11,253,269

7 Included in the above appropriation for Current Expenses (fund 0277, appropriation
8 13000) is \$500,000 to be used for coal mine training activities at an established mine training
9 facility in southern West Virginia.

37 - Board of Coal Mine Health and Safety

(WV Code Chapter 22)

Fund 0280 FY 2018 Org 0319

1	Personal Services and Employee Benefits.....	00100	\$	226,550
2	Unclassified	09900		3,551
3	Current Expenses	13000		<u>117,917</u>
4	Total		\$	348,018

38 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 0572 FY 2018 Org 0323

1	Personal Services and Employee Benefits.....	00100	\$	51,728
2	Unclassified	09900		596
3	Current Expenses	13000		<u>7,334</u>
4	Total		\$	59,658

39 - Department of Commerce –

Office of the Secretary

(WV Code Chapter 19)

Fund 0606 FY 2018 Org 0327

1	Personal Services and Employee Benefits.....	00100	\$	398,752
2	Unclassified	09900		3,500
3	Current Expenses	13000		<u>14,725</u>
4	Total		\$	416,977

40 - Office of Energy

(WV Code Chapter 5B)

Fund 0612 FY 2018 Org 0328

1	Personal Services and Employee Benefits.....	00100	\$	194,457
2	Unclassified	09900		15,204
3	Current Expenses	13000		1,026,720
4	BRIM Premium.....	91300		<u>3,604</u>
5	Total.....		\$	1,239,985

6 From the above appropriation for Current Expenses (fund 0612, appropriation 13000)
 7 \$558,247 is for West Virginia University and \$308,247 is for Southern West Virginia Community
 8 and Technical College for the Mine Training and Energy Technologies Academy.

DEPARTMENT OF EDUCATION

41 - State Board of Education –

School Lunch Program

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2018 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	321,931
2	Current Expenses	13000		<u>2,118,490</u>
3	Total.....		\$	2,440,421

42 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2018 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	4,278,989
2	Technology System Specialist	06200		0
3	Teachers' Retirement Savings Realized.....	09500		34,638,000
4	Unclassified (R).....	09900		300,000
5	Current Expenses (R)	13000		2,518,992
6	Equipment.....	07000		5,000

7	Increased Enrollment	14000	2,650,000
8	Safe Schools.....	14300	4,911,959
9	Teacher Mentor.....	15800	550,000
10	National Teacher Certification (R)	16100	300,000
11	Buildings (R)	25800	1,000
12	Allowance for County Transfers	26400	64,212
13	Technology Repair and Modernization	29800	951,003
14	HVAC Technicians.....	35500	495,507
15	Early Retirement Notification Incentive.....	36600	300,000
16	MATH Program.....	36800	336,532
17	Assessment Programs.....	39600	1,339,588
18	21 st Century Fellows.....	50700	274,899
19	English as a Second Language.....	52800	96,000
20	Teacher Reimbursement.....	57300	297,188
21	Hospitality Training	60000	267,123
22	Hi-Y Youth in Government	61600	100,000
23	High Acuity Special Needs (R)	63400	1,500,000
24	Foreign Student Education.....	63600	150,000
25	Principals Mentorship.....	64900	69,250
26	State Board of Education Administrative Costs	68400	266,152
27	Other Assets	69000	1,000
28	IT Academy (R).....	72100	500,000
29	Land (R).....	73000	1,000
30	Early Literacy Program.....	75600	5,700,000
31	School Based Truancy Prevention (R)	78101	2,000,000
32	Innovation in Education.....	78102	0

33	21 st Century Learners (R).....	88600	1,706,441
34	BRIM Premium.....	91300	320,429
35	21 st Century Assessment and Professional Development	93100	1,999,007
36	21 st Century Technology Infrastructure Network		
37	Tools and Support.....	93300	7,636,586
38	Educational Program Allowance	99600	<u>516,250</u>
39	Total.....		\$ 77,042,107

40 The above appropriations include funding for the state board of education and their
 41 executive office.

42 Any unexpended balances remaining in the appropriations for Unclassified (fund 0313,
 43 appropriation 09900), Current Expenses (fund 0313, appropriation 13000), National Teacher
 44 Certification (fund 0313, appropriation 16100), Buildings (fund 0313, appropriation 25800), High
 45 Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation
 46 72100), Land (fund 0313, appropriation 73000), School Based Truancy Prevention (fund 0313,
 47 appropriation 78101), and 21st Century Learners (fund 0313, appropriation 88600) at the close of
 48 the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

49 The above appropriation for Teachers' Retirement Savings Realized (fund 0313,
 50 appropriation 09500) shall be transferred to the Employee Pension and Health Care Benefit Fund
 51 (fund 2044).

52 The above appropriation for Hospitality Training (fund 0313, appropriation 60000), shall
 53 be allocated only to entities that have a plan approved for funding by the Department of Education,
 54 at the funding level determined by the State Superintendent of Schools. Plans shall be submitted
 55 to the State Superintendent of Schools to be considered for funding.

56 From the above appropriation for Educational Program Allowance (fund 0313,
 57 appropriation 99600), \$100,000 shall be expended for Webster County Board of Education for
 58 Hacker Valley; \$150,000 shall be for the Randolph County Board of Education for Pickens School;
 59 \$100,000 shall be for the Preston County Board of Education for the Aurora School; \$100,000
 60 shall be for the Fayette County Board of Education for Meadow Bridge; and \$66,250 is for Project
 61 Based Learning in STEM fields.

43 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2018 Org 0402

1	Special Education – Counties	15900	\$ 7,271,757
2	Special Education – Institutions	16000	3,748,794

3	Education of Juveniles Held in Predispositional		
4	Juvenile Detention Centers.....	30200	591,646
5	Education of Institutionalized Juveniles and Adults (R)	47200	<u>17,736,957</u>
6	Total		\$ 29,349,154

7 Any unexpended balance remaining in the appropriation for Education of Institutionalized
8 Juveniles and Adults (fund 0314, appropriation 47200) at the close of the fiscal year 2017 is
9 hereby reappropriated for expenditure during the fiscal year 2018.

10 From the above appropriations, the superintendent shall have authority to expend funds
11 for the costs of special education for those children residing in out-of-state placements.

44 - State Board of Education –

State Aid to Schools

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2018 Org 0402

1	Other Current Expenses	02200	\$ 149,939,086
2	Advanced Placement	05300	553,954
3	Professional Educators	15100	843,200,570
4	Service Personnel.....	15200	286,915,321
5	Fixed Charges.....	15300	100,484,631
6	Transportation.....	15400	70,276,078
7	Professional Student Support Services	65500	36,952,999
8	Improved Instructional Programs	15600	49,131,108
9	21 st Century Strategic Technology Learning Growth	93600	<u>20,756,981</u>
10	Basic Foundation Allowances		1,558,210,728
11	Less Local Share		(454,486,958)
12	Adjustments		<u>(2,441,341)</u>
13	Total Basic State Aid.....		1,101,282,429
14	Public Employees' Insurance Matching.....	01200	242,714,967
15	Teachers' Retirement System	01900	72,125,000

2017]

HOUSE OF DELEGATES

379

16	School Building Authority	45300	23,424,770
17	Retirement Systems – Unfunded Liability.....	77500	<u>343,963,000</u>
18	Total		\$ 1,783,510,166

45 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2018 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$ 1,275,473
2	Unclassified	09900	268,800
3	Current Expenses	13000	882,131
4	Wood Products – Forestry Vocational Program.....	14600	68,993
5	Albert Yanni Vocational Program	14700	131,951
6	Vocational Aid.....	14800	22,440,602
7	Adult Basic Education	14900	4,591,896
8	Program Modernization.....	30500	884,313
9	High School Equivalency Diploma Testing (R)	72600	778,815
10	FFA Grant Awards	83900	11,496
11	Pre-Engineering Academy Program.....	84000	<u>265,294</u>
12	Total		\$ 31,599,764

13 Any unexpended balances remaining in the appropriations for GED Testing (fund 0390,
 14 appropriation 33900) and High School Equivalency Diploma Testing (fund 0390, appropriation
 15 72600) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the
 16 fiscal year 2018.

46 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2018 Org 0403

1	Personal Services and Employee Benefits.....	00100	\$ 11,304,805
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2	Unclassified	09900	110,000
3	Current Expenses	13000	1,988,129
4	Repairs and Alterations.....	06400	85,000
5	Equipment.....	07000	70,000
6	Buildings (R)	25800	85,000
7	Capital Outlay and Maintenance (R)	75500	82,500
8	BRIM Premium.....	91300	<u>124,890</u>
9	Total.....		\$ 13,850,324

10 Any unexpended balances remaining in the appropriations for Buildings (fund 0320,
 11 appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at
 12 the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year
 13 2018.

DEPARTMENT OF EDUCATION AND THE ARTS

47 - Department of Education and the Arts –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0294 FY 2018 Org 0431

1	Personal Services and Employee Benefits.....	00100	\$ 514,428
2	Unclassified	09900	35,000
3	Center for Professional Development (R).....	11500	1,490,833
4	Current Expenses	13000	6,562
5	WV Humanities Council	16800	250,000
6	Benedum Professional Development Collaborative (R).....	42700	429,116
7	Governor's Honors Academy (R)	47800	1,059,270
8	Educational Enhancements.....	69500	196,000
9	S.T.E.M. Education and Grant Program.....	71900	490,286
10	Energy Express.....	86100	382,935
11	BRIM Premium.....	91300	4,870

12	Special Olympic Games.....	96600	25,000
13	Total.....		\$ 4,884,300

14 Any unexpended balances remaining in the appropriations for Center for Professional
 15 Development (fund 0294, appropriation 11500), Benedum Professional Development
 16 Collaborative (fund 0294, appropriation 42700), Governor’s Honors Academy (fund 0294,
 17 appropriation 47800), and S.T.E.M. Education and Grant Program (fund 0294, appropriation
 18 71900) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the
 19 fiscal year 2018, with the exception of fund 0294, fiscal year 2017, appropriation 42700 (\$66,416)
 20 which shall expire on June 30, 2017.

21 From the above appropriation for Educational Enhancements (fund 0294, appropriation
 22 69500), \$73,500 shall be used for the Clay Center and \$122,500 for Reconnecting McDowell –
 23 Save the Children.

48 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2018 Org 0432

1	Personal Services and Employee Benefits.....	00100	\$ 3,148,509
2	Current Expenses	13000	605,585
3	Repairs and Alterations.....	06400	1,000
4	Equipment.....	07000	1
5	Unclassified	09900	28,483
6	Buildings (R)	25800	1
7	Other Assets	69000	1
8	Land (R).....	73000	1
9	Culture and History Programming	73200	231,573
10	Capital Outlay and Maintenance (R)	75500	19,600
11	Historical Highway Marker Program.....	84400	57,548
12	BRIM Premium.....	91300	36,371
13	Total.....		\$ 4,128,673

14 Any unexpended balances remaining in the appropriations for Unclassified (fund 0293,
 15 appropriation 09900), Buildings (fund 0293, appropriation 25800), Capital Outlay, Repairs and
 16 Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293,
 17 appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation

18 67700), Land (fund 0293, appropriation 73000), and Capital Outlay and Maintenance (fund 0293,
19 appropriation 75500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure
20 during the fiscal year 2018.

21 The Current Expense appropriation includes funding for the arts funds, department
22 programming funds, grants, fairs and festivals and Camp Washington Carver and shall be
23 expended only upon authorization of the Division of Culture and History and in accordance with
24 the provisions of Chapter 5A, Article 3, and Chapter 12 of the Code.

49 - Library Commission

(WV Code Chapter 10)

Fund 0296 FY 2018 Org 0433

1	Personal Services and Employee Benefits.....	00100	\$	1,208,032
2	Current Expenses	13000		137,674
3	Repairs and Alterations.....	06400		6,500
4	Services to Blind & Handicapped	18100		161,717
5	BRIM Premium.....	91300		<u>16,734</u>
6	Total		\$	1,530,657

50 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 0300 FY 2018 Org 0439

1	Personal Services and Employee Benefits.....	00100	\$	3,245,141
2	Current Expenses	13000		20,146
3	Mountain Stage.....	40700		300,000
4	Capital Outlay and Maintenance	75500		10,000
5	BRIM Premium.....	91300		<u>45,283</u>
6	Total		\$	3,620,570

7 Any unexpended balance remaining in the appropriation for Capital Outlay and
8 Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2017 is hereby
9 reappropriated for expenditure during the fiscal year 2018.

51 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 0310 FY 2018 Org 0932

1	Personal Services and Employee Benefits.....	00100	\$	10,590,552
2	Independent Living Services	00900		429,418
3	Current Expenses	13000		545,202
4	Workshop Development.....	16300		1,817,427
5	Supported Employment Extended Services	20600		77,960
6	Ron Yost Personal Assistance Fund.....	40700		333,828
7	Employment Attendant Care Program.....	59800		131,575
8	BRIM Premium.....	91300		<u>72,396</u>
9	Total.....		\$	13,998,358

10 From the above appropriation for Workshop Development (fund 0310, appropriation
 11 16300), funds shall be used exclusively with the private nonprofit community rehabilitation
 12 program organizations known as work centers or sheltered workshops. The appropriation shall
 13 also be used to continue the support of the program, services, and individuals with disabilities
 14 currently in place at those organizations.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

52 - Environmental Quality Board

(WV Code Chapter 20)

Fund 0270 FY 2018 Org 0311

1	Personal Services and Employee Benefits.....	00100	\$	72,067
2	Current Expenses	13000		29,203
3	Repairs and Alterations.....	06400		100
4	Equipment.....	07000		300
5	Other Assets	69000		400
6	BRIM Premium.....	91300		<u>739</u>
7	Total.....		\$	102,809

53 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 0273 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	3,926,093
2	Water Resources Protection and Management.....	06800		566,284
3	Current Expenses	13000		96,242
4	Repairs and Alterations.....	06400		4,950
5	Unclassified	09900		25,049
6	Dam Safety	60700		210,959
7	West Virginia Stream Partners Program.....	63700		77,396
8	Meth Lab Cleanup.....	65600		200,073
9	Other Assets	69000		1,000
10	WV Contributions to River Commissions.....	77600		148,485
11	Office of Water Resources Non-Enforcement Activity	85500		<u>908,854</u>
12	Total.....		\$	6,165,385

13 A portion of the appropriations for Current Expense (fund 0273, appropriation 13000) and
 14 Dam Safety (fund 0273, appropriation 60700) may be transferred to the special revenue fund
 15 Dam Safety Rehabilitation Revolving Fund (fund 3025) for the state deficient dams rehabilitation
 16 assistance program.

54 - Air Quality Board

(WV Code Chapter 16)

Fund 0550 FY 2018 Org 0325

1	Personal Services and Employee Benefits.....	00100	\$	61,108
2	Current Expenses	13000		12,462
3	Repairs and Alterations.....	06400		50
4	Equipment.....	07000		300
5	Other Assets	69000		200
6	BRIM Premium.....	91300		<u>2,153</u>

7 Total \$ 76,273

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

55 - Department of Health and Human Resources –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0400 FY 2018 Org 0501

1	Personal Services and Employee Benefits.....	00100	\$	373,601
2	Unclassified	09900		8,014
3	Current Expenses	13000		48,833
4	Women’s Commission (R)	19100		0
5	Commission for the Deaf and Hard of Hearing.....	70400		<u>215,479</u>
6	Total		\$	645,927

7 Any unexpended balance remaining in the appropriation for the Women's Commission
 8 (fund 0400, appropriation 19100) at the close of the fiscal year 2017 is hereby reappropriated for
 9 expenditure during the fiscal year 2018.

56 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2018 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	12,048,586
2	Chief Medical Examiner	04500		5,954,317
3	Unclassified	09900		691,862
4	Current Expenses	13000		4,640,355
5	State Aid for Local and Basic Public Health Services.....	18400		12,645,160
6	Safe Drinking Water Program (R).....	18700		2,167,723
7	Women, Infants and Children.....	21000		38,621
8	Early Intervention	22300		8,134,060

9	Cancer Registry	22500	195,868
10	Statewide EMS Program Support (R).....	38300	1,824,458
11	Black Lung Clinics.....	46700	170,885
12	Center for End of Life	54500	150,000
13	Vaccine for Children.....	55100	332,942
14	Tuberculosis Control	55300	364,556
15	Maternal and Child Health Clinics, Clinicians		
16	Medical Contracts and Fees (R)	57500	6,327,015
17	Epidemiology Support.....	62600	1,492,573
18	Primary Care Support	62800	4,665,575
19	Sexual Assault Intervention and Prevention	72300	125,000
20	Health Right Free Clinics	72700	2,750,000
21	Capital Outlay and Maintenance (R)	75500	100,000
22	Maternal Mortality Review	83400	46,563
23	Diabetes Education and Prevention	87300	97,125
24	BRIM Premium.....	91300	228,111
25	State Trauma and Emergency Care System	91800	<u>1,986,847</u>
26	Total.....		\$ 67,178,202

27 Any unexpended balances remaining in the appropriations for Safe Drinking Water
28 Program (fund 0407, appropriation 18700), Statewide EMS Program Support (fund 0407,
29 appropriation 38300), Maternal and Child Health Clinics, Clinicians and Medical Contracts and
30 Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation
31 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200),
32 Assistance to Primary Health Care Centers Community Health Foundation (fund 0407,
33 appropriation 84500), and Tobacco Education Program (fund 0407, appropriation 90600) at the
34 close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018;
35 Provided that on July 1, 2017, the following reappropriated funds and amounts are to be
36 transferred to the Division of Human Services - Medical Services Trust Fund, fund 5185: Fund
37 0407, fiscal year 2007, appropriation 84500, Assistance to Primary Health Care Centers
38 Community Health Foundation, \$400,000; fund 0407, fiscal year 2008, appropriation 84500,
39 Assistance to Primary Health Care Centers - Community Health Foundation \$840,000; fund 0407,
40 fiscal year 2009, appropriation 84500, Assistance to Primary Health Care Centers - Community
41 Health Foundation, \$675,000; fund 0407, fiscal year 2010, appropriation 84500 Assistance to
42 Primary Health Care Centers - Community Health Foundation, \$558,236.61; fund 0407, fiscal

43 year 2008, appropriation 82200, Emergency Response Entities – Special Projects, \$77,062; fund
 44 0407, fiscal year 2009, appropriation 82200, Emergency Response Entities – Special Projects
 45 \$81,176; fund 0407, fiscal year 2010, appropriation 82200, Emergency Response Entities –
 46 Special Projects \$40,141.23; fund 0407, fiscal year 2011, appropriation 82200, Emergency
 47 Response Entities – Special Projects \$93,192.02; fund 0407, fiscal year 2012, appropriation
 48 82200, Emergency Response Entities – Special Projects \$50,610.02; fund 0407, fiscal year 2013,
 49 appropriation 82200, Emergency Response Entities – Special Projects \$67,152; fund 0407, fiscal
 50 year 2014, appropriation 82200, Emergency Response Entities – Special Projects
 51 \$31,969.73; fund 0407, fiscal year 2007, appropriation 75500, Capital Outlay and Maintenance,
 52 \$91,095.33; fund 0407, fiscal year 2009, appropriation 75500, Capital Outlay and Maintenance,
 53 \$128,084; fund 0407, fiscal year 2010, appropriation 75500, Capital Outlay and Maintenance,
 54 \$518,934.53; fund 0407, fiscal year 2011, appropriation 75500, Capital Outlay and Maintenance,
 55 \$2,125,000; fund 0407, fiscal year 2012, appropriation 75500, Capital Outlay and Maintenance,
 56 \$2,125,000; and fund 0407, fiscal year 2013, appropriation 75500, Capital Outlay and
 57 Maintenance, \$1,011,886.14.

58 From the above appropriation for Current Expenses (fund 0407, appropriation 13000), an
 59 amount not less than \$100,000 is for the West Virginia Cancer Coalition; \$50,000 shall be
 60 expended for the West Virginia Aids Coalition; \$100,000 is for Adolescent Immunization
 61 Education; \$73,065 is for informal dispute resolution relating to nursing home administrative
 62 appeals; and \$50,000 is for Hospital Hospitality House of Huntington.

63 From the above appropriation for Maternal and Child Health Clinics, Clinicians and
 64 Medical Contracts and Fees (fund 0407, appropriation 57500) up to \$400,000 may be transferred
 65 to the Breast and Cervical Cancer Diagnostic Treatment Fund (fund 5197) and \$11,000 is for the
 66 Marshall County Health Department for dental services.

57 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2018 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	1,554,852
2	Current Expenses	13000		12,463
3	Behavioral Health Program (R)	21900		64,415,611
4	Family Support Act.....	22100		251,226
5	Institutional Facilities Operations (R).....	33500		100,067,434
6	Substance Abuse Continuum of Care (R)	35400		5,000,000
7	Capital Outlay and Maintenance (R)	75500		950,000
8	Renaissance Program.....	80400		165,996
9	BRIM Premium.....	91300		<u>1,211,307</u>

10 Total..... \$ 173,628,889

11 Any unexpended balances remaining in the appropriations for Behavioral Health Program
 12 (fund 0525, appropriation 21900), Institutional Facilities Operations (fund 0525, appropriation
 13 33500), Substance Abuse Continuum of Care (fund 0525, appropriation 35400), Capital Outlay
 14 (fund 0525, appropriation 51100), Behavioral Health Program – Surplus (fund 0525, appropriation
 15 63100), Institutional Facilities Operations – Surplus (fund 0525, appropriation 63200), Substance
 16 Abuse Continuum of Care – Surplus (fund 0525, appropriation 72200), and Capital Outlay and
 17 Maintenance (fund 0525, appropriation 75500) at the close of the fiscal year 2017 are hereby
 18 reappropriated for expenditure during the fiscal year 2018.

19 Notwithstanding the provisions of Title I, section three of this bill, the secretary of the
 20 Department of Health and Human Resources shall have the authority to transfer funds within the
 21 above appropriations: *Provided*, That no more than five percent of the funds appropriated to one
 22 appropriation may be transferred to other appropriations: *Provided, however*, That no funds from
 23 other appropriations shall be transferred to the personal services and employee benefits
 24 appropriation.

25 Included in the above appropriation for Behavioral Health Program (fund 0525,
 26 appropriation 21900) is \$100,000 for the Healing Place of Huntington.

27 From the above appropriation for Institutional Facilities Operations (fund 0525,
 28 appropriation 33500), together with available funds from the Division of Health – Hospital Services
 29 Revenue Account (fund 5156, appropriation 33500), on July 1, 2017, the sum of \$160,000 shall
 30 be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as
 31 advance payment for the purchase of food products; actual payments for such purchases shall
 32 not be required until such credits have been completely expended.

33 The above appropriation for Institutional Facilities Operations (fund 0525, appropriation
 34 33500) contains prior year salary increases due to the Hartley court order in the amount of
 35 \$2,202,013 for William R. Sharpe Jr. Hospital, and \$2,067,984 for Mildred Mitchel-Bateman
 36 Hospital.

37 From the above appropriation for Substance Abuse Continuum of Care (fund 0525,
 38 appropriation 35400), the funding will be consistent with the goal areas outlined in the
 39 Comprehensive Substance Abuse Strategic Action Plan.

40 Additional funds have been appropriated in fund 5156, fiscal year 2018, organization 0506,
 41 for the operation of the institutional facilities. The secretary of the Department of Health and
 42 Human Resources is authorized to utilize up to ten percent of the funds from the Institutional
 43 Facilities Operations appropriation to facilitate cost effective and cost saving services at the
 44 community level.

58 - Division of Health –

West Virginia Drinking Water Treatment

(WV Code Chapter 16)

Fund 0561 FY 2018 Org 0506

1	West Virginia Drinking Water Treatment			
2	Revolving Fund-Transfer	68900	\$	647,500

3 The above appropriation for Drinking Water Treatment Revolving Fund – Transfer shall
 4 be transferred to the West Virginia Drinking Water Treatment Revolving Fund or appropriate bank
 5 depository and the Drinking Water Treatment Revolving – Administrative Expense Fund as
 6 provided by Chapter 16 of the Code.

59 - Human Rights Commission

(WV Code Chapter 5)

Fund 0416 FY 2018 Org 0510

1	Personal Services and Employee Benefits.....	00100	\$	1,002,668
2	Unclassified	09900		4,024
3	Current Expenses	13000		330,029
4	BRIM Premium.....	91300		<u>10,056</u>
5	Total		\$	1,346,777

60 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2018 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	43,080,824
2	Unclassified	09900		5,688,944
3	Current Expenses	13000		11,315,095
4	Child Care Development.....	14400		9,079,268
5	Medical Services Contracts and Office of Managed Care	18300		1,835,469
6	Medical Services.....	18900		448,532,081
7	Social Services	19500		145,947,791
8	Family Preservation Program.....	19600		1,565,000
9	Family Resource Networks	27400		1,762,464
10	Domestic Violence Legal Services Fund.....	38400		400,000
11	James "Tiger" Morton Catastrophic Illness Fund.....	45500		101,005

12	I/DD Waiver	46600	88,753,483
13	Child Protective Services Case Workers	46800	22,446,545
14	OSCAR and RAPIDS	51500	6,405,873
15	Title XIX Waiver for Seniors	53300	13,593,620
16	WV Teaching Hospitals Tertiary/Safety Net	54700	6,356,000
17	Child Welfare System.....	60300	1,250,959
18	In-Home Family Education.....	68800	1,000,000
19	WV Works Separate State Program.....	69800	1,935,000
20	Child Support Enforcement	70500	6,260,676
21	Medicaid Auditing.....	70600	606,750
22	Temporary Assistance for Needy Families/ Maintenance of Effort	70700	22,969,096
23	Child Care – Maintenance of Effort Match.....	70800	5,693,743
24	Child and Family Services.....	73600	2,850,000
25	Grants for Licensed Domestic Violence Programs and Statewide Prevention	75000	2,500,000
26	Capital Outlay and Maintenance (R)	75500	11,875
27	Community Based Services and Pilot Programs for Youth.....	75900	1,000,000
28	Medical Services Administrative Costs.....	78900	35,609,925
29	Traumatic Brain Injury Waiver	83500	800,000
30	Indigent Burials (R)	85100	2,050,000
31	BRIM Premium.....	91300	834,187
32	Rural Hospitals Under 150 Beds	94000	2,596,000
33	Children’s Trust Fund – Transfer.....	95100	<u>220,000</u>
34	Total.....		\$ 895,051,673

37 Any unexpended balances remaining in the appropriations for Capital Outlay and
38 Maintenance (fund 0403, appropriation 75500) and Indigent Burials (fund 0403, appropriation

39 85100) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the
40 fiscal year 2018.

41 Notwithstanding the provisions of Title I, section three of this bill, the secretary of the
42 Department of Health and Human Resources shall have the authority to transfer funds within the
43 above appropriations: *Provided*, That no more than five percent of the funds appropriated to one
44 appropriation may be transferred to other appropriations: *Provided, however*, That no funds from
45 other appropriations shall be transferred to the personal services and employee benefits
46 appropriation.

47 The secretary shall have authority to expend funds for the educational costs of those
48 children residing in out-of-state placements, excluding the costs of special education programs.

49 Included in the above appropriation for Social Services (fund 0403, appropriation 19500)
50 is funding for continuing education requirements relating to the practice of social work.

51 The above appropriation for Domestic Violence Legal Services Fund (fund 0403,
52 appropriation 38400) shall be transferred to the Domestic Violence Legal Services Fund (fund
53 5455).

54 The above appropriation for James "Tiger" Morton Catastrophic Illness Fund (fund 0403,
55 appropriation 45500) shall be transferred to the James "Tiger" Morton Catastrophic Illness Fund
56 (fund 5454) as provided by Article 5Q, Chapter 16 of the Code.

57 The above appropriation for WV Works Separate State Program (fund 0403, appropriation
58 69800), shall be transferred to the WV Works Separate State College Program Fund (fund 5467),
59 and the WV Works Separate State Two-Parent Program Fund (fund 5468) as determined by the
60 secretary of the Department of Health and Human Resources.

61 From the above appropriation for Child Support Enforcement (fund 0403, appropriation
62 70500) an amount not to exceed \$300,000 may be transferred to a local banking depository to be
63 utilized to offset funds determined to be uncollectible.

64 From the above appropriation for the Grants for Licensed Domestic Violence Programs
65 and Statewide Prevention (fund 0403, appropriation 75000), 50% of the total shall be divided
66 equally and distributed among the fourteen (14) licensed programs and the West Virginia Coalition
67 Against Domestic Violence (WVCADV). The balance remaining in the appropriation for Grants for
68 Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation
69 75000), shall be distributed according to the formula established by the Family Protection
70 Services Board.

71 The above appropriation for Children's Trust Fund – Transfer (fund 0403, appropriation
72 95100) shall be transferred to the Children's Trust Fund (fund 5469, org 0511).

**DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY**

61 - Department of Military Affairs and Public Safety –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 2018 Org 0601

1	Personal Services and Employee Benefits.....	00100	\$	711,738
2	Unclassified (R).....	09900		21,719
3	Current Expenses	13000		66,492
4	Repairs and Alterations.....	06400		6,000
5	Equipment.....	07000		3,000
6	Fusion Center (R)	46900		534,332
7	Other Assets	69000		3,000
8	Directed Transfer	70000		32,000
9	BRIM Premium.....	91300		11,938
10	WV Fire and EMS Survivor Benefit (R)	93900		200,000
11	Homeland State Security Administrative Agency (R).....	95300		<u>531,683</u>
12	Total.....		\$	2,121,902

13 Any unexpended balances remaining in the appropriations for Unclassified (fund 0430,
 14 appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Substance Abuse
 15 Program – Surplus (fund 0430, appropriation 69600), Justice Reinvestment Training – Surplus
 16 (fund 0430, appropriation 69900), WV Fire and EMS Survivor Benefit (fund 0430, appropriation
 17 93900), and Homeland State Security Administrative Agency (fund 0430, appropriation 95300) at
 18 the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year
 19 2018, with the exception of fund 0430, fiscal year 2017, appropriation 93900 (\$50,000) which shall
 20 expire on June 30, 2017.

21 The above appropriation for Directed Transfer (fund 0430, appropriation 70000) shall be
 22 transferred to the Law-Enforcement, Safety and Emergency Worker Funeral Expense Payment
 23 Fund (fund 6003).

*62 - Adjutant General –**State Militia*

(WV Code Chapter 15)

Fund 0433 FY 2018 Org 0603

1	Unclassified	09900	\$	106,798
2	College Education Fund.....	23200		4,000,000

3	Civil Air Patrol	23400	249,219
4	Mountaineer ChalleNGe Academy	70900	1,500,000
5	Armory Board Transfer.....	70015	2,317,555
6	Military Authority	74800	<u>5,857,390</u>
7	Total		\$ 14,030,962

8 Any unexpended balance remaining in the appropriations for Unclassified (fund 0433,
 9 appropriation 09900) and Military Authority (fund 0433, appropriation 74800) at the close of the
 10 fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

11 From the above appropriations an amount approved by the Adjutant General and the
 12 secretary of Military Affairs and Public Safety may be transferred to the State Armory Board for
 13 operation and maintenance of National Guard Armories.

14 The adjutant general shall have the authority to transfer between appropriations.

15 From the above appropriation and other state and federal funding, the Adjutant General
 16 shall provide an amount not less than \$4,500,000 to the Mountaineer ChalleNGe Academy to
 17 meet anticipated program demand.

63 - Adjutant General –

Military Fund

(WV Code Chapter 15)

Fund 0605 FY 2018 Org 0603

1	Personal Services and Employee Benefits.....	00100	\$ 100,000
2	Current Expenses	13000	<u>57,775</u>
3	Total		\$ 157,775

64 - West Virginia Parole Board

(WV Code Chapter 62)

Fund 0440 FY 2018 Org 0605

1	Personal Services and Employee Benefits.....	00100	\$ 382,952
2	Current Expenses	13000	294,559
3	Salaries of Members of West Virginia Parole Board.....	22700	593,029
4	BRIM Premium.....	91300	<u>5,747</u>

5 Total..... \$ 1,276,287

6 The above appropriation for Salaries of Members of West Virginia Parole Board (fund
7 0440, appropriation 22700) includes funding for salary, annual increment (as provided for in W.Va.
8 Code §5-5-1), and related employee benefits of board members.

65 - Division of Homeland Security and

Emergency Management

(WV Code Chapter 15)

Fund 0443 FY 2018 Org 0606

1	Personal Services and Employee Benefits.....	00100	\$	1,006,489
2	Unclassified	09900		26,342
3	Current Expenses	13000		51,674
4	Repairs and Alterations.....	06400		600
5	Radiological Emergency Preparedness	55400		17,230
6	Federal Funds/Grant Match (R)	74900		660,991
7	Mine and Industrial Accident Rapid			
8	Response Call Center	78100		450,539
9	Early Warning Flood System (R).....	87700		466,845
10	BRIM Premium.....	91300		20,786
11	WVU Charleston Poison Control Hotline	94400		<u>712,942</u>
12	Total.....		\$	3,414,438

13 Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match
14 (fund 0443, appropriation 74900), Early Warning Flood System (fund 0443, appropriation 87700),
15 and Disaster Mitigation (fund 0443, appropriation 95200) at the close of the fiscal year 2017 are
16 hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0443,
17 fiscal year 2017, appropriation 87700 (\$9,500) which shall expire on June 30, 2017.

66 - Division of Corrections –

Central Office

(WV Code Chapters 25, 28, 49 and 62)

Fund 0446 FY 2018 Org 0608

2017]

HOUSE OF DELEGATES

395

1	Personal Services and Employee Benefits.....	00100	\$	593,431
2	Current Expenses	13000		<u>1,800</u>
3	Total		\$	595,231

67 - Division of Corrections –

Correctional Units

(WV Code Chapters 25, 28, 49 and 62)

Fund 0450 FY 2018 Org 0608

1	Employee Benefits	01000	\$	1,258,136
2	Children's Protection Act (R)	09000		838,437
3	Unclassified (R).....	09900		1,578,800
4	Current Expenses (R)	13000		21,151,011
5	Facilities Planning and Administration (R)	38600		1,274,200
6	Charleston Correctional Center	45600		2,585,251
7	Beckley Correctional Center.....	49000		1,780,425
8	Huntington Work Release Center.....	49500		965,100
9	Anthony Correctional Center	50400		5,009,807
10	Huttonsville Correctional Center.....	51400		19,760,309
11	Northern Correctional Center	53400		6,738,979
12	Inmate Medical Expenses (R)	53500		21,226,064
13	Pruntytown Correctional Center	54300		6,939,316
14	Corrections Academy.....	56900		1,556,666
15	Information Technology Services	59901		1,616,491
16	Martinsburg Correctional Center	66300		3,515,195
17	Parole Services.....	68600		4,945,361
18	Special Services	68700		6,654,557
19	Investigative Services	71600		2,980,734

20	Capital Outlay and Maintenance (R)	75500	2,000,000
21	Salem Correctional Center	77400	9,530,531
22	McDowell County Correctional Center	79000	2,542,590
23	Stevens Correctional Center	79100	7,863,195
24	Parkersburg Correctional Center.....	82800	2,501,777
25	St. Mary's Correctional Center	88100	11,958,071
26	Denmar Correctional Center	88200	4,334,308
27	Ohio County Correctional Center	88300	1,753,224
28	Mt. Olive Correctional Complex.....	88800	18,789,864
29	Lakin Correctional Center	89600	8,658,905
30	BRIM Premium.....	91300	<u>2,359,770</u>
31	Total		\$ 184,667,074

32 Any unexpended balances remaining in the appropriations for Children's Protection Act
33 (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700),
34 Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund
35 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital
36 Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay, Repairs and
37 Equipment – Surplus (fund 0450, appropriation 67700), Capital Outlay and Maintenance (fund
38 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation
39 75501), and Operating Expenses – Surplus (fund 0450, appropriation 77900) at the close of the
40 fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the
41 exception of fund 0450, fiscal year 2017, appropriation 09000 (\$100,000) which shall expire on
42 June 30, 2017.

43 The Commissioner of Corrections shall have the authority to transfer between
44 appropriations to the individual correctional units above and may transfer funds from the individual
45 correctional units to Current Expenses (fund 0450, appropriation 13000) or Inmate Medical
46 Expenses (fund 0450, appropriation 53500).

47 From the above appropriation to Unclassified (fund 0450, appropriation 09900), on July 1,
48 2017, the sum of \$300,000 shall be transferred to the Department of Agriculture – Land Division
49 – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual
50 payments for such purchases shall not be required until such credits have been completely
51 expended.

52 From the above appropriation to Current Expenses (fund 0450, appropriation 13000)
53 payment shall be made to house Division of Corrections inmates in federal, county, and /or
54 regional jails.

55 Any realized savings from Energy Savings Contract may be transferred to Facilities
 56 Planning and Administration (fund 0450, appropriation 38600).

68 - West Virginia State Police

(WV Code Chapter 15)

Fund 0453 FY 2018 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$	56,281,783
2	Children's Protection Act.....	09000		948,101
3	Current Expenses	13000		10,309,769
4	Repairs and Alterations.....	06400		450,523
5	Barracks Lease Payments	55600		237,898
6	Communications and Other Equipment (R).....	55800		70,968
7	Trooper Retirement Fund.....	60500		4,565,197
8	Handgun Administration Expense	74700		67,179
9	Capital Outlay and Maintenance (R)	75500		250,000
10	Retirement Systems – Unfunded Liability.....	77500		24,675,000
11	Automated Fingerprint Identification System	89800		723,064
12	BRIM Premium.....	91300		<u>5,368,150</u>
13	Total.....		\$	103,947,632

14 Any unexpended balances remaining in the appropriations for Communications and Other
 15 Equipment (fund 0453, appropriation 55800), and Capital Outlay and Maintenance (fund 0453,
 16 appropriation 75500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure
 17 during the fiscal year 2018.

18 From the above appropriation for Personal Services and Employee Benefits (fund 0453,
 19 appropriation 00100), an amount not less than \$25,000 shall be expended to offset the costs
 20 associated with providing police services for the West Virginia State Fair.

69 - Fire Commission

(WV Code Chapter 29)

Fund 0436 FY 2018 Org 0619

1	Current Expenses	13000	\$	64,021
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70 - Division of Justice and Community Services

(WV Code Chapter 15)

Fund 0546 FY 2018 Org 0620

1	Personal Services and Employee Benefits.....	00100	\$	531,051
2	Current Expenses	13000		132,696
3	Repairs and Alterations.....	06400		1,804
4	Child Advocacy Centers (R).....	45800		1,701,671
5	Community Corrections (R).....	56100		6,905,614
6	Statistical Analysis Program.....	59700		46,381
7	Sexual Assault Forensic Examination Commission.....	71400		76,231
8	Qualitative Analysis and Training for Youth Services (R)	76200		332,018
9	Law Enforcement Professional Standards.....	83800		154,471
10	BRIM Premium.....	91300		<u>1,788</u>
11	Total.....		\$	9,883,725

12 Any unexpended balances remaining in the appropriations for Child Advocacy Centers
 13 (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100), and
 14 Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200) at the close
 15 of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with
 16 the exception of fund 0546, fiscal year 2017, appropriation 56100 (\$172,000), and fund 0546,
 17 fiscal year 2017, appropriation 76200 (\$29,878) which shall expire on June 30, 2017.

18 From the above appropriation for Child Advocacy Centers (fund 0546, appropriation
 19 45800), the division may retain an amount not to exceed four percent of the appropriation for
 20 administrative purposes.

71 - Division of Juvenile Services

(WV Code Chapter 49)

Fund 0570 FY 2018 Org 0621

1	Statewide Reporting Centers	26200	\$	6,279,447
2	Robert L. Shell Juvenile Center.....	26700		1,956,950
3	Resident Medical Expenses (R).....	53501		3,604,999
4	Central Office	70100		2,307,517

5	Capital Outlay and Maintenance (R)	75500	250,000
6	Gene Spadaro Juvenile Center	79300	2,128,385
7	BRIM Premium.....	91300	108,380
8	Kenneth Honey Rubenstein Juvenile Center (R).....	98000	4,926,863
9	Vicki Douglas Juvenile Center.....	98100	1,870,388
10	Northern Regional Juvenile Center	98200	2,876,302
11	Lorrie Yeager Jr. Juvenile Center.....	98300	1,909,246
12	Sam Perdue Juvenile Center	98400	2,003,196
13	Tiger Morton Center	98500	2,114,663
14	Donald R. Kuhn Juvenile Center	98600	4,057,994
15	J.M. "Chick" Buckbee Juvenile Center	98700	<u>2,017,395</u>
16	Total.....		\$ 38,411,725

17 Any unexpended balances remaining in the appropriations for Resident Medical Expenses
 18 (fund 0570, appropriation 53501), Capital Outlay and Maintenance (fund 0570, appropriation
 19 75500), and Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the
 20 close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

21 From the above appropriations, on July 1, 2017, the sum of \$50,000 shall be transferred
 22 to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance
 23 payment for the purchase of food products; actual payments for such purchases shall not be
 24 required until such credits have been completely expended.

25 The Director of Juvenile Services shall have the authority to transfer between
 26 appropriations to the individual juvenile centers above and may transfer funds from the individual
 27 juvenile centers to Resident Medical Expenses (fund 0570, appropriation 53501).

72 - Division of Protective Services

(WV Code Chapter 5F)

Fund 0585 FY 2018 Org 0622

1	Personal Services and Employee Benefits.....	00100	\$ 2,772,420
2	Unclassified (R).....	09900	21,991
3	Current Expenses	13000	139,232
4	Repairs and Alterations.....	06400	8,500

5	Equipment (R).....	07000	64,171
6	BRIM Premium.....	91300	<u>11,426</u>
7	Total.....		\$ 3,017,740

8 Any unexpended balances remaining in the appropriations for Equipment (fund 0585,
9 appropriation 07000), and Unclassified (fund 0585, appropriation 09900) at the close of the fiscal
10 year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

DEPARTMENT OF REVENUE

73 - Office of the Secretary

(WV Code Chapter 11)

Fund 0465 FY 2018 Org 0701

1	Personal Services and Employee Benefits.....	00100	\$ 486,146
2	Unclassified	09900	5,954
3	Current Expenses	13000	80,780
4	Repairs and Alterations.....	06400	1,262
5	Equipment.....	07000	8,000
6	Other Assets	69000	500
7	State Road fund – Transfer	70017	<u>0</u>
8	Total.....		\$ 582,642

9 Any unexpended balance remaining in the appropriation for Unclassified – Total (fund
10 0465, appropriation 09600) at the close of the fiscal year 2017 is hereby reappropriated for
11 expenditure during the fiscal year 2018.

74 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2018 Org 0702

1	Personal Services and Employee Benefits.....	00100	\$ 16,265,639
2	Unclassified (R).....	09900	224,578
3	Current Expenses (R)	13000	5,245,381
4	Repairs and Alterations.....	06400	10,000

5	Equipment.....	07000	50,000
6	Tax Technology Upgrade.....	09400	2,700,000
7	Multi State Tax Commission.....	65300	77,958
8	Other Assets.....	69000	10,000
9	BRIM Premium.....	91300	<u>14,560</u>
10	Total.....		\$ 24,598,116

11 Any unexpended balances remaining in the appropriations for Personal Services and
 12 Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation
 13 09900), and Current Expenses (fund 0470, appropriation 13000) at the close of the fiscal year
 14 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

75 - State Budget Office

(WV Code Chapter 11B)

Fund 0595 FY 2018 Org 0703

1	Personal Services and Employee Benefits.....	00100	\$ 630,702
2	Unclassified (R).....	09900	<u>449</u>
3	Total.....		\$ 631,151

4 Any unexpended balance remaining in the appropriation for Unclassified (fund 0595,
 5 appropriation 09900) at the close of the fiscal year 2017 is hereby reappropriated for
 6 expenditure during the fiscal year 2018.

76 - West Virginia Office of Tax Appeals

(WV Code Chapter 11)

Fund 0593 FY 2018 Org 0709

1	Personal Services and Employee Benefits.....	00100	\$ 424,872
2	Current Expenses (R).....	13000	92,572
3	Unclassified.....	09900	5,255
4	BRIM Premium.....	91300	<u>2,862</u>
5	Total.....		\$ 525,561

6 Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593,
 7 appropriation 13000) at the close of the fiscal year 2017 is hereby reappropriated for expenditure
 8 during the fiscal year 2018.

77 - Division of Professional and Occupational Licenses –

State Athletic Commission

(WV Code Chapter 29)

Fund 0523 FY 2018 Org 0933

1	Personal Services and Employee Benefits.....	00100	\$	7,200
2	Current Expenses	13000		<u>29,611</u>
3	Total		\$	36,811

DEPARTMENT OF TRANSPORTATION

78 - State Rail Authority

(WV Code Chapter 29)

Fund 0506 FY 2018 Org 0804

1	Personal Services and Employee Benefits.....	00100	\$	314,113
2	Current Expenses	13000		287,332
3	Other Assets (R)	69000		1,303,277
4	BRIM Premium.....	91300		<u>188,356</u>
5	Total		\$	2,093,078

6 Any unexpended balance remaining in the appropriation Other Assets (fund 0506,
7 appropriation 69000) at the close of the fiscal year 2017 is hereby reappropriated for expenditure
8 during the fiscal year 2018, with the exception of fund 0506, fiscal year 2017, appropriation 69000
9 (\$32,483) which shall expire on June 30, 2017.

79 - Division of Public Transit

(WV Code Chapter 17)

Fund 0510 FY 2018 Org 0805

1	Equipment (R).....	07000	\$	384,710
2	Current Expenses (R)	13000		<u>1,878,279</u>
3	Total		\$	2,262,989

4 Any unexpended balances remaining in the appropriations for Equipment (fund 0510,
5 appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510,
6 appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal

7 year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the
 8 exception of fund 0510, fiscal year 2017, appropriation 07000 (\$22,203), fund 0510, fiscal year
 9 2017, appropriation 25800 (\$5,281), and fund 0510, fiscal year 2017, appropriation 69000
 10 (\$5,000) which shall expire on June 30, 2017.

80 - Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2018 Org 0807

1	Personal Services and Employee Benefits.....	00100	\$	166,719
2	Current Expenses (R)	13000		591,614
3	Repairs and Alterations.....	06400		100
4	BRIM Premium.....	91300		<u>4,148</u>
5	Total		\$	762,581

6 Any unexpended balances remaining in the appropriations for Unclassified (fund 0582,
 7 appropriation 09900) and Current Expenses (fund 0582, appropriation 13000) at the close of the
 8 fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

DEPARTMENT OF VETERANS' ASSISTANCE

81 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 0456 FY 2018 Org 0613

1	Personal Services and Employee Benefits.....	00100	\$	1,807,393
2	Unclassified	09900		20,000
3	Current Expenses	13000		137,189
4	Repairs and Alterations.....	06400		5,000
5	Veterans' Field Offices	22800		248,345
6	Veterans' Nursing Home (R)	28600		5,527,826
7	Veterans' Toll Free Assistance Line	32800		2,015
8	Veterans' Reeducation Assistance (R).....	32900		29,502
9	Veterans' Grant Program (R)	34200		30,741
10	Veterans' Grave Markers	47300		10,254

11	Veterans' Transportation.....	48500	625,000
12	Veterans' Outreach Programs.....	61700	160,001
13	Memorial Day Patriotic Exercise	69700	20,000
14	Veterans Cemetery.....	80800	375,428
15	BRIM Premium.....	91300	<u>23,860</u>
16	Total.....		\$ 9,022,554

17 Any unexpended balances remaining in the appropriations for Veterans' Nursing Home
 18 (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation
 19 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus
 20 (fund 0456, appropriation 34400), and Educational Opportunities for Children of Deceased
 21 Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2017 are hereby
 22 reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0456, fiscal
 23 year 2017, appropriation 28600 (\$8,794), fund 0456, fiscal year 2017, appropriation 32900
 24 (\$1,702), and fund 0456, fiscal year 2017, appropriation 34200 (\$29,000) which shall expire on
 25 June 30, 2017.

82 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 0460 FY 2018 Org 0618

1	Personal Services and Employee Benefits.....	00100	\$ 1,093,492
2	Current Expenses	13000	<u>44,576</u>
3	Total.....		\$ 1,138,068

BUREAU OF SENIOR SERVICES

83 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 0420 FY 2018 Org 0508

1	Transfer to Division of Human Services for Health Care		
2	and Title XIX Waiver for Senior Citizens.....	53900	\$ 21,583,766

3 The above appropriation for Transfer to Division of Human Services for Health Care and
 4 Title XIX Waiver for Senior Citizens (fund 0420, appropriation 53900) along with the federal
 5 moneys generated thereby shall be used for reimbursement for services provided under the
 6 program.

7 The above appropriation is in addition to funding provided in fund 5405 for this program.

**WEST VIRGINIA COUNCIL FOR COMMUNITY
AND TECHNICAL COLLEGE EDUCATION**

84 - West Virginia Council for

Community and Technical College Education –

Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2018 Org 0420

1	West Virginia Council for Community		
2	and Technical Education (R)	39200	\$ 723,410
3	Transit Training Partnership	78300	34,293
4	Community College Workforce Development (R)	87800	784,901
5	College Transition Program.....	88700	278,222
6	West Virginia Advance Workforce Development (R)	89300	3,116,749
7	Technical Program Development (R)	89400	<u>1,800,735</u>
8	Total		\$ 6,738,310

9 Any unexpended balances remaining in the appropriations for West Virginia Council for
10 Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements –
11 Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund
12 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596,
13 appropriation 89300), and Technical Program Development (fund 0596, appropriation 89400) at
14 the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year
15 2018, with the exception of fund 0596, fiscal year 2017, appropriation 39200 (\$14,000), fund 0596,
16 fiscal year 2017, appropriation 89300 (\$69,244), and fund 0596, fiscal year 2017, appropriation
17 89400 (\$45,964) which shall expire on June 30, 2017.

18 From the above appropriation for the Community College Workforce Development (fund
19 0596, appropriation 87800), \$200,000 shall be expended on the Mine Training Program in
20 Southern West Virginia.

21 Included in the above appropriation for West Virginia Advance Workforce Development
22 (fund 0596, appropriation 89300) is \$200,000 to be used exclusively for advanced manufacturing
23 and energy industry specific training programs.

85 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2018 Org 0444

1 Mountwest Community and Technical College..... 48700 \$ 5,314,947

86 - New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2018 Org 0445

1 New River Community and Technical College..... 35800 \$ 5,247,765

87 - Pierpont Community and Technical College

(WV Code Chapter 18B)

Fund 0597 FY 2018 Org 0446

1 Pierpont Community and Technical College..... 93000 \$ 6,989,036

88 - Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2018 Org 0447

1 Blue Ridge Community and Technical College..... 88500 \$ 4,880,509

89 - West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2018 Org 0464

1 West Virginia University – Parkersburg 47100 \$ 9,086,528

90 - Southern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0380 FY 2018 Org 0487

1 Southern West Virginia Community and Technical College..... 44600 \$ 7,626,471

91 - West Virginia Northern Community and Technical College

(WV Code Chapter 18B)

Fund 0383 FY 2018 Org 0489

1 West Virginia Northern Community and Technical College 44700 \$ 6,583,128

92 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2018 Org 0492

1 Eastern West Virginia Community and Technical College..... 41200 \$ 1,751,421

93 - BridgeValley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2018 Org 0493

1 BridgeValley Community and Technical College..... 71700 \$ 7,158,055

HIGHER EDUCATION POLICY COMMISSION

94 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 0589 FY 2018 Org 0441

1 Personal Services and Employee Benefits..... 00100 \$ 2,471,913

2 Current Expenses 13000 13,212

3 Higher Education Grant Program 16400 39,019,864

4 Tuition Contract Program (R) 16500 1,224,564

5 Underwood-Smith Scholarship Program-Student Awards 16700 328,349

6 Facilities Planning and Administration (R) 38600 1,749,992

7 PROMISE Scholarship – Transfer..... 80000 18,500,000

8 HEAPS Grant Program (R) 86700 5,007,764

9 BRIM Premium..... 91300 16,651

10 Total..... \$ 68,332,309

11 Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund
12 0589, appropriation 09700), Tuition Contract Program (fund 0589, appropriation 16500), Capital

13 Improvements – Surplus (fund 0589, appropriation 66100), Capital Outlay and Maintenance (fund
 14 0589, appropriation 75500), and HEAPS Grant Program (fund 0589, appropriation 86700) at the
 15 close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018,
 16 with the exception of fund 0589, fiscal year 2017, appropriation 16500 (\$24,991) which shall
 17 expire on June 30, 2017.

18 The above appropriation for Facilities Planning and Administration (fund 0589,
 19 appropriation 38600) is for operational expenses of the West Virginia Education, Research and
 20 Technology Park between construction and full occupancy.

21 The above appropriation for Higher Education Grant Program (fund 0589, appropriation
 22 16400) shall be transferred to the Higher Education Grant Fund (fund 4933, org 0441) established
 23 by W.Va. Code §18C-5-3.

24 The above appropriation for Underwood-Smith Scholarship Program-Student Awards
 25 (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teacher
 26 Scholarship and Loan Assistance Fund (fund 4922, org 0441) established by W.Va. Code §18C-
 27 4-1.

28 The above appropriation for PROMISE Scholarship – Transfer (fund 0589, appropriation
 29 80000) shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established
 30 by W.Va. Code §18C-7-7.

95 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(WV Code Chapter 18B9)

Fund 0551 FY 2018 Org 0495

1	WVNET.....	16900	\$	1,578,941
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96 - West Virginia University –

School of Medicine

Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2018 Org 0463

1	WVU School of Health Science – Eastern Division	05600	\$	2,093,146
2	WVU – School of Health Sciences	17400		14,443,996
3	WVU – School of Health Sciences – Charleston Division	17500		2,152,767
4	Rural Health Outreach Programs	37700		158,372

5 West Virginia University School of Medicine

6	BRIM Subsidy	46000	<u>1,203,087</u>
7	Total		\$ 20,051,368

8 The above appropriation for Rural Health Outreach Programs (fund 0343, appropriation
 9 37700) includes rural health activities and programs; rural residency development and education;
 10 and rural outreach activities.

11 The above appropriation for West Virginia University School of Medicine BRIM Subsidy
 12 (fund 0343, appropriation 46000) shall be paid to the Board of Risk and Insurance Management
 13 as a general revenue subsidy against the "Total Premium Billed" to the institution as part of the
 14 full cost of their malpractice insurance coverage.

97 - West Virginia University –

General Administrative Fund

(WV Code Chapter 18B)

Fund 0344 FY 2018 Org 0463

1	West Virginia University	45900	\$ 91,057,983
2	Jackson's Mill.....	46100	472,960
3	West Virginia University Institute of Technology.....	47900	7,436,007
4	State Priorities – Brownfield Professional Development.....	53100	314,188
5	West Virginia University – Potomac State	99400	<u>3,650,589</u>
6	Total		\$ 102,931,727

7 From the above appropriation for Jackson's Mill (fund 0344, appropriation 46100)
 8 \$250,000 shall be used for the West Virginia State Fire Training Academy.

98 - Marshall University –

School of Medicine

(WV Code Chapter 18B)

Fund 0347 FY 2018 Org 0471

1	Marshall Medical School	17300	\$ 11,859,733
2	Rural Health Outreach Programs (R)	37700	163,219
3	Forensic Lab	37701	235,104

4	Center for Rural Health	37702	155,964
5	Marshall University Medical School BRIM Subsidy	44900	<u>909,673</u>
6	Total		\$ 13,323,693

7 Any unexpended balance remaining in the appropriation for Rural Health Outreach
8 Program (fund 0347, appropriation 37700) at the close of the fiscal year 2017 is hereby
9 reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0347, fiscal
10 year 2017, appropriation 37700 (\$3,352) which shall expire on June 30, 2017.

11 The above appropriation for Rural Health Outreach Programs (fund 0347, appropriation
12 37700) includes rural health activities and programs; rural residency development and education;
13 and rural outreach activities.

14 The above appropriation for Marshall University Medical School BRIM Subsidy (fund 0347,
15 appropriation 44900) shall be paid to the Board of Risk and Insurance Management as a general
16 revenue subsidy against the "Total Premium Billed" to the institution as part of the full cost of their
17 malpractice insurance coverage.

99 - Marshall University –

General Administration Fund

(WV Code Chapter 18B)

Fund 0348 FY 2018 Org 0471

1	Marshall University.....	44800	\$ 42,171,166
2	Luke Lee Listening Language and Learning Lab.....	44801	93,441
3	Vista E-Learning (R).....	51900	229,019
4	State Priorities – Brownfield Professional Development (R)	53100	309,606
5	Marshall University Graduate College Writing Project (R)	80700	25,412
6	WV Autism Training Center (R).....	93200	<u>1,671,280</u>
7	Total		\$ 44,499,924

8 Any unexpended balances remaining in the appropriations for Vista E-Learning (fund
9 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348,
10 appropriation 53100), Marshall University Graduate College Writing Project (fund 0348,
11 appropriation 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the
12 close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018,
13 with the exception of fund 0348, fiscal year 2017, appropriation 51900 (\$4,982), fund 0348, fiscal
14 year 2017, appropriation 53100 (\$6,687), fund 0348, fiscal year 2017, appropriation 80700 (\$415),
15 and fund 0348, fiscal year 2017, appropriation 93200 (\$35,906) which shall expire on June 30,
16 2017.

100 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2018 Org 0476

1	West Virginia School of Osteopathic Medicine	17200	\$	6,487,489
2	Rural Health Outreach Programs (R)	37700		160,659
3	West Virginia School of Osteopathic Medicine			
4	BRIM Subsidy	40300		153,405
5	Rural Health Initiative – Medical Schools Support	58100		<u>386,457</u>
6	Total		\$	7,188,010

7 Any unexpended balance remaining in the appropriation for Rural Health Outreach
 8 Programs (fund 0336, appropriation 37700) at the close of fiscal year 2017 is hereby
 9 reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0336, fiscal
 10 year 2017, appropriation 37700 (\$3,367) which shall expire on June 30, 2017.

11 The above appropriation for Rural Health Outreach Programs (fund 0336, appropriation
 12 37700) includes rural health activities and programs; rural residency development and education;
 13 and rural outreach activities.

14 The above appropriation for West Virginia School of Osteopathic Medicine BRIM Subsidy
 15 (fund 0336, appropriation 40300) shall be paid to the Board of Risk and Insurance Management
 16 as a general revenue subsidy against the “Total Premium Billed” to the institution as part of the
 17 full cost of their malpractice insurance coverage.

101 - Bluefield State College

(WV Code Chapter 18B)

Fund 0354 FY 2018 Org 0482

1	Bluefield State College.....	40800	\$	5,379,199
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102 - Concord University

(WV Code Chapter 18B)

Fund 0357 FY 2018 Org 0483

1	Concord University.....	41000	\$	8,278,077
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103 - Fairmont State University

(WV Code Chapter 18B)

Fund 0360 FY 2018 Org 0484

1	Fairmont State University	41400	\$	14,579,417
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104 - Glenville State College

(WV Code Chapter 18B)

Fund 0363 FY 2018 Org 0485

1	Glenville State College	42800	\$	5,622,099
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105 - Shepherd University

(WV Code Chapter 18B)

Fund 0366 FY 2018 Org 0486

1	Shepherd University	43200	\$	9,360,954
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106 - West Liberty University

(WV Code Chapter 18B)

Fund 0370 FY 2018 Org 0488

1	West Liberty University	43900	\$	7,592,683
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107 - West Virginia State University

(WV Code Chapter 18B)

Fund 0373 FY 2018 Org 0490

1	West Virginia State University	44100	\$	9,514,960
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2	West Virginia State University Land Grant Match	95600		<u>1,584,947</u>
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3	Total		\$	11,099,907
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4	Total TITLE II, Section 1 – General Revenue			
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5	(Including claims against the state)		\$	<u>4,225,050,000</u>
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1 **Sec. 2. Appropriations from state road fund.** — From the state road fund there are
2 hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2,
3 Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal
4 year 2018.

DEPARTMENT OF TRANSPORTATION*108 - Division of Motor Vehicles*

(WV Code Chapters 17, 17A, 17B, 17C, 17D, 20 and 24A)

Fund 9007 FY 2018 Org 0802

		State
	Appro-	Road
	priation	Fund
1 Personal Services and Employee Benefits.....	00100	\$ 23,278,949
2 Current Expenses	13000	16,192,150
3 Repairs and Alterations.....	06400	144,000
4 Equipment.....	07000	1,080,000
5 Buildings	25800	10,000
6 Other Assets	69000	2,600,000
7 BRIM Premium.....	91300	<u>73,630</u>
8 Total		\$ 43,378,729

109 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2018 Org 0803

1 Debt Service	04000	\$ 24,000,000
2 Maintenance	23700	359,278,000
3 Nonfederal Improvements.....	23701	231,400,000
4 Inventory Revolving	27500	4,000,000
5 Equipment Revolving	27600	15,000,000
6 General Operations.....	27700	45,995,000
7 Interstate Construction	27800	100,000,000
8 Other Federal Aid Programs	27900	362,000,000
9 Appalachian Programs.....	28000	120,000,000
10 Highway Litter Control.....	28200	1,727,000

11	Courtesy Patrol	28201	<u>5,000,000</u>
12	Total		\$ 1,268,400,000

13 The above appropriations are to be expended in accordance with the provisions of
 14 Chapters 17 and 17C of the code.

15 The Commissioner of Highways shall have the authority to operate revolving funds within
 16 the State Road Fund for the operation and purchase of various types of equipment used directly
 17 and indirectly in the construction and maintenance of roads and for the purchase of inventories
 18 and materials and supplies.

19 There is hereby appropriated in addition to the above appropriations, sufficient money for
 20 the payment of claims, accrued or arising during this budgetary period, to be paid in accordance
 21 with Sections 17 and 18, Article 2, Chapter 14 of the code.

22 It is the intent of the Legislature to capture and match all federal funds available for
 23 expenditure on the Appalachian highway system at the earliest possible time. Therefore, should
 24 amounts in excess of those appropriated be required for the purposes of Appalachian programs,
 25 funds in excess of the amount appropriated may be made available upon recommendation of the
 26 commissioner and approval of the Governor. Further, for the purpose of Appalachian programs,
 27 funds appropriated by appropriation may be transferred to other appropriations upon
 28 recommendation of the commissioner and approval of the Governor.

110 - Office of Administrative Hearings

(WV Code Chapter 17C)

Fund 9027 FY 2018 Org 0808

1	Personal Services and Employee Benefits.....	00100	\$ 1,585,201
2	Current Expenses	13000	338,278
3	Repairs and Alterations.....	06400	3,000
4	Equipment.....	07000	15,500
5	BRIM Premium.....	91300	<u>10,000</u>
6	Total		\$ 1,951,979

7 Total TITLE II, Section 2 – State Road Fund

8 (Including claims against the state)..... \$ 1,314,293,957

1 **Sec. 3. Appropriations from other funds.** — From the funds designated there are
 2 hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2,
 3 Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal
 4 year 2018.

LEGISLATIVE

111 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 1731 FY 2018 Org 2300

	Appro-		Other
	priation		Funds
1 Personal Services and Employee Benefits.....	00100	\$	498,020
2 Current Expenses	13000		133,903
3 Repairs and Alterations.....	06400		1,000
4 Economic Loss Claim Payment Fund.....	33400		2,360,125
5 Other Assets	69000		<u>3,700</u>
6 Total		\$	2,996,748

JUDICIAL

112 - Supreme Court –

Family Court Fund

(WV Code Chapter 51)

Fund 1763 FY 2018 Org 2400

1 Current Expenses	13000	\$	1,600,000
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113 - Supreme Court –

Court Advanced Technology Subscription Fund

(WV Code Chapter 51)

Fund 1704 FY 2018 Org 2400

1 Current Expenses	13000	\$	500,000
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114 - Supreme Court –

Adult Drug Court Participation Fund

(WV Code Chapter 62)

Fund 1705 FY 2018 Org 2400

1	Current Expenses	13000	\$	300,000
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EXECUTIVE

115 - Governor's Office –

Minority Affairs Fund

(WV Code Chapter 5)

Fund 1058 FY 2018 Org 0100

1	Personal Services and Employee Benefits.....	00100	\$	172,800
2	Current Expenses	13000		503,200
3	Martin Luther King, Jr. Holiday Celebration	03100		8,926
4	Total		\$	684,926

116 - Auditor's Office –

Land Operating Fund

(WV Code Chapters 11A, 12 and 36)

Fund 1206 FY 2018 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$	749,297
2	Unclassified	09900		15,139
3	Current Expenses	13000		715,291
4	Repairs and Alterations.....	06400		2,600
5	Equipment.....	07000		426,741
6	Cost of Delinquent Land Sales.....	76800		1,341,168
7	Total		\$	3,250,236

8 There is hereby appropriated from this fund, in addition to the above appropriations if
 9 needed, the necessary amount for the expenditure of funds other than Personal Services and
 10 Employee Benefits to enable the division to pay the direct expenses relating to land sales as
 11 provided in Chapter 11A of the West Virginia Code.

12 The total amount of these appropriations shall be paid from the special revenue fund out
 13 of fees and collections as provided by law.

117 - Auditor's Office –

Local Government Purchasing Card Expenditure Fund

(WV Code Chapter 6)

Fund 1224 FY 2018 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$	588,283
2	Current Expenses	13000		282,030
3	Repairs and Alterations.....	06400		6,000
4	Equipment.....	07000		10,805
5	Other Assets	69000		50,000
6	Statutory Revenue Distribution.....	74100		<u>2,000,000</u>
7	Total.....		\$	2,937,118

8 There is hereby appropriated from this fund, in addition to the above appropriations if
 9 needed, the amount necessary to meet the transfer of revenue distribution requirements to
 10 provide a proportionate share of rebates back to the general fund of local governments based on
 11 utilization of the program in accordance with W.Va. Code §6-9-2b.

118 - Auditor's Office –

Securities Regulation Fund

(WV Code Chapter 32)

Fund 1225 FY 2018 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$	2,375,836
2	Unclassified	09900		31,866
3	Current Expenses	13000		1,463,830
4	Repairs and Alterations.....	06400		12,400
5	Equipment.....	07000		394,700
6	Other Assets	69000		<u>900,000</u>
7	Total.....		\$	5,178,632

119 - Auditor's Office –

Technology Support and Acquisition Fund

(WV Code Chapter 12)

Fund 1233 FY 2018 Org 1200

1	Current Expenses	13000	\$	160,000
2	Other Assets	69000		<u>100,000</u>
3	Total		\$	260,000

4 Fifty percent of the deposits made into this fund shall be transferred to the Treasurer's
 5 Office – Technology Support and Acquisition Fund (fund 1329, org 1300) for expenditure for the
 6 purposes described in W.Va. Code §12-3-10c.

120 - Auditor's Office –

Purchasing Card Administration Fund

(WV Code Chapter 12)

Fund 1234 FY 2018 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$	2,667,397
2	Current Expenses	13000		2,303,622
3	Repairs and Alterations.....	06400		5,500
4	Equipment.....	07000		650,000
5	Other Assets	69000		308,886
6	Statutory Revenue Distribution.....	74100		<u>4,000,000</u>
7	Total.....		\$	9,935,405

8 There is hereby appropriated from this fund, in addition to the above appropriations if
 9 needed, the amount necessary to meet the transfer and revenue distribution requirements to the
 10 Purchasing Improvement Fund (fund 2264), the Hatfield-McCoy Regional Recreation Authority,
 11 and the State Park Operating Fund (fund 3265) per W.Va. Code §12-3-10d.

121 - Auditor's Office –

Chief Inspector's Fund

(WV Code Chapter 6)

Fund 1235 FY 2018 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$	3,405,512
2	Current Expenses	13000		765,915
3	Equipment.....	07000		<u>50,000</u>

2017]

HOUSE OF DELEGATES

419

4	Total		\$ 4,221,427
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122 - Auditor's Office –

Volunteer Fire Department Workers'

Compensation Premium Subsidy Fund

(WV Code Chapters 12 and 33)

Fund 1239 FY 2018 Org 1200

1 Volunteer Fire Department

2	Workers' Compensation Subsidy.....	83200	\$ 2,500,000
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123 - Treasurer's Office

College Prepaid Tuition and Savings Program

Administrative Account

(WV Code Chapter 18)

Fund 1301 FY 2018 Org 1300

1	Personal Services and Employee Benefits.....	00100	\$ 774,769
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2	Unclassified	09900	14,000
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3	Current Expenses	13000	<u>619,862</u>
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4	Total		\$ 1,408,631
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124 - Department of Agriculture –

Agriculture Fees Fund

(WV Code Chapter 19)

Fund 1401 FY 2018 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 2,244,245
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2	Unclassified	09900	37,425
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3	Current Expenses	13000	1,356,184
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4	Repairs and Alterations.....	06400	58,500
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5	Equipment.....	07000	36,209
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6	Other Assets	69000	<u>10,000</u>
7	Total		\$ 3,742,563

125 - Department of Agriculture –

West Virginia Rural Rehabilitation Program

(WV Code Chapter 19)

Fund 1408 FY 2018 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 73,807
2	Unclassified	09900	10,476
3	Current Expenses	13000	<u>963,404</u>
4	Total		\$ 1,047,687

126 - Department of Agriculture –

General John McCausland Memorial Farm Fund

(WV Code Chapter 19)

Fund 1409 FY 2018 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 67,000
2	Unclassified	09900	2,100
3	Current Expenses	13000	89,500
4	Repairs and Alterations.....	06400	36,400
5	Equipment.....	07000	<u>15,000</u>
6	Total		\$ 210,000

7 The above appropriations shall be expended in accordance with Article 26, Chapter 19 of
8 the Code.

127 - Department of Agriculture –

Farm Operating Fund

(WV Code Chapter 19)

Fund 1412 FY 2018 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 309,248
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2017] HOUSE OF DELEGATES 421

2	Unclassified	09900	15,173
3	Current Expenses	13000	1,167,464
4	Repairs and Alterations.....	06400	238,722
5	Equipment.....	07000	249,393
6	Other Assets	69000	<u>20,000</u>
7	Total		\$ 2,000,000

128 - Department of Agriculture –

Donated Food Fund

(WV Code Chapter 19)

Fund 1446 FY 2018 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 958,864
2	Unclassified	09900	45,807
3	Current Expenses	13000	3,410,542
4	Repairs and Alterations.....	06400	128,500
5	Equipment.....	07000	10,000
6	Other Assets	69000	<u>27,000</u>
7	Total		\$ 4,580,713

129 - Department of Agriculture –

Integrated Predation Management Fund

(WV Code Chapter 7)

Fund 1465 FY 2018 Org 1400

1	Current Expenses	13000	\$ 100,000
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130 - Department of Agriculture –

West Virginia Spay Neuter Assistance Fund

(WV Code Chapter 19)

Fund 1481 FY 2018 Org 1400

1	Current Expenses	13000	\$	100
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*131 - Department of Agriculture –
Veterans and Warriors to Agriculture Fund
(WV Code Chapter 19)
Fund 1483 FY 2018 Org 1400*

1	Current Expenses	13000	\$	7,500
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*132 - Department of Agriculture –
State FFA-FHA Camp and Conference Center
(WV Code Chapters 18 and 18A)
Fund 1484 FY 2018 Org 1400*

1	Personal Services and Employee Benefits.....	00100	\$	1,169,194
2	Unclassified	09900		17,000
3	Current Expenses	13000		707,223
4	Repairs and Alterations.....	06400		57,500
5	Equipment.....	07000		1,000
6	Buildings	25800		1,000
7	Other Assets	69000		10,000
8	Land	73000		<u>1,000</u>
9	Total.....		\$	1,963,917

*133 - Attorney General –
Antitrust Enforcement Fund
(WV Code Chapter 47)
Fund 1507 FY 2018 Org 1500*

1	Personal Services and Employee Benefits.....	00100	\$	356,900
2	Current Expenses	13000		148,803
3	Repairs and Alterations.....	06400		1,000

2017] HOUSE OF DELEGATES 423

4	Equipment.....	07000	<u>1,000</u>
5	Total		\$ 507,703

134 - Attorney General –

Preneed Burial Contract Regulation Fund

(WV Code Chapter 47)

Fund 1513 FY 2018 Org 1500

1	Personal Services and Employee Benefits.....	00100	\$ 210,226
2	Current Expenses	13000	54,615
3	Repairs and Alterations.....	06400	1,000
4	Equipment.....	07000	<u>1,000</u>
5	Total		\$ 266,841

135 - Attorney General –

Preneed Funeral Guarantee Fund

(WV Code Chapter 47)

Fund 1514 FY 2018 Org 1500

1	Current Expenses	13000	\$ 901,135
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136 - Secretary of State –

Service Fees and Collection Account

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2018 Org 1600

1	Personal Services and Employee Benefits.....	00100	\$ 991,051
2	Unclassified	09900	4,524
3	Current Expenses	13000	<u>8,036</u>
4	Total		\$ 1,003,611

137 - Secretary of State –

General Administrative Fees Account

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2018 Org 1600

1	Personal Services and Employee Benefits.....	00100	\$	2,769,898
2	Unclassified	09900		25,529
3	Current Expenses	13000		796,716
4	Technology Improvements.....	59900		<u>750,000</u>
5	Total.....		\$	4,342,143

DEPARTMENT OF ADMINISTRATION

138 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(WV Code Chapter 4)

Fund 2041 FY 2018 Org 0201

1	Tobacco Settlement Securitization Trustee Pass Thru.....	65000	\$	80,000,000
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139 - Department of Administration –

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(WV Code Chapter 18)

Fund 2044 FY 2018 Org 0201

1	Current Expenses	13000	\$	34,638,000
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2 The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be
 3 transferred to the Consolidated Public Retirement Board – West Virginia Teachers’ Retirement
 4 System Employers Accumulation Fund (fund 2601).

140 - Division of Information Services and Communications

(WV Code Chapter 5A)

Fund 2220 FY 2018 Org 0210

1	Personal Services and Employee Benefits.....	00100	\$	21,378,322
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2	Unclassified	09900	382,354
3	Current Expenses	13000	13,378,766
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	2,050,000
6	Other Assets	69000	<u>1,045,000</u>
7	Total		\$ 38,235,442

8 The total amount of these appropriations shall be paid from a special revenue fund out of
 9 collections made by the Division of Information Services and Communications as provided by law.

10 Each spending unit operating from the General Revenue Fund, from special revenue
 11 funds or receiving reimbursement for postage from the federal government shall be charged
 12 monthly for all postage meter service and shall reimburse the revolving fund monthly for all such
 13 amounts.

141 - Division of Purchasing –

Vendor Fee Fund

(WV Code Chapter 5A)

Fund 2263 FY 2018 Org 0213

1	Personal Services and Employee Benefits.....	00100	\$ 655,208
2	Unclassified	09900	2,382
3	Current Expenses	13000	238,115
4	Repairs and Alterations.....	06400	5,000
5	Equipment.....	07000	2,500
6	Other Assets	69000	2,500
7	BRIM Premium.....	91300	<u>810</u>
8	Total		\$ 906,515

142 - Division of Purchasing –

Purchasing Improvement Fund

(WV Code Chapter 5A)

Fund 2264 FY 2018 Org 0213

1	Personal Services and Employee Benefits.....	00100	\$	540,889
2	Unclassified	09900		5,562
3	Current Expenses	13000		393,066
4	Repairs and Alterations.....	06400		500
5	Equipment.....	07000		500
6	Other Assets	69000		500
7	BRIM Premium.....	91300		<u>850</u>
8	Total.....		\$	941,867

143 - Travel Management –

Fleet Management Office Fund

(WV Code Chapter 5A)

Fund 2301 FY 2018 Org 0215

1	Personal Services and Employee Benefits.....	00100	\$	722,586
2	Unclassified	09900		4,000
3	Current Expenses	13000		8,130,614
4	Repairs and Alterations.....	06400		12,000
5	Equipment.....	07000		800,000
6	Other Assets	69000		<u>2,000</u>
7	Total.....		\$	9,671,200

144 - Travel Management –

Aviation Fund

(WV Code Chapter 5A)

Fund 2302 FY 2018 Org 0215

1	Unclassified	09900	\$	1,000
2	Current Expenses	13000		149,700
3	Repairs and Alterations.....	06400		400,237

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4	Equipment.....	07000	1,000
5	Buildings	25800	100
6	Other Assets	69000	100
7	Land	73000	<u>100</u>
8	Total		\$ 552,237

145 - Division of Personnel

(WV Code Chapter 29)

Fund 2440 FY 2018 Org 0222

1	Personal Services and Employee Benefits.....	00100	\$ 3,942,590
2	Unclassified	09900	51,418
3	Current Expenses	13000	1,062,813
4	Repairs and Alterations.....	06400	5,000
5	Equipment.....	07000	20,000
6	Other Assets	69000	<u>60,000</u>
7	Total		\$ 5,141,821

8 The total amount of these appropriations shall be paid from a special revenue fund out of
 9 fees collected by the Division of Personnel.

146 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 2521 FY 2018 Org 0228

1	Personal Services and Employee Benefits.....	00100	\$ 249,242
2	Unclassified	09900	4,023
3	Current Expenses	13000	297,528
4	Repairs and Alterations.....	06400	600
5	Equipment.....	07000	500
6	Other Assets	69000	<u>500</u>
7	Total		\$ 552,393

*147 - Office of Technology –
Chief Technology Officer Administration Fund*

(WV Code Chapter 5A)

Fund 2531 FY 2018 Org 0231

1	Personal Services and Employee Benefits.....	00100	\$	399,911
2	Unclassified	09900		6,949
3	Current Expenses	13000		227,116
4	Repairs and Alterations.....	06400		1,000
5	Equipment.....	07000		50,000
6	Other Assets	69000		<u>10,000</u>
7	Total		\$	694,976

8 From the above fund, the provisions of W.Va. Code §11B-2-18 shall not operate to permit
9 expenditures in excess of the funds authorized for expenditure herein.

DEPARTMENT OF COMMERCE

148 - Division of Forestry

(WV Code Chapter 19)

Fund 3081 FY 2018 Org 0305

1	Personal Services and Employee Benefits.....	00100	\$	1,464,328
2	Current Expenses	13000		282,202
3	Repairs and Alterations.....	06400		<u>53,000</u>
4	Total		\$	1,799,530

149 - Division of Forestry –

Timbering Operations Enforcement Fund

(WV Code Chapter 19)

Fund 3082 FY 2018 Org 0305

1	Personal Services and Employee Benefits.....	00100	\$	224,433
2	Current Expenses	13000		87,036

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3	Repairs and Alterations.....	06400	<u>11,250</u>
4	Total.....		\$ 322,719

*150 - Division of Forestry –
Severance Tax Operations
(WV Code Chapter 11)*

Fund 3084 FY 2018 Org 0305

1	Personal Services and Employee Benefits.....	00100	\$ 859,626
2	Current Expenses	13000	<u>435,339</u>
3	Total.....		\$ 1,294,965

*151 - Geological and Economic Survey –
Geological and Analytical Services Fund
(WV Code Chapter 29)*

Fund 3100 FY 2018 Org 0306

1	Personal Services and Employee Benefits.....	00100	\$ 37,966
2	Unclassified	09900	2,182
3	Current Expenses	13000	141,631
4	Repairs and Alterations.....	06400	50,000
5	Equipment.....	07000	20,000
6	Other Assets	69000	<u>10,000</u>
7	Total.....		\$ 261,779

8 The above appropriations shall be used in accordance with W.Va. Code §29-2-4.

*152 - West Virginia Development Office –
Department of Commerce –
Marketing and Communications Operating Fund
(WV Code Chapter 5B)*

Fund 3002 FY 2018 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	1,528,219
2	Unclassified	09900		30,000
3	Current Expenses	13000		<u>1,482,760</u>
4	Total		\$	3,040,979

153 - West Virginia Development Office –

Office of Coalfield Community Development

(WV Code Chapter 5B)

Fund 3162 FY 2018 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	430,724
2	Unclassified	09900		8,300
3	Current Expenses	13000		<u>399,191</u>
4	Total		\$	838,215

154 - Division of Labor –

HVAC Fund

(WV Code Chapter 21)

Fund 3186 FY 2018 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	300,000
2	Unclassified	09900		4,000
3	Current Expenses	13000		85,000
4	Repairs and Alterations.....	06400		1,500
5	Buildings	25800		1,000
6	BRIM Premium.....	91300		<u>8,500</u>
7	Total		\$	400,000

155 - Division of Labor –

Contractor Licensing Board Fund

(WV Code Chapter 21)

Fund 3187 FY 2018 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	3,019,374
2	Unclassified	09900		21,589
3	Current Expenses	13000		597,995
4	Repairs and Alterations.....	06400		15,000
5	Buildings	25800		5,000
6	BRIM Premium.....	91300		<u>8,500</u>
7	Total.....		\$	3,667,458

156 - Division of Labor –

Elevator Safety Fund

(WV Code Chapter 21)

Fund 3188 FY 2018 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	376,772
2	Unclassified	09900		2,261
3	Current Expenses	13000		44,112
4	Repairs and Alterations.....	06400		2,000
5	Buildings	25800		1,000
6	BRIM Premium.....	91300		<u>8,500</u>
7	Total.....		\$	434,645

157 - Division of Labor –

Steam Boiler Fund

(WV Code Chapter 21)

Fund 3189 FY 2018 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	80,000
2	Unclassified	09900		1,000
3	Current Expenses	13000		15,000

4	Repairs and Alterations.....	06400		2,000
5	Buildings	25800		1,000
6	BRIM Premium.....	91300		<u>1,000</u>
7	Total		\$	100,000

158 - Division of Labor –

Crane Operator Certification Fund

(WV Code Chapter 21)

Fund 3191 FY 2018 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	184,380
2	Unclassified	09900		1,380
3	Current Expenses	13000		49,765
4	Repairs and Alterations.....	06400		1,500
5	Buildings	25800		1,000
6	BRIM Premium.....	91300		<u>8,500</u>
7	Total		\$	246,525

159 - Division of Labor –

Amusement Rides and Amusement Attraction Safety Fund

(WV Code Chapter 21)

Fund 3192 FY 2018 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	179,316
2	Unclassified	09900		1,281
3	Current Expenses	13000		44,520
4	Repairs and Alterations.....	06400		2,000
5	Buildings	25800		1,000
6	BRIM Premium.....	91300		<u>8,500</u>
7	Total		\$	236,617

160 - Division of Labor –

State Manufactured Housing Administration Fund

(WV Code Chapter 21)

Fund 3195 FY 2018 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	283,768
2	Unclassified	09900		1,847
3	Current Expenses	13000		43,700
4	Repairs and Alterations.....	06400		1,000
5	Buildings	25800		1,000
6	BRIM Premium.....	91300		<u>3,404</u>
7	Total		\$	334,719

161 - Division of Labor –

Weights and Measures Fund

(WV Code Chapter 47)

Fund 3196 FY 2018 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	424,965
2	Current Expenses	13000		227,000
3	Repairs and Alterations.....	06400		28,000
4	Equipment.....	07000		15,000
5	BRIM Premium.....	91300		<u>8,500</u>
6	Total		\$	703,465

162 - Division of Labor –

Bedding and Upholstery Fund

(WV Code Chapter 21)

Fund 3198 FY 2018 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	150,000
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2	Unclassified	09900		2,000
3	Current Expenses	13000		43,000
4	Repairs and Alterations.....	06400		2,000
5	Buildings	25800		1,000
6	BRIM Premium.....	91300		<u>2,000</u>
7	Total		\$	200,000

163 - Division of Labor –

Psychophysiological Examiners Fund

(WV Code Chapter 21)

Fund 3199 FY 2018 Org 0308

1	Current Expenses	13000	\$	4,000
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164 - Division of Natural Resources –

License Fund – Wildlife Resources

(WV Code Chapter 20)

Fund 3200 FY 2018 Org 0310

1	Wildlife Resources	02300	\$	5,551,895
2	Administration	15500		1,387,974
3	Capital Improvements and Land Purchase (R).....	24800		1,387,973
4	Law Enforcement	80600		<u>5,551,895</u>
5	Total		\$	13,879,737

6 The total amount of these appropriations shall be paid from a special revenue fund out of
7 fees collected by the Division of Natural Resources.

8 Any unexpended balance remaining in the appropriation for Capital Improvements and
9 Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2017 is hereby
10 reappropriated for expenditure during the fiscal year 2018.

165 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(WV Code Chapter 22)

Fund 3202 FY 2018 Org 0310

1	Current Expenses	13000	\$	125,000
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166 - Division of Natural Resources –

Nongame Fund

(WV Code Chapter 20)

Fund 3203 FY 2018 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	678,109
2	Current Expenses	13000		201,930
3	Equipment.....	07000		106,615
4	Total		\$	986,654

167 - Division of Natural Resources –

Planning and Development Division

(WV Code Chapter 20)

Fund 3205 FY 2018 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	289,167
2	Current Expenses	13000		157,864
3	Repairs and Alterations.....	06400		15,016
4	Equipment.....	07000		8,300
5	Buildings	25800		8,300
6	Other Assets	69000		2,000,000
7	Land	73000		31,700
8	Total		\$	2,510,347

168 - Division of Natural Resources –

Whitewater Study and Improvement Fund

(WV Code Chapter 20)

Fund 3253 FY 2018 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	62,704
2	Current Expenses	13000		64,778
3	Equipment.....	07000		1,297
4	Buildings	25800		<u>6,969</u>
5	Total		\$	135,748

169 - Division of Natural Resources –

Whitewater Advertising and Promotion Fund

(WV Code Chapter 20)

Fund 3256 FY 2018 Org 0310

1	Unclassified	09900	\$	200
2	Current Expenses	13000		<u>19,800</u>
3	Total		\$	20,000

170 - Division of Miners' Health, Safety and Training –

Special Health, Safety and Training Fund

(WV Code Chapter 22A)

Fund 3355 FY 2018 Org 0314

1	Personal Services and Employee Benefits.....	00100	\$	471,606
2	WV Mining Extension Service	02600		150,000
3	Unclassified	09900		40,985
4	Current Expenses	13000		1,954,557
5	Buildings	25800		481,358
6	Land	73000		<u>1,000,000</u>
7	Total		\$	4,098,506

171 - Department of Commerce –

Office of the Secretary –

Broadband Enhancement Fund

Fund 3013 FY 2018 Org 0327

1	Current Expenses	13000	\$	1,887,000
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*172 - Office of Energy –
Energy Assistance
(WV Code Chapter 5B)*

Fund 3010 FY 2018 Org 0328

1	Energy Assistance – Total	64700	\$	62,000
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DEPARTMENT OF EDUCATION

*173 - State Board of Education –
Strategic Staff Development
(WV Code Chapter 18)*

Fund 3937 FY 2018 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	134,000
2	Unclassified	09900		1,000
3	Current Expenses	13000		<u>265,000</u>
4	Total.....		\$	400,000

*174 - State Board of Education –
School Construction Fund
(WV Code Chapters 18 and 18A)*

Fund 3951 FY 2018 Org 0402

1	SBA Construction Grants	24000	\$	35,845,818
2	Directed Transfer	70000		<u>1,371,182</u>
3	Total.....		\$	37,217,000

4 The above appropriation for Directed Transfer (fund 3951, appropriation 70000) shall be
5 transferred to the School Building Authority Fund (3959) for the administrative expenses of the
6 School Building Authority.

175 - School Building Authority

(WV Code Chapter 18)

Fund 3959 FY 2018 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	1,085,152
2	Current Expenses	13000		246,880
3	Repairs and Alterations.....	06400		13,150
4	Equipment.....	07000		<u>26,000</u>
5	Total.....		\$	1,371,182

DEPARTMENT OF EDUCATION AND THE ARTS*176 - Office of the Secretary –**Lottery Education Fund Interest Earnings –**Control Account*

(WV Code Chapter 29)

Fund 3508 FY 2018 Org 0431

1 Any unexpended balance remaining in the appropriation for Educational Enhancements
 2 (fund 3508, appropriation 69500) at the close of the fiscal year 2017 is hereby reappropriated for
 3 expenditure during the fiscal year 2018.

*177 - Division of Culture and History –**Public Records and Preservation Revenue Account*

(WV Code Chapter 5A)

Fund 3542 FY 2018 Org 0432

1	Personal Services and Employee Benefits.....	00100	\$	211,418
2	Current Expenses	13000		862,241
3	Equipment.....	07000		75,000
4	Buildings	25800		1,000
5	Other Assets	69000		52,328
6	Land	73000		<u>1,000</u>

7 Total \$ 1,202,987

*178 - State Board of Rehabilitation –
Division of Rehabilitation Services –
West Virginia Rehabilitation Center Special Account
(WV Code Chapter 18)*

Fund 8664 FY 2018 Org 0932

1	Personal Services and Employee Benefits.....	00100	\$	119,738
2	Current Expenses	13000		2,180,122
3	Repairs and Alterations.....	06400		85,500
4	Equipment.....	07000		220,000
5	Buildings	25800		150,000
6	Other Assets	69000		<u>150,000</u>
7	Total		\$	2,905,360

DEPARTMENT OF ENVIRONMENTAL PROTECTION

179 - Solid Waste Management Board

(WV Code Chapter 22C)

Fund 3288 FY 2018 Org 0312

1	Personal Services and Employee Benefits.....	00100	\$	802,209
2	Current Expenses	13000		2,061,057
3	Repairs and Alterations.....	06400		1,000
4	Equipment.....	07000		5,000
5	Other Assets	69000		<u>4,403</u>
6	Total		\$	2,873,669

*180 - Division of Environmental Protection –
Hazardous Waste Management Fund
(WV Code Chapter 22)*

Fund 3023 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	692,784
2	Current Expenses	13000		195,569
3	Repairs and Alterations.....	06400		500
4	Equipment.....	07000		1,505
5	Unclassified	09900		3,072
6	Other Assets	69000		<u>2,000</u>
7	Total.....		\$	895,430

181 - Division of Environmental Protection –

Air Pollution Education and Environment Fund

(WV Code Chapter 22)

Fund 3024 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	935,324
2	Current Expenses	13000		1,238,610
3	Repairs and Alterations.....	06400		13,000
4	Equipment.....	07000		53,105
5	Unclassified	09900		2,900
6	Other Assets	69000		<u>20,000</u>
7	Total.....		\$	2,262,939

182 - Division of Environmental Protection –

Special Reclamation Fund

(WV Code Chapter 22)

Fund 3321 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	1,350,829
2	Current Expenses	13000		16,402,506
3	Repairs and Alterations.....	06400		79,950

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4	Equipment.....	07000	130,192
5	Other Assets	69000	<u>32,000</u>
6	Total		\$ 17,995,477

183 - Division of Environmental Protection –

Oil and Gas Reclamation Fund

(WV Code Chapter 22)

Fund 3322 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$ 143,906
2	Current Expenses	13000	<u>356,094</u>
3	Total		\$ 500,000

184 - Division of Environmental Protection –

Oil and Gas Operating Permit and Processing Fund

(WV Code Chapter 22)

Fund 3323 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$ 3,321,164
2	Current Expenses	13000	1,257,758
3	Repairs and Alterations.....	06400	20,600
4	Equipment.....	07000	8,000
5	Unclassified	09900	44,700
6	Other Assets	69000	<u>15,000</u>
7	Total		\$ 4,667,222

185 - Division of Environmental Protection –

Mining and Reclamation Operations Fund

(WV Code Chapter 22)

Fund 3324 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$ 4,035,449
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2	Current Expenses	13000		2,300,097
3	Repairs and Alterations.....	06400		60,260
4	Equipment.....	07000		85,134
5	Unclassified	09900		920
6	Other Assets	69000		<u>57,500</u>
7	Total		\$	6,539,360

186 - Division of Environmental Protection –

Underground Storage Tank

Administrative Fund

(WV Code Chapter 22)

Fund 3325 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	466,543
2	Current Expenses	13000		318,420
3	Repairs and Alterations.....	06400		5,350
4	Equipment.....	07000		3,610
5	Unclassified	09900		7,520
6	Other Assets	69000		<u>3,500</u>
7	Total		\$	804,943

187 - Division of Environmental Protection –

Hazardous Waste Emergency Response Fund

(WV Code Chapter 22)

Fund 3331 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	643,319
2	Current Expenses	13000		422,386
3	Repairs and Alterations.....	06400		7,014
4	Equipment.....	07000		9,000

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5	Unclassified	09900	10,616
6	Other Assets	69000	<u>11,700</u>
7	Total		\$ 1,104,035

188 - Division of Environmental Protection –

*Solid Waste Reclamation and
Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$ 793,967
2	Current Expenses	13000	3,605,237
3	Repairs and Alterations.....	06400	25,000
4	Equipment.....	07000	31,500
5	Unclassified	09900	22,900
6	Other Assets	69000	<u>1,000</u>
7	Total		\$ 4,479,604

189 - Division of Environmental Protection –

Solid Waste Enforcement Fund

(WV Code Chapter 22)

Fund 3333 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$ 3,041,424
2	Current Expenses	13000	1,020,229
3	Repairs and Alterations.....	06400	30,930
4	Equipment.....	07000	23,356
5	Unclassified	09900	37,145
6	Other Assets	69000	<u>25,554</u>
7	Total		\$ 4,178,638

*190 - Division of Environmental Protection –**Air Pollution Control Fund*

(WV Code Chapter 22)

Fund 3336 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	5,667,421
2	Current Expenses	13000		1,518,704
3	Repairs and Alterations.....	06400		84,045
4	Equipment.....	07000		115,356
5	Unclassified	09900		5,580
6	Other Assets	69000		<u>52,951</u>
7	Total		\$	7,444,057

*191 - Division of Environmental Protection –**Environmental Laboratory**Certification Fund*

(WV Code Chapter 22)

Fund 3340 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	295,444
2	Current Expenses	13000		216,288
3	Repairs and Alterations.....	06400		1,000
4	Equipment.....	07000		6,500
5	Unclassified	09900		1,120
6	Other Assets	69000		<u>179,000</u>
7	Total		\$	699,352

*192 - Division of Environmental Protection –**Stream Restoration Fund*

(WV Code Chapter 22)

Fund 3349 FY 2018 Org 0313

1	Current Expenses	13000	\$	9,298,205
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193 - Division of Environmental Protection –

Litter Control Fund

(WV Code Chapter 22)

Fund 3486 FY 2018 Org 0313

1	Current Expenses	13000	\$	60,000
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194 - Division of Environmental Protection –

Recycling Assistance Fund

(WV Code Chapter 22)

Fund 3487 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	646,395
2	Current Expenses	13000		2,735,112
3	Repairs and Alterations.....	06400		800
4	Equipment.....	07000		500
5	Unclassified	09900		400
6	Other Assets	69000		<u>2,500</u>
7	Total.....		\$	3,385,707

195 - Division of Environmental Protection –

Mountaintop Removal Fund

(WV Code Chapter 22)

Fund 3490 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	1,228,345
2	Current Expenses	13000		638,729
3	Repairs and Alterations.....	06400		30,112
4	Equipment.....	07000		23,725

5	Unclassified	09900		1,180
6	Other Assets	69000		<u>15,500</u>
7	Total		\$	1,937,591

196 - Oil and Gas Conservation Commission –

Special Oil and Gas Conservation Fund

(WV Code Chapter 22C)

Fund 3371 FY 2018 Org 0315

1	Personal Services and Employee Benefits.....	00100	\$	157,224
2	Current Expenses	13000		161,225
3	Repairs and Alterations.....	06400		1,000
4	Equipment.....	07000		9,481
5	Other Assets	69000		<u>1,500</u>
6	Total		\$	330,430

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

197 - Division of Health –

Ryan Brown Addiction Prevention and Recovery Fund

(WV Code Chapter 19)

Fund 5111 FY 2018 Org 0506

1	Current Expenses	13000	\$	22,000,000
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198 - Division of Health –

The Vital Statistics Account

(WV Code Chapter 16)

Fund 5144 FY 2018 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	876,771
2	Unclassified	09900		15,500
3	Current Expenses	13000		<u>1,257,788</u>

4 Total..... \$ 2,150,059

199 - Division of Health –

Hospital Services Revenue Account

Special Fund

Capital Improvement, Renovation and Operations

(WV Code Chapter 16)

Fund 5156 FY 2018 Org 0506

1	Institutional Facilities Operations.....	33500	\$	56,708,911
2	Medical Services Trust Fund – Transfer.....	51200		<u>27,800,000</u>
3	Total.....		\$	84,508,911

4 The total amount of these appropriations shall be paid from the Hospital Services Revenue
 5 Account Special Fund created by W.Va. Code §16-1-13, and shall be used for operating expenses
 6 and for improvements in connection with existing facilities.

7 Additional funds have been appropriated in fund 0525, fiscal year 2018, organization 0506,
 8 for the operation of the institutional facilities. The Secretary of the Department of Health and
 9 Human Resources is authorized to utilize up to ten percent of the funds from the appropriation for
 10 Institutional Facilities Operations to facilitate cost effective and cost saving services at the
 11 community level.

12 Necessary funds from the above appropriation may be used for medical facilities
 13 operations, either in connection with this fund or in connection with the appropriation designated
 14 Institutional Facilities Operations in the Consolidated Medical Service Fund (fund 0525,
 15 organization 0506).

16 From the above appropriation to Institutional Facilities Operations, together with available
 17 funds from the Consolidated Medical Services Fund (fund 0525, appropriation 33500) on July 1,
 18 2017, the sum of \$160,000 shall be transferred to the Department of Agriculture – Land Division
 19 – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual
 20 payments for such purchases shall not be required until such credits have been completely
 21 expended.

200 - Division of Health –

Laboratory Services Fund

(WV Code Chapter 16)

Fund 5163 FY 2018 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	862,657
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2	Unclassified	09900		18,114
3	Current Expenses	13000		<u>930,716</u>
4	Total		\$	1,811,487

201 - Division of Health –

The Health Facility Licensing Account

(WV Code Chapter 16)

Fund 5172 FY 2018 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	605,950
2	Unclassified	09900		7,113
3	Current Expenses	13000		<u>98,247</u>
4	Total		\$	711,310

202 - Division of Health –

Hepatitis B Vaccine

(WV Code Chapter 16)

Fund 5183 FY 2018 Org 0506

1	Current Expenses	13000	\$	13,800
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203 - Division of Health –

Lead Abatement Account

(WV Code Chapter 16)

Fund 5204 FY 2018 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	19,100
2	Unclassified	09900		373
3	Current Expenses	13000		<u>17,875</u>
4	Total		\$	37,348

204 - Division of Health –

West Virginia Birth-to-Three Fund

(WV Code Chapter 16)

Fund 5214 FY 2018 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	707,545
2	Unclassified	09900		223,999
3	Current Expenses	13000		<u>27,993,549</u>
4	Total		\$	28,925,093

205 - Division of Health –

Tobacco Control Special Fund

(WV Code Chapter 16)

Fund 5218 FY 2018 Org 0506

1	Current Expenses	13000	\$	7,579
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206 - West Virginia Health Care Authority –

Health Care Cost Review Fund

(WV Code Chapter 16)

Fund 5375 FY 2018 Org 0507

1	Personal Services and Employee Benefits.....	00100	\$	3,033,821
2	Hospital Assistance.....	02500		600,000
3	Unclassified	09900		67,000
4	Current Expenses	13000		2,837,945
5	Repairs and Alterations.....	06400		25,000
6	Equipment.....	07000		50,000
7	Buildings	25800		25,000
8	Other Assets	69000		<u>100,000</u>
9	Total		\$	6,738,766

10 The above appropriation is to be expended in accordance with and pursuant to the
 11 provisions of W.Va. Code §16-29B and from the special revolving fund designated Health Care
 12 Cost Review Fund.

13 The Health Care Authority is authorized to transfer up to \$1,500,000 from fund 5375 to
 14 the West Virginia Health Information Network Account (fund 5380) as authorized per W.Va. Code
 15 §16-29G-4.

207 - West Virginia Health Care Authority –

Certificate of Need Program Fund

(WV Code Chapter 16)

Fund 5377 FY 2018 Org 0507

1	Personal Services and Employee Benefits.....	00100	\$	805,113
2	Current Expenses	13000		<u>774,967</u>
3	Total		\$	1,580,080

208 - West Virginia Health Care Authority –

West Virginia Health Information Network Account

(WV Code Chapter 16)

Fund 5380 FY 2018 Org 0507

1	Personal Services and Employee Benefits.....	00100	\$	729,000
2	Unclassified	09900		20,000
3	Current Expenses	13000		1,251,000
4	Technology Infrastructure Network.....	35100		<u>3,500,000</u>
5	Total		\$	5,500,000

209 - Division of Human Services –

Health Care Provider Tax –

Medicaid State Share Fund

(WV Code Chapter 11)

Fund 5090 FY 2018 Org 0511

1	Medical Services.....	18900	\$	198,381,008
2	Medical Services Administrative Costs.....	78900		<u>418,992</u>
3	Total		\$	198,800,000

4 The above appropriation for Medical Services Administrative Costs (fund 5090,
 5 appropriation 78900) shall be transferred to a special revenue account in the treasury for use by
 6 the Department of Health and Human Resources for administrative purposes. The remainder of
 7 all moneys deposited in the fund shall be transferred to the West Virginia Medical Services Fund
 8 (fund 5084).

210 - Division of Human Services –

Child Support Enforcement Fund

(WV Code Chapter 48A)

Fund 5094 FY 2018 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	24,809,509
2	Unclassified	09900		380,000
3	Current Expenses	13000		<u>12,810,491</u>
4	Total		\$	38,000,000

211 - Division of Human Services –

Medical Services Trust Fund

(WV Code Chapter 9)

Fund 5185 FY 2018 Org 0511

1	Medical Services.....	18900	\$	56,318,952
2	Medical Services Administrative Costs.....	78900		<u>548,723</u>
3	Total		\$	56,867,675

4 The above appropriation to Medical Services shall be used to provide state match of
 5 Medicaid expenditures as defined and authorized in subsection (c) of W.Va. Code §9-4A-2a.
 6 Expenditures from the fund are limited to the following: payment of backlogged billings, funding
 7 for services to future federally mandated population groups and payment of the required state
 8 match for Medicaid disproportionate share payments. The remainder of all moneys deposited in
 9 the fund shall be transferred to the Division of Human Services accounts.

212 - Division of Human Services –

James “Tiger” Morton Catastrophic Illness Fund

(WV Code Chapter 16)

Fund 5454 FY 2018 Org 0511

1	Unclassified	09900	\$	7,000
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2	Current Expenses	13000		<u>693,000</u>
3	Total		\$	700,000

*213 - Division of Human Services –
Domestic Violence Legal Services Fund
(WV Code Chapter 48)
Fund 5455 FY 2018 Org 0511*

1	Current Expenses	13000		\$ 900,000
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*214 - Division of Human Services –
West Virginia Works Separate State College Program Fund
(WV Code Chapter 9)
Fund 5467 FY 2018 Org 0511*

1	Current Expenses	13000		\$ 1,000,000
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*215 - Division of Human Services –
West Virginia Works Separate State Two-Parent Program Fund
(WV Code Chapter 9)
Fund 5468 FY 2018 Org 0511*

1	Current Expenses	13000		\$ 2,000,000
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*216 - Division of Human Services –
Marriage Education Fund
(WV Code Chapter 9)
Fund 5490 FY 2018 Org 0511*

1	Personal Services and Employee Benefits.....	00100		\$ 10,000
2	Current Expenses	13000		<u>25,000</u>
3	Total		\$	35,000

DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

217 - Department of Military Affairs and Public Safety –

Office of the Secretary –

Law-Enforcement, Safety and Emergency Worker

Funeral Expense Payment Fund

(WV Code Chapter 15)

Fund 6003 FY 2018 Org 0601

1	Current Expenses	13000	32,000
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218 - State Armory Board –

General Armory Fund

(WV Code Chapter 15)

Fund 6057 FY 2018 Org 0603

1	Personal Services and Employee Benefits.....	00100	\$ 1,643,528
2	Current Expenses	13000	650,000
3	Repairs and Alterations.....	06400	485,652
4	Equipment.....	07000	300,000
5	Buildings	25800	770,820
6	Other Assets	69000	100,000
7	Land	73000	<u>50,000</u>
8	Total.....		\$ 4,000,000

9 From the above appropriations, the Adjutant General may receive and expend funds to
 10 conduct operations and activities to include functions of the Military Authority. The Adjutant
 11 General may transfer funds between appropriations, except no funds may be transferred to
 12 Personal Services and Employee Benefits (fund 6057, appropriation 00100).

219 - Division of Homeland Security and

Emergency Management –

West Virginia Interoperable Radio Project

(WV Code Chapter 24)

Fund 6295 FY 2018 Org 0606

1	Current Expenses	13000	\$ 2,000,000
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2 Any unexpended balance remaining in the appropriation for Unclassified – Total (fund
3 6295, appropriation 09600) at the close of fiscal year 2017 is hereby reappropriated for
4 expenditure during the fiscal year 2018.

220 - West Virginia Division of Corrections –

Parolee Supervision Fees

(WV Code Chapter 62)

Fund 6362 FY 2018 Org 0608

1	Personal Services and Employee Benefits.....	00100	\$	1,013,793
2	Unclassified	09900		9,804
3	Current Expenses	13000		758,480
4	Equipment.....	07000		30,000
5	Other Assets	69000		<u>40,129</u>
6	Total		\$	1,852,206

221 - West Virginia State Police –

Motor Vehicle Inspection Fund

(WV Code Chapter 17C)

Fund 6501 FY 2018 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$	1,786,923
2	Current Expenses	13000		1,488,211
3	Repairs and Alterations.....	06400		204,500
4	Equipment.....	07000		3,770,751
5	Buildings	25800		534,000
6	Other Assets	69000		5,000
7	BRIM Premium.....	91300		<u>302,432</u>
8	Total		\$	8,091,817

9 The total amount of these appropriations shall be paid from the special revenue fund out
10 of fees collected for inspection stickers as provided by law.

222 - West Virginia State Police –

Drunk Driving Prevention Fund

(WV Code Chapter 15)

Fund 6513 FY 2018 Org 0612

1	Current Expenses	13000	\$	1,327,000
2	Equipment.....	07000		3,491,895
3	BRIM Premium.....	91300		<u>154,452</u>
4	Total		\$	4,973,347

5 The total amount of these appropriations shall be paid from the special revenue fund out
6 of receipts collected pursuant to W.Va. Code §11-15-9a and 16 and paid into a revolving fund
7 account in the State Treasury.

*223 - West Virginia State Police –**Surplus Real Property Proceeds Fund*

(WV Code Chapter 15)

Fund 6516 FY 2018 Org 0612

1	Buildings	25800	\$	443,980
2	Land	73000		1,000
3	BRIM Premium.....	91300		<u>77,222</u>
4	Total		\$	522,202

*224 - West Virginia State Police –**Surplus Transfer Account*

(WV Code Chapter 15)

Fund 6519 FY 2018 Org 0612

1	Current Expenses	13000	\$	225,000
2	Repairs and Alterations.....	06400		20,000
3	Equipment.....	07000		250,000
4	Buildings	25800		40,000
5	Other Assets	69000		45,000

6	BRIM Premium.....	91300	<u>5,000</u>
7	Total		\$ 585,000

225 - West Virginia State Police –

Central Abuse Registry Fund

(WV Code Chapter 15)

Fund 6527 FY 2018 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$ 236,881
2	Current Expenses	13000	51,443
3	Repairs and Alterations.....	06400	500
4	Equipment.....	07000	300,500
5	Other Assets	69000	300,500
6	BRIM Premium.....	91300	<u>18,524</u>
7	Total		\$ 908,348

226 - West Virginia State Police –

Bail Bond Enforcer Account

(WV Code Chapter 15)

Fund 6532 FY 2018 Org 0612

1	Current Expenses	13000	\$ 8,300
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227 - West Virginia State Police –

State Police Academy Post Exchange

(WV Code Chapter 15)

Fund 6544 FY 2018 Org 0612

1	Current Expenses	13000	\$ 160,000
2	Repairs and Alterations.....	06400	<u>40,000</u>
3	Total		\$ 200,000

228 - Regional Jail and Correctional Facility Authority

(WV Code Chapter 31)

Fund 6675 FY 2018 Org 0615

1	Personal Services and Employee Benefits.....	00100	\$	1,971,039
2	Debt Service	04000		9,000,000
3	Current Expenses	13000		495,852
4	Repairs and Alterations.....	06400		4,000
5	Equipment.....	07000		<u>1,743</u>
6	Total.....		\$	11,472,634

229 - Fire Commission –

Fire Marshal Fees

(WV Code Chapter 29)

Fund 6152 FY 2018 Org 0619

1	Personal Services and Employee Benefits.....	00100	\$	3,033,683
2	Unclassified	09900		3,800
3	Current Expenses	13000		1,249,550
4	Repairs and Alterations.....	06400		58,500
5	Equipment.....	07000		140,800
6	Other Assets	69000		12,000
7	BRIM Premium.....	91300		<u>50,000</u>
8	Total.....		\$	4,548,333

230 - Division of Justice and Community Services –

WV Community Corrections Fund

(WV Code Chapter 62)

Fund 6386 FY 2018 Org 0620

1	Personal Services and Employee Benefits.....	00100	\$	152,000
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2	Unclassified	09900		750
3	Current Expenses	13000		1,846,250
4	Repairs and Alterations.....	06400		<u>1,000</u>
5	Total		\$	2,000,000

231 - Division of Justice and Community Services –

Court Security Fund

(WV Code Chapter 51)

Fund 6804 FY 2018 Org 0620

1	Personal Services and Employee Benefits.....	00100	\$	21,865
2	Current Expenses	13000		<u>1,478,135</u>
3	Total		\$	1,500,000

232 - Division of Justice and Community Services –

Second Chance Driver's License Program Account

(WV Code Chapter 17B)

Fund 6810 FY 2018 Org 0620

1	Current Expenses	13000	\$	25,000
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DEPARTMENT OF REVENUE

233 - Division of Financial Institutions

(WV Code Chapter 31A)

Fund 3041 FY 2018 Org 0303

	Personal Services and Employee Benefits.....	00100	\$	2,503,751
	Unclassified	09900		1,000
	Current Expenses	13000		695,225
	Repairs and Alterations.....	06400		100
	Equipment.....	07000		14,000
	Other Assets	69000		<u>15,000</u>

Total \$ 3,229,076

234 - Office of the Secretary –

State Debt Reduction Fund

(WV Code Chapter 29)

Fund 7007 FY 2018 Org 0701

1 Directed Transfer 70000 \$ 20,000,000

2 The above appropriation for Directed Transfer shall be transferred to the Consolidated
 3 Public Retirement Board – West Virginia Public Employees Retirement System Employers
 4 Accumulation Fund (fund 2510).

235 - Tax Division –

Cemetery Company Account

(WV Code Chapter 35)

Fund 7071 FY 2018 Org 0702

1 Personal Services and Employee Benefits..... 00100 \$ 23,459

2 Current Expenses 13000 7,717

3 Total \$ 31,176

236 - Tax Division –

Special Audit and Investigative Unit

(WV Code Chapter 11)

Fund 7073 FY 2018 Org 0702

1 Personal Services and Employee Benefits..... 00100 \$ 655,203

2 Unclassified 09900 9,500

3 Current Expenses 13000 273,297

4 Repairs and Alterations..... 06400 7,000

5 Equipment..... 07000 5,000

6 Total \$ 950,000

*237 - Tax Division –**Wine Tax Administration Fund*

(WV Code Chapter 60)

Fund 7087 FY 2018 Org 0702

1	Personal Services and Employee Benefits.....	00100	\$	254,162
2	Current Expenses	13000		<u>5,406</u>
3	Total		\$	259,568

*238 - Tax Division –**Reduced Cigarette Ignition Propensity**Standard and Fire Prevention Act Fund*

(WV Code Chapter 47)

Fund 7092 FY 2018 Org 0702

1	Current Expenses	13000	\$	35,000
2	Equipment.....	07000		<u>15,000</u>
3	Total		\$	50,000

*239 - Tax Division –**Local Sales Tax and Excise Tax**Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2018 Org 0702

1	Personal Services and Employee Benefits.....	00100	\$	1,508,968
2	Unclassified	09900		10,000
3	Current Expenses	13000		784,563
4	Repairs and Alterations.....	06400		1,000
5	Equipment.....	07000		<u>5,000</u>
6	Total		\$	2,309,531

240 - State Budget Office –

Public Employees Insurance Reserve Fund

(WV Code Chapter 11B)

Fund 7400 FY 2018 Org 0703

1	Public Employees Insurance Reserve Fund – Transfer.....	90300	\$	6,800,000
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2 The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall
 3 be transferred to the Medical Services Trust Fund (fund 5185, org 0511) for expenditure.

241 - State Budget Office –

Public Employees Insurance Agency Financial Stability Fund

(WV Code Chapter 11B)

Fund 7401 FY 2018 Org 0703

1	Retiree Premium Offset.....	80101	\$	5,000,000
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2	PEIA Reserve	80102		<u>10,000,000</u>
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3	Total		\$	15,000,000
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4 The above appropriation shall be transferred to special revenue funds to be utilized by the
 5 West Virginia Public Employees Insurance Agency for the purposes of permitting the PEIA
 6 Finance Board to offset \$5 million in retiree premium increases. Additionally, \$10 million will be
 7 put into a reserve fund to stabilize and preserve the future solvency of PEIA. Such amount shall
 8 not be included in the calculation of the plan year aggregate premium cost-sharing percentages
 9 between employers and employees.

242 - Insurance Commissioner –

Examination Revolving Fund

(WV Code Chapter 33)

Fund 7150 FY 2018 Org 0704

1	Personal Services and Employee Benefits.....	00100	\$	721,117
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2	Current Expenses	13000		1,357,201
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3	Repairs and Alterations.....	06400		3,000
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4	Equipment.....	07000		81,374
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5	Buildings	25800		8,289
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6	Other Assets	69000	<u>11,426</u>
7	Total		\$ 2,182,407

*243 - Insurance Commissioner –
Consumer Advocate
(WV Code Chapter 33)*

Fund 7151 FY 2018 Org 0704

1	Personal Services and Employee Benefits.....	00100	\$ 552,228
2	Current Expenses	13000	202,152
3	Repairs and Alterations.....	06400	5,000
4	Equipment.....	07000	34,225
5	Buildings	25800	4,865
6	Other Assets	69000	<u>19,460</u>
7	Total		\$ 817,930

*244 - Insurance Commissioner –
Insurance Commission Fund
(WV Code Chapter 33)*

Fund 7152 FY 2018 Org 0704

1	Personal Services and Employee Benefits.....	00100	\$ 23,039,727
2	Current Expenses	13000	8,797,758
3	Repairs and Alterations.....	06400	68,614
4	Equipment.....	07000	1,728,240
5	Buildings	25800	25,000
6	Other Assets	69000	<u>340,661</u>
7	Total		\$ 34,000,000

*245 - Insurance Commissioner –
Workers' Compensation Old Fund*

(WV Code Chapter 23)

Fund 7162 FY 2018 Org 0704

1	Employee Benefits	01000	\$	50,000
2	Current Expenses	13000		<u>250,500,000</u>
3	Total		\$	250,550,000

246 - Insurance Commissioner –

Workers' Compensation Uninsured Employers' Fund

(WV Code Chapter 23)

Fund 7163 FY 2018 Org 0704

1	Current Expenses	13000	\$	15,000,000
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247 - Insurance Commissioner –

Self-Insured Employer Guaranty Risk Pool

(WV Code Chapter 23)

Fund 7164 FY 2018 Org 0704

1	Current Expenses	13000	\$	9,000,000
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248 - Insurance Commissioner –

Self-Insured Employer Security Risk Pool

(WV Code Chapter 23)

Fund 7165 FY 2018 Org 0704

1	Current Expenses	13000	\$	14,000,000
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249 - Municipal Bond Commission

(WV Code Chapter 13)

Fund 7253 FY 2018 Org 0706

1	Personal Services and Employee Benefits.....	00100	\$	247,523
2	Current Expenses	13000		144,844
3	Equipment.....	07000		<u>100</u>

4 Total \$ 392,467

250 - Racing Commission –

Relief Fund

(WV Code Chapter 19)

Fund 7300 FY 2018 Org 0707

1 Medical Expenses – Total 24500 \$ 57,000

2 The total amount of this appropriation shall be paid from the special revenue fund out of
3 collections of license fees and fines as provided by law.

4 No expenditures shall be made from this fund except for hospitalization, medical care
5 and/or funeral expenses for persons contributing to this fund.

251 - Racing Commission –

Administration and Promotion Account

(WV Code Chapter 19)

Fund 7304 FY 2018 Org 0707

1 Personal Services and Employee Benefits..... 00100 \$ 256,665

2 Current Expenses 13000 93,335

3 Other Assets 69000 5,000

4 Total \$ 355,000

252 - Racing Commission –

General Administration

(WV Code Chapter 19)

Fund 7305 FY 2018 Org 0707

1 Personal Services and Employee Benefits..... 00100 \$ 2,271,339

2 Current Expenses 13000 566,248

3 Repairs and Alterations..... 06400 7,000

4 Other Assets 69000 50,000

5 Total \$ 2,894,587

*253 - Racing Commission –
Administration, Promotion, Education, Capital Improvement
and Greyhound Adoption Programs
to include Spaying and Neutering Account
(WV Code Chapter 19)*

Fund 7307 FY 2018 Org 0707

1	Personal Services and Employee Benefits.....	00100	\$	864,474
2	Current Expenses	13000		214,406
3	Other Assets	69000		200,000
4	Total		\$	1,278,880

*254 - Alcohol Beverage Control Administration –
Wine License Special Fund
(WV Code Chapter 60)*

Fund 7351 FY 2018 Org 0708

1	Personal Services and Employee Benefits.....	00100	\$	122,339
2	Current Expenses	13000		69,186
3	Repairs and Alterations.....	06400		7,263
4	Equipment.....	07000		10,000
5	Buildings	25800		100,000
6	Other Assets	69000		100
7	Total		\$	308,888

8 To the extent permitted by law, four classified exempt positions shall be provided from
9 Personal Services and Employee Benefits appropriation for field auditors.

*255 - Alcohol Beverage Control Administration
(WV Code Chapter 60)*

Fund 7352 FY 2018 Org 0708

1	Personal Services and Employee Benefits.....	00100	\$	5,413,237
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2	Current Expenses	13000	2,890,577
3	Repairs and Alterations.....	06400	91,000
4	Equipment.....	07000	108,000
5	Buildings	25800	375,100
6	Purchase of Supplies for Resale	41900	72,500,000
7	Transfer Liquor Profits and Taxes	42500	20,800,000
8	Other Assets	69000	125,100
9	Land	73000	<u>100</u>
10	Total.....		\$ 102,303,114

11 The total amount of these appropriations shall be paid from a special revenue fund out of
 12 liquor revenues and any other revenues available.

13 The above appropriations include the salary of the commissioner and the salaries,
 14 expenses and equipment of administrative offices, warehouses and inspectors.

15 The above appropriations include funding for the Tobacco/Alcohol Education Program.

16 There is hereby appropriated from liquor revenues, in addition to the above appropriations
 17 as needed, the necessary amount for the purchase of liquor as provided by law and the remittance
 18 of profits and taxes to the General Revenue Fund.

256 - State Athletic Commission Fund

(WV Code Chapter 29)

Fund 7009 FY 2018 Org 0933

1	Current Expenses	13000	\$	30,000
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DEPARTMENT OF TRANSPORTATION

257 - Division of Motor Vehicles –

Dealer Recovery Fund

(WV Code Chapter 17)

Fund 8220 FY 2018 Org 0802

1	Current Expenses	13000	\$	189,000
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258 - Division of Motor Vehicles –

Motor Vehicle Fees Fund

(WV Code Chapter 17B)

Fund 8223 FY 2018 Org 0802

1	Personal Services and Employee Benefits.....	00100	\$	3,362,799
2	Current Expenses	13000		4,374,083
3	Repairs and Alterations.....	06400		16,000
4	Equipment.....	07000		75,000
5	Other Assets	69000		10,000
6	BRIM Premium.....	91300		<u>73,629</u>
7	Total		\$	7,911,511

259 - Division of Highways –

A. James Manchin Fund

(WV Code Chapter 22)

Fund 8319 FY 2018 Org 0803

1	Current Expenses	13000	\$	1,650,000
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DEPARTMENT OF VETERANS' ASSISTANCE

260 - Veterans' Facilities Support Fund

(WV Code Chapter 9A)

Fund 6703 FY 2018 Org 0613

1	Personal Services and Employee Benefits.....	00100	\$	94,210
2	Current Expenses	13000		2,255,997
3	Repairs and Alterations.....	06400		10,000
4	Equipment.....	07000		10,000
5	Other Assets	69000		<u>10,000</u>
6	Total		\$	2,380,207

261 - Department of Veterans' Assistance –

WV Veterans' Home –

Special Revenue Operating Fund

(WV Code Chapter 9A)

Fund 6754 FY 2018 Org 0618

1	Current Expenses	13000	\$	700,000
2	Repairs and Alterations.....	06400		<u>50,000</u>
3	Total.....		\$	750,000

BUREAU OF SENIOR SERVICES

262 - Bureau of Senior Services –

Community Based Service Fund

(WV Code Chapter 22)

Fund 5409 FY 2018 Org 0508

1	Personal Services and Employee Benefits.....	00100	\$	151,290
2	Current Expenses	13000		<u>10,348,710</u>
3	Total.....		\$	10,500,000

4 The total amount of these appropriations are funded from annual table game license fees
 5 to enable the aged and disabled citizens of West Virginia to stay in their homes through the
 6 provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION

263 - Higher Education Policy Commission –

System –

Tuition Fee Capital Improvement Fund

(Capital Improvement and Bond Retirement Fund)

Control Account

(WV Code Chapters 18 and 18B)

Fund 4903 FY 2018 Org 0442

1	Debt Service	04000	\$	27,716,974
2	General Capital Expenditures	30600		5,000,000
3	Facilities Planning and Administration.....	38600		<u>421,082</u>
4	Total.....		\$	33,138,056

5 The total amount of these appropriations shall be paid from the Special Capital
6 Improvement Fund created in W.Va. Code §18B-10-8. Projects are to be paid on a cash basis
7 and made available on July 1.

8 The above appropriations, except for Debt Service, may be transferred to special revenue
9 funds for capital improvement projects at the institutions.

264 - Tuition Fee Revenue Bond Construction Fund

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2018 Org 0442

1 Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906,
2 appropriation 51100) at the close of the fiscal year 2017 is hereby reappropriated for expenditure
3 during the fiscal year 2018.

4 The appropriation shall be paid from available unexpended cash balances and interest
5 earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher
6 Education Policy Commission and the funds may be allocated to any institution within the system.

7 The total amount of this appropriation shall be paid from the unexpended proceeds of
8 revenue bonds previously issued pursuant to W.Va. Code §18-12B-8, which have since been
9 refunded.

265 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2018 Org 0442

1 Any unexpended balance remaining in the appropriation for Capital Improvements – Total
2 (fund 4908, appropriation 95800) at the close of fiscal year 2017 is hereby reappropriated for
3 expenditure during the fiscal year 2018.

4 The total amount of this appropriation shall be paid from the sale of the 2009 Series A
5 Community and Technical College Capital Improvement Revenue Bonds and anticipated interest
6 earnings.

266 - West Virginia University –

West Virginia University Health Sciences Center

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2018 Org 0463

1	Personal Services and Employee Benefits.....	00100	\$	10,274,340
2	Current Expenses	13000		4,524,300
3	Repairs and Alterations.....	06400		425,000
4	Equipment.....	07000		512,000
5	Buildings	25800		150,000
6	Other Assets	69000		<u>50,000</u>
7	Total.....		\$	15,935,640

MISCELLANEOUS BOARDS AND COMMISSIONS

267 - Board of Barbers and Cosmetologists –

Barbers and Beauticians Special Fund

(WV Code Chapters 16 and 30)

Fund 5425 FY 2018 Org 0505

1	Personal Services and Employee Benefits.....	00100	\$	504,497
2	Current Expenses	13000		<u>239,969</u>
3	Total.....		\$	744,466

4 The total amount of these appropriations shall be paid from a special revenue fund out of
 5 collections made by the Board of Barbers and Cosmetologists as provided by law.

268 - Hospital Finance Authority –

Hospital Finance Authority Fund

(WV Code Chapter 16)

Fund 5475 FY 2018 Org 0509

1	Personal Services and Employee Benefits.....	00100	\$	85,981
2	Unclassified	09900		1,450
3	Current Expenses	13000		<u>57,740</u>
4	Total.....		\$	145,171

5 The total amount of these appropriations shall be paid from the special revenue fund out
6 of fees and collections as provided by Article 29A, Chapter 16 of the Code.

269 - WV State Board of Examiners for Licensed Practical Nurses –

Licensed Practical Nurses

(WV Code Chapter 30)

Fund 8517 FY 2018 Org 0906

1	Personal Services and Employee Benefits.....	00100	\$	430,324
2	Current Expenses	13000		<u>53,133</u>
3	Total.....		\$	483,457

270 - WV Board of Examiners for Registered Professional Nurses –

Registered Professional Nurses

(WV Code Chapter 30)

Fund 8520 FY 2018 Org 0907

1	Personal Services and Employee Benefits.....	00100	\$	1,081,694
2	Current Expenses	13000		295,339
3	Repairs and Alterations.....	06400		3,000
4	Equipment.....	07000		19,500
5	Other Assets	69000		<u>4,500</u>
6	Total.....		\$	1,404,033

271 - Public Service Commission

(WV Code Chapter 24)

Fund 8623 FY 2018 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$	11,807,314
2	Unclassified	09900		147,643
3	Current Expenses	13000		2,594,398
4	Repairs and Alterations.....	06400		55,000
5	Equipment.....	07000		160,000

6	PSC Weight Enforcement	34500	4,370,453
7	Debt Payment/Capital Outlay	52000	350,000
8	BRIM Premium.....	91300	<u>150,040</u>
9	Total		\$ 19,634,848

10 The total amount of these appropriations shall be paid from a special revenue fund out of
 11 collections for special license fees from public service corporations as provided by law.

12 The Public Service Commission is authorized to transfer up to \$500,000 from this fund to
 13 meet the expected deficiencies in the Motor Carrier Division (fund 8625, org 0926) due to the
 14 amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled House Bill Number 2715,
 15 Regular Session, 1997.

272 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(WV Code Chapter 24B)

Fund 8624 FY 2018 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$ 284,198
2	Unclassified	09900	3,851
3	Current Expenses	13000	93,115
4	Repairs and Alterations.....	06400	<u>4,000</u>
5	Total		\$ 385,164

6 The total amount of these appropriations shall be paid from a special revenue fund out of
 7 receipts collected for or by the Public Service Commission pursuant to and in the exercise of
 8 regulatory authority over pipeline companies as provided by law.

273 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8625 FY 2018 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$ 2,243,526
2	Unclassified	09900	29,233

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3	Current Expenses	13000	577,557
4	Repairs and Alterations.....	06400	23,000
5	Equipment.....	07000	<u>50,000</u>
6	Total		\$ 2,923,316

7 The total amount of these appropriations shall be paid from a special revenue fund out of
 8 receipts collected for or by the Public Service Commission pursuant to and in the exercise of
 9 regulatory authority over motor carriers as provided by law.

274 - Public Service Commission –

Consumer Advocate Fund

(WV Code Chapter 24)

Fund 8627 FY 2018 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$ 743,372
2	Current Expenses	13000	276,472
3	Equipment.....	07000	9,872
4	BRIM Premium.....	91300	<u>4,660</u>
5	Total		\$ 1,034,376

6 The total amount of these appropriations shall be supported by cash from a special
 7 revenue fund out of collections made by the Public Service Commission.

275 - Real Estate Commission –

Real Estate License Fund

(WV Code Chapter 30)

Fund 8635 FY 2018 Org 0927

1	Personal Services and Employee Benefits.....	00100	\$ 582,413
2	Current Expenses	13000	285,622
3	Repairs and Alterations.....	06400	5,000
4	Equipment.....	07000	<u>10,000</u>
5	Total		\$ 883,035

6 The total amount of these appropriations shall be paid out of collections of license fees as
7 provided by law.

276 - WV Board of Examiners for Speech-Language

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(WV Code Chapter 30)

Fund 8646 FY 2018 Org 0930

1	Personal Services and Employee Benefits.....	00100	\$	73,190
2	Current Expenses	13000		<u>65,623</u>
3	Total		\$	138,813

277 - WV Board of Respiratory Care –

Board of Respiratory Care Fund

(WV Code Chapter 30)

Fund 8676 FY 2018 Org 0935

1	Personal Services and Employee Benefits.....	00100	\$	79,643
2	Current Expenses	13000		51,047
3	Repairs and Alterations.....	06400		<u>400</u>
4	Total		\$	131,090

278 - WV Board of Licensed Dietitians –

Dietitians Licensure Board Fund

(WV Code Chapter 30)

Fund 8680 FY 2018 Org 0936

1	Personal Services and Employee Benefits.....	00100	\$	15,950
2	Current Expenses	13000		<u>17,050</u>
3	Total		\$	33,000

279 - Massage Therapy Licensure Board –

Massage Therapist Board Fund

(WV Code Chapter 30)

Fund 8671 FY 2018 Org 0938

1	Personal Services and Employee Benefits.....	00100	\$	104,418
2	Current Expenses	13000		<u>22,648</u>
3	Total		\$	127,066

280 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2018 Org 0944

1	Debt Service	04000	\$	1,400,000
2	The above appropriation for Debt Service (fund 9067, appropriation 04000) shall be paid			
3	from the cash balance remaining in the Cacapon and Beech Fork State Parks Lottery Revenue			
4	Debt Service Fund (9067).			

281 - Board of Medicine –

Medical Licensing Board Fund

(WV Code Chapter 30)

Fund 9070 FY 2018 Org 0945

1	Personal Services and Employee Benefits.....	00100	\$	1,187,752
2	Current Expenses	13000		988,789
3	Repairs and Alterations.....	06400		<u>20,000</u>
4	Total		\$	2,196,541

282 - West Virginia Enterprise Resource Planning Board –

Enterprise Resource Planning System Fund

(WV Code Chapter 12)

Fund 9080 FY 2018 Org 0947

1	Personal Services and Employee Benefits.....	00100	\$	6,713,066
2	Unclassified	09900		232,000

3	Current Expenses	13000	20,140,134
4	Repairs and Alterations.....	06400	300
5	Equipment.....	07000	213,000
6	Buildings	25800	2,000
7	Other Assets	69000	<u>199,500</u>
8	Total		\$ 27,500,000

283 - Board of Treasury Investments –

Board of Treasury Investments Fee Fund

(WV Code Chapter 12)

Fund 9152 FY 2018 Org 0950

1	Personal Services and Employee Benefits.....	00100	\$ 782,889
2	Unclassified	09900	14,850
3	Current Expenses	13000	650,714
4	BRIM Premium.....	91300	36,547
5	Fees of Custodians, Fund Advisors and Fund Managers	93800	<u>3,500,000</u>
6	Total		\$ 4,985,000

7 There is hereby appropriated from this fund, in addition to the above appropriation if
 8 needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and
 9 expenses of custodians, fund advisors and fund managers for the consolidated fund of the State
 10 as provided in Article 6C, Chapter 12 of the Code.

11 The total amount of these appropriations shall be paid from the special revenue fund out
 12 of fees and collections as provided by law.

13 Total TITLE II, Section 3 – Other Funds

14 (Including claims against the state)..... \$ 1,491,985,711

1 **Sec. 4. Appropriations from lottery net profits.** — Net profits of the lottery are to be
 2 deposited by the Director of the Lottery to the following accounts in the amounts indicated. The
 3 Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation
 4 for each account bears to the total of the appropriations for all accounts.

5 After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant
 6 to W.Va. Code §29-22-18, the Director of the Lottery shall make available from the remaining net
 7 profits of the lottery any amounts needed to pay debt service for which an appropriation is made

8 for Fund 9065, Fund 4297, Fund 3390, and Fund 3514 and is authorized to transfer any such
 9 amounts to Fund 9065, Fund 4297, Fund 3390, and Fund 3514 for that purpose. Upon receipt of
 10 reimbursement of amounts so transferred, the Director of the Lottery shall deposit the
 11 reimbursement amounts to the following accounts as required by this section.

284 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(WV Code Chapter 5)

Fund 2252 FY 2018 Org 0211

	Appro-		Lottery
	priation		Funds
1 Debt Service – Total	31000	\$	10,000,000

285 - West Virginia Development Office –

West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 3067 FY 2018 Org 0304

1 Tourism – Telemarketing Center	46300	\$	82,080
2 Tourism – Advertising (R)	61800		2,422,407
3 Tourism – Operations (R).....	66200		<u>3,951,872</u>
4 Total		\$	6,456,359

5 From the above appropriation for Tourism – Operations (fund 3067, appropriation 66200)
 6 funding shall be provided for the operation of the WV Film Office.

7 Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund
 8 3067, appropriation 61800), and Tourism – Operations (fund 3067, appropriation 66200) at the
 9 close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

286 - Division of Natural Resources

(WV Code Chapter 20)

Fund 3267 FY 2018 Org 0310

1 Personal Services and Employee Benefits.....	00100	\$	2,090,941
2 Current Expenses	13000		23,000
3 Pricketts Fort State Park	32400		106,560

4	Non-Game Wildlife (R)	52700		365,540
5	State Parks and Recreation Advertising (R)	61900		<u>494,578</u>
6	Total		\$	3,080,619

7 Any unexpended balances remaining in the appropriations for Unclassified (fund 3267,
8 appropriation 09900), Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game
9 Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267,
10 appropriation 61900) at the close of the fiscal year 2017 are hereby reappropriated for expenditure
11 during the fiscal year 2018.

287 - State Board of Education

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2018 Org 0402

1	FBI Checks	37200	\$	108,860
2	Vocational Education Equipment Replacement.....	39300		800,000
3	Assessment Program (R)	39600		2,946,059
4	21 st Century Technology Infrastructure			
5	Network Tools and Support (R)	93300		<u>14,151,287</u>
6	Total		\$	18,006,206

7 Any unexpended balances remaining in the appropriations for Unclassified (fund 3951,
8 appropriation 09900), Current Expenses (fund 3951, appropriation 13000), Assessment Program
9 (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and
10 Support (fund 3951, appropriation 93300) at the close of the fiscal year 2017 are hereby
11 reappropriated for expenditure during the fiscal year 2018.

288 - State Department of Education –

School Building Authority –

Debt Service Fund

(WV Code Chapter 18)

Fund 3963 FY 2018 Org 0402

1	Debt Service – Total	31000	\$	6,414,437
2	Directed Transfer	70000		<u>11,585,563</u>
3	Total		\$	18,000,000

4 The School Building Authority shall have the authority to transfer between the above
 5 appropriations in accordance with W.Va. Code §29-22-18.

289 - Department of Education and the Arts –

Office of the Secretary –

Control Account –

Lottery Education Fund

(WV Code Chapter 5F)

Fund 3508 FY 2018 Org 0431

1	Unclassified (R).....	09900	\$	9,483
2	Current Expenses	13000		110,617
3	Commission for National and Community Service.....	19300		348,254
4	Statewide STEM 21 st Century Academy.....	89700		130,000
5	Literacy Project (R)	89900		<u>350,000</u>
6	Total		\$	948,354

7 Any unexpended balances remaining in the appropriations for Unclassified (fund 3508,
 8 appropriation 09900), Governor’s Honors Academy (fund 3508, appropriation 47800), Arts
 9 Programs (fund 3508, appropriation 50000), and Literacy Project (fund 3508, appropriation
 10 89900) at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal
 11 year 2018.

290 - Division of Culture and History –

Lottery Education Fund

(WV Code Chapter 29)

Fund 3534 FY 2018 Org 0432

1	Huntington Symphony.....	02700	\$	59,058
2	Preservation WV (R)	09200		491,921
3	Fairs and Festivals (R)	12200		1,346,814
4	Archeological Curation/Capital Improvements (R).....	24600		30,074
5	Historic Preservation Grants (R)	31100		294,742
6	West Virginia Public Theater	31200		120,019

7	Greenbrier Valley Theater	42300	99,543
8	Theater Arts of West Virginia	46400	90,000
9	Marshall Artists Series	51800	36,005
10	Grants for Competitive Arts Program (R).....	62400	580,800
11	West Virginia State Fair	65700	31,241
12	Save the Music	68000	24,000
13	Contemporary American Theater Festival.....	81100	57,281
14	Independence Hall	81200	27,277
15	Mountain State Forest Festival.....	86400	38,187
16	WV Symphony	90700	59,058
17	Wheeling Symphony	90800	59,058
18	Appalachian Children's Chorus	91600	<u>54,554</u>
19	Total		\$ 3,499,632

20 From the above appropriation for Preservation West Virginia (fund 3534, appropriation
21 09200) funding shall be provided to the African-American Heritage Family Tree Museum (Fayette)
22 \$2,673, Aracoma Story (Logan) \$29,703, Arts Monongahela (Monongalia) \$11,881, Barbour
23 County Arts and Humanities Council \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo Creek
24 Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society
25 (Wayne) \$1,166, Ceredo Kenova Railroad Museum (Wayne) \$1,166, Ceredo Museum (Wayne)
26 \$720, Children's Theatre of Charleston (Kanawha) \$3,127, Chuck Mathena Center (Mercer)
27 \$62,532, Collis P. Huntington Railroad Historical Society (Cabell) \$5,940, Country Music Hall of
28 Fame and Museum (Marion) \$4,158, First Stage Children's Theater Company \$1,166,
29 Flannigan Murrell House (Summers) \$3,780, Fort Ashby Fort (Mineral) \$891, Fort New Salem
30 (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen Memorial
31 Foundation (Berkeley) \$11,005, Grafton Mother's Day Shrine Committee (Taylor) \$5,049, Hardy
32 County Tour and Crafts Association \$11,881, Heartwood in the Hills (Calhoun) \$5,040, Heritage
33 Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic
34 Middleway Conservancy (Jefferson) \$594, Jefferson County Black History Preservation Society
35 \$2,970, Jefferson County Historical Landmark Commission \$4,752, Maddie Carroll House
36 (Cabell) \$4,455, Marshall County Historical Society \$5,049, McCoy Theater (Hardy) \$11,881,
37 Morgantown Theater Company (Monongalia) \$11,881, Mountaineer Boys' State (Lewis)
38 \$5,940, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum
39 (Berkeley) \$5,940, Old Opera House Theater Company (Jefferson) \$8,910, Parkersburg Arts
40 Center (Wood) \$11,881, Pocahontas Historic Opera House \$3,564, Raleigh County All Wars
41 Museum \$5,940, Rhododendron Girl's State (Ohio) \$5,940, Roane County 4-H and FFA Youth
42 Livestock Program \$2,970, Scottish Heritage Society/N. Central WV (Harrison) \$2,970, Society
43 for the Preservation of McGrew House (Preston) \$2,079, Southern West Virginia Veterans'
44 Museum \$3,393, Summers County Historic Landmark Commission \$2,970, Those Who Served

45 War Museum (Mercer) \$2,376, Three Rivers Avian Center (Summers) \$5,310, Tug Valley Arts
46 Council (Mingo) \$2,970, Tug Valley Chamber of Commerce Coal House (Mingo) \$1,188,
47 Tunnelton Historical Society (Preston) \$1,188, Veterans Committee for Civic Improvement of
48 Huntington (Wayne) \$2,970, West Virginia Museum of Glass (Lewis) \$3,713, West Virginia
49 Music Hall of Fame (Kanawha) \$20,792, YMCA Camp Horseshoe (Tucker) \$59,405, Youth
50 Museum of Southern West Virginia (Raleigh) \$7,128, Z.D. Ramsdell House (Wayne) \$720.

51 From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200)
52 funding shall be provided to A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage
53 Festival (Jefferson) \$2,970, Alderson 4th of July Celebration (Greenbrier) \$2,970, Allegheny
54 Echo (Pocahontas) \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683, American
55 Civil War (Grant) \$3,127, American Legion Post 8 Veterans Day Parade (McDowell) \$1,250,
56 Angus Beef and Cattle Show (Lewis) \$891, Annual Birch River Days (Nicholas) \$1,296, Annual
57 Don Redman Heritage Concert & Awards (Jefferson) \$938, Annual Ruddle Park Jamboree
58 (Pendleton) \$4,690, Antique Market Fair (Lewis) \$1,188, Apollo Theater-Summer Program
59 (Berkeley) \$1,188, Apple Butter Festival (Morgan) \$3,564, Arkansas Homemaker's Heritage
60 Weekend (Hardy) \$2,079, Armed Forces Day-South Charleston (Kanawha) \$1,782, Arthurdale
61 Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair
62 (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Barbour County Fair \$14,851,
63 Barboursville Octoberfest (Cabell) \$2,970, Bass Festival (Pleasants) \$1,099, Battelle District
64 Fair (Monongalia) \$2,970, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant
65 Memorial Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$2,673, Belleville
66 Homecoming (Wood) \$11,881, Bergoo Down Home Days (Webster) \$1,485, Berkeley County
67 Youth Fair \$10,990, Black Bear 4K Mountain Bike Race (Kanawha) \$684, Black Heritage
68 Festival (Harrison) \$3,564, Black Walnut Festival (Roane) \$5,940, Blast from the Past (Upshur)
69 \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone County Fair \$5,940, Boone County Labor
70 Day Celebration \$2,376, Bradshaw Fall Festival (McDowell) \$1,188, Brandonville Heritage Day
71 (Preston) \$1,048, Braxton County Fair \$6,832, Braxton County Monster Fest / West Virginia
72 Autumn Festival \$1,485, Brooke County Fair \$2,079, Bruceton Mills Good Neighbor Days
73 (Preston) \$1,188, Buckwheat Festival (Preston) \$5,050, Buffalo 4th of July Celebration
74 (Putnam) \$400, Buffalo October Fest (Putnam) \$3,240, Burlington Apple Harvest Festival
75 (Mineral) \$17,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970, Burnsville Harvest
76 Festival (Braxton) \$1,407, Cabell County Fair \$5,940, Calhoun County Wood Festival \$1,188,
77 Campbell's Creek Community Fair (Kanawha) \$1,485, Cape Coalwood Festival Association
78 (McDowell) \$1,485, Capon Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs
79 Ruritan 4th of July (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188, Cedarville
80 Town Festival (Gilmer) \$684, Celebration in the Park (Wood) \$2,376, Celebration of America
81 (Monongalia) \$3,564, Ceredo Freedom Festival (Wayne) \$700, Chapmanville Apple Butter
82 Festival (Logan) \$684, Chapmanville Fire Department 4th of July (Logan) \$1,782, Charles
83 Town Christmas Festival (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson)
84 \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester Fireworks (Hancock) \$891, Chester
85 4th of July Festivities (Hancock) \$2,970, Chief Logan State Park-Civil War Celebration (Logan)
86 \$4,752, Chilifest West Virginia State Chili Championship (Cabell) \$1,563, Christmas In Our Town
87 (Marion) \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the Park
88 (Brooke) \$2,970, Christmas in the Park (Logan) \$14,851, City of Dunbar Critter Dinner
89 (Kanawha) \$5,940, City of Logan Polar Express (Logan) \$4,456, City of New Martinsville
90 Festival of Memories (Wetzel) \$6,534, Clay County Golden Delicious Apple Festival \$4,158,
91 Clay District Fair (Monongalia) \$1,080, Coal Field Jamboree (Logan) \$20,792, Coalton Days
92 Fair (Randolph) \$4,158, Country Roads Festival (Fayette) \$1,188, Cowen Railroad Festival
93 (Webster) \$2,079, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer)

94 \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming
 95 (Mingo) \$2,079, Doddridge County Fair \$4,158, Dorcas Ice Cream Social (Grant) \$3,564,
 96 Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Elkins
 97 Randolph County 4th of July Car Show (Randolph) \$1,188, Fairview 4th of July Celebration
 98 (Marion) \$684, Farm Safety Day (Preston) \$1,188, Farmer's Day Festival (Monroe) \$2,330,
 99 Farmers' Day Parade (Wyoming) \$720, Fenwick Mountain Old Time Community Festival
 100 (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$11,881, Flatwoods Days (Braxton) \$700,
 101 Flemington Day Fair and Festival (Taylor) \$2,079, Follansbee Community Days (Brooke)
 102 \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148,
 103 Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison)
 104 \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton) \$4,456,
 105 Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis)
 106 \$2,970, Frontier Days (Harrison) \$1,782, Frontier Fest/Canaan Valley (Taylor) \$2,970, Fund
 107 for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,485, Gassaway Days Celebration
 108 (Braxton) \$2,970, Gilbert Elementary Fall Blast (Mingo) \$2,188, Gilbert Kiwanis Harvest Festival
 109 (Mingo) \$2,376, Gilbert Spring Fling (Mingo) \$3,595, Gilmer County Farm Show \$2,376, Grant
 110 County Arts Council \$1,188, Grape Stomping Wine Festival (Nicholas) \$1,188, Great
 111 Greenbrier River Race (Pocahontas) \$5,940, Greater Quinwood Days (Greenbrier) \$781,
 112 Guyandotte Civil War Days (Cabell) \$5,940, Hamlin 4th of July Celebration (Lincoln) \$2,970,
 113 Hampshire Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July
 114 Celebration \$11,881, Hampshire County Fair \$5,002, Hampshire Heritage Days (Hampshire)
 115 \$2,376, Hancock County Oldtime Fair \$2,970, Hardy County Commission - 4th of July \$5,940,
 116 Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Trail National ATV
 117 and Dirt Bike Weekend (Wyoming) \$2,970, Heat'n the Hills Chilifest (Lincoln) \$2,970, Heritage
 118 Craft Festival (Monroe) \$1,044, Heritage Days Festival (Roane) \$891, Hilltop Festival (Cabell)
 119 \$684, Hilltop Festival of Lights (McDowell) \$1,188, Hinton Railroad Days (Summers) \$4,347,
 120 Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432,
 121 Hundred 4th of July (Wetzel) \$4,307, Hundred American Legion Earl Kiger Post Bluegrass
 122 Festival (Wetzel) \$1,188, Hurricane 4th of July Celebration (Putnam) \$2,970, laeger Town Fair
 123 (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival
 124 (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair
 125 \$2,970, Jamboree (Pocahontas) \$2,970, Jane Lew Arts and Crafts Fair (Lewis) \$684, Jefferson
 126 County Fair Association \$14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire) \$684,
 127 John Henry Days Festival (Monroe) \$4,698, Johnnie Johnson Blues and Jazz Festival (Marion)
 128 \$2,970, Johnstown Community Fair (Harrison) \$1,485, Junior Heifer Preview Show (Lewis)
 129 \$1,188, Kanawha Coal Riverfest-St. Albans 4th of July Festival (Kanawha) \$2,970, Keeper of the
 130 Mountains-Kayford (Kanawha) \$1,485, Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall
 131 Festival (Mingo) \$1,782, Keystone Reunion Gala (McDowell) \$1,563, King Coal Festival (Mingo)
 132 \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, L.Z. Rainelle
 133 West Virginia Veterans Reunion (Greenbrier) \$2,970, Lady of Agriculture (Preston) \$684, Larry
 134 Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$5,940, Larry Joe Harless
 135 Community Center Spring Middle School Event (Mingo) \$2,970, Last Blast of Summer
 136 (McDowell) \$2,970, Lewis County Fair Association \$2,079, Lewisburg Shanghai (Greenbrier)
 137 \$1,188, Lincoln County Fall Festival \$4,752, Lincoln County Winterfest \$2,970, Lindsie
 138 Veterans' Day Parade \$720, Little Levels Heritage Festival (Pocahontas) \$1,188, Lost Creek
 139 Community Festival (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street
 140 Martinsburg Chocolate Fest and Book Fair (Berkeley) \$2,813, Mannington District Fair (Marion)
 141 \$3,564, Maple Syrup Festival (Randolph) \$684, Marion County FFA Farm Fest \$1,485, Marmet
 142 Labor Day Celebration (Kanawha) \$3,078, Marshall County Antique Power Show \$1,485,
 143 Marshall County Fair \$4,456, Mason County Fair \$2,970, Mason Dixon Festival (Monongalia)

144 \$4,158, Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo)
 145 \$15,932, McARTS-McDowell County \$11,881, McDowell County Fair \$1,485, McGrew House
 146 History Day (Preston) \$1,188, McNeill's Rangers (Mineral) \$4,752, Meadow Bridge Hometown
 147 Festival (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer Bluestone
 148 Valley Fair (Mercer) \$1,188, Mercer County Fair \$1,188, Mercer County Heritage Festival
 149 \$3,474, Mid Ohio Valley Antique Engine Festival (Wood) \$1,782, Milton Christmas in the Park
 150 (Cabell) \$1,485, Milton 4th of July Celebration (Cabell) \$1,485, Mineral County Fair \$1,040,
 151 Mineral County Veterans Day Parade \$891, Molasses Festival (Calhoun) \$1,188,
 152 Monongahfest (Marion) \$3,752, Moon Over Mountwood Fishing Festival (Wood) \$1,782,
 153 Morgan County Fair-History Wagon \$891, Moundsville Bass Festival (Marshall) \$2,376,
 154 Moundsville July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall Festival (Barbour)
 155 \$1,485, Mountain Fest (Monongalia) \$11,881, Mountain Festival (Mercer) \$2,747, Mountain
 156 Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music Festival (McDowell)
 157 \$1,485, Mountain State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts
 158 Fair Cedar Lakes (Jackson) \$26,732, Mountaineer Hot Air Balloon Festival (Monongalia)
 159 \$2,376, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia
 160 (Kanawha) \$11,881, Music and Barbecue - Banks District VFD (Upshur) \$1,278, New
 161 Cumberland Christmas Parade (Hancock) \$1,782, New Cumberland 4th of July (Hancock)
 162 \$2,970, New River Bridge Day Festival (Fayette) \$23,762, Newburg Volunteer Fireman's Field
 163 Day (Preston) \$684, Nicholas County Fair \$2,970, Nicholas County Potato Festival \$2,079,
 164 Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$3,564, Oglebay City
 165 Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country
 166 Fair \$5,346, Ohio River Fest (Jackson) \$4,320, Ohio Valley Beef Association (Wood) \$1,485,
 167 Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Central City Fair (Cabell) \$2,970, Old
 168 Century City Fair (Barbour) \$1,250, Old Tyme Christmas (Jefferson) \$1,425, Paden City Labor
 169 Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Patty Fest
 170 (Monongalia) \$1,188, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette)
 171 \$2,970, Pendleton County 4-H Weekend \$1,188, Pendleton County Committee for Arts \$8,910,
 172 Pendleton County Fair \$6,253, Pennsboro Country Road Festival (Ritchie) \$1,188, Petersburg
 173 4th of July Celebration (Grant) \$11,881, Petersburg HS Celebration (Grant) \$5,940, Piedmont-
 174 Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$891, Pine Bluff Fall
 175 Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival
 176 (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair \$2,970, Poca Heritage Days
 177 (Putnam) \$1,782, Pocahontas County Pioneer Days \$4,158, Point Pleasant Stern Wheel
 178 Regatta (Mason) \$2,970, Pratt Fall Festival (Kanawha) \$1,485, Princeton Autumnfest (Mercer)
 179 \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair \$2,970, Quartets on Parade
 180 (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival
 181 (Kanawha) \$1,485, Randolph County Community Arts Council \$1,782, Randolph County Fair
 182 \$4,158, Randolph County Ramp and Rails \$1,188, Ranson Christmas Festival (Jefferson)
 183 \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier) \$684, Ripley
 184 4th of July (Jackson) \$8,910, Ritchie County Fair and Exposition \$2,970, Ritchie County Pioneer
 185 Days \$684, River City Festival (Preston) \$684, Roane County Agriculture Field Day \$1,782,
 186 Rock the Park (Kanawha) \$3,240, Rocket Boys Festival (Raleigh) \$1,710, Romney Heritage
 187 Days (Hampshire) \$1,876, Ronceverte River Festival (Greenbrier) \$2,970, Rowlesburg Labor
 188 Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek
 189 Festival (Harrison) \$1,485, Salem Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of
 190 July (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on the Water (Wetzel)
 191 \$1,782, South Charleston Summerfest (Kanawha) \$5,940, Southern Wayne County Fall Festival
 192 \$684, Spirit of Grafton Celebration (Taylor) \$5,940, Springfield Peach Festival (Hampshire)
 193 \$738, St. Albans City of Lights - December (Kanawha) \$2,970, Sternwheel Festival (Wood)

194 \$1,782, Stoco Reunion (Raleigh) \$1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee
 195 (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, Storytelling Festival
 196 (Lewis) \$400, Strawberry Festival (Upshur) \$17,821, Sylvester Big Coal River Festival \$1,944,
 197 Tacy Fair (Barbour) \$684, Taste of Parkersburg (Wood) \$2,970, Taylor County Fair \$3,267,
 198 Terra Alta VFD 4th of July Celebration (Preston) \$684, The Gathering at Sweet Creek (Wood)
 199 \$1,782, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day
 200 Celebration (Taylor) \$8,910, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town
 201 of Fayetteville Heritage Festival (Fayette) \$4,456, Town of Matoaka Hog Roast (Mercer) \$684,
 202 Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield - Putnam County
 203 Homecoming \$3,240, St. Albans Train Fest (Kanawha) \$6,120, Treasure Mountain Festival
 204 (Pendleton) \$14,851, Tri-County Fair (Grant) \$22,548, Tucker County Arts Festival and
 205 Celebration \$10,692, Tucker County Fair \$2,821, Tucker County Health Fair \$1,188, Tunnelton
 206 Depot Days (Preston) \$684, Tunnelton Volunteer Fire Department Festival (Preston) \$684,
 207 Turkey Festival (Hardy) \$1,782, Tyler County Fair \$3,088, Tyler County 4th of July \$400, Tyler
 208 County OctoberFest \$720, Union Community Irish Festival (Barbour) \$648, Uniquely West
 209 Virginia Festival (Morgan) \$1,188, Upper Kanawha Valley Oktoberfest (Kanawha) \$1,485,
 210 Upper Ohio Valley Italian Festival (Ohio) \$7,128, Upshur County Youth Livestock Show \$1,440,
 211 Valley District Fair (Preston) \$2,079, Veterans Welcome Home Celebration (Cabell) \$938,
 212 Vietnam Veterans of America # 949 Christmas Party (Cabell) \$684, Volcano Days at Mountwood
 213 Park (Wood) \$2,970, War Homecoming Fall Festival (McDowell) \$891, Wardensville Fall
 214 Festival (Hardy) \$2,970, Wayne County Fair \$2,970, Wayne County Fall Festival \$2,970,
 215 Webster County Fair \$3,600, Webster County Wood Chopping Festival \$8,910, Webster Wild
 216 Water Weekend \$1,188, Weirton July 4th Celebration (Hancock) \$11,881, Welcome Home
 217 Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke) \$4,456, Wellsburg
 218 Apple Festival of Brooke County \$2,970, West Virginia Blackberry Festival (Harrison) \$2,970,
 219 West Virginia Chestnut Festival (Preston) \$684, West Virginia Coal Festival (Boone) \$5,940,
 220 West Virginia Coal Show (Mercer) \$1,563, West Virginia Dairy Cattle Show (Lewis) \$5,940,
 221 West Virginia Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum
 222 (Mercer) \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Fireman's
 223 Rodeo (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach
 224 Festival (Hampshire) \$3,240, West Virginia Polled Hereford Association (Braxton) \$891, West
 225 Virginia Poultry Festival (Hardy) \$2,970, West Virginia Pumpkin Festival (Cabell) \$5,940, West
 226 Virginia State Folk Festival (Gilmer) \$2,970, West Virginia Water Festival - City of Hinton
 227 (Summers) \$9,144, Weston VFD 4th of July Firemen Festival (Lewis) \$1,188, Wetzel County
 228 Autumnfest \$3,267, Wetzel County Town and Country Days \$10,098, Wheeling Celtic Festival
 229 (Ohio) \$1,166, Wheeling City of Lights (Ohio) \$4,752, Wheeling Sternwheel Regatta (Ohio)
 230 \$5,940, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action
 231 (Fayette) \$1,485, Wileyville Homecoming (Wetzel) \$2,376, Wine Festival and Mountain Music
 232 Event (Harrison) \$2,970, Winter Festival of the Waters (Berkeley) \$2,970, Wirt County Fair
 233 \$1,485, Wirt County Pioneer Days \$1,188, Wyoming County Civil War Days \$1,296, Youth
 234 Stockman Beef Expo (Lewis) \$1,188.

235 Any unexpended balances remaining in the appropriations for Preservation West Virginia
 236 (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200),
 237 Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic
 238 Preservation Grants (fund 3534, appropriation 31100), Grants for Competitive Arts Program (fund
 239 3534, appropriation 62400), and Project ACCESS (fund 3534, appropriation 86500) at the close
 240 of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

241 Any Fairs & Festivals awards shall be funded in addition to, and not in lieu of, individual
 242 grant allocations derived from the Arts Council and the Cultural Grant Program allocations.

291 - Library Commission –

Lottery Education Fund

(WV Code Chapter 10)

Fund 3559 FY 2018 Org 0433

1	Books and Films	17900	\$	360,784
2	Services to Libraries.....	18000		550,000
3	Grants to Public Libraries.....	18200		9,439,571
4	Digital Resources.....	30900		219,992
5	Infomine Network	88400		<u>852,729</u>
6	Total.....		\$	11,423,076

7 Any unexpended balance remaining in the appropriation for Libraries – Special Projects
 8 (fund 3559, appropriation 62500) at the close of fiscal year 2017 is hereby reappropriated for
 9 expenditure during the fiscal year 2018.

292 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2018 Org 0508

1	Personal Services and Employee Benefits.....	00100	\$	193,505
2	Current Expenses	13000		332,095
3	Repairs and Alterations.....	06400		1,000
4	Local Programs Service Delivery Costs	20000		2,435,250
5	Silver Haired Legislature	20200		18,500
6	Transfer to Division of Human Services for Health Care			
7	and Title XIX Waiver for Senior Citizens.....	53900		12,982,692
8	Roger Tompkins Alzheimer’s Respite Care.....	64300		2,296,601
9	WV Alzheimer’s Hotline.....	72400		45,000

10	Regional Aged and Disabled Resource Center	76700	425,000
11	Senior Services Medicaid Transfer.....	87100	14,502,312
12	Legislative Initiatives for the Elderly	90400	9,671,239
13	Long Term Care Ombudsman.....	90500	297,226
14	BRIM Premium.....	91300	7,152
15	In-Home Services and Nutrition for Senior Citizens.....	91700	<u>4,320,941</u>
16	Total.....		\$ 47,528,513

17 Any unexpended balance remaining in the appropriation for Senior Citizen Centers and
 18 Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2017 is hereby
 19 reappropriated for expenditure during the fiscal year 2018.

20 Included in the above appropriation for Current Expenses (fund 5405, appropriation
 21 13000), is funding to support an in-home direct care workforce registry.

22 The above appropriation for Transfer to Division of Human Services for Health Care and
 23 Title XIX Waiver for Senior Citizens (appropriation 53900) along with the federal moneys
 24 generated thereby shall be used for reimbursement for services provided under the program.

293 - Higher Education Policy Commission –

Lottery Education –

Higher Education Policy Commission –

Control Account

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2018 Org 0441

1	RHI Program and Site Support (R).....	03600	\$ 1,912,491
2	RHI Program and Site Support –		
3	RHEP Program Administration	03700	146,653
4	RHI Program and Site Support – Grad Med		
5	Ed and Fiscal Oversight (R).....	03800	87,110
6	Minority Doctoral Fellowship (R)	16600	129,604
7	Health Sciences Scholarship (R).....	17600	220,690
8	Vice Chancellor for Health Sciences –		

9	Rural Health Residency Program (R)	60100		62,725
10	WV Engineering, Science, and			
11	Technology Scholarship Program.....	86800		<u>452,831</u>
12	Total		\$	3,012,104

13 Any unexpended balances remaining in the appropriations for RHI Program and Site
 14 Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and
 15 Fiscal Oversight (fund 4925, appropriation 03800), Minority Doctoral Fellowship (fund 4925,
 16 appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice
 17 Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation
 18 60100) at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal
 19 year 2018.

20 The above appropriation for WV Engineering, Science, and Technology Scholarship
 21 Program (appropriation 86800) shall be transferred to the West Virginia Engineering, Science and
 22 Technology Scholarship Fund (fund 4928, org 0441) established by W.Va. Code §18C-6-1.

294 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2018 Org 0442

1	Debt Service – Total	31000	\$	5,000,000
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2 Any unexpended balance remaining in the appropriation for Capital Outlay and
 3 Improvements – Total (fund 4908, appropriation 84700) at the close of fiscal year 2017 is hereby
 4 reappropriated for expenditure during the fiscal year 2018.

295 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(WV Code Chapter 18B)

Fund 4185 FY 2018 Org 0463

1	WVU Health Sciences –			
2	RHI Program and Site Support (R)	03500	\$	1,107,466
3	MA Public Health Program and			
4	Health Science Technology (R)	62300		52,387

5	Health Sciences Career Opportunities Program (R).....	86900	319,587
6	HSTA Program (R).....	87000	1,630,169
7	Center for Excellence in Disabilities (R)	96700	<u>292,554</u>
8	Total.....		\$ 3,402,163

9 Any unexpended balances remaining in the appropriations for WVU Health Sciences –
10 RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and
11 Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career
12 Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185,
13 appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700)
14 at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year
15 2018.

296 - Higher Education Policy Commission –

Lottery Education –

Marshall University – School of Medicine

(WV Code Chapter 18B)

Fund 4896 FY 2018 Org 0471

1	Marshall Medical School –		
2	RHI Program and Site Support (R)	03300	\$ 396,249
3	Vice Chancellor for Health Sciences –		
4	Rural Health Residency Program (R)	60100	<u>163,858</u>
5	Total.....		<u>\$ 560,107</u>

6 Any unexpended balances remaining in the appropriations for Marshall Medical School –
7 RHI Program and Site Support (fund 4896, appropriation 03300) and Vice Chancellor for Health
8 Sciences – Rural Health Residency Program (fund 4896, appropriation 60100) at the close of
9 fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

10 Total TITLE II, Section 4 – Lottery Revenue..... \$ 130,917,133

1 **Sec. 5. Appropriations from state excess lottery revenue fund.** — In accordance with
2 W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the
3 following appropriations shall be deposited and disbursed by the Director of the Lottery to the
4 following accounts in this section in the amounts indicated.

5 After first funding the appropriations required by W.Va. Code §29-22-18a, §29-22A-10d,
6 §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from
7 the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the
8 extent that funds are available. In the event that revenues to the State Excess Lottery Revenue

9 Fund are sufficient to meet all the appropriations required made pursuant to this section, then the
 10 Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

297 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2018 Org 0705

	Appro-		Excess
	priation		Lottery
			Funds
1 Directed Transfer	70000	\$	10,000,000

2 The above appropriation shall be transferred to the General Revenue Fund to provide
 3 reimbursement for the refundable credit allowable under W.Va. Code §11-21-21. The amount of
 4 the required transfer shall be determined solely by the State Tax Commissioner and shall be
 5 completed by the Director of the Lottery upon the commissioner’s request.

298 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2018 Org 0705

1 General Revenue Fund – Transfer.....	70011	\$	65,000,000
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2 The above appropriation shall be transferred to the General Revenue Fund as determined
 3 by the Director of the Lottery in accordance with W.Va. Code §29-22-18a.

299 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2018 Org 0441

1 PROMISE Scholarship – Transfer.....	80000	\$	29,000,000
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2 The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund
 3 4296, org 0441) established by W.Va. Code §18C-7-7.

4 The Legislature has explicitly set a finite amount of available appropriations and directed
 5 the administrators of the Program to provide for the award of scholarships within the limits of
 6 available appropriations.

300 - Economic Development Authority –

Economic Development Project Fund

Fund 9065 FY 2018 Org 0944

1 Debt Service – Total 31000 \$ 19,000,000

2 Pursuant to W.Va. Code §29-22-18a, subsection (f), excess lottery revenues are
 3 authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the
 4 economic development project fund pursuant to section four of this title and W.Va. Code §29-22-
 5 18, subsection (f).

301 - Department of Education –

School Building Authority

Fund 3514 FY 2018 Org 0402

1 Debt Service – Total 31000 \$ 19,000,000

302 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2018 Org 0316

1 Directed Transfer 70000 \$ 46,000,000

2 The above appropriation shall be allocated pursuant to W.Va. Code §29-22-18d and §31-
 3 15-9.

303 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2018 Org 0441

1 Directed Transfer 70000 \$ 15,000,000

2 The above appropriation shall be transferred to fund 4903, org 0442 as authorized by
 3 Senate Concurrent Resolution No. 41.

304 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2018 Org 0310

1 Current Expenses (R) 13000 \$ 2,438,300

2 Repairs and Alterations (R) 06400 2,161,200

3 Equipment (R)..... 07000 200,000

2017]

HOUSE OF DELEGATES

491

4	Buildings (R)	25800		100,000
5	Other Assets (R)	69000		<u>100,500</u>
6	Total		\$	5,000,000

7 Any unexpended balances remaining in the above appropriations for Repairs and
8 Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000),
9 Unclassified – Total (fund 3277, appropriation 09600), Unclassified (fund 3277, appropriation
10 09900), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation
11 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2017
12 are hereby reappropriated for expenditure during the fiscal year 2018.

305 - Racing Commission –

Fund 7308 FY 2018 Org 0707

1	Special Breeders Compensation			
2	(WVC §29-22-18a, subsection (l))	21800	\$	2,000,000

306 - Lottery Commission –

Distributions to Statutory Funds and Purposes

Fund 7213 FY 2018 Org 0705

1	Parking Garage Fund – Transfer	70001	\$	500,000
2	2004 Capitol Complex Parking Garage Fund – Transfer	70002		254,147
3	Capitol Dome and Improvements Fund – Transfer	70003		2,155,201
4	Capitol Renovation and Improvement Fund – Transfer	70004		2,795,627
5	Development Office Promotion Fund – Transfer	70005		1,524,887
6	Research Challenge Fund – Transfer	70006		2,033,184
7	Tourism Promotion Fund – Transfer	70007		5,659,115
8	Cultural Facilities and Capitol Resources Matching			
9	Grant Program Fund – Transfer	70008		1,433,371
10	Workers' Compensation Debt Reduction Fund – Transfer	70009		2,750,000
11	State Debt Reduction Fund – Transfer	70010		20,000,000
12	General Revenue Fund – Transfer	70011		9,763,472
13	West Virginia Racing Commission Racetrack			

14	Video Lottery Account	70012	4,066,363
15	Historic Resort Hotel Fund	70013	34,200
16	Licensed Racetrack Regular Purse Fund.....	70014	<u>10,111,678</u>
17	Total		\$ 63,081,245

307 - Governor's Office

(WV Code Chapter 5)

Fund 1046 FY 2018 Org 0100

1 Any unexpended balance remaining in the appropriation for Publication of Papers and
 2 Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal
 3 year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

308 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 3170 FY 2018 Org 0307

1 Any unexpended balances remaining in the appropriations for Unclassified – Total (fund
 2 3170, appropriation 09600), Recreational Grants or Economic Development Loans (fund 3170,
 3 appropriation 25300), and Connectivity Research and Development – Lottery Surplus (fund 3170,
 4 appropriation 92300) at the close of the fiscal year 2017 are hereby reappropriated for expenditure
 5 during the fiscal year 2018.

309 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 4932 FY 2018 Org 0441

1 Any unexpended balance remaining in the appropriation for Advanced Technology
 2 Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2017 is hereby
 3 reappropriated for expenditure during the fiscal year 2018.

310 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2018 Org 0511

1	Medical Services.....	18900	\$ 24,506,170
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311 - Division of Corrections –

Correctional Units

(WV Code Chapters 25, 28, 49 and 62)

Fund 6283 FY 2018 Org 0608

1 Any unexpended balance remaining in the appropriation for Capital Outlay and
2 Maintenance (fund 6283, appropriation 75500) at the close of the fiscal year 2017 is hereby
3 reappropriated for expenditure during the fiscal year 2018.

4 Total TITLE II, Section 5 – Excess Lottery Funds..... \$ 297,587,415

1 **Sec. 6. Appropriations of federal funds.** — In accordance with Article 11, Chapter 4 of
2 the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of
3 the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized,
4 for expenditure during the fiscal year 2018.

LEGISLATIVE

312 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 8738 FY 2018 Org 2300

	Appro-		Federal
	priation		Funds
1 Economic Loss Claim Payment Fund.....	33400	\$	2,360,125

JUDICIAL

313 - Supreme Court

Fund 8867 FY 2018 Org 2400

1 Personal Services and Employee Benefits.....	00100	\$	2,008,000
2 Current Expenses	13000		<u>1,992,000</u>
3 Total		\$	4,000,000

EXECUTIVE

314 - Governor's Office

(WV Code Chapter 5)

Fund 8742 FY 2018 Org 0100

1	Current Expenses – Total	13000	\$	225,000
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315 - Department of Agriculture

(WV Code Chapter 19)

Fund 8736 FY 2018 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	1,563,760
2	Unclassified	09900		50,534
3	Current Expenses	13000		3,828,661
4	Repairs and Alterations.....	06400		650,000
5	Equipment.....	07000		910,500
6	Other Assets	69000		<u>50,000</u>
7	Total		\$	7,053,455

316 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 8737 FY 2018 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	610,830
2	Unclassified	09900		8,755
3	Current Expenses	13000		136,012
4	Repairs and Alterations.....	06400		5,500
5	Equipment.....	07000		<u>114,478</u>
6	Total		\$	875,575

317 - Department of Agriculture –

State Conservation Committee

(WV Code Chapter 19)

Fund 8783 FY 2018 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	97,250
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2017]

HOUSE OF DELEGATES

495

2	Current Expenses	13000	<u>14,099,974</u>
3	Total		\$ 14,197,224

318 - Department of Agriculture –

Land Protection Authority

Fund 8896 FY 2018 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 46,526
2	Unclassified	09900	5,004
3	Current Expenses	13000	<u>448,920</u>
4	Total		\$ 500,450

319 - Secretary of State –

State Election Fund

(WV Code Chapter 3)

Fund 8854 FY 2018 Org 1600

1	Personal Services and Employee Benefits.....	00100	\$ 210,240
2	Unclassified	09900	7,484
3	Current Expenses	13000	415,727
4	Repairs and Alterations.....	06400	15,000
5	Other Assets	69000	<u>100,000</u>
6	Total		\$ 748,451

DEPARTMENT OF COMMERCE

320 - Division of Forestry

(WV Code Chapter 19)

Fund 8703 FY 2018 Org 0305

1	Personal Services and Employee Benefits.....	00100	\$ 1,578,347
2	Unclassified	09900	51,050
3	Current Expenses	13000	5,232,560

4	Repairs and Alterations.....	06400	155,795
5	Equipment.....	07000	100,000
6	Other Assets	69000	<u>1,808,300</u>
7	Total		\$ 8,926,052

321 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 8704 FY 2018 Org 0306

1	Personal Services and Employee Benefits.....	00100	\$ 54,432
2	Unclassified	09900	2,803
3	Current Expenses	13000	195,639
4	Repairs and Alterations.....	06400	5,000
5	Equipment.....	07000	7,500
6	Other Assets	69000	<u>15,000</u>
7	Total		\$ 280,374

322 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 8705 FY 2018 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$ 745,981
2	Unclassified	09900	50,000
3	Current Expenses	13000	<u>4,504,019</u>
4	Total		\$ 5,300,000

323 - West Virginia Development Office –

Office of Economic Opportunity

(WV Code Chapter 5)

Fund 8901 FY 2018 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$ 497,289
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2017] HOUSE OF DELEGATES 497

2	Repairs and Alterations.....	06400		250
3	Equipment.....	07000		6,000
4	Unclassified	09900		106,795
5	Current Expenses	13000		<u>10,069,166</u>
6	Total		\$	10,679,500

324 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 8706 FY 2018 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	384,072
2	Unclassified	09900		5,572
3	Current Expenses	13000		167,098
4	Repairs and Alterations.....	06400		<u>500</u>
5	Total		\$	557,242

325 - Division of Natural Resources

(WV Code Chapter 20)

Fund 8707 FY 2018 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	7,912,218
2	Unclassified	09900		107,693
3	Current Expenses	13000		5,556,594
4	Repairs and Alterations.....	06400		289,400
5	Equipment.....	07000		1,815,182
6	Buildings	25800		951,000
7	Other Assets	69000		4,951,000
8	Land	73000		<u>6,001,000</u>
9	Total		\$	27,584,087

*326 - Division of Miners' Health,**Safety and Training*

(WV Code Chapter 22)

Fund 8709 FY 2018 Org 0314

1	Personal Services and Employee Benefits.....	00100	\$	613,177
2	Current Expenses	13000		<u>150,000</u>
3	Total		\$	763,177

327 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 8835 FY 2018 Org 0323

1	Unclassified	09900	\$	5,127
2	Current Expenses	13000		507,530
3	Reed Act 2002 – Unemployment Compensation.....	62200		2,850,000
4	Reed Act 2002 – Employment Services	63000		<u>1,650,000</u>
5	Total		\$	5,012,657

6 Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act,
7 as amended, and the provisions of W.Va. Code §21A-9-9, the above appropriation to Unclassified
8 and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of
9 administration of the state's unemployment insurance program or job service activities, subject to
10 each and every restriction, limitation or obligation imposed on the use of the funds by those federal
11 and state statutes.

328 - Office of Energy

(WV Code Chapter 5B)

Fund 8892 FY 2018 Org 0328

1	Personal Services and Employee Benefits.....	00100	\$	411,574
2	Unclassified	09900		7,350
3	Current Expenses	13000		<u>2,816,076</u>
4	Total		\$	3,235,000

DEPARTMENT OF EDUCATION

329 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2018 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	5,628,855
2	Unclassified	09900		2,000,000
3	Current Expenses	13000		212,367,820
4	Repairs and Alterations.....	06400		10,000
5	Equipment.....	07000		10,000
6	Other Assets	69000		<u>10,000</u>
7	Total		\$	220,026,675

330 - State Board of Education –

School Lunch Program

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2018 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	1,812,648
2	Unclassified	09900		1,150,500
3	Current Expenses	13000		143,281,265
4	Repairs and Alterations.....	06400		20,000
5	Equipment.....	07000		100,000
6	Other Assets	69000		<u>25,000</u>
7	Total		\$	146,389,413

331 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2018 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	1,519,972
2	Unclassified	09900		155,000
3	Current Expenses	13000		14,320,081
4	Repairs and Alterations.....	06400		10,000
5	Equipment.....	07000		10,000
6	Other Assets	69000		<u>10,000</u>
7	Total		\$	16,025,053

332 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2018 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	3,344,940
2	Unclassified	09900		1,000,000
3	Current Expenses	13000		108,346,390
4	Repairs and Alterations.....	06400		10,000
5	Equipment.....	07000		10,000
6	Other Assets	69000		<u>10,000</u>
7	Total		\$	112,721,330

DEPARTMENT OF EDUCATION AND THE ARTS

333 - Department of Education and the Arts –

Office of the Secretary

(WV Code Chapter 5F)

Fund 8841 FY 2018 Org 0431

1	Personal Services and Employee Benefits.....	00100	\$	416,675
2	Current Expenses	13000		5,587,325
3	Repairs and Alterations.....	06400		<u>1,000</u>

4	Total		\$ 6,005,000
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334 - Division of Culture and History

(WV Code Chapter 29)

Fund 8718 FY 2018 Org 0432

1	Personal Services and Employee Benefits.....	00100	\$ 743,046
2	Current Expenses	13000	1,947,372
3	Repairs and Alterations.....	06400	1,000
4	Equipment.....	07000	1,000
5	Buildings	25800	1,000
6	Other Assets	69000	1,000
7	Land	73000	<u>360</u>
8	Total		\$ 2,694,778

335 - Library Commission

(WV Code Chapter 10)

Fund 8720 FY 2018 Org 0433

1	Personal Services and Employee Benefits.....	00100	\$ 333,648
2	Current Expenses	13000	1,076,162
3	Equipment.....	07000	<u>543,406</u>
4	Total		\$ 1,953,216

336 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 8721 FY 2018 Org 0439

1	Equipment.....	07000	\$ 750,000
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337 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 8734 FY 2018 Org 0932

1	Personal Services and Employee Benefits.....	00100	\$	11,248,930
2	Current Expenses	13000		54,485,940
3	Repairs and Alterations.....	06400		350,400
4	Equipment.....	07000		<u>1,275,870</u>
5	Total		\$	67,361,140

338 - State Board of Rehabilitation –

Division of Rehabilitation Services –

Disability Determination Services

(WV Code Chapter 18)

Fund 8890 FY 2018 Org 0932

1	Personal Services and Employee Benefits.....	00100	\$	13,730,634
2	Current Expenses	13000		11,383,206
3	Repairs and Alterations.....	06400		1,100
4	Equipment.....	07000		<u>83,350</u>
5	Total		\$	25,198,290

DEPARTMENT OF ENVIRONMENTAL PROTECTION

339 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 8708 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	29,177,068
2	Current Expenses	13000		190,201,007
3	Repairs and Alterations.....	06400		738,283
4	Equipment.....	07000		1,725,238
5	Unclassified	09900		2,201,827
6	Other Assets	69000		2,154,416

7	Land	73000	100,000
8	Total		\$ 226,297,839

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

340 - Consolidated Medical Service Fund

(WV Code Chapter 16)

Fund 8723 FY 2018 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$ 750,876
2	Unclassified	09900	73,307
3	Current Expenses	13000	6,630,103
4	Total		\$ 7,454,286

341 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 8802 FY 2018 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$ 13,744,404
2	Unclassified	09900	947,948
3	Current Expenses	13000	79,110,551
4	Equipment.....	07000	456,972
5	Buildings	25800	155,000
6	Other Assets	69000	380,000
7	Total		\$ 94,794,875

342 - Division of Health –

West Virginia Safe Drinking Water Treatment

(WV Code Chapter 16)

Fund 8824 FY 2018 Org 0506

1	West Virginia Drinking Water Treatment
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2	Revolving Fund – Transfer	68900	\$	16,000,000
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343 - West Virginia Health Care Authority

(WV Code Chapter 16)

Fund 8851 FY 2018 Org 0507

1	Unclassified	09900	\$	9,966
2	Current Expenses	13000		986,649
3	Total		\$	996,615

344 - Human Rights Commission

(WV Code Chapter 5)

Fund 8725 FY 2018 Org 0510

1	Personal Services and Employee Benefits.....	00100	\$	625,349
2	Unclassified	09900		5,482
3	Current Expenses	13000		140,389
4	Total		\$	771,220

345 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2018 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	68,943,213
2	Unclassified	09900		22,855,833
3	Current Expenses	13000		72,070,005
4	Medical Services.....	18900		3,234,265,405
5	Medical Services Administrative Costs.....	78900		132,045,119
6	CHIP Administrative Costs.....	85601		3,333,752
7	CHIP Services.....	85602		47,422,974
8	Federal Economic Stimulus.....	89100		20,000,000
9	Total		\$	3,600,936,301

DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

346 - Office of the Secretary

(WV Code Chapter 5F)

Fund 8876 FY 2018 Org 0601

1	Personal Services and Employee Benefits.....	00100	\$	439,636
2	Unclassified	09900		250,000
3	Current Expenses	13000		24,307,690
4	Repairs and Alterations.....	06400		3,000
5	Other Assets	69000		<u>5,000</u>
6	Total.....		\$	25,005,326

347 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 8726 FY 2018 Org 0603

1	Unclassified	09900	\$	982,705
2	Mountaineer ChalleNGe Academy.....	70900		4,550,000
3	Martinsburg Starbase.....	74200		410,000
4	Charleston Starbase	74300		400,000
5	Military Authority	74800		<u>91,927,900</u>
6	Total.....		\$	98,270,605

7 The Adjutant General shall have the authority to transfer between appropriations.

348 - Adjutant General –

West Virginia National Guard Counterdrug Forfeiture Fund

(WV Code Chapter 15)

Fund 8785 FY 2018 Org 0603

1	Personal Services and Employee Benefits.....	00100	\$	1,350,000
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2	Current Expenses	13000	300,000
3	Equipment.....	07000	<u>350,000</u>
4	Total		\$ 2,000,000

*349 - Division of Homeland Security and
Emergency Management*

(WV Code Chapter 15)

Fund 8727 FY 2018 Org 0606

1	Personal Services and Employee Benefits.....	00100	\$ 721,650
2	Current Expenses	13000	20,429,281
3	Repairs and Alterations.....	06400	5,000
4	Equipment.....	07000	<u>100,000</u>
5	Total		\$ 21,255,931

350 - Division of Corrections

(WV Code Chapters 25, 28, 49 and 62)

Fund 8836 FY 2018 Org 0608

1	Unclassified	09900	\$ 1,100
2	Current Expenses	13000	<u>108,900</u>
3	Total		\$ 110,000

351 - West Virginia State Police

(WV Code Chapter 15)

Fund 8741 FY 2018 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$ 2,435,539
2	Current Expenses	13000	2,125,971
3	Repairs and Alterations.....	06400	42,000
4	Equipment.....	07000	2,502,285
5	Buildings	25800	750,500

2017] HOUSE OF DELEGATES 507

6	Other Assets	69000	144,500
7	Land	73000	<u>500</u>
8	Total		\$ 8,001,295

352 - Fire Commission

(WV Code Chapter 29)

Fund 8819 FY 2018 Org 0619

1	Current Expenses	13000	\$ 80,000
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353 - Division of Justice and Community Services

(WV Code Chapter 15)

Fund 8803 FY 2018 Org 0620

1	Personal Services and Employee Benefits.....	00100	\$ 1,056,170
2	Unclassified	09900	25,185
3	Current Expenses	13000	18,774,373
4	Repairs and Alterations.....	06400	<u>1,750</u>
5	Total		\$ 19,857,478

DEPARTMENT OF REVENUE

354 - Insurance Commissioner

(WV Code Chapter 33)

Fund 8883 FY 2018 Org 0704

1	Current Expenses	13000	\$ 3,000,000
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DEPARTMENT OF TRANSPORTATION

355 - Division of Motor Vehicles

(WV Code Chapter 17B)

Fund 8787 FY 2018 Org 0802

1	Personal Services and Employee Benefits.....	00100	\$ 501,394
2	Current Expenses	13000	13,671,640

3	Repairs and Alterations.....	06400	<u>500</u>
4	Total.....		\$ 14,173,534

356 - Division of Public Transit

(WV Code Chapter 17)

Fund 8745 FY 2018 Org 0805

1	Personal Services and Employee Benefits.....	00100	\$ 702,637
2	Current Expenses	13000	9,161,605
3	Repairs and Alterations.....	06400	2,500
4	Equipment.....	07000	4,726,958
5	Buildings	25800	750,000
6	Other Assets	69000	<u>250,000</u>
7	Total.....		\$ 15,593,700

357 - Public Port Authority

(WV Code Chapter 17)

Fund 8830 FY 2018 Org 0806

1	Current Expenses	13000	\$ 200,000
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DEPARTMENT OF VETERANS' ASSISTANCE*358 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2018 Org 0613

1	Personal Services and Employee Benefits.....	00100	\$ 2,751,100
2	Current Expenses	13000	3,925,900
3	Repairs and Alterations.....	06400	50,000
4	Equipment.....	07000	200,000
5	Buildings	25800	600,000
6	Other Assets	69000	100,000

2017] HOUSE OF DELEGATES 509

7	Land	73000	<u>100,000</u>
8	Total		\$ 7,727,000

359 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 8728 FY 2018 Org 0618

1	Personal Services and Employee Benefits.....	00100	\$ 877,915
2	Current Expenses	13000	844,092
3	Repairs and Alterations.....	06400	220,000
4	Equipment.....	07000	198,000
5	Buildings	25800	296,000
6	Other Assets	69000	20,000
7	Land	73000	<u>10,000</u>
8	Total		\$ 2,466,007

BUREAU OF SENIOR SERVICES

360 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 8724 FY 2018 Org 0508

1	Personal Services and Employee Benefits.....	00100	\$ 721,393
2	Current Expenses	13000	13,811,853
3	Repairs and Alterations.....	06400	<u>3,000</u>
4	Total		\$ 14,536,246

MISCELLANEOUS BOARDS AND COMMISSIONS

361 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8743 FY 2018 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$	1,286,913
2	Current Expenses	13000		368,953
3	Repairs and Alterations.....	06400		40,000
4	Equipment.....	07000		<u>750,000</u>
5	Total		\$	2,445,866

*362 - Public Service Commission –**Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2018 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$	596,600
2	Current Expenses	13000		124,628
3	Equipment.....	07000		3,000
4	Unclassified	09900		<u>4,072</u>
5	Total		\$	728,300

363 - National Coal Heritage Area Authority

(WV Code Chapter 29)

Fund 8869 FY 2018 Org 0941

1	Personal Services and Employee Benefits.....	00100	\$	159,235
2	Current Expenses	13000		631,365
3	Repairs and Alterations.....	06400		5,000
4	Equipment.....	07000		3,000
5	Other Assets	69000		2,000
6	Total		\$	<u>800,600</u>
7	Total TITLE II, Section 6 - Federal Funds.....			<u>\$ 4,874,926,288</u>

1 **Sec. 7. Appropriations from federal block grants.** — The following items are hereby
2 appropriated from federal block grants to be available for expenditure during the fiscal year 2018.

364 - West Virginia Development Office –

Community Development

Fund 8746 FY 2018 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	648,117
2	Unclassified	09900		375,000
3	Current Expenses	13000		<u>36,476,883</u>
4	Total		\$	37,500,000

365 - Department of Commerce

West Virginia Development Office –

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2018 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	362,389
2	Unclassified	09900		125,000
3	Current Expenses	13000		12,002,111
4	Repairs and Alterations.....	06400		1,500
5	Equipment.....	07000		<u>9,000</u>
6	Total		\$	12,500,000

366 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2018 Org 0323

1	Personal Services and Employee Benefits.....	00100	\$	2,112,606
2	Unclassified	09900		23,023
3	Current Expenses	13000		39,263,511
4	Repairs and Alterations.....	06400		1,600
5	Equipment.....	07000		500

6	Buildings	25800	<u>1,100</u>
7	Total		\$ 41,402,340

367 - Division of Health –

Maternal and Child Health

Fund 8750 FY 2018 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$ 2,124,294
2	Unclassified	09900	110,017
3	Current Expenses	13000	<u>8,767,420</u>
4	Total		\$ 11,001,731

368 - Division of Health –

Preventive Health

Fund 8753 FY 2018 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$ 162,320
2	Unclassified	09900	22,457
3	Current Expenses	13000	1,895,366
4	Equipment.....	07000	<u>165,642</u>
5	Total		\$ 2,245,785

369 - Division of Health –

Substance Abuse Prevention and Treatment

Fund 8793 FY 2018 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$ 822,766
2	Unclassified	09900	115,924
3	Current Expenses	13000	<u>10,653,740</u>
4	Total		\$ 11,592,430

370 - Division of Health –

Community Mental Health Services

Fund 8794 FY 2018 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	936,557
2	Unclassified	09900		33,533
3	Current Expenses	13000		<u>2,383,307</u>
4	Total		\$	3,353,397

*371 - Division of Human Services –**Energy Assistance*Fund 8755 FY 2018 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	1,514,312
2	Unclassified	09900		350,000
3	Current Expenses	13000		<u>33,181,300</u>
4	Total		\$	35,045,612

*372 - Division of Human Services –**Social Services*Fund 8757 FY 2018 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	14,231,684
2	Unclassified	09900		171,982
3	Current Expenses	13000		<u>2,870,508</u>
4	Total		\$	17,274,174

*373 - Division of Human Services –**Temporary Assistance for Needy Families*Fund 8816 FY 2018 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	18,297,327
2	Unclassified	09900		1,250,000
3	Current Expenses	13000		<u>105,847,136</u>
4	Total		\$	125,394,463

374 - Division of Human Services –

*Child Care and Development*Fund 8817 FY 2018 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	4,676,841
2	Unclassified	09900		350,000
3	Current Expenses	13000		<u>31,999,456</u>
4	Total		\$	37,026,297

375 - Division of Justice and Community Services –

*Juvenile Accountability Incentive*Fund 8829 FY 2018 Org 0620

1	Personal Services and Employee Benefits.....	00100	\$	1,648
2	Current Expenses	13000		48,351
3	Repairs and Alterations.....	06400		<u>1</u>
4	Total		\$	<u>50,000</u>
5	Total TITLE II, Section 7 – Federal Block Grants		\$	<u>334,386,229</u>

1 **Sec. 8. Awards for claims against the state.** — There are hereby appropriated for fiscal
2 year 2018, from the fund as designated, in the amounts as specified, general revenue funds in
3 the amount of \$930,144, special revenue funds in the amount of \$458,734, and state road funds
4 in the amount of \$563,249 for payment of claims against the state.

1 **Sec. 9. Appropriations from general revenue surplus accrued.** — The following item
2 is hereby appropriated from the state fund, general revenue, and is to be available for expenditure
3 during the fiscal year 2018 out of surplus funds only, accrued from the fiscal year ending June 30,
4 2017, subject to the terms and conditions set forth in this section.

5 It is the intent and mandate of the Legislature that the following appropriation be payable
6 only from surplus as of July 31, 2017 from the fiscal year ending June 30, 2017, only after first
7 meeting requirements of W.Va. Code §11B-2-20(b).

8 In the event that surplus revenues available on July 31, 2017, are not sufficient to meet
9 the appropriation made pursuant to this section, then the appropriation shall be made to the extent
10 that surplus funds are available as of the date mandated to meet the appropriation in this section
11 and shall be allocated first to provide the necessary funds to meet the first appropriation of this
12 section and each subsequent appropriation in the order listed in this section.

376 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2018 Org 0211

1 Capital Outlay, Repairs and Equipment – Surplus..... 67700 \$ 8,000,000

377 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2018 Org 0511

1 Medical Services – Surplus..... 63300 \$ 30,159,358

378 - State Auditor –

General Administration

(WV Code Chapter 12)

Fund 0116 FY 2018 Org 1200

1 Volunteer Fire Department Workers' Compensation

2 Subsidy – Surplus ##### \$ 2,000,000

379 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2018 Org 0702

1 Enhanced Enforcement and Auditing - Surplus..... ##### \$ 750,000

Total TITLE II, Section 9 – Surplus Accrued..... \$ 40,909,358

1 **Sec. 10. Appropriations from lottery net profits surplus accrued.** — The following
2 item is hereby appropriated from the lottery net profits, and is to be available for expenditure
3 during the fiscal year 2018 out of surplus funds only, as determined by the director of lottery,
4 accrued from the fiscal year ending June 30, 2017, subject to the terms and conditions set forth
5 in this section.

6 It is the intent and mandate of the Legislature that the following appropriation be payable
7 only from surplus accrued from the fiscal year ending June 30, 2017.

8 In the event that surplus revenues available from the fiscal year ending June 30, 2017,
9 are not sufficient to meet the appropriation made pursuant to this section, then the appropriation
10 shall be made to the extent that surplus funds are available.

380 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2018 Org 0508

1	Senior Services Medicaid Transfer – Lottery Surplus	68199	\$ <u>15,500,000</u>
2	Total TITLE II, Section 10 – Surplus Accrued		\$ <u>15,500,000</u>

1 **Sec. 11. Appropriations from state excess lottery revenue surplus accrued.** — The
 2 following item is hereby appropriated from the state excess lottery revenue fund, and is to be
 3 available for expenditure during the fiscal year 2018 out of surplus funds only, as determined by
 4 the director of lottery, accrued from the fiscal year ending June 30, 2017, subject to the terms and
 5 conditions set forth in this section.

6 It is the intent and mandate of the Legislature that the following appropriation be payable
 7 only from surplus accrued from the fiscal year ending June 30, 2017.

8 In the event that surplus revenues available from the fiscal year ending June 30, 2017,
 9 are not sufficient to meet the appropriation made pursuant to this section, then the appropriation
 10 shall be made to the extent that surplus funds are available.

381 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2018 Org 0511

1	Medical Services – Lottery Surplus	68100	\$ <u>26,900,000</u>
2	Total TITLE II, Section 11 – Surplus Accrued		\$ <u>26,900,000</u>

1 **Sec. 12. Special revenue appropriations.** — There are hereby appropriated for
 2 expenditure during the fiscal year 2018 appropriations made by general law from special revenues
 3 which are not paid into the state fund as general revenue under the provisions of W.Va. Code
 4 §12-2-2: *Provided*, That none of the money so appropriated by this section shall be available for
 5 expenditure except in compliance with the provisions of W.Va. Code §12-2 and 3, and W.Va.
 6 Code §11B-2, unless the spending unit has filed with the director of the budget and the legislative
 7 auditor prior to the beginning of each fiscal year:

8 (a) An estimate of the amount and sources of all revenues accruing to such fund; and

9 (b) A detailed expenditure schedule showing for what purposes the fund is to be
 10 expended.

11 During Fiscal Year 2018, the following funds are hereby available and are to be transferred
 12 to the Department of Health and Human Resources, Division of Human Services – Medical
 13 Services Trust Fund (fund 5185) from available balances per the following:

*382 - Treasurer's Office –**Banking Services Fund*

(WV Code Chapter 12)

Fund 1322 FY 2018 Org 1300

1 Directed Transfer 70000 \$ 1,209,197.40

383 - Department of Administration -

Office of the Secretary -

State Employee Sick Leave Fund

(WV Code Chapter 5)

Fund 2045 FY 2018 Org 0201

1 Directed Transfer 70000 \$ 454,906.67

384 - Department of Administration -

Office of the Secretary -

Gifts, Grants and Donations

(WV Code Chapter 5A)

Fund 2046 FY 2018 Org 0201

1 Directed Transfer 70000 \$ 80,000

385 - Department of Administration -

Division of Personnel -

Civil Service Emergency Employment Fund

(WV Code Chapter 29)

Fund 2444 FY 2018 Org 0222

1 Directed Transfer 70000 \$ 264.96

386 - Department of Health and Human Resources -

Division of Health -

Breast and Cervical Diagnostic and Treatment Fund

(WV Code Chapter 16)

Fund 5197 FY 2018 Org 0506

1	Directed Transfer	70000	\$ 1,393,767.75
2	Total TITLE II, Section 12 – Directed Transfer.....		<u>\$ 3,138,136.78</u>

1 **Sec. 13. State improvement fund appropriations.** — Bequests or donations of
2 nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2018, for
3 the purpose of making studies and recommendations relative to improvements of the
4 administration and management of spending units in the executive branch of state government,
5 shall be deposited in the state treasury in a separate account therein designated state
6 improvement fund.

7 There are hereby appropriated all moneys so deposited during the fiscal year 2018 to be
8 expended as authorized by the Governor, for such studies and recommendations which may
9 encompass any problems of organization, procedures, systems, functions, powers or duties of a
10 state spending unit in the executive branch, or the betterment of the economic, social,
11 educational, health and general welfare of the state or its citizens.

1 **Sec. 14. Specific funds and collection accounts.** — A fund or collection account which
2 by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful
3 demands upon the fund or collection account and shall be expended according to the provisions
4 of Article 3, Chapter 12 of the Code.

1 **Sec. 15. Appropriations for refunding erroneous payment.** — Money that has been
2 erroneously paid into the state treasury is hereby appropriated out of the fund into which it was
3 paid, for refund to the proper person.

4 When the officer authorized by law to collect money for the state finds that a sum has been
5 erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of
6 the proper amount. The Auditor shall issue his or her warrant to the Treasurer and the Treasurer
7 shall pay the warrant out of the fund into which the amount was originally paid.

1 **Sec. 16. Sinking fund deficiencies.** — There is hereby appropriated to the Governor a
2 sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance
3 fund of the West Virginia housing development fund which is under the supervision and control of
4 the municipal bond commission as provided by W.Va. Code §31-18-20b, or in the funds of the
5 municipal bond commission because of the failure of any state agency for either general obligation
6 or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary
7 for the payment of interest and sinking fund requirements. The Governor is authorized to transfer
8 from time to time such amounts to the municipal bond commission as may be necessary for these
9 purposes.

10 The municipal bond commission shall reimburse the state of West Virginia through the
11 Governor from the first remittance collected from the West Virginia housing development fund or
12 from any state agency or local taxing district for which the Governor advanced funds, with interest
13 at the rate carried by the bonds for security or payment of which the advance was made.

1 **Sec. 17. Appropriations for local governments.** — There are hereby appropriated for
2 payment to counties, districts and municipal corporations such amounts as will be necessary to
3 pay taxes due counties, districts and municipal corporations and which have been paid into the
4 treasury:

- 5 (a) For redemption of lands;
- 6 (b) By public service corporations;
- 7 (c) For tax forfeitures.

1 **Sec. 18. Total appropriations.** — Where only a total sum is appropriated to a spending
2 unit, the total sum shall include personal services and employee benefits, annual increment,
3 current expenses, repairs and alterations, buildings, equipment, other assets, land, and capital
4 outlay, where not otherwise specifically provided and except as otherwise provided in TITLE I –
5 GENERAL PROVISIONS, Sec. 3.

1 **Sec. 19. General school fund.** — The balance of the proceeds of the general school fund
2 remaining after the payment of the appropriations made by this act is appropriated for expenditure
3 in accordance with W.Va. Code §18-9A-16.

TITLE III – ADMINISTRATION

1 **Sec. 1. Appropriations conditional.** — The expenditure of the appropriations made by
2 this act, except those appropriations made to the legislative and judicial branches of the state
3 government, are conditioned upon the compliance by the spending unit with the requirements of
4 Article 2, Chapter 11B of the Code.

5 Where spending units or parts of spending units have been absorbed by or combined with
6 other spending units, it is the intent of this act that appropriations and reappropriations shall be to
7 the succeeding or later spending unit created, unless otherwise indicated.

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

On the motion to concur, Delegate Caputo demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 670**), and there were—yeas 55, nays 31, absent and not voting 14, with the nays and absent and not voting being as follows:

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hicks, Hornbuckle, Isner, Longstreth, Lovejoy, Marcum, Miley, R. Miller, Moye, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Ambler, Arvon, Butler, Deem, Ellington, A. Evans, N. Foster, Householder, Iaquina, C. Miller, Phillips, R. Romine, Summers and Westfall.

So, a majority of the members elected having voted in the affirmative, the House concurred in the amendment of the bill by the Senate.

The bill, as amended by the House, and further amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 671**), and there were, including pairs—yeas 64, nays 25, absent and not voting 11, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings were announced by the Clerk:

Paired:

Yea: Butler Nay: Longstreth

Yea: C. Miller Nay: Miley

Yea: Westfall Nay: Rodighiero

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, Ferro, Fleischauer, Fluharty, Hornbuckle, Lovejoy, Marcum, R. Miller, Pushkin, Pyles, Robinson, Sponaugle and Williams.

Absent and Not Voting: Ambler, Arvon, Deem, Ellington, A. Evans, N. Foster, Householder, Iaquinta, Phillips, R. Romine and Summers.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (S. B. 1013) passed.

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

On this question, the yeas and nays were taken (**Roll No. 672**), and there were—yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Ambler, Arvon, Butler, Deem, Ellington, A. Evans, N. Foster, Householder, Iaquinta, C. Miller, Phillips, R. Romine, Summers and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1013) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the amendment of the House of Delegates, with further amendment, and the passage, as amended, to take effect from passage, of

S. B. 1006, Increasing funding for State Road Fund.

Delegate Cowles moved that the House concur in the following amendment of the bill by the Senate:

On page thirty-four, section three, line five, by striking out "\$40" and inserting in lieu thereof "\$50".

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

The yeas and nays having been ordered, they were taken, **(Roll No. 673)**, and there were—yeas 62, nays 24, absent and not voting 14, with the nays and absent and not voting being as follows:

Nays: Barrett, Eldridge, Fast, Fluharty, Folk, Frich, Gearheart, Harshbarger, Hill, Howell, Kessinger, Lynch, Marcum, Martin, Maynard, McGeehan, Moye, Overington, Paynter, Robinson, Sobonya, Sponaugle, Upson and Ward.

Absent and Not Voting: Ambler, Arvon, Butler, Deem, Ellington, A. Evans, N. Foster, Householder, Iaquinta, C. Miller, Phillips, R. Romine, Summers and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the House concurred in the amendment of the bill by the Senate.

The bill, as amended by the House, and further amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 674)**, and there were—yeas 54, nays 32, absent and not voting 14, with the nays and absent and not voting being as follows:

Nays: Barrett, Blair, Cooper, Eldridge, Espinosa, Fast, Folk, G. Foster, Frich, Gearheart, Hamrick, Harshbarger, Higginbotham, Hill, Howell, Kessinger, Lynch, Marcum, Martin, Maynard, McGeehan, Moye, O'Neal, Overington, Paynter, Robinson, Rodighiero, Sobonya, Sponaugle, Upson, Ward and Wilson.

Absent and Not Voting: Ambler, Arvon, Butler, Deem, Ellington, A. Evans, N. Foster, Householder, Iaquinta, C. Miller, Phillips, R. Romine, Summers and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1006) passed.

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

On this question, the yeas and nays were taken **(Roll No. 675)**, and there were—yeas 74, nays 12, absent and not voting 14, with the nays and absent and not voting being as follows:

Nays: Barrett, Folk, Gearheart, Hill, Kessinger, Marcum, Martin, McGeehan, Paynter, Upson, Ward and Wilson.

Absent and Not Voting: Ambler, Arvon, Butler, Deem, Ellington, A. Evans, N. Foster, Householder, Iaquinta, C. Miller, Phillips, R. Romine, Summers and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1006) takes effect from its passage.

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

A message from the Senate, by

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

Com. Sub. for S. B. 1011, Selling Hopemont Hospital.

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on Finance has had under consideration:

S. B. 1003, Relating generally to WV Parkways Authority,

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

Delegate Cowles asked unanimous consent that the bill be taken up for immediate consideration and read a first time, which consent was not given, objection being heard.

Delegate Cowles then so moved.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 676**), and there were—yeas 70, nays 15, absent and not voting 15, with the nays and absent and not voting being as follows:

Nays: Dean, Eldridge, Fast, Folk, Gearheart, Hill, Kessinger, Marcum, Martin, Maynard, McGeehan, Paynter, Rodighiero, Ward and Wilson.

Absent and Not Voting: Ambler, Arvon, Butler, Deem, Ellington, A. Evans, N. Foster, Householder, Iaquinta, C. Miller, Phillips, R. Romine, Rowe, Summers and Westfall.

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

The bill was then read a first time and ordered to second reading.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 677**), and there were—yeas 73, nays 13, absent and not voting 14, with the nays and absent and not voting being as follows:

Nays: Fast, Folk, Gearheart, Hicks, Hill, Kessinger, Marcum, Martin, Maynard, McGeehan, Paynter, Ward and Wilson.

Absent and Not Voting: Ambler, Arvon, Butler, Deem, Ellington, A. Evans, N. Foster, Householder, Iaquinta, C. Miller, Phillips, R. Romine, Summers and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time.

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

“That §17-16A-18a and §17-16A-23 of the Code of West Virginia, 1931, as amended, be repealed; that §17-16A-5, §17-16A-6, §17-16A-10, §17-16A-11, §17-16A-13, §17-16A-13a, §17-16A-18, §17-16A-21, §17-16A-22, §17-16A-29 and §17-16A-30 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §17-16A-11a; that §17-16D-3 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §17A-2-25; that §17A-3-7 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §17A-10-17, all to read as follows:

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 16A. WEST VIRGINIA PARKWAYS AUTHORITY.

§17-16A-5. Definitions.

As used in this article, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) ‘Cost’ means the cost of construction, reconstruction, maintenance, improvement, repair and operation of the project, the cost of the acquisition of all land, rights-of-way, property, rights, easements and interests acquired by the Parkways Authority or the Department of Transportation for such construction, reconstruction, maintenance, improvement and repair, the cost of all machinery, equipment, material and labor which are deemed essential thereto, the cost of improvements, the cost of financing charges, interest prior to and during construction and for one year after completion of construction, the cost of traffic estimates and of engineering, consultant, accounting, architects’, trustees’ and legal fees and expenses, plans, specifications, surveys, estimates of cost and of revenues, other costs and expenses necessary or incident to determining the feasibility or practicability of constructing any such project, administrative expenses and such other costs and expenses as may be necessary or incident to the construction of the project, the financing of such construction and the placing of the project in operation or to the operation of the project. Any obligation or expense hereafter incurred by the Department of Transportation with the approval of the Parkways Authority, regardless of whether the approval was authorized before or after the obligation or expense was incurred, for traffic surveys, borings, preparation of plans and specifications, and other engineering and consulting services in connection with the construction of a parkway project shall be regarded as a part of the cost of such project and may be reimbursed to the state out of the proceeds of parkway revenue bonds or revenue refunding bonds hereinafter authorized.

(b) ‘Department of Transportation’ means the West Virginia Department of Transportation and each of its respective divisions and subordinate agencies, including, without limitation, the Division of Highways.

(c) ‘Economic development project’ means any land or water site, structure, facility or equipment which the Parkways Authority may acquire, create, develop, construct, reconstruct, improve or repair, or previously may have acquired, created, developed, constructed, reconstructed, improved or repaired under the provisions of this article to promote the agricultural, economic or industrial development of the state, together with all property rights, easements and interests which may be acquired by the Parkways Authority for the development, construction or operation of such project.

(d) 'Expressway' means any road serving major intrastate and interstate travel, including federal interstate routes.

(e) 'Feeder roads' means any road serving community to community travel or collects and feeds traffic to an expressway or turnpike.

(f) 'Local service road' means any local arterIALIZED and spur roads which provide land access and socioeconomic benefits to abutting properties.

(g) 'Owner' means all individuals, co-partnerships, associations or corporations having any title or interest in any property, rights, easements and interests authorized to be acquired by this article.

(h) 'Park and forest roads' means any road serving travel within state parks, state forests and public hunting and fishing areas.

(i) 'Parkways Authority' or 'authority' means the West Virginia Parkways Authority, or if the Parkways Authority is abolished, the board, body, commission or authority succeeding to the principal functions thereof or to whom the powers given by this article to the Parkways Authority shall be given by law.

(j) 'Parkway project' means any expressway, turnpike, bridge, tunnel, trunk line, feeder road, state local service road or park and forest road, or any portion or portions of any expressway, turnpike, trunk line, feeder road, state local service road or park and forest road, whether contiguous or noncontiguous to the West Virginia Turnpike or to any such portion or portions thereof, which the Parkways Authority or the Department of Transportation may acquire, construct, reconstruct, maintain, operate, improve, ~~or~~ repair or finance under the provisions of this article, which shall include for all purposes of this article, any acquisition, construction, reconstruction, maintenance, operation, improvement, ~~or~~ repair or financing that the authority may undertake by agreement with the Department of Transportation, or any expressway, turnpike or other road constructed by the West Virginia Turnpike Commission pursuant to the authority granted to it under the laws of this state prior to June 1, 1989, and shall embrace all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service stations and administration, storage and other buildings, which the Parkways Authority or the Department of Transportation may deem necessary for the operation of ~~the a~~ parkway project, or which is used in the operation of a parkway project, ~~constructed prior to June 1, 1989~~ together with all property, rights, easements and interests which may be acquired by the Parkways Authority or the Department of Transportation for the construction or the operation of ~~the a~~ parkway project or which were acquired in connection with or are used in the operation of ~~a the~~ turnpike or any other existing parkway project. ~~constructed prior to June 1, 1989~~ A parkway project shall also include any enhancements or improvements to the turnpike or any parkway project, including, without limitation, projects involving lane widening, resurfacing, surface replacement, bridge replacement, bridge improvements and enhancements, other bridge work, drainage system improvements and enhancements, drainage system replacements, safety improvements and enhancements, and traffic flow improvements and enhancements, which have been recommended by the authority's or the Department of Transportation's consulting engineers or traffic engineers, or both.

(k) 'Project' or 'projects' means a parkway project, economic development project or tourism project, or any combination thereof.

(l) 'Public meeting' means a meeting designed to solicit input and provide information sufficient to allow the public to understand the scope and the costs of a particular project.

(m) 'State Road Fund' means the State Road Fund created in article three, chapter seventeen of this code.

~~(n)~~ (n) 'Transportation secretary' means the Secretary of the Department of Transportation.

(o) 'Toll revenues' means any amount received by the Parkways Authority from any source as a fee for the right of transit over the West Virginia Turnpike or any other parkway project and any fees paid by owners of registered motor vehicles in the state or any other state collected pursuant to section seventeen, article ten, chapter seventeen-a of this code.

~~(p)~~ (p) 'Tourism project' means:

(1) Any park or tourist facility and attraction which the Parkways Authority may create, develop, construct, reconstruct, improve, maintain or repair or may have previously created, developed, constructed, reconstructed, improved, maintained or repaired under the provisions of this article, and shall include all roads, interchanges, entrance plazas, approaches, service stations, administration, storage and any other buildings or service stations, structures which the Parkways Authority may deem necessary for the operation of the tourism project, together with all property rights, easements and interests which may be acquired by the Parkways Authority for the construction or operation of the tourism project; and

(2) The construction, reconstruction, improvement, maintenance and repair of any park or tourist facility and attraction owned by the state as of June 1, 1989.

~~(q)~~ (q) "Tourist facility and attraction" mean cabins, lodges, recreational facilities, restaurants and other revenue producing facilities, any land or water site, and any information center, visitors' center or rest stop which the Parkways Authority determines may improve, enhance or contribute to the development of the tourism industry in the state.

~~(r)~~ (r) 'Trunk line' means any road serving major city-to-city travel.

~~(s)~~ (s) 'Turnpike' means the West Virginia Turnpike or any other toll road in the state.

~~(t)~~ (t) 'West Virginia Turnpike Commission' means the State Turnpike Commission existing as of June 1, 1989.

~~(u)~~ (u) 'West Virginia Turnpike' means the turnpike from Charleston to a point approximately one mile south of the intersection of Interstate 77 and U. S. Route 460 near Princeton in Mercer County, West Virginia, which road is presently a part of the Federal Interstate Highway System.

§17-16A-6. Parkways Authority's powers.

(a) The Parkways Authority is hereby authorized and empowered:

(1) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) To adopt an official seal and alter the same at pleasure;

(3) To maintain an office at such place or places within the state as it may designate;

(4) To sue and be sued in its own name, plead and be impleaded. Any and all actions against the Parkways Authority shall be brought only in the county in which the principal office of the Parkways Authority is located;

(5) To construct, reconstruct, improve, maintain, repair, ~~and operate~~ or finance projects, at such locations within the state or adjacent to the state pursuant to a reciprocal toll enforcement agreement as may be determined by the Parkways Authority: ~~subject to the provisions of section thirty of this article~~ *Provided*, That after July 1, 2010, the Parkways Authority is prohibited from constructing new tourism projects or new economic development projects, but this prohibition shall not prevent the authority from entering into lease agreements, development agreements or other agreements with private businesses or companies allowing and providing for such private businesses or companies to acquire, develop, construct and operate motels, lodging facilities or other businesses and business facilities on land owned by the authority and located adjacent to the Tamarack project and facilities at Exit 45 of the West Virginia Turnpike;

(6) To issue parkway revenue bonds of the State of West Virginia, payable solely from toll revenues, for the purpose of paying all or any part of the cost of any one or more parkway projects; ~~which costs may include, with respect to the West Virginia Turnpike, such funds as are necessary to repay to the State of West Virginia all or any part of the state funds used to upgrade the West Virginia Turnpike to federal interstate standards~~

(7) To issue parkway revenue refunding bonds of the State of West Virginia, payable solely from toll revenues, for any one or more of the following purposes:

(A) Refunding any bonds which shall have been issued under the provisions of this article or any predecessor thereof; and

(B) Repaying to the state all or any part of the state funds used to upgrade the West Virginia Turnpike to federal interstate standards;

(8) To charge, fix and revise, from time to time, tolls or fees for transit over each parkway project constructed or improved or financed by it, by the Department of Transportation or by the West Virginia Turnpike Commission: *Provided*, That the Parkways Authority may not charge tolls or fees for transit over an existing road without express legislative authorization for the charging of such tolls or fees: *Provided, however*, That an existing road does not include the West Virginia Turnpike, new lanes or sections of an existing road, the replacement or construction of any bridge or tunnel, or related facilities;

(9) To fix and revise, rents, fees or other charges, of whatever kind or character, for the use of each tourism project or economic development project constructed by it or for the use of any building, structure or facility constructed by it or financed in connection with a parkway project;

(10) To acquire, hold, lease and dispose of real and personal property in the exercise of its powers and the performance of its duties under this article;

(11) To acquire in the name of the state by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the right of condemnation in the manner hereinafter provided, such public or private lands, including public parks, playgrounds or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements and interests, as it may deem necessary for carrying out the provisions of this article. No compensation shall be paid for public lands, playgrounds, parks, parkways or reservations so taken, and all public property damaged in carrying out the powers granted by this article shall be restored or repaired and placed in its original condition as nearly as practicable;

(12) To designate the locations of, and establish, limit and control such points of ingress to and egress from, each project as may be necessary or desirable in the judgment of the Parkways

Authority to ensure the proper operation and maintenance of such project and to prohibit entrance to such project from any point or points not so designated;

(13) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article, and to employ consulting engineers, attorneys, accountants, architects, construction and financial experts, trustees, superintendents, managers and such other employees and agents as may be necessary in its judgment, and to fix their compensation. All such expenses shall be payable solely from the proceeds of parkway revenue bonds or parkway revenue refunding bonds issued under the provisions of this article; ~~or from tolls or from toll~~ revenues;

(14) To make and enter into all contracts, agreements or other arrangements with any agency, department, division, board, bureau, commission, authority or other governmental unit of the state to operate, maintain or repair any project;

(15) To receive and accept from any federal agency grants for or in aid of the construction of any project, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(16) To study, investigate, evaluate and, if feasible, develop and implement a 'single fee' program the purpose of which is to charge a flat fee to owners of motor vehicles registered in this state who opt into any such program or any other state which opts into any such program: which would produce on an annual basis a sum of money equal to the total toll revenue received from all West Virginia drivers on West Virginia toll roads during the Authority's preceding fiscal year, divided into at least three classes based upon usage, size and number of axles *Provided, That any single fee program shall apply only to passenger motor vehicles, divided into classes based on size and usage, and shall not apply to commercial motor vehicles.* The flat fee shall be set by the authority at a rate or amount so that the aggregate of all toll revenues estimated to be received by the authority at the time of fixing any such rate or amount, or any increase thereof, provides sufficient toll revenues consistent with the purposes set forth in section thirteen of this article and to cover the administrative costs of any such single fee program. ~~Said sum, plus an amount necessary to cover the expected costs of such program~~ The separate fee shall be collected produced by adding it to either the annual cost of vehicle registration or of vehicle inspection a single fee equal to the proportionate share of that vehicle owner of the total toll revenue needed to be produced from all vehicles within that class as an additional fee payable solely to the authority pursuant to section seventeen, article ten, chapter seventeen-a of this code. A registered motor vehicle for which such single program fee has been paid shall be entitled to traverse all toll roads within the state without stopping to pay individual tolls during the effective period of said vehicle registration. or said inspection: *Provided, however, That if the single fee proposed to be charged under said program exceeds the standard round trip toll for that vehicle over the entire length of the West Virginia Turnpike, the Authority shall not implement such program without the prior approval of both Houses of the Legislature: *Provided further, That any such** The single fee program may ~~shall~~ also include comparable provisions which would allow vehicles registered in other states to traverse West Virginia toll roads in like fashion to West Virginia vehicles as set forth in this section upon the payment of a single fee for each and every vehicle registered in such state, in accordance with the same classification system adopted for West Virginia vehicles. The Parkways Authority, in consultation with the Division of Motor Vehicles, shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement any single fee program under this subdivision (16);

(17) To enter into reciprocal toll enforcement agreements with other toll agencies in this state or in any other state or foreign country;

~~(47)~~ (18) To do all acts and things necessary or convenient to carry out the powers expressly granted in this article; and

~~(18)~~ (19) To file the necessary petition or petitions pursuant to federal bankruptcy laws, Title 11, United States Code, Sec. 401 (being section 81 of the Act of Congress entitled 'An act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898, as amended) and to prosecute to completion all proceedings permitted by Title 11, United States Code, Secs. 401-403 (being sections 81 to 83, inclusive, of said Act of Congress). The State of West Virginia hereby consents to the application of said Title 11; of the United States Code, Secs. 401-403, to the Parkways Authority.

(b) Nothing in this article shall be construed to prohibit the issuance of parkway revenue refunding bonds in a common plan of financing with the issuance of parkway revenue bonds.

§17-16A-10. Parkway revenue bonds, generally.

(a) The Parkways Authority is authorized to provide by resolution for the issuance of parkway revenue bonds of the state for the purpose of paying all or any part of the cost of one or more parkway projects. ~~Provided, That this section shall not be construed as authorizing the issuance of parkway revenue bonds for the purpose of paying the cost of the West Virginia Turnpike, which parkway revenue bonds may be issued only as authorized under section eleven of this article~~ The principal of and the interest on bonds shall be payable solely from the funds provided for payment, except that:

(1) None of the proceeds of the issuance of parkway revenue bonds under this section shall be used to pay all or any part of the cost of any economic development project or tourism project;

(2) Nothing in this section shall be construed as prohibiting the Parkways Authority from issuing additional parkway revenue bonds to the extent permitted by applicable federal law for the purpose of constructing, maintaining and operating any highway constructed, in whole or in part, with money obtained from the Appalachian Regional Commission; and

(3) The authorization to issue bonds under this section is in addition to the authorization and power to issue bonds under any other section of this code.

(b) The bonds of each issue shall be dated, shall bear interest at a rate as may be determined by the Parkways Authority in its sole discretion, shall mature at a time not exceeding forty years from their date of issue as may be determined by the Parkways Authority, and may be made redeemable before maturity, at the option of the Parkways Authority at a price and under the terms and conditions as may be fixed by the Parkways Authority prior to the issuance of the bonds.

(c) The Parkways Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination of the bonds and the place of payment of principal and interest, which may be at any bank or trust company or securities depository within or without the state.

(d) The bonds shall be executed by manual or facsimile signature by the chair of the Parkways Authority, and the official seal of the Parkways Authority shall be affixed to or printed on each bond, and attested, manually or by facsimile signature, by the Secretary and Treasurer of the Parkways Authority. Any coupons attached to any bond shall bear the manual or facsimile signature of the chair of the Parkways Authority.

(e) In case any officer whose signature or a facsimile of whose signature appears on any bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or facsimile

shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. In case the seal of the Parkways Authority has been changed after a facsimile has been imprinted on the bonds, then the facsimile seal will continue to be sufficient for all purposes.

(f) All bonds issued under the provisions of this article shall have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The bonds may be issued in coupon or in registered form, or both, as the Parkways Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the recorders into coupon bonds of any bonds registered as to both principal and interest.

(g) The Parkways Authority may sell the bonds at a public or private sale at a price it determines to be in the best interests of the state.

(h) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the parkway project or parkway projects and by the Division of Highways for any acquisition, construction, reconstruction, maintenance, improvement or repair of public highways and bridges as provided for in this article sixteen-a for which the bonds were issued, and shall be disbursed in a manner consistent with the resolution authorizing the issuance of the bonds or in the trust agreement securing the bonds.

(i) If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than the cost, then additional bonds may in like manner be issued to provide the amount of the deficit. Unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust agreement securing the bonds, the additional bonds shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued.

(j) If the proceeds of the bonds of any issue exceed the cost of the parkway project or parkway projects for which the bonds were issued, then the surplus shall be deposited to the credit of the sinking fund for the bonds.

(k) Prior to the preparation of definitive bonds, the Parkways Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when the bonds have been executed and are available for delivery. The Parkways Authority may also provide for the replacement of any bonds that become mutilated or are destroyed or lost.

(l) All or any portion of the proceeds of any parkway revenue bonds issued pursuant to this section may be credited to the special revenue account within the State Road Fund created in section eleven of this article. Moneys in such fund shall be used by the Division of Highways for any acquisition, construction, reconstruction, maintenance, improvement or repair of public highways and bridges in this state.

~~(m)~~ (m) Bonds may be issued under the provisions of this article without obtaining the consent of any department, division, commission, board, bureau or agency of the state in accordance with this article: *Provided*, That the Parkways Authority shall comply with the provisions of section twenty-eight, article one, chapter five of this code.

§17-16A-11. Parkway revenue bonds -- West Virginia Turnpike; related projects State Road Construction Account.

~~(a) The Parkways Authority is authorized to provide by resolution, at one time or from time to time, for the issuance of parkway revenue bonds of the state in an aggregate outstanding principal amount not to exceed, from time to time, \$200 million for the purpose of paying:~~

~~(1) All or any part of the cost of the West Virginia Turnpike, which may include, but not be limited to, an amount equal to the state funds used to upgrade the West Virginia Turnpike to federal interstate standards;~~

~~(2) All or any part of the cost of any one or more parkway projects that involve improvements to or enhancements of the West Virginia Turnpike, including, without limitation, lane widening on the West Virginia Turnpike and that are or have been recommended by the Parkways Authority's traffic engineers or consulting engineers or by both of them prior to the issuance of parkway revenue bonds for the project or projects; and~~

~~(3) To the extent permitted by federal law, all or any part of the cost of any related parkway project.~~

~~(b) For purposes of this section only, a 'related parkway project' means any information center, visitors' center or rest stop, or any combination thereof, and any expressway, turnpike, trunkline, feeder road, state local service road or park and forest road which connects to or intersects with the West Virginia Turnpike and is located within seventy-five miles of the turnpike as it existed on June 1, 1989, or any subsequent expressway, trunkline, feeder road, state local service road or park and forest road constructed pursuant to this article: *Provided*, That nothing in this section shall be construed as prohibiting the Parkways Authority from issuing parkway revenue bonds pursuant to section ten of this article for the purpose of paying all or any part of the cost of any related parkway project: *Provided, however*, That none of the proceeds of the issuance of parkway revenue bonds under this section shall be used to pay all or any part of the cost of any economic development project, except as provided in section twenty-three of this article: *Provided further*, That nothing in this section shall be construed as prohibiting the Parkways Authority from issuing additional parkway revenue bonds to the extent permitted by applicable federal law for the purpose of constructing, maintaining and operating any highway constructed, in whole or in part, with money obtained from the Appalachian Regional Commission as long as the highway connects to the West Virginia Turnpike as it existed on June 1, 1989: *And provided further*, That, for purposes of this section, in determining the amount of bonds outstanding, from time to time, within the meaning of this section: Original par amount or original stated principal amount at the time of issuance of bonds shall be used to determine the principal amount of bonds outstanding, except that the amount of parkway revenue bonds outstanding under this section may not include any bonds that have been retired through payment, defeased through the deposit of funds irrevocably set aside for payment or otherwise refunded so that they are no longer secured by toll revenues of the West Virginia Turnpike: *And provided further*, That the authorization to issue bonds under this section is in addition to the authorization and power to issue bonds under any other section of this code: *And provided further*, That, without limitation of the authorized purposes for which parkway revenue bonds are otherwise permitted to be issued under this section, and without increasing the maximum principal par amount of parkway revenue bonds permitted to be outstanding, from time to time, under this section, the Authority is specifically authorized by this section to issue, at one time or from time to time, by resolution or resolutions under this section, parkway revenue bonds under this section for the purpose of paying all or any part of the cost of one or more parkway projects that:~~

~~(1) Consist of enhancements or improvements to the West Virginia Turnpike, including, without limitation, projects involving lane widening, resurfacing, surface replacement, bridge replacement, bridge improvements and enhancements, other bridge work, drainage system improvements and enhancements, drainage system replacements, safety improvements and enhancements, and traffic flow improvements and enhancements; and~~

~~(2) Have been recommended by the Authority's consulting engineers or traffic engineers, or both, prior to the issuance of the bonds.~~

~~(c) Except as otherwise specifically provided in this section, the issuance of parkway revenue bonds pursuant to this section, the maturities and other details of the bonds, the rights of the holders of the bonds, and the rights, duties and obligations of the Parkways Authority in respect of the bonds shall be governed by the provisions of this article insofar as the provisions are applicable.~~

~~(d) Notwithstanding any other provision of this code to the contrary, the Authority may not issue parkway revenue bonds under this section for projects on the West Virginia Turnpike after June 30, 2010: *Provided*, That the authority may issue revenue refunding bonds pursuant to sections twenty-one and twenty-two of this article.~~

(a) There is hereby created within the State Road Fund a special revenue account to be known as the State Road Construction Account held in the State Treasury to be expended by the Division of Highways for construction, maintenance and repair of public highways and bridges in this state. The State Road Construction Account created in this section is a special revenue account in the State Treasury and is not part of the state General Revenue Fund.

(b) The State Road Construction Account shall consist of:

(1) All or any portion of the proceeds of any parkway revenue bonds issued pursuant to section ten of this article that the Parkways Authority, in its discretion, may credit to the State Road Construction Account, notwithstanding any provision of section ten of this article to the contrary;

(2) Any appropriations, grants, gifts, contributions or other revenues received by the State Road Construction Account from any source; and

(3) All interest earned on moneys held in the account.

(c) The funds in the special revenue account created by this section will be expended by the Division of Highways for the costs of acquisition, construction, reconstruction, maintenance, improvement or repair of public highways and bridges, as contained in the Division of Highways' Statewide Transportation Improvement Plan as it existed on June 1, 2017, or the West Virginia Division of Highways SOS Transportation Investment Program Candidate Project List dated May 3, 2017, in the following counties:

(1) Raleigh County;

(2) Fayette County;

(3) Wyoming County;

(4) Mercer County;

(5) Kanawha County;

(6) Greenbrier County;

(7) Monroe County;

(8) Summers County;

(9) McDowell County; and

(10) Nicholas County.

§17-16A-11a. West Virginia Parkways Authority Single Fee Program Fund.

There is hereby created within the State Treasury a special account within the state road fund, designated the West Virginia Parkways Authority Single Fee Program Fund. The account shall consist of any fees received from owners of registered motor vehicles in the state or any other state that have opted in under any single fee program that may be created and implemented by the authority pursuant to section six of this article. The account shall be administered by the Parkways Authority and expenditures from the fund shall be used exclusively by the Authority for the purposes authorized in section thirteen of this article and for administrative costs related to any single fee program implemented by the Parkways Authority under subdivision (16), subsection (a), section six of this article.

§17-16A-13. Tolls, rents, fees, charges and revenues; competitive bidding on contracts.

(a)(1) The Parkways Authority is hereby authorized to fix, revise, charge and collect tolls and fees for the use of each parkway project and the different parts or sections thereof and to fix, revise, charge and collect rents, fees, charges and other revenues, of whatever kind or character, for the use of each economic development project or tourism project, or any part or section thereof, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, ~~telegraph~~ fiber optic or other data transmission lines or devices, electric light, power or other utility lines, gas stations, garages, stores, hotels, restaurants and advertising signs, or for any other purpose except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use: Provided, That the Parkways Authority may not charge tolls or fees for transit over an existing road without express legislative authorization for the charging of such tolls or fees: Provided, however, That an existing road does not include the West Virginia Turnpike, new lanes or new sections of an existing road, the replacement or construction of any bridge or tunnel, or related facilities. Such tolls, rents, fees and charges shall be so fixed and adjusted in respect of the aggregate of tolls, or in respect of the aggregate rents, fees and charges, from the project or projects in connection with which the bonds of any issue shall have been issued as to provide a fund sufficient with other revenues, if any: ~~to pay:~~ (A) The (1) To pay the cost of acquiring, constructing, reconstructing, maintaining, repairing, improving and operating such project or projects and to create reserves therefor; and (B) (2) to pay the principal of and the interest on such bonds and related costs and expenses as the same shall become due and payable, and to create reserves for such purposes; and (3) to comply with any covenants under any trust agreement securing any bonds issued by the Parkways Authority, or any predecessor thereof, or to maintain bond credit ratings. Such tolls, rents, fees and other charges shall not be subject to supervision or regulation by any other commission, board, bureau, department or agency of the state. The tolls, rents, fees, charges and all other revenues derived from the project or projects in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay the cost of ~~maintenance, repair and operation~~ acquiring, constructing, reconstructing, maintaining, improving, repairing and operating such project or projects and to provide such reserves therefor as may be provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at regular intervals as may be provided in the resolution or the trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of: (i) The interest upon the bonds as such interest shall fall due; (ii) the principal of the bonds as the same shall fall due; (iii) the necessary charges of paying agents and trustees for paying principal and interest; and (iv) the redemption price or the purchase price of bonds retired by call or purchase as therein provided. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of the bonds or of the trust agreement. Except as may otherwise be provided in the resolution or the trust agreement, such sinking fund shall be a fund for all bonds without distinction or priority of one over another. The moneys in the sinking fund, less such reserve as may be provided in the resolution

or trust agreement, if not used within a reasonable time for the purchase of bonds for cancellation as above provided, shall be applied to the redemption of bonds at the redemption price then applicable.

~~(2)(A) In fiscal year one thousand nine hundred ninety-eight, after the parkways authority has met or provided for the satisfaction of each requirement imposed by the provisions of subdivision (1) of this subsection, the parkways authority shall pay two hundred fifty thousand dollars to the Hatfield-McCoy regional recreation authority from any remaining balance of revenues received from economic development projects and tourism projects.~~

~~(B) Upon the effective date of this act, the parkways authority shall seek authorization from the federal highway administration, the state Department of Transportation and the trustee under any trust indenture or agreement existing as the result of the issuance of any revenue bonds under the provisions of this article to issue additional revenue bonds in a total amount not to exceed six million dollars for the purpose of funding projects of the Hatfield-McCoy regional recreation authority. Upon the agreement of all of such entities that the parkways authority be authorized to do so, as certified to the parkways authority, the Governor and the Joint Committee on Government and Finance, the parkways authority is authorized to issue additional revenue bonds in a total amount not to exceed six million dollars. The proceeds of the revenue bonds shall be used to fund projects of the Hatfield-McCoy regional recreation authority. Each issuance of such revenue bonds and the application of the proceeds thereof shall be subject to each condition, restriction or other provision of this article applicable to the issuance of parkway revenue bonds. In the event the agreement is not certified as required by this subsection, and until the same is certified, the parkways authority shall pay two hundred fifty thousand dollars to the Hatfield-McCoy regional recreation authority in the fiscal year ending the thirtieth day of June, two thousand, and in each fiscal year thereafter, for a total of nine consecutive years, for the purpose of funding projects of the Hatfield-McCoy regional recreation authority. These amounts shall be paid in quarterly installments from remaining balances in each fiscal year of revenues received from economic development projects and tourism projects as determined in the manner provided in paragraph (A) of this subdivision.~~

(b) The Parkways Authority shall cause, as soon as it is legally able to do so, all contracts to which it is a party and which relate to the operation, maintenance or use of any restaurant, motel or other lodging facility, truck and automobile service facility, food vending facility or any other service facility located along the West Virginia Turnpike, to be renewed on a competitive bid basis. All contracts relating to any facility or services entered into by the Parkways Authority with a private party with respect to any project constructed after the effective date of this legislation shall be let on a competitive bid basis only. If the Parkways Authority receives a proposal for the development of a project, except for a parkway project, such proposal shall be made available to the public in a convenient location in the county wherein the proposed facility may be located. The Parkways Authority shall publish a notice of the proposal by a Class I legal advertisement in accordance with the provisions of article three, chapter fifty-nine of this code. The publication area shall be the county in which the proposed facility would be located. Any citizen may communicate by writing to the Parkways Authority his or her opposition to or approval to such proposal within a period of time not less than forty-five days from the publication of the notice. No contract for the development of an economic development project or a tourism project may be entered into by the Parkways Authority until a public hearing is held in the vicinity of the location of the proposed economic development project or tourism project with at least twenty days' notice of such hearing by a Class I publication pursuant to section two of said article. The Parkways Authority shall make written findings of fact prior to rendering a decision on any such proposed project. All studies, records, documents and other materials which are considered by the Parkways Authority in making such findings shall be made available for public inspection at the time of the publication of the notice of public hearing and at a convenient location in the county where the proposed economic development project or tourism project may be located. The Parkways Authority shall promulgate rules in accordance with chapter

twenty-nine-a of this code for the conduct of any hearing required by this section. Persons attending any such hearing shall be afforded a reasonable opportunity to speak and be heard on the proposed economic development project or tourism project.

§17-16A-13a. Public notice and hearing meeting requirements.

(a) Notwithstanding any provision of the law to the contrary, on and after ~~July 1, 2010~~ the effective date of the amendment and reenactment of this section in 2017, the Parkways Authority is authorized after prior public notice and ~~hearing~~ meeting, as set forth in this section, to:

(1) Fix initial rates, tolls or charges along any portion of a parkway project and fix fees for any single fee program implemented in accordance with section six of this article including, without limitation, fixing initial rates, tolls or charges that may be subject to adjustment or escalation from time to time, or approve any proposal or contract that would require the Parkways Authority to fix any initial rates, tolls or charges along any portion of a parkway project or any fees under any single fee program;

(2) Increase any rates, tolls or charges along any portion of the parkway project, increase fees for any single fee program implemented in accordance with section six of this article, or approve any proposal or contract that would result in or require an increase in any rates or tolls along any portion of the parkway project or any fees under any single fee program: *Provided*, That the Parkways Authority may not increase any passenger vehicle rates, tolls or charges without establishing either a single fee program pursuant to subdivision (16), subsection (a), section six of this article or a passenger motor vehicle unlimited use single fee EZ Pass transponder discount program pursuant to section twenty-nine of this article: *Provided, however*, That the program shall extend at least through the period that any rates, tolls or charges are imposed: *Provided further*, That the single annual fee proposed to be charged under either such program may not exceed:

(A) An amount of \$25 per year: *Provided*, That the Parkways Authority may adjust this amount every three years: *Provided, however*, That an increase in such amount may not exceed five percent of the amount at each adjustment; and

(B) A usage fee for the EZ Pass transponder, radio frequency identifying tag or other device issued by the Parkways Authority to participate in such program, which fee shall not exceed the actual cost of issuing such device;

(3) Issue any parkway revenue bond pursuant to section ten of this article or any parkway revenue refunding bond pursuant to sections twenty-one and twenty-two of this article which would require the Parkways Authority to increase or adjust rates, tolls, fees under any single fee program, or charges whether at the time of issuance of the bonds or at any time during the term of any bonds;

(4) Approve any contract or project which would require or result in an increase in the rates, tolls or charges along any portion of the parkway project or fees under any single fee program implemented in accordance with section six of this article; or

(5) Take any other action which would require or result in an increase in the rates, tolls or charges along any portion of the parkway project or fees under any single fee program implemented in accordance with section six of this article.

(b) The Parkways Authority shall publish notice of any proposed contract, project or bond which would require the Parkways Authority to fix any initial toll rates or charges or fees or result in an increase of any toll rates or charges or fees, ~~or extend any bond repayment obligation along with the associated initial rate or fee and rate or fee increase, or revised bond repayment period by a Class II~~

legal advertisement in accordance with the provisions of article three, chapter fifty-nine of this code, published and of general circulation in each county which borders the parkway project or proposed parkway project affected by the proposed contract, project or bond.

(c) Once notice has been provided in accordance with the provisions of this section, the Parkways Authority shall conduct ~~a public hearing in each county which borders the parkway project or proposed parkway project affected by the proposed contract, project or bond, and any~~ at least one public meeting at a reasonable time and location in any county which borders the parkway project or proposed parkway project affected by the proposed contract, project or bond, to allow interested members of the public an opportunity to ask questions and give written comments during the meeting respecting the proposed contract, project or bond which would require the Parkways Authority to fix any initial toll rates or charges or fees or result in an increase of any toll rates or charges or fees. Any citizen may also communicate by writing to the Parkways Authority his or her opposition to or approval of such proposal, initial rate or toll or fee, rate or toll or fee increase or amended bond terms. The public notice and written public comment period shall be conducted not less than forty-five days from the publication of the notice and the affected public must be provided with at least twenty days' notice of ~~each~~ any scheduled public hearing meeting.

(d) All studies, records, documents and other materials which were considered by the Parkways Authority before recommending the approval of any such project or recommending the adoption of any such initial rate or increase shall be made available for public inspection for a period of at least twenty days prior to the scheduled ~~hearing~~ meeting at a convenient location in each county where a public hearing meeting is held or online.

~~(e) At the conclusion of all required public hearings, the Parkways Authority shall render a final decision which shall include written findings of fact supporting its final decision on any proposed project which would result in or require initial rates, a rate increase, or prior to finally approving any proposed initial rate or toll or rate or toll increase, and such required findings and conclusions must reference and give due consideration to the public comments and additional evidence offered during the public hearings.~~

~~(f) (e) On and after July 1, 2010, any~~ Any final action taken by the Parkways Authority to approve or implement any proposed initial rate or fee, rate or fee increase, contract or project which would require or result in a proposed initial rate or toll or fee or a proposed increase of any rate or tolls along any portion of ~~the a~~ a parkway project or fee for any single fee program without first satisfying the public notice and ~~hearing~~ meeting requirements of this section, shall be null and void.

(f) Nothing in this section shall be construed to permit or authorize the Parkways Authority to charge tolls or fees on any existing road without express legislative authorization for the charging of such tolls or fees: Provided, That an existing road does not include the West Virginia Turnpike, new lanes or new sections of an existing road, the replacement or construction of any bridge or tunnel, or related facilities.

§17-16A-18. Cessation of tolls Corridor L toll fees authorized; commuter pass.

~~(a) Except as provided herein, when all bonds issued under the provisions of this article in connection with any parkway project or projects and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, such project or projects, if then in good condition and repair to the satisfaction of the Commissioner of the state Division of Highways, shall be transferred to the state Division of Highways and shall thereafter be maintained by the state Division of Highways free of tolls.~~

~~(b) No later than February 1, 1990, the parkways authority shall discontinue, remove and not relocate all toll collection facilities on the West Virginia Turnpike as the same existed on June 1, 1989, except for the three main toll barriers and collection facilities and, provided solely that the provisions of section eighteen-a are complied with, the toll collection facilities at the intersection of U.S. Route 19 (Corridor 'L') and said turnpike.~~

(a) The Parkways Authority is hereby authorized to operate the currently existing toll collection facility located at the interchange of U. S. Route 19 (Corridor L) and to fix, revise, charge and collect tolls for the use of such toll collection facility in accordance with the provisions of section thirteen of this article. Any proposed increase of any rate or toll for use of the toll collection facility located at Corridor L shall be subject to the public notice and meeting requirements of section thirteen-a of this article.

(1) The Parkways Authority shall maintain, advertise, implement and otherwise make generally available to all qualified members of the public, resident or nonresident, a system of commuter passes, in a form to be determined by the authority. Applications for these commuter passes are to be made available by the Parkways Authority to Division of Motor Vehicles offices in the state;

(2) The system of commuter passes implemented in accordance with the provisions of subdivision (1), subsection (a) of this section, shall be available only for use when operating or traveling in a Class A motor vehicle as herein defined. Any person who knowingly or intentionally utilizes any commuter pass issued in accordance with this section while operating a vehicle other than a Class A motor vehicle, as herein defined, at the U. S. Route 19 (Corridor L) turnpike toll facility, or any other toll facility at or upon which such pass may later be usable, is guilty of a misdemeanor and, for every such offense, upon conviction thereof, shall be punished in accordance with the provisions of section seventeen, article sixteen-a of this chapter; and the Parkways Authority shall hereafter be authorized and empowered to cancel any such commuter pass or passes improperly used in accordance with this section;

(3) For the purpose of this section, a 'Class A vehicle' shall be defined as a motor vehicle of passenger type and truck with a gross weight of ten thousand pounds or less and registered or eligible for registration as a Class A vehicle in accordance with section one, article ten, chapter seventeen-a of this code as the same is currently constituted; and

(4) Notwithstanding any other provisions of this code to the contrary, the Parkways Authority may not promulgate emergency rules in accordance with section fifteen, article three, chapter twenty-nine-a of this code to increase or decrease tolls, 'single program' fees or the commuter pass fee established herein.

(b) Nothing in this section is to be construed to apply to, regulate or in any manner affect the operation of the three main line toll barriers and toll collection facilities currently located on the West Virginia Turnpike and operated by the Parkways Authority as Barrier A, Barrier B and Barrier C (I-64, I-77).

§17-16A-21. Parkway revenue refunding bonds, generally.

The Parkways Authority is hereby authorized to provide by resolution for the issuance of parkway revenue refunding bonds of the state for the purpose of refunding any bonds then outstanding which shall have been issued or may be issued under the provisions of this article in connection with the construction of any parkway project, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds; and, if deemed advisable by the Parkways Authority, for the additional purpose of constructing improvements, extensions or enlargements of the project or projects in connection with which the bonds to be refunded shall have

been issued: *Provided*, That this section shall not be construed as authorizing the issuance of parkway revenue refunding bonds for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this article, or any predecessor thereof, in connection with the construction of the West Virginia Turnpike, which revenue refunding bonds may be issued only as authorized under section twenty-two of this article. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof and the rights, duties and obligations of the Parkways Authority in respect of the same shall be governed by the provisions of this article insofar as the same may be applicable. ~~After the effective date of the amendments to this article enacted by the Legislature during the regular session in two thousand six, no~~ No issuance of a refunding bond may extend the maturity date of such bond being refunded and may not exceed the outstanding principal of such bond being refunded. Any refunding bond ~~issued after the effective date of the amendments to this article enacted by the Legislature during the regular session in two thousand six~~ shall be structured to provide for approximately level annual debt service savings each fiscal year through the final maturity or structured to approximate the level of debt service that would have been paid prior to the refunding, with a preponderance of the savings being deferred toward eliminating or reducing the most distant maturities. For purposes of this section, the outstanding principal is to be determined as of the date on which the revenue bond is refinanced.

§17-16A-22. Parkway revenue refunding bonds—West Virginia Turnpike.

The Parkways Authority is hereby authorized to provide by resolution for the issuance of parkway revenue refunding bonds of the state ~~in an aggregate principal amount not to exceed \$60,000,000~~ for the purpose of refunding any bonds which shall have been issued under this article, or any predecessor thereof, in connection with the construction of the West Virginia Turnpike, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, to the extent permissible under federal law and if deemed advisable by the ~~parkways authority~~ Parkways Authority, for repaying to the state all or any part of the state funds used to upgrade the West Virginia Turnpike to federal interstate standards: *Provided*, ~~That any proceeds derived from the issuance of such bonds which are used on any parkway project other than the West Virginia Turnpike must be used solely on parkway projects: (i) Which are either connected to or intersect with the West Virginia Turnpike and are within seventy-five air miles of said turnpike as it exists on the first day of June, one thousand nine hundred eighty-nine, or any subsequent expressway, trunkline, turnpike, feeder road, state local service road or park and forest road constructed pursuant to this article; and (ii) which involve the upgrading or addition of interchanges, the construction of expressways or feeder roads, or the upgrading or construction of information centers, visitors' centers, rest stops or any combination thereof.~~ *Provided, however* That none of the proceeds of the issuance of parkway revenue refunding bonds issued under this section shall be used to pay all or any part of the cost of any economic development project or tourism project. Except as otherwise specifically provided in this section, the issuance of parkway revenue refunding bonds pursuant to this section, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the parkways authority in respect of the same, shall be governed by the provisions of this article insofar as the same may be applicable.

The authority to issue parkway revenue refunding bonds under the provisions of this section and section twenty-one of this article does not extend to the refunding of any parkway revenue refunding bonds outstanding on the effective date of the amendment and reenactment of such sections in 2017.

~~After the effective date of the amendments to this article enacted by the Legislature during the regular session in two thousand six, no~~ No issuance of a refunding bond may extend the maturity date of such bond being refunded and may not exceed the outstanding principal of such bond being refunded. Any refunding bond ~~issued after the effective date of the amendments to this article enacted by the Legislature during the regular session in two thousand six~~ shall be structured to provide for

approximately level annual debt service savings each fiscal year through the final maturity or structured to approximate the level of debt service that would have been paid prior to the refunding, with a preponderance of the savings being deferred toward eliminating or reducing the most distant maturities. For purposes of this section, the outstanding principal is to be determined as of the date on which the revenue bond is refinanced.

§17-16A-29. Discount program for purchasers of West Virginia EZ Pass transponders.

(a) The Parkways Authority is hereby authorized to create a discount program for purchasers of West Virginia EZ Pass transponders: *Provided*, That prior to the fixation of any initial rates, tolls or charges or any increase in any rates, tolls or charges along any portion of the parkway project, the Parkways Authority ~~shall~~ may create a discount program for purchasers of West Virginia EZ Pass transponders. Any discount program created pursuant to this section shall provide discounts for each class of motor vehicles: *Provided, however, That any single fee program implemented by the authority pursuant to subdivision (16), subsection (a), section six of this article shall apply only to passenger motor vehicles.*

(b) The Authority shall provide public notice and hold a public hearings meeting on any proposed discount program as required in section thirteen-a of this article prior to implementation of such program.

~~(c) Annually, the Parkways Authority shall hold at least one public informational session in each of the following counties: Kanawha, Fayette, Raleigh and Mercer counties. The Authority is to distribute educational materials and other information concerning the discount program for purchasers of West Virginia EZ Pass transponders described in this section.~~

~~(d) Upon the effective date of the amendments to this section enacted during the regular session of the Legislature in the year 2010, the Authority shall make available West Virginia EZ Pass transponders to the public without the payment of any monetary security deposit. The Authority shall credit any individual that has paid a security deposit for a West Virginia EZ Pass transponder prior to July 1, 2010, on the individual's next billing statement~~

~~(e)~~ (c) For purposes of this section, a 'West Virginia EZ Pass transponder' means a device issued ~~sold~~ by the Parkways Authority which allows the purchaser to attach the device to his or her motor vehicle and travel through a Parkways Authority toll facility and be billed for such travel by the Authority.

§17-16A-30. Coordination with county commission in counties where a parkway project may be located.

Once a parkway project for a new toll road is identified by the Authority, the Governor shall appoint, with the advice and consent of the Senate, two persons from each county where the parkway project for the new toll road is located to serve on a local committee to provide recommendations and suggestions to the Authority on all matters regarding the local identified project. The local committee shall also report any of its findings to the county commission or county commissions of the counties in which the parkway project for the new toll road is located. Prior to any final approval of the a parkway project for a new toll road, the county commissions of the counties in which a the parkway project road is located shall by resolution approve the parkway project: *Provided, That a resolution approving the parkway project for a new toll road is only required from a simple majority of the county commissions of the counties in which the parkway project for a new toll road is located.*

ARTICLE 16D. ELECTRONIC TOLL COLLECTION.

§17-16D-3. Electronic toll collection authorized.

Notwithstanding the provisions of article sixteen-a and section five-b, article seventeen-a of this chapter and section seven-a, article six, chapter seventeen-c of this code to the contrary, the collection and enforcement of tolls for the use of roads, highways and bridges may be accomplished by electronic toll collection as provided in this article and in rules promulgated by authority of this article. ~~Provided, That the application of this article should not apply to~~

~~(1) Future highway construction provided for in the Division of Highways' Statewide Transportation Improvement Plan at the time of the enactment of this article; and~~

~~(2) Existing toll roads: Provided, That this section may not be construed to prohibit the collection and enforcement of tolls pursuant to article sixteen-a, chapter seventeen of this code~~

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE AND ANTITHEFT PROVISIONS.**ARTICLE 2. DIVISION OF MOTOR VEHICLES.****§17A-2-25. Agreements with West Virginia Parkways Authority.**

The Division is hereby authorized, directed and empowered to enter into all necessary agreements with the West Virginia Parkways Authority to collect road user fees imposed by the Authority under subdivision (16), subsection (a), section six, article sixteen-a, chapter seventeen of this code, or any other applicable section of its enabling legislation, and to deposit the fees collected by the Division into the West Virginia Parkways Authority Single Fee Program Fund established under section eleven-a, article sixteen-a, chapter seventeen of this code.

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.**§17A-3-7. Grounds for refusing registration or certificate of title.**

The division shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

(1) That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the division or that the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under this chapter;

(2) That the applicant fails to present a statement of insurance or proof of other security as required pursuant to the provisions of section three of this article;

(3) That the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;

(4) That the division has reasonable grounds to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration or the issuance of certificate of title would constitute a fraud against the rightful owner or other person having a valid lien upon such vehicle;

(5) That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this state;

(6) That the required fee has not been paid; ~~or~~

(7) That the vehicle is operated by a commercial motor carrier who has failed to provide a federal motor carrier identification number (USDOT number) or whose authority to operate in interstate commerce has been denied or suspended by the federal Motor Carrier Safety Administration; or

(8) That any road user fee due under a single fee program imposed by the West Virginia Parkways Authority has not been paid.

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

§17A-10-17. Fee for West Virginia Parkways Authority Single Fee Program.

In addition to each fee provided in this article, an additional fee for any single fee program that may be implemented by the West Virginia Parkways Authority pursuant to section six, article sixteen-a, chapter seventeen of this code shall be payable upon the issuance of each certificate of registration and renewal thereof issued pursuant to article three of this chapter. The Division shall collect and deposit all the additional fees into the West Virginia Parkways Authority Single Fee Program Fund created in section eleven-a, article sixteen-a, chapter seventeen of this code. The additional fee provided herein may be imposed for each application for such certificate and renewal thereof made on or after July 1, 2017."

The bill was read a third time.

Delegate Gearheart was addressing the House when Delegate Marcum arose to a point of order regarding the content of his remarks.

The Speaker reminded the Delegate to confine his remarks to the question before the House.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 678**), and there were, including pairs—yeas 64, nays 24, absent and not voting 12, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings were announced by the Clerk:

Paired:

Yea: Boggs	Nay: Moore
Yea: Iaquina	Nay: Paynter
Yea: Lane	Nay: Butler
Yea: Miley	Nay: Martin
Yea: C. Miller	Nay: Maynard

Nays: Barrett, Blair, Espinosa, Fast, Folk, Frich, Gearheart, Hamrick, Harshbarger, Hill, Howell, Kessinger, McGeehan, Overington, Sobonya, Storch, Upson, Ward and Wilson.

Absent and Not Voting: Ambler, Arvon, Deem, Ellington, A. Evans, N. Foster, Householder, O'Neal, Phillips, R. Romine, Summers and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1003) passed.

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

On this question, the yeas and nays were taken (**Roll No. 679**), and there were—yeas 73, nays 10, absent and not voting 17, with the nays and absent and not voting being as follows:

Nays: Folk, Gearheart, Harshbarger, Hill, Kessinger, Martin, McGeehan, Paynter, Ward and Wilson.

Absent and Not Voting: Ambler, Arvon, Boggs, Butler, Deem, Ellington, A. Evans, N. Foster, Householder, Iaquinta, Miley, C. Miller, O'Neal, Phillips, R. Romine, Summers and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1003) takes effect from its passage.

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by the Clerk as follows:

S. C. R. 105 – “Suspending provisions of Joint Rule 3 relating to committees of conference and reports relative thereto.”

Resolved by the Legislature of West Virginia, two thirds of the members present and voting in each house agreeing thereto:

That pursuant to Rule 25 of the Joint Rules of the Senate and House of Delegates, the provisions of Joint Rule 3, paragraph (b) are suspended as follows: the committee of conference on the disagreeing votes of the two houses, as to Engrossed Committee Substitute for House Bill 106 (*Relating generally to the furlough of public employees during a declared fiscal emergency*), is hereby extended until Tuesday, June 27, 2017.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (S. C. R. 105) to a committee was dispensed with, and it was taken up for immediate consideration.

The question now being on the adoption of the resolution, the yeas and nays were taken (**Roll No. 680**), and there were—yeas 83, nays none, absent and not voting 17, with the absent and not voting being as follows:

Absent and Not Voting: Ambler, Arvon, Boggs, Butler, Deem, Ellington, A. Evans, N. Foster, Householder, Iaquinta, Miley, C. Miller, O'Neal, Phillips, R. Romine, Summers and Westfall.

So, two thirds of the members present and voting having voted in the affirmative, the Speaker declared the resolution (S. C. R. 105) adopted.

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

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates returned to the Seventh Order of Business for the purpose of introducing a resolution.

Resolutions Introduced

Mr. Speaker (Mr. Armstead) offered the following resolution, which was reported by the Clerk:

H. C. R. 2 – “Providing for an adjournment of the Legislature until June 26, 2017.”

Resolved by the Legislature of West Virginia:

That when adjournment is taken by each house of the Legislature at the close of their respective sessions in which they adopt this resolution, such adjournment shall be until 11:00 a.m. on June 26, 2017, pursuant to Section 23, Article VI of the Constitution of the State of West Virginia, unless called prior to that time by the Speaker of the House of Delegates and the President of the Senate.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. C. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted to Delegates Ambler, Butler, Ellington, A. Evans, N. Foster, Householder, Iaquina, C. Miller, Phillips, R. Romine and Summers.

Miscellaneous Business

Delegate Frich asked and obtained unanimous consent that the remarks of Delegate Butler during Remarks by Members on Monday, June 12, 2017 be printed in the Appendix to the Journal.

Delegate Longstreth asked and obtained unanimous consent that the remarks of Delegate Caputo regarding Com. Sub. for S. B. 1011 today be printed in the Appendix to the Journal.

Delegate Eldridge asked and obtained unanimous consent that the remarks of Delegate Lovejoy regarding the amendment to the amendment on S. B. 1013 on Wednesday, June 14, 2017 be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate Sponaugle during Remarks by Members on Wednesday, June 14, 2017 be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegates Pethtel, Robinson, Pushkin, R. Miller, Boggs, Diserio, Canestraro, Marcum and Rowe regarding S. B. 1013 on today, and the remarks of Delegate Robinson during Remarks by Members on Tuesday, June 13, 2017 be printed in the Appendix to the Journal.

Delegate Fast asked and obtained unanimous consent that all remarks regarding S. B. 1003 on today be printed in the Appendix to the Journal.

At 11:37 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 11:50 p.m.

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Evening Session

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-continued-

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 2, Providing for an adjournment of the Legislature until June 26, 2017.

Pursuant to H. C. R. 2, at 11:50 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, June 26, 2017.

**HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470**

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, JUNE 26, 2017

HOUSE CONVENES AT 11:00 A.M.

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470