

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2017
SIXTIETH DAY

Charleston, West Virginia, Saturday, April 8, 2017

The Senate met at 11 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by the Honorable Gregory L. Boso, a senator from the eleventh district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Roman W. Prezioso, Jr., a senator from the thirteenth district.

Pending the reading of the Journal of Friday, April 7, 2017,

At the request of Senator Trump, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Development Office

Neighborhood Investment Program (§11-13J-4a)

Motor Vehicles, Division of

Motor Vehicle Test and Lock Program (§17C-5A-3a)

Motorcycle Safety Awareness Program (§17B-1D-8)

On motion of Senator Ferns, the special order of business set for this position on the calendar (*consideration of executive nominations*) was postponed and made a special order of business at 6 p.m. today.

The Senate proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had refused to recede from its amendment, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Senate Bill 172, Eliminating salary for Water Development Authority board members.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Criss, Atkinson and Williams.

On motion of Senator Ferns, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Blair, Smith and Woelfel.

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

A message from The Clerk of the House of Delegates announced that that body had refused to recede from its amendment, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for Senate Bill 204, Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Hanshaw, Zatezalo and Isner.

On motion of Senator Ferns, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Boso, Gaunch and Facemire.

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

A message from The Clerk of the House of Delegates announced that that body had refused to recede from its amendments, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for Senate Bill 224, Repealing requirement for employer's bond for wages and benefits.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Hanshaw, G. Foster and Fleischauer.

On motion of Senator Ferns, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Swope, Karnes and Ojeda.

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

A message from The Clerk of the House of Delegates announced that that body had refused to recede from its amendment, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Senate Bill 554, Relating to false swearing in legislative proceeding.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Capito, Lane and Fleischauer.

On motion of Senator Ferns, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Weld, Clements and Beach.

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

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 2329, Prohibiting the production, manufacture or possession of fentanyl.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Weld, Maynard and Jeffries.

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

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 2579, Increasing the penalties for transporting controlled substances.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Weld, Maynard and Jeffries.

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

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 2585, Creating felony crime of conducting financial transactions involving proceeds of criminal activity.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Weld, Maynard and Jeffries.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 116, Authorizing MAPS promulgate legislative rules.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §64-6-1, §64-6-2 and §64-6-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY TO PROMULGATE LEGISLATIVE RULES.**§64-6-1. Governor's Committee on Crime, Delinquency and Correction.**

The legislative rule filed in the State Register on August 26, 2016, authorized under the authority of section three, article twenty-nine, chapter thirty of this code, modified by the Governor's Committee on Crime, Delinquency and Correction to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 20, 2016, relating to the Governor's Committee on Crime, Delinquency and Correction (law-enforcement training and certification standards, 149 CSR 02), is authorized with the following amendments:

On page 10, subdivision 8.2.a., by striking out each of the two uses of the underlined word "must" and inserting in lieu thereof the word "shall";

On page 16, subdivision 14.1.b., after the underlined word "certification" by inserting the word "holder";

And,

On page 16, subdivision 14.1.b, after the underlined word "against" by striking the word "it" and inserting in lieu thereof the words "him or her".

§64-6-2. State Fire Marshal.

The legislative rule filed in the State Register on August 26, 2016, authorized under the authority of section eight, article three-e, chapter twenty-nine of this code, modified by the State Fire Marshal to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 21, 2016, relating to the State Fire Marshal (regulation of fireworks and related explosive materials, 103 CSR 04), is authorized with the following amendments:

On page 5, subsection 3.44, after the word "issued" by deleting the word "a";

On page 6, paragraph 5.1.b.6, by striking out the following "Require Manager(s) of any CFRS to complete and pass a limited online safety training approved by the State Fire Commission. At least one (1) certificate shall be submitted" and inserting in lieu thereof the words "Submit at least one (1) certificate";

On page 7, subdivision 5.1.o, by striking the words "this article" and inserting in lieu thereof the word "the law or this rule";

On page 9, subdivision 5.4.a, after the words "jurisdiction over" by inserting the word "the";

On page 11, subdivision 8.2.f, by striking out the words "Applicants shall be required to provide" and inserting in lieu thereof the word "Provide";

On page 12, paragraph 8.3.a.2, by striking out the words "Pay the required" and inserting in lieu thereof the word "A";

On page 12, subsection 9.1, after the words “engaged in”, by inserting the word “the”;

On page 14, paragraph 10.1.a.3, after the words “certificate and” by inserting the word “meets”;

On page 15, subdivision 11.4.c, by adding the word “or” after the semicolon;

On page 15, subdivision 11.7.a, after the word “alcohol” by striking the period and adding a semicolon;

On page 15, subdivision 11.7.b, after the word “substance” by striking the period and adding a semicolon;

On page 15, subdivision 11.7.c, after the word “drug” by striking the period and adding a semicolon;

On page 15, subdivision 11.7.d, after the word “drug” by striking the period and adding a semicolon and the word “or”;

And,

On page 15, subdivision 11.6.f, by striking out the subdivision number and inserting in lieu thereof a new subsection number 11.8.

§64-6-3. Division of Justice and Community Services.

The legislature directs the Division of Justice and Community Services, pursuant to the authority given to the Division in section ten, article seven, chapter seventeen-b of this code, to promulgate the legislative rule filed in the State Register by the Division on February 17, 2017, relating to the Division (William R. Laird IV – second chance driver’s license program, 224 CSR 1), with the following amendments:

On page 2, by renumbering subdivision “2.1” to “2.9”;

And,

On page 8, by correcting the Code date from “1131” to “1931”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 116—A Bill to amend and reenact §64-6-1, §64-6-2 and §64-6-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing certain Department of Military Affairs and Public Safety legislative rules; authorizing certain agencies to promulgate certain legislative rules as presented to the Legislative Rule-Making Review Committee; authorizing certain agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain Department of Military and Public Service; legislative rules authorizing the Governor’s Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards; authorizing the State Fire Marshal to promulgate a legislative rule relating to the regulation of fireworks and related explosive material; and

authorizing the Division of Justice and Community Services to promulgate a legislative rule relating to the William R. Laird, IV- second chance driver's license program.

On motion of Senator Ferns, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 116) was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 116—A Bill to amend and reenact §64-6-1, §64-6-2 and §64-6-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing certain Department of Military Affairs and Public Safety legislative rules; authorizing certain agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain agencies to promulgate legislative rules with various amendments recommended by the legislature; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards; authorizing the State Fire Marshal to promulgate a legislative rule relating to the regulation of fireworks and related explosive material; and directing the Division of Justice and Community Services to promulgate a legislative rule relating to the William R. Laird, IV- second chance driver's license program.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 116, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 116) passed with its Senate amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 116) takes effect from passage.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 134, Authorizing Bureau of Commerce to promulgate legislative rules.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §64-10-1, §64-10-2 and §64-10-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows

ARTICLE 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO PROMULGATE LEGISLATIVE RULES.

§64-10-1. Division of Natural Resources.

(a) The legislative rule filed in the State Register on August 29, 2016, authorized under the authority of section seven, article one, chapter twenty of this code, relating to the Division of Natural Resources (point system for the revocation of hunting - repeal, 58 CSR 24), is authorized.

(b) The legislative rule filed in the State Register on August 29, 2016, authorized under the authority of section seven, article one, chapter twenty of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 3, 2017, relating to the Division of Natural Resources (revocation of hunting and fishing licenses, 58 CSR 23), is authorized.

(c) The legislative rule filed in the State Register on August 26, 2016, authorized under the authority of section seven, article one, chapter twenty of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 3, 2017, relating to the Division of Natural Resources (special waterfowl hunting, 58 CSR 58), is authorized.

(d) The legislative rule filed in the State Register on August 26, 2016, authorized under the authority of section eleven, article two, chapter twenty of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 3, 2017, relating to the Division of Natural Resources (commercial sale of wildlife, 58 CSR 63), is authorized.

(e) The legislative rule filed in the State Register on August 26, 2016, authorized under the authority of section seven, article one, chapter twenty of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and

refiled in the State Register on January 3, 2017, relating to the Division of Natural Resources (miscellaneous permits and licenses, 58 CSR 64), is authorized.

(f) The legislative rule effective on April 14, 2000, authorized under the authority of section 1 twenty-five, article seven, chapter twenty of this code, relating to the Division of Natural Resources (litter control grant program, 58 CSR 6), is repealed.

§64-10-2. Office of Miners' Health, Safety and Training.

The legislative rule filed in the State Register on July 6, 2016, authorized under the authority of section six-c, article four-c, chapter sixteen of this code, modified by the Office of Miners' Health, Safety and Training to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 6, 2016, relating to the Office of Miners' Health, Safety and Training (certification, recertification and training of EMT-Miners and the certification of EMT-M instructors, 56 CSR 22), is authorized.

§64-10-3. Board of Coal Mine Health and Safety.

The legislative rule effective on July 1, 2014, authorized under the authority of section four, article six, chapter twenty-two-a of this code, relating to the Board of Coal Mine Health and Safety (rules governing proximity detection systems and haulage safety generally, 36 CSR 57), is authorized, with the amendment set forth below:

On page two, subsection 4.3, by striking out the date "July 1, 2017" and inserting in lieu thereof the following "the timeframe set forth in the federal rule relating to proximity detection systems.";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 134—A Bill to amend and reenact §64-10-1, §64-10-2 and §64-10-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing certain Bureau of Commerce legislative rules; repealing certain legislative, procedural or interpretive rules promulgated by certain agencies and boards under the Bureau of Commerce which are no longer authorized or are obsolete; authorizing the promulgation of legislative rules by various executive or administrative agencies of the state; authorizing certain agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing the Division of Natural Resources to promulgate a legislative rule relating to the point system for the revocation of hunting – repeal; authorizing the Division of Natural Resources to promulgate a legislative rule relating to revocation of hunting and fishing licenses; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to the commercial sale of wildlife; authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses; repealing the Division of Natural Resources legislative rule relating to litter control grant program; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to certification, recertification and training of EMT-Miners and the certification of EMT-M instructors; and authorizing the Board of Coal Mine Health and Safety to promulgate a legislative rule relating to rules governing proximity detection systems and haulage safety generally.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 134) were reported by the Clerk, considered simultaneously, and adopted:

On page one, by striking out the article heading and inserting in lieu thereof a new article heading, to read as follows:

ARTICLE 10. AUTHORIZATION FOR DEPARTMENT OF COMMERCE TO PROMULGATE LEGISLATIVE RULES.;

On page two, section three, by striking out the words “The legislative rule effective on July 1, 2014, authorized under the authority of section four, article six, chapter twenty-two-a of this code, relating to the Board of Coal Mine Health and Safety (rules governing proximity detection systems and haulage safety generally, 36 CSR 57), is authorized, with the amendment set forth below:” and inserting in lieu thereof the following: The Legislature directs the Board of Coal Mine Health and Safety, pursuant to the authority given to the board in section four, article six, chapter twenty-two-a of this code, to promulgate the legislative rule filed in the State Register by the Board of Coal Mine Health and Safety on July 1, 2014, relating to rules governing proximity detection systems and haulage safety generally, (36 CSR 57), with the amendment set forth below.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 134—A Bill to amend and reenact §64-10-1, §64-10-2 and §64-10-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing certain Department of Commerce legislative rules; authorizing certain agencies to promulgate certain legislative rules as presented to the Legislative Rule-Making Review Committee; authorizing certain agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; repealing certain legislative rules promulgated by certain agencies and boards under the Department of Commerce which are no longer authorized or are obsolete; directing the promulgation rules by certain agencies and boards under the Department of Commerce; authorizing the Division of Natural Resources to promulgate a legislative rule relating to the point system for the revocation of hunting – repeal; authorizing the Division of Natural Resources to promulgate a legislative rule relating to revocation of hunting and fishing licenses; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to the commercial sale of wildlife; authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses; repealing the Division of Natural Resources legislative rule relating to litter control grant program; authorizing the Office of Miners’ Health, Safety and Training to promulgate a legislative rule relating to certification, recertification and training of EMT-Miners and the certification of EMT-M instructors; and directing the Board of Coal Mine Health and Safety to promulgate a legislative rule relating to rules governing proximity detection systems and haulage safety generally.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 134, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 134) passed with its Senate amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 134) takes effect from passage.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 202, Relating to pawnbrokers generally.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page two, section two-a, lines fourteen through sixteen, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

(b) During the course of business, a pawnbroker may not purchase, pawn, receive or exchange a gift card with a balance that exceeds \$100, or is in the aggregate of \$300 in a thirty day time frame, from any one individual.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 202—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating generally to

pawnbrokers; limiting pawnbrokers from purchasing, accepting in pawn, receiving in trade, accepting in exchange for goods any general-use prepaid card, gift certificate or store gift card; creating misdemeanor offense of pawnbrokers purchasing, accepting in pawn, receiving in trade or exchanging for goods a general-use prepaid card, gift certificate or store gift card; defining terms; creating exceptions; and establishing penalties.

On motion of Senator Ferns, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. 202) and requested the House of Delegates to recede therefrom.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 441, Establishing Municipal Home Rule Pilot Program.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS; GENERAL PROVISIONS; CONSTRUCTION.

§8-1-5a. Municipal Home Rule ~~Pilot~~ Program.

(a) *Legislative findings*. — The Legislature finds and declares that:

(1) The initial Municipal Home Rule Pilot Program brought innovative results, including novel municipal ideas that became municipal ordinances which later resulted in new statewide statutes;

(2) The initial Municipal Home Rule Pilot Program also brought novel municipal ideas that resulted in court challenges against some of the participating municipalities;

(3) The Municipal Home Rule Board was an essential part of the initial Municipal Home Rule Pilot Program, but it lacked some needed powers and duties;

(4) Municipalities still face challenges delivering services required by federal and state law or demanded by their constituents;

(5) Municipalities are sometimes restrained by state statutes, policies and rules that challenge their ability to carry out their duties and responsibilities in a cost-effective, efficient and timely manner;

(6) Continuing Establishing the Municipal Home Rule Pilot Program as a permanent program available to all municipalities statewide is in the public interest; and

(7) Increasing the powers and duties of the Municipal Home Rule Board will enhance the Municipal Home Rule Pilot Program.

~~(b) *Continuance of pilot program.* — The Municipal Home Rule Pilot Program is continued until July 1, 2019. The ordinances enacted by the participating municipalities pursuant to the Municipal Home Rule Pilot Program may remain in effect, subject to the requirements of this section, until the ordinances are repealed: *Provided*, That any ordinance enacting a municipal occupation tax is hereby null and void.~~

(b) *Establishment of a permanent program and continuation of pilot plans.* — The Municipal Home Rule Pilot Program is hereby established as a permanent program and shall be identified as the Municipal Home Rule Program. Any ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed.

(c) *Authorizing participation.* —

(1) Commencing ~~July 1, 2015~~ July 1, 2017, ~~thirty~~ any Class I, Class II, and Class III municipalities and ~~four~~ Class IV municipalities municipality that ~~are~~ is current in payment of all state fees may participate in the Municipal Home Rule ~~Pilot~~ Program pursuant to the provisions of this section.

(2) The municipalities participating in the pilot program on the effective date of the amendment and reenactment of this section are hereby authorized to continue in the ~~pilot~~ program, subject to the requirements of this section, and may amend current written plans and/or submit new written plans in accordance with the provisions of this section.

(d) *Municipal Home Rule Board.* — The Municipal Home Rule Board is hereby continued. Effective July 1, 2015, the Municipal Home Rule Board shall consist of the following five voting members:

(1) The Governor, or a designee, who shall serve as chair;

(2) The Executive Director of the West Virginia Development Office, or a designee;

(3) One member representing the Business and Industry Council, appointed by the Governor with the advice and consent of the Senate;

(4) One member representing the largest labor organization in the state, appointed by the Governor with the advice and consent of the Senate; and

(5) One member representing the West Virginia Chapter of the American Institute of Certified Planners, appointed by the Governor with the advice and consent of the Senate.

The Chair of the Senate Committee on Government Organization and the Chair of the House Committee on Government Organization shall continue to be ex officio nonvoting members of the board.

(e) *Board's powers and duties.* — The Municipal Home Rule Board has the following powers and duties:

(1) Review, evaluate, make recommendations and approve or reject for any reason, by a majority vote of the board, each aspect of the written plan, or the written plan in its entirety, submitted by a municipality;

(2) By a majority vote of the board, select, based on the municipality's written plan, new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule Pilot Program;

(3) Review, evaluate, make recommendations and approve or reject for any reason, by a majority vote of the board, the amendments to the written plans submitted by municipalities;

(4) Consult with any agency affected by the written plans or the amendments to the written plans; and

(5) Perform any other powers or duties necessary to effectuate the provisions of this section.

(f) *Written plan.* — Any Class I, Class II, Class III or Class IV municipality desiring to participate in the Municipal Home Rule Pilot Program shall submit a written plan to the board stating in detail the following:

(1) The specific laws, acts, resolutions, policies, rules or regulations which prevent the municipality from carrying out its duties in the most cost-efficient, effective and timely manner;

(2) The problems created by the laws, acts, resolutions, policies, rules or regulations;

(3) The proposed solutions to the problems, including all proposed changes to ordinances, acts, resolutions, rules and regulations: *Provided*, That the specific municipal ordinance instituting the solution does not have to be included in the written plan; and

(4) A written opinion, by an attorney licensed to practice in West Virginia, stating that the proposed written plan does not violate the provisions of this section.

(g) *Public hearing on written plan.* — Prior to submitting its written plan to the board, the municipality shall:

(1) Hold a public hearing on the written plan;

(2) Provide notice at least thirty days prior to the public hearing by a Class II legal advertisement;

(3) Make a copy of the written plan available for public inspection at least thirty days prior to the public hearing; and

(4) After the public hearing, adopt an ordinance authorizing the municipality to submit a written plan to the Municipal Home Rule Board after the proposed ordinance has been read two times.

(h) *Selection of municipalities.* — On or after June 1, 2015, by a majority vote, the Municipal Home Rule Board may select from the municipalities that submitted written plans and were approved by the board by majority vote new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule Pilot Program.

(i) *Powers and duties of municipalities.* — The municipalities participating in the Municipal Home Rule ~~Pilot~~ Program have the authority to pass an ordinance, act, resolution, rule or regulation, under the provisions of this section: Provided, That notice is given at least thirty days prior to passage by a Class II legal advertisement, that is not contrary to:

- (1) Environmental law;
- (2) Laws governing bidding on government construction and other contracts;
- (3) The Freedom of Information Act;
- (4) The Open Governmental Proceedings Act;
- (5) Laws governing wages for construction of public improvements;
- (6) The provisions of this section;
- (7) The provisions of section five-a, article twelve of this chapter;
- (8) The municipality's written plan;
- (9) The Constitution of the United States or the Constitution of the State of West Virginia;
- (10) Federal law or crimes and punishment;
- (11) Chapters sixty-a, sixty-one and sixty-two of this code or state crimes and punishment;
- (12) Laws governing pensions or retirement plans;
- (13) Laws governing annexation;

(14) Laws governing taxation: *Provided,* That a participating municipality may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal business and occupation tax: *Provided, however,* That if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduced or eliminated under the Municipal Home Rule Pilot Program or the Municipal Home Rule Program, it shall eliminate the municipal sales tax enacted under the Municipal Home Rule ~~Pilot~~ Program: *Provided further,* That any municipality that imposes a municipal sales tax pursuant to this section shall use the services of the Tax Commissioner to administer, enforce and collect the tax in the same manner as the state consumers sales and service tax and use tax under the provisions of articles fifteen, fifteen-a and fifteen-b, chapter eleven of this code and all applicable provisions of the Streamlined Sales and Use Tax Agreement: *And provided further,* That such tax ~~will~~ shall not apply to the sale of motor fuel or motor vehicles;

- (15) Laws governing tax increment financing;
- (16) Laws governing extraction of natural resources; ~~and~~
- (17) Marriage and divorce laws; and

(18) Laws governing professional licensing or certification, including the administration and oversight of those laws, by state agencies to the extent required by law.

(j) Municipalities may not pass an ordinance, act, resolution, rule or regulation under the provisions of this section that:

(1) Affects persons or property outside the boundaries of the municipality: *Provided*, That this prohibition under the Municipal Home Rule ~~Pilot~~ Program does not limit a municipality's powers outside its boundary lines under other provisions of this section, other sections of this chapter, other chapters of this code or court decisions; or

(2) Enacts an occupation tax, fee or assessment payable by a nonresident of a municipality.

(k) *Amendments to written plans.* — A municipality participating in the Municipal Home Rule ~~Pilot~~ Program may amend its written plan at any time.

(l) *Amendments to ordinances, acts, resolutions, rules or regulations.* — A municipality participating in the Municipal Home Rule ~~Pilot~~ Program may amend any ordinance, act, resolution, rule or regulation enacted pursuant to the municipality's approved written plan at any time so long as any amendment is consistent with the municipality's approved written plan, complies with the provisions of subsections (i) and (j) of this section and the municipality complies with all applicable state law procedures for enacting municipal legislation.

(m) *Reporting requirements.* — Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.

~~(n) *Termination of the pilot program.* — The Municipal Home Rule Pilot Program terminates on July 1, 2019. An ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed.~~

(n) In the event thirty percent of the qualified voters of the municipality that voted in the previous municipal election, by petition duly signed by them in their own handwriting and filed with the recorder of the municipality within forty-five days after the enactment or amendment of an ordinance, protest against the ordinance as enacted or amended, the ordinance shall not become effective until it is ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs. Voting shall not take place until after notice of the submission is given by publication as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code.

(o) Notwithstanding any other provision of this code to the contrary, on and after the effective date of the enactment of this provision in 2015, no distributee under the provisions of this section may seek from the Tax Division of the Department of Revenue a refund of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue, nor seek a change in past amounts distributed, or any other retrospective adjustment relating to any amount distributed, to the extent that the moneys in question have been distributed to another distributee, regardless of whether those distributions were miscalculated, mistaken, erroneous, misdirected or otherwise inaccurate or incorrect. For purposes of this section, the term "distributee" means any municipality that receives or is authorized to receive a specific distribution of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue pursuant to this section.

On motion of Senator Ferns, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 441) was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §8-1-5a of the Code of West Virginia, 1931, as amended, be amended and reenacted and that said code be amended by adding thereto a new article, designated §21-5I-1, §21-5I-2, and §21-5I-3, all to read as follows:

ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS; GENERAL PROVISIONS; CONSTRUCTION.

§8-1-5a. Municipal Home Rule Pilot Program.

(a) *Legislative findings.* — The Legislature finds and declares that:

(1) The initial Municipal Home Rule Pilot Program brought innovative results, including novel municipal ideas that became municipal ordinances which later resulted in new statewide statutes;

(2) The initial Municipal Home Rule Pilot Program also brought novel municipal ideas that resulted in court challenges against some of the participating municipalities;

(3) The Municipal Home Rule Board was an essential part of the initial Municipal Home Rule Pilot Program, but it lacked some needed powers and duties;

(4) Municipalities still face challenges delivering services required by federal and state law or demanded by their constituents;

(5) Municipalities are sometimes restrained by state statutes, policies and rules that challenge their ability to carry out their duties and responsibilities in a cost-effective, efficient and timely manner;

(6) ~~Continuing~~ Establishing the Municipal Home Rule Pilot Program as a permanent program available to all municipalities statewide is in the public interest; and

(7) Increasing the powers and duties of the Municipal Home Rule Board will enhance the Municipal Home Rule Pilot Program.

~~(b) *Continuance of pilot program.* — The Municipal Home Rule Pilot Program is continued until July 1, 2019. The ordinances enacted by the participating municipalities pursuant to the Municipal Home Rule Pilot Program may remain in effect, subject to the requirements of this section, until the ordinances are repealed: *Provided*, That any ordinance enacting a municipal occupation tax is hereby null and void.~~

(b) *Establishment of a permanent program and continuation of pilot plans.* — The Municipal Home Rule Pilot Program is hereby established as a permanent program and shall be identified as the Municipal Home Rule Program. Any ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed.

(c) *Authorizing participation.* —

(1) Commencing ~~July 1, 2015~~ July 1, 2017, ~~thirty any~~ any Class I, Class II, and Class III municipalities and four Class IV municipalities municipality that ~~are~~ is current in payment of all state fees may participate in the Municipal Home Rule ~~Pilot~~ Program pursuant to the provisions of this section.

(2) The municipalities participating in the pilot program on the effective date of the amendment and reenactment of this section are hereby authorized to continue in the ~~pilot~~ program, subject to the requirements of this section, and may amend current written plans and/or submit new written plans in accordance with the provisions of this section.

(d) *Municipal Home Rule Board.* — The Municipal Home Rule Board is hereby continued. Effective July 1, 2015, the Municipal Home Rule Board shall consist of the following five voting members:

(1) The Governor, or a designee, who shall serve as chair;

(2) The Executive Director of the West Virginia Development Office, or a designee;

(3) One member representing the Business and Industry Council, appointed by the Governor with the advice and consent of the Senate;

(4) One member representing the largest labor organization in the state, appointed by the Governor with the advice and consent of the Senate; and

(5) One member representing the West Virginia Chapter of the American Institute of Certified Planners, appointed by the Governor with the advice and consent of the Senate.

The Chair of the Senate Committee on Government Organization and the Chair of the House Committee on Government Organization shall continue to be ex officio nonvoting members of the board.

(e) *Board's powers and duties.* — The Municipal Home Rule Board has the following powers and duties:

(1) Review, evaluate, make recommendations and approve or reject for any reason, by a majority vote of the board, each aspect of the written plan, or the written plan in its entirety, submitted by a municipality;

(2) By a majority vote of the board, select, based on the municipality's written plan, new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule ~~Pilot~~ Program;

(3) Review, evaluate, make recommendations and approve or reject for any reason, by a majority vote of the board, the amendments to the written plans submitted by municipalities;

(4) Consult with any agency affected by the written plans or the amendments to the written plans; and

(5) Perform any other powers or duties necessary to effectuate the provisions of this section.

(f) *Written plan.* — Any Class I, Class II, Class III or Class IV municipality desiring to participate in the Municipal Home Rule ~~Pilot~~ Program shall submit a written plan to the board stating in detail the following:

(1) The specific laws, acts, resolutions, policies, rules or regulations which prevent the municipality from carrying out its duties in the most cost-efficient, effective and timely manner;

(2) The problems created by the laws, acts, resolutions, policies, rules or regulations;

(3) The proposed solutions to the problems, including all proposed changes to ordinances, acts, resolutions, rules and regulations: *Provided*, That the specific municipal ordinance instituting the solution does not have to be included in the written plan; and

(4) A written opinion, by an attorney licensed to practice in West Virginia, stating that the proposed written plan does not violate the provisions of this section.

(g) *Public hearing on written plan.* — Prior to submitting its written plan to the board, the municipality shall:

(1) Hold a public hearing on the written plan;

(2) Provide notice at least thirty days prior to the public hearing by a Class II legal advertisement;

(3) Make a copy of the written plan available for public inspection at least thirty days prior to the public hearing; and

(4) After the public hearing, adopt an ordinance authorizing the municipality to submit a written plan to the Municipal Home Rule Board after the proposed ordinance has been read two times.

(h) *Selection of municipalities.* — On or after June 1, 2015, by a majority vote, the Municipal Home Rule Board may select from the municipalities that submitted written plans and were approved by the board by majority vote new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule ~~Pilot~~ Program.

(i) *Powers and duties of municipalities.* — The municipalities participating in the Municipal Home Rule ~~Pilot~~ Program have the authority to pass an ordinance, act, resolution, rule or regulation, under the provisions of this section, that is not contrary to:

(1) Environmental law;

(2) Laws governing bidding on government construction and other contracts;

(3) The Freedom of Information Act;

(4) The Open Governmental Proceedings Act;

(5) Laws governing wages for construction of public improvements;

(6) The provisions of this section;

(7) The provisions of section five-a, article twelve of this chapter;

- (8) The municipality's written plan;
- (9) The Constitution of the United States or the Constitution of the State of West Virginia;
- (10) Federal law or crimes and punishment;
- (11) Chapters sixty-a, sixty-one and sixty-two of this code or state crimes and punishment;
- (12) Laws governing pensions or retirement plans;
- (13) Laws governing annexation;

(14) Laws governing taxation: *Provided*, That a participating municipality may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal business and occupation tax: *Provided, however*, That if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduced or eliminated under the Municipal Home Rule Pilot Program or the Municipal Home Rule Program, it shall eliminate the municipal sales tax enacted under the Municipal Home Rule ~~Pilot~~ Program: *Provided further*, That any municipality that imposes a municipal sales tax pursuant to this section shall use the services of the Tax Commissioner to administer, enforce and collect the tax in the same manner as the state consumers sales and service tax and use tax under the provisions of articles fifteen, fifteen-a and fifteen-b, chapter eleven of this code and all applicable provisions of the Streamlined Sales and Use Tax Agreement: *And provided further*, That such tax ~~will~~ shall not apply to the sale of motor fuel or motor vehicles;

- (15) Laws governing tax increment financing;
- (16) Laws governing extraction of natural resources; ~~and~~
- (17) Marriage and divorce laws; and

(18) Laws governing professional licensing or certification, including the administration and oversight of those laws, by state agencies to the extent required by law.

(j) Municipalities may not pass an ordinance, act, resolution, rule or regulation under the provisions of this section that:

(1) Affects persons or property outside the boundaries of the municipality: *Provided*, That this prohibition under the Municipal Home Rule ~~Pilot~~ Program does not limit a municipality's powers outside its boundary lines under other provisions of this section, other sections of this chapter, other chapters of this code or court decisions; or

- (2) Enacts an occupation tax, fee or assessment payable by a nonresident of a municipality.

(k) *Amendments to written plans.* — A municipality participating in the Municipal Home Rule ~~Pilot~~ Program may amend its written plan at any time.

(l) *Amendments to ordinances, acts, resolutions, rules or regulations.* — A municipality participating in the Municipal Home Rule ~~Pilot~~ Program may amend any ordinance, act, resolution, rule or regulation enacted pursuant to the municipality's approved written plan at any time so long as any amendment is consistent with the municipality's approved written plan, complies with the

provisions of subsections (i) and (j) of this section and the municipality complies with all applicable state law procedures for enacting municipal legislation.

(m) *Reporting requirements.* — Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.

~~(n) *Termination of the pilot program.* — The Municipal Home Rule Pilot Program terminates on July 1, 2019. An ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed.~~

(n) In the event thirty percent of the qualified voters of the municipality that voted in the previous municipal election, by petition duly signed by them in their own handwriting and filed with the recorder of the municipality within forty-five days after the enactment or amendment of an ordinance, protest against the ordinance as enacted or amended, the ordinance shall not become effective until it is ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs. Voting shall not take place until after notice of the submission is given by publication as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code.

(o) Notwithstanding any other provision of this code to the contrary, on and after the effective date of the enactment of this provision in 2015, no distributee under the provisions of this section may seek from the Tax Division of the Department of Revenue a refund of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue, nor seek a change in past amounts distributed, or any other retrospective adjustment relating to any amount distributed, to the extent that the moneys in question have been distributed to another distributee, regardless of whether those distributions were miscalculated, mistaken, erroneous, misdirected or otherwise inaccurate or incorrect. For purposes of this section, the term “distributee” means any municipality that receives or is authorized to receive a specific distribution of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue pursuant to this section.”

ARTICLE 5I. LOCAL GOVERNMENT LABOR REGULATORY LIMITATION ACT.

§21-5I-1. Short title.

This article shall be known and cited as the Local Government Labor Regulatory Limitation Act.

§21-5I-2. Prohibited areas of regulation.

Notwithstanding any home rule authority granted under this code, and notwithstanding any other provision of this code to the contrary, no political subdivision, as defined in section three-c, article twelve-a, chapter twenty-nine of this code, may adopt, enforce or administer an ordinance, regulation, local policy, local resolution or other legal requirement regarding any of the following specific areas:

(a) Regulating information an employer or potential employer must request, require or exclude on an application for employment from an employee or a potential employee: *Provided*, That this section does not prohibit an ordinance, local policy or local resolution requiring a criminal background check for an employee or potential employee in connection with the receipt of a license or permit from a local governmental body;

(b) Requiring an employer to pay to an employee a wage higher than any applicable state or federal law;

(c) Requiring an employer to pay to an employee a wage or fringe benefit based on wage and fringe benefit rates prevailing in the locality;

(d) Regulating work stoppage or strike activity of employers and their employees or the means by which employees may organize;

(e) Requiring an employer to provide to an employee paid or unpaid leave time;

(f) Requiring an employer or its employees to participate in any educational apprenticeship or apprenticeship training program that is not required by state or federal law; or

(g) Regulating hours and scheduling that an employer is required to provide to employees: *Provided*, That this section does not prohibit an ordinance, local policy or local resolution that limits the hours a business may operate.

§21-5I-3. Exceptions; applicability.

(a) Nothing in this article shall be construed so as to prohibit a political subdivision from enforcing a written agreement voluntarily entered into and in effect prior to the effective date of this article.

(b) Any ordinance, regulation, local policy, local resolution or other legal requirement enacted or adopted prior to the effective date of this article that would be prohibited under section two of this article is void upon the effective date of this article.

(c) Section two of this article does not apply to the employees of a political subdivision and is not intended to prohibit a political subdivision from adopting, enforcing or administering an ordinance, regulation, local policy, local resolution or other legal requirement applicable to its own employees regarding any of the specific areas described in subsections (a) through (g), inclusive, thereof.

(d) Nothing in this article shall be construed as prohibiting or limiting a political subdivision from complying with the West Virginia Drug and Alcohol Free Workplace Act, set forth in article one-d, chapter twenty-one of this code, or otherwise requiring similar drug and alcohol policies and testing of a political subdivision's vendors.

Senator Palumbo arose to a point of order that Senator Ferns' amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 441) was not germane to the bill.

Which point of order, the President ruled well taken.

Thereafter, at the request of Senator Trump, and by unanimous consent, consideration of the bill (Eng. Com. Sub. for S. B. 441) was deferred until the conclusion of House messages now lodged with the Clerk.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 621, Providing certain rules inapplicable after county board of education notifies state board of possible closing or consolidations.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page one, section thirteen, line two, by striking out the words "is considering or in" and inserting in lieu thereof the words "has taken official action to begin";

On page one, section thirteen, line eight, by striking out the word "not";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 621—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29A-3B-13, relating to providing that at any point after a county board of education provides written notice to the state board that it has taken official action to begin the process of closing or consolidating a school or schools, any revision or supplementation to certain rules is applicable to the school closing or consolidation project described in the county board's notification to the state board.

On motion of Senator Ferns, the Senate refused to concur in the foregoing House amendments to the bill (Eng. S. B. 621) and requested the House of Delegates to recede therefrom.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 606, Relating to minimum wage and maximum hours for employees.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page three, section one-f, lines fifty-one through sixty, by striking out all of subdivision (20) and inserting in lieu thereof the following: or (20) any person employed by a recreational

establishment which (A) does not operate for more than seven months in any calendar year, or, (B) during the preceding calendar year had average receipts for any six months of the year which were not more than thirty-three and one-third per centum of its average receipts for the other six months of that year: *Provided*, That any such person is compensated on a salary basis in an annual amount of not less than two thousand eighty times the West Virginia state minimum wage as stated in section two of this article.

On motion of Senator Ferns, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 606) was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 606—A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to minimum wage and maximum hour standards for employees by a recreational establishment which does not operate for more than seven months in any calendar year during the preceding calendar year or had average receipts for any six months of the year which were not more than thirty-three and one-third per centum of its average receipts for the other six months of that year; and requiring any such employee is compensated on a salary basis in an annual amount of not less than two thousand eighty times the West Virginia state minimum wage as stated in section two of this article.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Committee Substitute for Senate Bill 606, as amended, was then put upon its passage.

Senator Miller requested a ruling from the Chair as to whether he should be excused from voting under Senate Rule 43, as this bill relates to his business.

The Chair replied that any impact on Senator Miller would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—30.

The nays were: Beach, Jeffries, Ojeda and Romano—4.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 606) passed with its Senate amended title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, adoption as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 6, Roads to Prosperity Amendment of 2017.

On motion of Senator Ferns, the resolution was taken up for immediate consideration.

The following House of Delegates amendment to the resolution was reported by the Clerk:

By striking out everything after the Resolved section and inserting in lieu thereof the following:

Roads to Prosperity Amendment of 2017.

(a) The Legislature shall have power to authorize the issuing and selling of state bonds not exceeding in the aggregate \$1.6 billion. The proceeds of said bonds are hereby authorized to be issued and sold over a four-year period in the following amounts:

(1) July 1, 2017, an amount not to exceed \$800 million;

(2) July 1, 2018, an amount not to exceed \$400 million;

(3) July 1, 2019, an amount not to exceed \$200 million; and

(4) July 1, 2020, an amount not to exceed \$200 million.

Any bonds not issued under the provisions of subdivisions (1) through (3), inclusive, of this subsection may be carried forward and issued in any subsequent year before July 1, 2022.

(b) The proceeds of the bonds shall be used and appropriated for the following purposes:

(1) Matching available federal funds for highway and bridge construction in this state; and

(2) General highway and secondary road and bridge construction or improvements in each of the fifty-five counties.

(c) When a bond issue as aforesaid is authorized, the Legislature shall at the same time provide for the collection of an annual state tax, as well as certain fees, which shall be in a sufficient amount to pay the interest on such bonds and the principal thereof as such may accrue within and not exceeding twenty-five years, which tax and fees may include, but shall not be limited to: (1) increases to fees charged by the Division of Motor Vehicles; (2) additional fees on motor vehicles fueled, in part or entirely, by alternative fuels or electricity; and (3) increases to the motor fuel excise tax. Such taxes and fees shall be levied in any year only to the extent that the moneys in the state road fund irrevocably set aside and appropriated for and applied to the payment of the interest on and the principal of said bonds becoming due and payable in such year are insufficient therefor. Any interest that accrues on the issued bonds prior to payment shall only be used for the purposes of the bonds.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such proposed amendment is hereby numbered "Amendment No. 1" and designated as the "Roads to Prosperity Amendment of 2017" and the purpose of the proposed amendment is summarized as follows: "To provide for the improvement and construction of safe roads in the state by the issuance of bonds not to exceed \$1.6 billion in the aggregate to be paid for from the State Road Fund by the collection of annual state taxes and

fees, which may include, but are not limited to: increases in fees charged by the Division of Motor Vehicles, additional fees charged by the Division of Motor Vehicles, and increases to the motor fuel excise taxes as provided by the Legislature by general law.”

On motion of Senator Ferns, the following amendment to the House of Delegates amendment to the resolution (Eng. Com. Sub. for Com. Sub. for S. J. R. 6) was reported by the Clerk and adopted:

On page one, following the Resolved section, by striking out the remainder of the resolution and inserting in lieu thereof the following:

Roads to Prosperity Amendment of 2017.

(a) The Legislature shall have power to authorize the issuing and selling of state bonds not exceeding in the aggregate \$1.6 billion. The proceeds of said bonds are hereby authorized to be issued and sold over a four-year period in the following amounts:

- (1) July 1, 2017, an amount not to exceed \$800 million;
- (2) July 1, 2018, an amount not to exceed \$400 million;
- (3) July 1, 2019, an amount not to exceed \$200 million; and
- (4) July 1, 2020, an amount not to exceed \$200 million.

Any bonds not issued under the provisions of subdivisions (1) through (3), inclusive, of this subsection may be carried forward and issued in any subsequent year before July 1, 2021.

(b) The proceeds of the bonds shall be used and appropriated for the following purposes:

- (1) Matching available federal funds for highway and bridge construction in this state; and
- (2) General highway and secondary road and bridge construction or improvements in each of the fifty-five counties.

(c) When a bond issue as aforesaid is authorized, the Legislature shall at the same time provide for the collection of an annual state tax which shall be in a sufficient amount to pay the interest on such bonds and the principal thereof as such may accrue within and not exceeding twenty-five years. Such taxes shall be levied in any year only to the extent that the moneys in the state road fund irrevocably set aside and appropriated for and applied to the payment of the interest on and the principal of said bonds becoming due and payable in such year are insufficient therefor. Any interest that accrues on the issued bonds prior to payment shall only be used for the purposes of the bonds.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such proposed amendment is hereby numbered “Amendment No. 1” and designated as the “Roads to Prosperity Amendment of 2017” and the purpose of the proposed amendment is summarized as follows: “To provide for the improvement and construction of safe roads in the state by the issuance of bonds not to exceed \$1.6 billion in the aggregate to be paid for from the State Road Fund and the collection of annual state taxes as provided by the Legislature by general law.”

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Committee Substitute for Committee Substitute for Senate Joint Resolution 6, as amended, was then put upon its adoption.

On the adoption of the resolution, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for Com. Sub. for S. J. R. 6) adopted with its title, as follows:

Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 6—Proposing an amendment to the Constitution of the State of West Virginia, relating to authorizing the Legislature to issue and sell state bonds not exceeding the aggregate amount of \$1.6 billion to be used for improvement and construction of state roads and bridges; numbering and designating such proposed amendment; authorizing a special election on the ratification or rejection of the amendment to take place in 2017, to be set by the Governor; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at a special election to be held at a date set by the Governor in 2017 and proclaimed in accordance with section three, article eleven, chapter three of the Code of West Virginia, which proposed amendment is to read as follows:

Roads to Prosperity Amendment of 2017.

(a) The Legislature shall have power to authorize the issuing and selling of state bonds not exceeding in the aggregate \$1.6 billion. The proceeds of said bonds are hereby authorized to be issued and sold over a four-year period in the following amounts:

- (1) July 1, 2017, an amount not to exceed \$800 million;
- (2) July 1, 2018, an amount not to exceed \$400 million;
- (3) July 1, 2019, an amount not to exceed \$200 million; and
- (4) July 1, 2020, an amount not to exceed \$200 million.

Any bonds not issued under the provisions of subdivisions (1) through (3), inclusive, of this subsection may be carried forward and issued in any subsequent year before July 1, 2021.

(b) The proceeds of the bonds shall be used and appropriated for the following purposes:

(1) Matching available federal funds for highway and bridge construction in this state; and

(2) General highway and secondary road and bridge construction or improvements in each of the fifty-five counties.

(c) When a bond issue as aforesaid is authorized, the Legislature shall at the same time provide for the collection of an annual state tax which shall be in a sufficient amount to pay the interest on such bonds and the principal thereof as such may accrue within and not exceeding twenty-five years. Such taxes shall be levied in any year only to the extent that the moneys in the state road fund irrevocably set aside and appropriated for and applied to the payment of the interest on and the principal of said bonds becoming due and payable in such year are insufficient therefor. Any interest that accrues on the issued bonds prior to payment shall only be used for the purposes of the bonds.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such proposed amendment is hereby numbered "Amendment No. 1" and designated as the "Roads to Prosperity Amendment of 2017" and the purpose of the proposed amendment is summarized as follows: "To provide for the improvement and construction of safe roads in the state by the issuance of bonds not to exceed \$1.6 billion in the aggregate to be paid for from the State Road Fund and the collection of annual state taxes as provided by the Legislature by general law."

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended, with its Senate amended title, of

Eng. Senate Bill 28, Creating new system for certain contiguous counties to establish regional recreation authorities.

A message from The Clerk of the House of Delegates announced that that body had receded from its amendment to, and the passage as amended by deletion, of

Eng. Com. Sub. for Senate Bill 221, Relating to composition of PEIA Finance Board.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 239, Limiting use of wages by employers and labor organizations for political activities.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

That §3-8-12, §21-1A-4, §21-5-1 and §21-5-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

§3-8-12. Additional acts forbidden; circulation of written matter; newspaper advertising; solicitation of contributions; intimidation and coercion of employees; promise of employment or other benefits; limitations on contributions; public contractors; penalty.

(a) A person may not publish, issue or circulate, or cause to be published, issued or circulated, any anonymous letter, circular, placard, radio or television advertisement or other publication supporting or aiding the election or defeat of a clearly identified candidate.

(b) An owner, publisher, editor or employee of a newspaper or other periodical may not insert, either in its advertising or reading columns, any matter, paid for or to be paid for, which tends to influence the voting at any election, unless directly designating it as a paid advertisement and stating the name of the person authorizing its publication and the candidate in whose behalf it is published.

(c) A person may not, in any room or building occupied for the discharge of official duties by any officer or employee of the state or a political subdivision of the state, solicit orally or by written communication delivered within the room or building, or in any other manner, any contribution of money or other thing of value for any party or political purpose, from any postmaster or any other officer or employee of the federal government, or officer or employee of the State, or a political subdivision of the State. An officer, agent, clerk or employee of the federal government, or of this state, or any political subdivision of the state, who may have charge or control of any building, office or room, occupied for any official purpose, may not knowingly permit any person to enter any building, office or room, occupied for any official purpose for the purpose of soliciting or receiving any political assessments from, or delivering or giving written solicitations for, or any notice of, any political assessments to, any officer or employee of the state, or a political subdivision of the state.

(d) Except as provided in section eight of this article, a person entering into any contract with the state or its subdivisions, or any department or agency of the state, either for rendition of personal services or furnishing any material, supplies or equipment or selling any land or building to the state, or its subdivisions, or any department or agency of the state, if payment for the performance of the contract or payment for the material, supplies, equipment, land or building is to be made, in whole or in part, from public funds may not, during the period of negotiation for or performance under the contract or furnishing of materials, supplies, equipment, land or buildings, directly or indirectly, make any contribution to any political party, committee or candidate for public office or to any person for political purposes or use; nor may any person or firm solicit any contributions for any purpose during any period.

(e) A person may not, directly or indirectly, promise any employment, position, work, compensation or other benefit provided for, or made possible, in whole or in part, by act of the Legislature, to any person as consideration, favor or reward for any political activity for the support of or opposition to any candidate, or any political party in any election.

(f) Except as provided in section eight of this article, a person may not, directly or indirectly, make any contribution in excess of the value of \$1,000 in connection with any campaign for nomination or election to or on behalf of any statewide office, in connection with any other campaign for nomination or election to or on behalf of any other elective office in the state or any

of its subdivisions, or in connection with or on behalf of any person engaged in furthering, advancing, supporting or aiding the nomination or election of any candidate for any of the offices.

(g) A political organization (as defined in Section 527(e)(1) of the Internal Revenue Code of 1986) may not solicit or accept contributions until it has notified the Secretary of State of its existence and of the purposes for which it was formed. During the two-year election cycle, a political organization (as defined in Section 527 (e) (1) of the Internal Revenue Code of 1986) may not accept contributions totaling more than \$1,000 from any one person prior to the primary election and contributions totaling more than \$1,000 from any one person after the primary and before the general election.

(h) It is unlawful for any person to create, establish or organize more than one political organization (as defined in Section 527(e)(1) of the Internal Revenue Code of 1986) with the intent to avoid or evade the contribution limitations contained in subsection (g) of this section.

(i) Notwithstanding the provisions of subsection (f) of this section to the contrary, a person may not, directly or indirectly, make contributions to a state party executive committee or state party legislative caucus committee which, in the aggregate, exceed the value of \$1,000 in any calendar year.

(j) The limitations on contributions contained in this section do not apply to transfers between and among a state party executive committee or a state party's legislative caucus political committee from national committees of the same political party: *Provided*, That transfers permitted by this subsection may not exceed \$50,000 in the aggregate in any calendar year to any state party executive committee or state party legislative caucus political committee: *Provided, however*, That the moneys transferred may only be used for voter registration and get-out-the-vote activities of the state committees.

(k) A person may not solicit any contribution, other than contributions to a campaign for or against a county or local government ballot issue, from any nonelective salaried employee of the state government or of any of its subdivisions: *Provided*, That in no event may any person acting in a supervisory role solicit a person who is a subordinate employee for any contribution.

~~(l)~~ A person may not coerce or intimidate any ~~nonelective salaried~~ employee into making a contribution. A person may not coerce or intimidate any ~~nonsalaried employee of the state government or any of its subdivisions~~ into engaging in any form of political activity. The provisions of this subsection may not be construed to prevent any employee from making a contribution or from engaging in political activity voluntarily without coercion, or intimidation. ~~or solicitation.~~

~~(+)~~ (m) A person may not solicit a contribution from any other person without informing the other person at the time of the solicitation of the amount of any commission, remuneration or other compensation that the solicitor or any other person will receive or expect to receive as a direct result of the contribution being successfully collected. Nothing in this subsection may be construed to apply to solicitations of contributions made by any person serving as an unpaid volunteer.

~~(+)~~ (n) A person may not place any letter, circular, flyer, advertisement, election paraphernalia, solicitation material or other printed or published item tending to influence voting at any election in a roadside receptacle unless it is: (1) Approved for placement into a roadside receptacle by the business or entity owning the receptacle; and (2) contains a written acknowledgment of the approval. This subdivision does not apply to any printed material

contained in a newspaper or periodical published or distributed by the owner of the receptacle. The term "roadside receptacle" means any container placed by a newspaper or periodical business or entity to facilitate home or personal delivery of a designated newspaper or periodical to its customers.

(o) An employer or any other person or entity responsible for the disbursement of funds in payment of wages or salary may not withhold or divert any portion of an employee's wages or salary for use as contributions to any candidate or political committee or for any other political purposes as defined in section one-a of this article except by a written assignment in accordance with section three, article five of chapter twenty-one of this code. This subsection applies to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2017: *Provided*, That the provisions of this subsection shall not otherwise apply to or abrogate a written or oral contract or agreement or any provisions thereof in effect on or before June 30, 2017. *Provided, however*, That a violation of this subsection is not subject to the civil and criminal penalties contained in this section, but any such violation shall be governed by the provisions of article five of chapter twenty-one of this code.

~~(n)~~ (p) Any person violating any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than one year, or, both fined and confined.

~~(e) The provisions of subsection (k) of this section, permitting contributions to a campaign for or against a county or local government ballot issue shall become operable on and after January 1, 2005.~~

~~(p)~~ (q) The limitations on contributions established by subsection (g) of this section do not apply to contributions made for the purpose of supporting or opposing a ballot issue, including a constitutional amendment.

§21-1A-4. Unfair labor practices.

(a) It shall be an unfair labor practice for an employer:

(1) To interfere with, restrain or coerce employees in the exercise of the rights guaranteed in section three of this article;

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That an employer shall not be prohibited from permitting employees to confer with him or her during working hours without loss of time or pay;

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment, to encourage or discourage membership in any labor organization;

(4) To discharge or otherwise discriminate against an employee because he or she has filed charges or given testimony under this article; and

(5) To refuse to bargain collectively with the representatives of his or her employees, subject to the provisions of subsection (a), section five of this article.

(b) It shall be an unfair labor practice for a labor organization or its agents:

(1) To restrain or coerce: (A) Employees in the exercise of the rights guaranteed in section three of this article: *Provided*, That this subdivision shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (B) an employer in the selection of his or her representatives for the purposes of collective bargaining or the adjustment of grievances;

(2) To cause or attempt to cause an employer to discriminate against an employee in violation of subdivision (3), subsection (a) of this section or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his or her failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

(3) To refuse to bargain collectively with an employer, provided it is the representative of his or her employees subject to the provisions of subsection (a), section five of this article;

(4) (i) To engage in, or induce or encourage any individual employed by any person to engage in, a strike or a refusal in the course of employment to use, manufacture, process, transport or otherwise handle or work on any goods, articles, materials or commodities or to perform any services; or (ii) to threaten, coerce or restrain any person, where in either case an object thereof is:

(A) Forcing or requiring any employer or self-employed person to join any labor or employer organization or to enter into any agreement which is prohibited by subsection (e) of this section;

(B) Forcing or requiring any person to cease using, selling, handling, transporting or otherwise dealing in the products of any other producer, processor or manufacturer, or to cease doing business with any other person, or forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his or her employees unless such labor organization has been certified as the representative of such employees under the provisions of section five of this article: *Provided*, That nothing contained in this paragraph may be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing;

(C) Forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his or her employees if another labor organization has been certified as the representative of such employees under the provisions of section five of this article;

(D) Forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft or class rather than to employees in another labor organization or in another trade, craft or class, unless such employer is failing to conform to an order of certification of the board determining the bargaining representative for employees performing such work: *Provided*, That nothing contained in this subsection shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his or her own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required by law to recognize;

(5) To require of employees covered by an agreement authorized under subdivision (3), subsection (a) of this section, the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the board finds excessive or discriminatory under all the circumstances. In making such a finding, the board shall consider, among other relevant

factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected;

(6) To cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed; and

(7) To picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where an object thereof is forcing or requiring an employer to recognize or bargain with a labor organization as the representative of his or her employees, or forcing or requiring the employees of an employer to accept or select such labor organization as their collective bargaining representative, unless such labor organization is currently certified as the representative of such employees:

(A) Where the employer has lawfully recognized in accordance with this article any other labor organization and a question concerning representation may not appropriately be raised under subsection (c), section five of this article;

(B) Where within the preceding twelve months a valid election under subsection (c), section five of this article has been conducted; or

(C) Where such picketing has been conducted without a petition under subsection (c), section five of this article being filed within a reasonable period of time not to exceed fifteen days from the commencement of such picketing: *Provided*, That when such a petition has been filed the board shall forthwith, without regard to the provisions of said subsection or the absence of a showing of a substantial interest on the part of the labor organization, direct an election in such unit as the board finds to be appropriate and shall certify the results thereof. Nothing in this subdivision shall be construed to permit any act which would otherwise be an unfair labor practice under this subsection.

(c) The expressing of any views, argument or opinion, or the dissemination thereof, whether in written, printed, graphic or visual form, shall not constitute or be evidence of an unfair labor practice, or be prohibited under this article, if such expression contains no threat of reprisal or force or promise of benefit.

(d) For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making a concession: *Provided*, That where there is in effect a collective bargaining contract covering employees, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification:

(1) Gives a written notice to the other party of the proposed termination or modification sixty days prior to the expiration date thereof, or in the event such contract contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification;

(2) Offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

(3) Notifies the Commissioner of Labor of the existence of a dispute;

(4) Continues in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing contract for a period of sixty days after such notice is given or until the expiration date of such contract, whichever occurs later. The duties imposed upon employers, employees and labor organizations by this subdivision and subdivisions (2) and (3) of this subsection shall become inapplicable upon an intervening certification of the board, under which the labor organization or individual, which is a party to the contract, has been superseded as or ceased to be the representative of the employees subject to the provisions of subsection (a), section five of this article, and the duties so imposed shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract. Any employee who engages in a strike within the sixty-day period specified in this subsection shall lose his or her status as an employee of the employer engaged in the particular labor dispute, for the purposes of this section and sections three and five of this article, but such loss of status for such employee shall terminate if and when he or she is reemployed by such employer.

(e) It shall be an unfair labor practice for any labor organization and any employer to enter into any contract or agreement, express or implied, whereby such employer ceases or refrains or agrees to cease or refrain from handling, using, selling, transporting or otherwise dealing in any of the products of any other employer, or to cease doing business with any other person and any such contract or agreement entered into heretofore or hereafter shall be to such extent unenforceable and void.

(f) It shall be an unfair labor practice for any labor organization to use agency shop fees paid by an individual who is not a member of the organization to make any contributions or expenditures to influence an election or to operate a political committee, unless affirmatively authorized by the individual. Any such authorization is valid for no more than twelve months from the date it is made by the individual. For purposes of this section, "agency shop fees" shall mean any dues, fees, assessments or other similar charges, however denominated, of any kind or amount to the labor organization. *Provided*, That the provisions of this subsection shall not otherwise apply to or abrogate a written or oral contract or agreement or any provisions thereof in effect on or before June 30, 2017.

§21-5-1. Definitions.

As used in this article:

(a) The term "firm" includes any partnership, association, joint-stock company, trust, division of a corporation, the administrator or executor of the estate of a deceased individual, or the receiver, trustee or successor of any of the same, or officer thereof, employing any person.

(b) The term "employee" or "employees" includes any person suffered or permitted to work by a person, firm or corporation.

(c) The term "wages" means compensation for labor or services rendered by an employee, whether the amount is determined on a time, task, piece, commission or other basis of calculation. As used in sections four, five, eight-a, ten and twelve of this article, the term "wages" shall also include then accrued fringe benefits capable of calculation and payable directly to an employee: *Provided*, That nothing herein contained shall require fringe benefits to be calculated contrary to

any agreement between an employer and his or her employees which does not contradict the provisions of this article.

(d) The term “commissioner” means Commissioner of Labor or his or her designated representative.

(e) The term “railroad company” includes any firm or corporation engaged primarily in the business of transportation by rail.

(f) The term “special agreement” means an arrangement filed with and approved by the commissioner whereby a person, firm or corporation is permitted upon a compelling showing of good cause to establish regular paydays less frequently than once in every two weeks: *Provided*, That in no event shall the employee be paid in full less frequently than once each calendar month on a regularly established schedule.

(g) The term “deductions” includes only those amounts required by law or Court order to be withheld, and those amounts required by the terms of an employer-sponsored or employer-provided plan or program providing fringe benefits in which the employee is a participant. ~~authorized for union or club dues, pension plans, payroll savings plans, credit unions, charities and hospitalization and medical insurance.~~

(h) The term “officer” shall include officers or agents in the management of a corporation or firm who knowingly permit the corporation or firm to violate the provisions of this article.

(i) The term “wages due” shall include at least all wages earned up to and including the twelfth day immediately preceding the regular payday.

(j) The term “construction” means the furnishing of work in the fulfillment of a contract for the construction, alteration, decoration, painting or improvement of a new or existing building, structure, roadway or pipeline, or any part thereof, or for the alteration, improvement or development of real property: *Provided*, That construction performed for the owner or lessee of a single family dwelling or a family farming enterprise is excluded.

(k) The term “minerals” means clay, coal, flagstone, gravel, limestone, manganese, sand, sandstone, shale, iron ore and any other metallurgical ore.

(l) The term “fringe benefits” means any benefit provided an employee or group of employees by an employer, or which is required by law, and includes, but is not limited to, benefits provided pursuant to any welfare plan or pension plan, subject to the Employee Retirement Income Security Act of 1974 in which the employee is a participant, including, but not limited to, benefits for medical, surgical or hospital care, sickness, accident, disability or death, unemployment, vacation, holidays, apprenticeship or training, day care, education, prepaid legal services, severance and retirement or post retirement. ~~regular vacation, graduated vacation, floating vacation, holidays, sick leave, personal leave, production incentive bonuses, sickness and accident benefits and benefits relating to medical and pension coverage.~~

(m) The term “employer” means any person, firm or corporation employing any employee.

(n) The term “doing business in this state” means having employees actively engaged in the intended principal activity of the person, firm or corporation in West Virginia.

§21-5-3. Payment of wages by employers other than railroads; assignments of wages.

(a) Every person, firm or corporation doing business in this state, except railroad companies as provided in section one of this article, shall settle with its employees at least twice every month and with no more than nineteen days between settlements, unless otherwise provided by special agreement, and pay them the wages due, less authorized deductions and authorized wage assignments, for their work or services.

(b) Payment required in subsection (a) of this section shall be made:

(1) In lawful money of the United States;

(2) By cash order as described and required in section four of this article;

(3) By deposit or electronic transfer of immediately available funds into an employee's payroll card account in a federally insured depository institution. The term "payroll card account" means an account in a federally insured depository institution that is directly or indirectly established through an employer and to which electronic fund transfers of the employee's wages, salary, commissions or other compensation are made on a recurring basis, whether the account is operated or managed by the employer, a third-party payroll processor, a depository institution or another person. "Payroll card" means a card, code or combination thereof or other means of access to an employee's payroll card account, by which the employee may initiate electronic fund transfers or use a payroll card to make purchases or payments. Payment of employee compensation by means of a payroll card must be agreed upon in writing by both the person, form or corporation paying the compensation and the person being compensated; or

(4) By any method of depositing immediately available funds in an employee's demand or time account in a bank, credit union or savings and loan institution that may be agreed upon in writing between the employee and such person, firm or corporation, which agreement shall specifically identify the employee, the financial institution, the type of account and the account number: *Provided*, That nothing herein contained shall be construed in a manner to require any person, firm or corporation to pay employees by depositing funds in a financial institution.

(c) If, at any time of payment, any employee shall be absent from his or her regular place of labor and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to payment at any time thereafter upon demand upon the proper paymaster at the place where his or her wages are usually paid and where the next pay is due.

(d) Nothing herein contained shall affect the right of an employee to assign part of his or her claim against his or her employer except as in subsection (e) of this section.

(e) No assignment of or order for future wages shall be valid for a period exceeding one year from the date of the assignment or order. An assignment or order shall ~~be acknowledged by the party making the same before a notary public or other officer authorized to take acknowledgments, and any order or assignment shall~~ be in writing and specify thereon the total amount due and collectible by virtue of the same and three fourths of the periodical earnings or wages of the assignor shall at all times be exempt from such assignment or order and no assignment or order shall be valid which does not so state upon its face: *Provided*, That no such order or assignment shall be valid unless the written acceptance of the employer of the assignor to the making thereof is endorsed thereon: ~~*Provided, however, That nothing herein contained shall be construed as affecting the right of employer and employees to agree between themselves*~~

as to deductions to be made from the payroll of employees. The changes to this section which were adopted by the West Virginia Legislature in 2017 in SB239 apply to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2017; Provided, That the provisions of this subsection shall not otherwise apply to or abrogate a written or oral contract or agreement or any provisions thereof in effect on or before June 30, 2017.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 239—A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; to amend and reenact §21-5-1 of said code; and to amend and reenact §21-5-3, all relating to withholding or diverting an employee's wages or salary; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee's wages or salary for political activities without express, written authorization; providing that the prohibition against withholding or diverting wages for political activities applies to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2017, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2017; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; defining the term "agency shop fees"; modifying definition of "deductions" to include only those amounts required by law or Court order to be withheld and employer-sponsored or employer-provided plan; modifying the definition of "deductions" to exclude amounts for union or club dues, charities and other withholdings that are not employer-sponsored or employer-provided plans; making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual; removing the requirement that an assignment or order be acknowledged by the party making the same before a notary public or other official authorized to take acknowledgments; requiring that an assignment or order shall be in writing; and providing that the changes made to the assignment of wages during the 2017 West Virginia Legislature apply to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2017, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2017.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 239, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—22.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—12.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 239) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 288, Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person.

A message from The Clerk of the House of Delegates announced the passage by a vote of a majority of all the members elected to the House of Delegates taken by yeas and nays, notwithstanding the objections of the Governor, of

Eng. Senate Bill 330, Relating to WV Workplace Freedom Act.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 388, Relating to dangerous weapons.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §61-7-11a and §61-7-14 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.

(a) The Legislature finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending and persons employed by schools in this state and for persons employed by the judicial department of this state. It is for the purpose of providing assurances of safety that subsections (b), (g) and (h) of this section and paragraph (l), subdivision (2), subsection (b) of this section are enacted as a reasonable regulation of the manner in which citizens may exercise the rights accorded to them pursuant to section twenty-two, article three of the Constitution of the State of West Virginia.

(b) (1) It is unlawful for a person to possess a firearm or other deadly weapon on a school bus as defined in section one, article one, chapter seventeen-a of this code, or in or on a public primary or secondary education building, structure, facility or grounds including a vocational education building, structure, facility or grounds where secondary vocational education programs are

conducted or at a school-sponsored function, or in or on a private primary or secondary education building, structure or facility: *Provided*, That it shall not be unlawful to possess a firearm or other deadly weapon on or in a private primary or secondary education building, structure or facility when such institution has adopted written policies allowing for possession of firearms on or in the institution's buildings, structures or facilities.

(2) This subsection does not apply to:

(A) A law-enforcement officer employed by a federal, state, county or municipal law-enforcement agency;

(B) Any probation officer appointed pursuant to section five, article twelve, chapter sixty-two or chapter forty-nine of this code in the performance of his or her duties;

(C) A retired law-enforcement officer who:

(i) Is employed by a state, county or municipal law-enforcement agency;

(ii) Is covered for liability purposes by his or her employer;

(iii) Is authorized by a county board of education and the school principal to serve as security for a school;

(iv) Meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U. S. C. §926C(c); and

(v) Meets all of the requirements for handling and using a firearm established by his or her employer and has qualified with his or her firearm to those requirements;

(D) A person specifically authorized by the Board of Education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

(E) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

(F) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

(G) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity; ~~or~~

(H) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity; or

(I) Any person, twenty-one years old or older, who has a valid concealed handgun permit may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle or other areas of vehicular ingress or egress to a public school: *Provided*, That:

(i) when he or she is occupying the vehicle the person stores the handgun out of view from persons outside the vehicle; or

(ii) when he or she is not occupying the vehicle the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a locked trunk, glove box or other interior compartment, or in a locked container securely fixed to the vehicle.

(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than ten years, or fined not more than \$5,000, or both fined and imprisoned.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of subsection (b) of this section shall report the violation as soon as possible to:

(1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

(2) The appropriate local office of the State Police, county sheriff or municipal police agency.

(d) In addition to the methods of disposition provided by article five, chapter forty-nine of this code, a court which adjudicates a person who is fourteen years of age or older as delinquent for a violation of subsection (b) of this section may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward to the Division of Motor Vehicles.

(e) (1) If a person eighteen years of age or older is convicted of violating subsection (b) of this section and if the person does not act to appeal the conviction within the time periods described in subdivision (2) of this subsection, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in subdivision (1) of this subsection shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within twenty days of the sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within thirty days after the judgment was entered.

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in subdivision (1) of this subsection, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's twentieth birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's

transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of section two, article five-a, chapter seventeen-c of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within ten days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

(4) For the purposes of this subsection, a person is convicted when he or she enters a plea of guilty or is found guilty by a court or jury.

(f) (1) It is unlawful for a parent, guardian or custodian of a person less than eighteen years of age who knows that the person is in violation of subsection (b) of this section or has reasonable cause to believe that the person's violation of subsection (b) is imminent to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

(2) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(g) (1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts.

(2) This subsection does not apply to:

(A) A law-enforcement officer acting in his or her official capacity; and

(B) A person exempted from the provisions of this subsection by order of record entered by a court with jurisdiction over the premises or offices.

(3) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(h) (1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts, with the intent to commit a crime.

(2) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than ten years, or fined not more than \$5,000, or both fined and imprisoned.

(i) Nothing in this section may be construed to be in conflict with the provisions of federal law.

§61-7-14. Right of certain persons to limit possession of firearms on premises

Notwithstanding the provisions of this article, any owner, lessee or other person charged with the care, custody and control of real property may prohibit the carrying openly or ~~concealed~~ concealing of any firearm or deadly weapon on property under his or her domain: *Provided*, That

for purposes of this section "person" means an individual or any entity which may acquire title to real property.

Any person carrying or possessing a firearm or other deadly weapon on the property of another who refuses to temporarily relinquish possession of ~~such the~~ the firearm or other deadly weapon, upon being requested to do so, or to leave ~~such the~~ the premises, while in possession of ~~such the~~ the firearm or other deadly weapon, ~~shall be is~~ is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in ~~the county~~ jail not more than six months, or both: *Provided*, That the provisions of this section ~~shall do~~ do not apply to ~~those persons~~ a person as set forth in ~~subsections (3) through (6) of section six of this code~~ subdivisions (3) through (7), inclusive, subsection (a), section six of this article while such persons are the person is acting in an official capacity; and to a person as set forth in subdivisions (1) through (8), inclusive, subsection (b) of said section, while the person is acting in his or her official capacity: *Provided, however*, That under no circumstances, except as provided for by the provisions of paragraph (1), subdivision (2), subsection (b), section eleven-a of this article, may any person possess or carry or cause the possession or carrying of any firearm or other deadly weapon on the premises of any primary or secondary educational facility in this state unless ~~such the~~ the person is a law-enforcement officer or he or she has the express written permission of the county school superintendent.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 388, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 388) passed with its title.

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

A message from The Clerk of the House of Delegates announced that that body had receded from its amendments to, and the passage as amended by deletion, of

Eng. Com. Sub. for Senate Bill 419, Creating special revenue fund sources for Division of Labor to meet statutory obligations.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 433, Permitting counties increase excise tax on privilege of transferring real property.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 515, Relating to parole requirements for hearings and release.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 523, Converting to biweekly pay cycle for state employees.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §4-2A-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §11B-2-12 of said code be amended and reenacted; that §12-3-12a and §12-3-13b of said code be amended and reenacted; that §15-2-5 of said code be amended and reenacted; that §18-3-1 of said code be amended and reenacted; that §20-1-5 of said code be amended and reenacted; that §20-7-1 of said code be amended and reenacted; that §22C-1-4 of said code be amended and reenacted; that §24-1-3 of said code be amended and reenacted; that §24A-6-6 of said code be amended and reenacted; that §24B-5-2 of said code be amended and reenacted; that §25-1-19 of said code be amended and reenacted; that §31-19-4 of said code be amended and reenacted; that §33-2-2 of said code be amended and reenacted; that §50-1-8 and §50-1-9 of said code be amended and reenacted; that §51-7-3 and §51-7-5 of said code be amended and reenacted; that §51-8-2 of said code be amended and reenacted; and that §62-12-5 of said code be amended and reenacted, all to read as follows:

CHAPTER 4. THE LEGISLATURE.

ARTICLE 2A. COMPENSATION FOR AND EXPENSES OF MEMBERS OF THE LEGISLATURE.

§4-2A-2. Basic compensation for services; proration.

(a) Beginning in the calendar year 2009 and for each calendar year after that, each member of the Legislature shall receive as basic compensation for his or her services the sum of \$20,000 per calendar year, to be paid as provided in subsection (b) of this section. In addition to the basic compensation, members shall receive the additional compensations as are expressly provided in sections three, four and five of this article. All other increased amounts or new amounts in respect to the compensation of members of the Legislature, set forth in the resolution of the Citizens Legislative Compensation Commission, dated January 9, 2007, and implemented in sections two, four, six and eight of this article providing for new amounts or amounts increased to new amounts greater than those in force and effect on January 1, 2007, become effective for calendar year 2009 and each calendar year after that: *Provided*, That increased amounts or new amounts in respect to the expenses of members of the Legislature, set forth in said resolution, and implemented in sections six and eight of this article providing for new amounts or amounts

increased to new amounts greater than those in force and effect on January 1, 2007, become effective for calendar year 2008 and each calendar year after that.

(b) The basic compensation is payable as follows:

(1) In the year 2009, and every fourth year after that:

(A) Five thousand dollars in each of February, March and April, payable at least twice a per month; and

(B) Six hundred twenty-five dollars in each of January, May, June, July, August, September, October and November, payable ~~once a~~ at least twice per month;

(2) Beginning in 2010, in all years except those described in subdivision (1) of this subsection:

(A) Five thousand dollars in each of January, February and March, payable at least twice a per month; and

(B) Six hundred twenty-five dollars in each of April, May, June, July, August, September, October and November, payable ~~once a~~ at least twice per month.

(c) In the event of the death, resignation or removal of a member of the Legislature and the appointment and qualification of his or her successor, the compensation provided in this section for the month in which the death, resignation or removal of the member of the Legislature occurs shall be prorated between the original member and his or her successor on the basis of the number of days served, including Saturdays and Sundays in the month.

CHAPTER 11B. DEPARTMENT OF REVENUE.

ARTICLE 2. STATE BUDGET OFFICE.

§11B-2-12. Submission of expenditure schedules; contents; submission of information on unpaid obligations; copies to Legislative Auditor.

(a) Prior to the beginning of each fiscal year, the spending officer of a spending unit shall submit to the secretary a detailed expenditure schedule for the ensuing fiscal year. The schedule shall be submitted in such form and at such time as the secretary may require. The schedule shall show:

(1) A proposed ~~monthly~~ biweekly rate of expenditure for amounts appropriated for personal services;

(2) Each and every position budgeted under personal services for the next ensuing fiscal year, with the ~~monthly~~ biweekly salary or compensation of each position;

(3) A proposed quarterly rate of expenditure for amounts appropriated for employee benefits, current expenses, equipment and repairs and alterations classified by a uniform system of accounting as called for in section twenty-five of this article for each item of every appropriation;

(4) A proposed yearly plan of expenditure for amounts appropriated for buildings and lands; and

(5) A proposed quarterly plan of receipts itemized by type of revenue.

(b) The secretary may accept a differently itemized expenditure schedule from a spending unit to which the above itemizations are not applicable.

(c) The secretary shall consult with and assist spending officers in the preparation of expenditure schedules.

(d) Within fifteen days after the end of each month of the fiscal year, the head of every spending unit shall certify to the Legislative Auditor the status of obligations and payments of the spending unit for amounts of employee benefits, including, but not limited to, obligations and payments for social security withholding and employer matching, public employees' insurance premiums and public employees' retirement and Teachers Retirement Systems.

(e) In the event the Legislative Auditor determines from certified reports or from other sources that any spending unit is not making all payments and transfers for employee benefits from funds appropriated for that purpose, the Legislative Auditor shall notify the secretary of administration, Auditor and Treasurer of the determination and thereafter no funds appropriated to the spending unit shall be encumbered or expended for the salary or compensation to the head of the spending unit until the Legislative Auditor determines that the payments or transfers are being made on a timely basis.

(f) When a spending officer submits an expenditure schedule to the secretary as required by this section, the spending officer shall at the same time transmit a copy thereof to the Legislative Auditor and the Joint Committee on Government and Finance or its designee. If a spending officer of a spending unit fails to transmit a copy to the Legislative Auditor on or before the beginning of the fiscal year, the Legislative Auditor shall notify the secretary, Auditor and Treasurer of the failure and thereafter no funds appropriated to the spending unit shall be encumbered or expended until the spending officer thereof has transmitted a copy to the Legislative Auditor.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.

§12-3-12a. Payment of salaries of employees of ~~West Virginia board of regents~~ Higher Education Policy Commission, Council for Community and Technical College Education and institutions of higher education in twelve equal monthly installments over the twenty-six biweekly pay cycle.

Notwithstanding the provisions of section twelve of this article, in the event that an employee of the ~~West Virginia board of regents~~ Higher Education Policy Commission, Council for Community and Technical College Education or of any of the institutions which ~~it governs~~ they govern elects to receive his or her salary ~~in twelve equal monthly installments over the complete twenty-six biweekly pay cycle~~, warrants may be drawn for the ~~last two such installments in biweekly pay periods covering~~ the months of July and August following the fiscal year during which such salary was earned: *Provided*, That such warrants have been encumbered by ~~said board of regents~~ the commission, council or institution and the Budget Office prior to June 30 of said fiscal year.

§12-3-13b. Voluntary deductions by State Auditor from salaries of employees to pay association dues or fees and to pay supplemental health and life insurance premiums.

Any officer or employee of the State of West Virginia may authorize that a voluntary deduction from his or her net wages be made for the payment of membership dues or fees to an employee association. Voluntary deductions may also be authorized by an officer or employee for any supplemental health and life insurance premium, subject to prior approval by the Auditor. Such deductions shall be authorized on a form provided by the Auditor of the State of West Virginia and shall state: (a) The identity of the employee; (b) the amount and frequency of such deductions; and (c) the identity and address of the association or insurance company to which such dues shall be paid. Upon execution of such authorization and its receipt by the office of the Auditor, such deductions shall be made in the manner specified on the form and remitted to the designated association or insurance company on the tenth day of each month: *Provided*, That voluntary other deductions, as approved and authorized by the Auditor, may be made in accordance with rules proposed by the Auditor pursuant to article three, chapter twenty-nine-a of this code: *Provided, however*, That deductions shall be made ~~either once or~~ at least twice monthly, ~~at the option of the employee.~~ Deduction authorizations may be revoked at any time thirty days prior to the date on which the deduction is regularly made and on a form to be provided by the office of the State Auditor: *Provided further*, That nothing in this section shall interfere with or remove any existing arrangement for dues deduction between an employer or any political subdivision of the state and its employees.

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5. Career progression system; salaries; exclusion from wages and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves.

(a) The superintendent shall establish within the West Virginia State Police a system to provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second lieutenant and first lieutenant; the classification of nonsupervisory members within the field operations force to the ranks of trooper, senior trooper, trooper first class or corporal; the classification of members assigned to the forensic laboratory as criminalist I-VIII; and the temporary reclassification of members assigned to administrative duties as administrative support specialist I-VIII.

(b) The superintendent may propose legislative rules for promulgation in accordance with article three, chapter twenty-nine-a of this code for the purpose of ensuring consistency, predictability and independent review of any system developed under the provisions of this section.

(c) The superintendent shall provide to each member a written manual governing any system established under the provisions of this section and specific procedures shall be identified for the evaluation and testing of members for promotion or reclassification and the subsequent placement of any members on a promotional eligibility or reclassification recommendation list.

(d) Beginning on July 1, 2011, members shall receive annual salaries payable at least twice per month as follows:

ANNUAL SALARY SCHEDULE (BASE PAY)
 SUPERVISORY AND NONSUPERVISORY RANKS

Cadet During Training	\$ 2,833 Mo.	\$ 33,994
Cadet Trooper After Training	\$ 3,438 Mo.	\$ 41,258
Trooper Second Year		42,266
Trooper Third Year		42,649
Senior Trooper		43,048
Trooper First Class.....		43,654
Corporal		44,260
Sergeant		48,561
First Sergeant.....		50,712
Second Lieutenant		52,862
First Lieutenant		55,013
Captain.....		57,164
Major		59,314
Lieutenant Colonel		61,465

ANNUAL SALARY SCHEDULE (BASE PAY)
 ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

I	42,266
II	43,048
III	43,654
IV	44,260
V	48,561
VI	50,712
VII	52,862
VIII	55,013

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

I	42,266
II	43,048
III	43,654
IV	44,260
V	48,561
VI	50,712
VII	52,862
VIII	55,013

Each member of the West Virginia State Police whose salary is fixed and specified in this annual salary schedule is entitled to the length of service increases set forth in subsection (e) of this section and supplemental pay as provided in subsection (g) of this section.

(e) Each member of the West Virginia State Police whose salary is fixed and specified pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in subsection (d) of this section for grade in rank, based on length of service, including that service served before and after the effective date of this section with the West Virginia State Police as follows: Beginning on January 1, 2015 and continuing thereafter, at the end of two years of service with the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective during his or her next year of service and a like increase at yearly intervals thereafter, with the increases to be cumulative.

(f) In applying the salary schedules set forth in this section where salary increases are provided for length of service, members of the West Virginia State Police in service at the time the schedules become effective shall be given credit for prior service and shall be paid the salaries the same length of service entitles them to receive under the provisions of this section.

(g) The Legislature finds and declares that because of the unique duties of members of the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour laws to them. Accordingly, members of the West Virginia State Police are excluded from the provisions of state wage and hour law. This express exclusion shall not be construed as any indication that the members were or were not covered by the wage and hour law prior to this exclusion.

In lieu of any overtime pay they might otherwise have received under the wage and hour law, and in addition to their salaries and increases for length of service, members who have completed basic training and who are exempt from federal Fair Labor Standards Act guidelines may receive supplemental pay as provided in this section.

The authority of the superintendent to propose a legislative rule or amendment thereto for promulgation in accordance with article three, chapter twenty-nine-a of this code to establish the number of hours ~~per month~~ which constitute the standard ~~work-month~~ pay period for the members of the West Virginia State Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the criteria for receipt of a portion or all of supplemental payment when hours are worked in excess of the standard ~~work-month~~ pay period. The superintendent shall certify ~~monthly~~ at least twice per month to the West Virginia State Police's payroll officer the names of those members who have worked in excess of the standard ~~work-month~~ pay period and the amount of their entitlement to supplemental payment. The supplemental payment may not exceed ~~\$400 monthly~~ \$200.00 per pay period. The superintendent and civilian employees of the West Virginia State Police are not eligible for any supplemental payments.

(h) Each member of the West Virginia State Police, except the superintendent and civilian employees, shall execute, before entering upon the discharge of his or her duties, a bond with security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful performance of his or her duties, and the bond shall be approved as to form by the Attorney General and as to sufficiency by the Governor.

(i) In consideration for compensation paid by the West Virginia State Police to its members during those members' participation in the West Virginia State Police Cadet Training Program pursuant to section eight, article twenty-nine, chapter thirty of this code, the West Virginia State Police may require of its members by written agreement entered into with each of them in advance of such participation in the program that, if a member should voluntarily discontinue employment any time within one year immediately following completion of the training program, he or she shall be obligated to pay to the West Virginia State Police a pro rata portion of such compensation equal to that part of such year which the member has chosen not to remain in the employ of the West Virginia State Police.

(j) Any member of the West Virginia State Police who is called to perform active duty training or inactive duty training in the National Guard or any reserve component of the armed forces of the United States annually shall be granted, upon request, leave time not to exceed thirty calendar days for the purpose of performing the active duty training or inactive duty training and the time granted may not be deducted from any leave accumulated as a member of the West Virginia State Police.

CHAPTER 18. EDUCATION.

ARTICLE 3. STATE SUPERINTENDENT OF SCHOOLS.

§18-3-1. Appointment; qualifications; compensation; traveling expenses; office and residence; evaluation.

There shall be appointed by the state board a State Superintendent of Schools who serves at the will and pleasure of the state board. He or she shall be a person of good moral character, shall be able to perform the duties listed in this article and possess such other educational, administrative, experiential and other qualifications as determined by the State Board of Education. He or she shall hold at least a master's degree from a regionally accredited institution of higher education or equivalent degree as determined by the state board. He or she shall receive an annual salary set by the state board, to be paid ~~monthly~~ at least twice per month. The state superintendent also shall receive necessary traveling expenses incident to the performance of his or her duties to be paid out of the General School Fund upon warrants of the State Auditor. The

state superintendent shall have his or her office at the state Capitol. The state board shall report to the Legislative Oversight Commission on Education Accountability upon request concerning its progress during any hiring process for a state superintendent.

The state board annually shall evaluate the performance of the state superintendent and publicly announce the results of the evaluation.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-5. Salary, expenses, oath and bond of director.

The director shall receive an annual salary as provided in section two-a, article seven, chapter six of this code, payable ~~in equal monthly installments~~ at least twice per month and shall be allowed and paid necessary expenses incident to the performance of his or her official duties. Prior to the assumption of the duties of his or her office, he or she shall take and subscribe to the oath required of public officers by the Constitution of West Virginia and shall execute a bond, with surety approved by the Governor, in the penal sum of \$10,000, which executed oath and bond shall be filed in the office of the Secretary of State. Premiums on the bond shall be paid from division funds.

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-1. Chief natural resources police officer; natural resources police officers; special and emergency natural resources police officers; subsistence allowance; expenses.

(a) The division's law-enforcement policies, practices and programs are under the immediate supervision and direction of the division law-enforcement officer selected by the director and designated as chief natural resources police officer as provided in section thirteen, article one of this chapter.

(b) Under the supervision of the director, the chief natural resources police officer shall organize, develop and maintain law-enforcement practices, means and methods geared, timed and adjustable to seasonal, emergency and other needs and requirements of the division's comprehensive natural resources program. All division personnel detailed and assigned to law-enforcement duties and services under this section shall be known and designated as natural resources police officers and are under the immediate supervision and direction of the chief natural resources police officer except as otherwise provided. All natural resources police officers shall be trained, equipped and conditioned for duty and services wherever and whenever required by division law-enforcement needs. The chief natural resources police officer may also assign natural resources police officers to perform law-enforcement duties on any trail, grounds, appurtenant facility or other areas accessible to the public within the Hatfield-McCoy Recreation Area, under agreement that the Hatfield-McCoy Regional Recreation Authority, created pursuant to article fourteen of this chapter, shall reimburse the division for salaries paid to the officers and shall either pay directly or reimburse the division for all other expenses of the officers in accordance with actual or estimated costs determined by the chief natural resources police officer.

(c) The chief natural resources police officer, acting under supervision of the director, is authorized to select and appoint emergency natural resources police officers for a limited period for effective enforcement of the provisions of this chapter when considered necessary because

of emergency or other unusual circumstances. The emergency natural resources police officers shall be selected from qualified civil service personnel of the division, except in emergency situations and circumstances when the director may designate officers, without regard to civil service requirements and qualifications, to meet law-enforcement needs. Emergency natural resources police officers shall exercise all powers and duties prescribed in section four of this article for full-time salaried natural resources police officers except the provisions of subdivision (8), subsection (b) of said section.

(d) The chief natural resources police officer, acting under supervision of the director, is also authorized to select and appoint as special natural resources police officers any full-time civil service employee who is assigned to, and has direct responsibility for management of, an area owned, leased or under the control of the division and who has satisfactorily completed a course of training established and administered by the chief natural resources police officer, when the action is considered necessary because of law-enforcement needs. The powers and duties of a special natural resources police officer, appointed under this provision, is the same within his or her assigned area as prescribed for full-time salaried natural resources police officers. The jurisdiction of the person appointed as a special natural resources police officer, under this provision, shall be limited to the division area or areas to which he or she is assigned and directly manages.

(e) The Director of the Division of Forestry is authorized to appoint and revoke Division of Forestry special natural resources police officers who are full-time civil service personnel who have satisfactorily completed a course of training as required by the Director of the Division of Forestry. The jurisdiction, powers and duties of Division of Forestry special natural resources police officers are set forth by the Director of the Division of Forestry pursuant to article three of this chapter and articles one-a and one-b, chapter nineteen of this code.

(f) The chief natural resources police officer, with the approval of the director, has the power and authority to revoke any appointment of an emergency natural resources police officer or of a special natural resources police officer at any time.

(g) Natural resources police officers are subject to seasonal or other assignment and detail to duty whenever and wherever required by the functions, services and needs of the division.

(h) The chief natural resources police officer shall designate the area of primary residence of each natural resources police officer, including himself or herself. Since the area of business activity of the division is actually anywhere within the territorial confines of the State of West Virginia, actual expenses incurred shall be paid whenever the duties are performed outside the area of primary assignment and still within the state.

(i) Natural resources police officers shall receive, in addition to their base pay salary, a minimum ~~monthly~~ biweekly subsistence allowance for their required telephone service, dry cleaning or required uniforms, and meal expenses while performing their regular duties in their area of primary assignment in the amount of ~~\$130 each month~~ \$60 per biweekly pay. This subsistence allowance does not apply to special or emergency natural resources police officers appointed under this section.

(j) After June 30, 2010, all those full-time law-enforcement officers employed by the Division of Natural Resources as conservation officers shall be titled and known as natural resources police officers. Wherever used in this code the term "conservation officer", or its plural, means "natural resources police officer", or its plural, respectively.

(k) Notwithstanding any provision of this code to the contrary, the provisions of subdivision (6), subsection c, section twelve, article twenty-one, chapter eleven of this code are inapplicable to pensions of natural resources police officers paid through the Public Employees Retirement System.

CHAPTER 22C. ENVIRONMENTAL RESOURCES; BOARDS, AUTHORITIES, COMMISSIONS AND COMPACTS.

ARTICLE 1. WATER DEVELOPMENT AUTHORITY.

§22C-1-4. Water Development Authority; Water Development Board; organization of authority and board; appointment of board members; their term of office, compensation and expenses; Director of Authority; compensation.

(a) The Water Development Authority is continued. The authority is a governmental instrumentality of the state and a body corporate. The exercise by the authority of the powers conferred by this article and the carrying out of its purposes and duties are essential governmental functions and for a public purpose.

(b) The authority is controlled, managed and operated by a seven-member board known as the Water Development Board. The Governor or designee, the secretary of the Department of Environmental Protection or designee and the Commissioner of the Bureau for Public Health or designee are members ex officio of the board. Four members are appointed by the Governor, by and with the advice and consent of the Senate, for six-year terms, which are staggered in accordance with the initial appointments under prior enactment of this section. In the event of a vacancy, appointments are filled in the same manner as the original appointment for the remainder of the unexpired term. A member continues to serve until the appointment and qualification of the successor. More than two appointed board members may not at any one time belong to the same political party. Appointed board members may be reappointed to serve additional terms.

(c) All members of the board shall be citizens of the state. Each appointed member of the board, before entering upon his or her duties, shall comply with the requirements of article one, chapter six of this code and give bond in the sum of \$25,000 in the manner provided in article two of said chapter. The Governor may remove any board member for cause as provided in article six of said chapter.

(d) The Governor or designee serves as chair. The board annually elects one of its appointed members as vice chair and appoints a secretary-treasurer, who need not be a member of the board. Four members of the board is a quorum and the affirmative vote of four members is necessary for any action taken by vote of the board. A vacancy in the membership of the board does not impair the rights of a quorum by such vote to exercise all the rights and perform all the duties of the board and the authority. The person appointed as secretary-treasurer, including a board member if so appointed, shall give bond in the sum of \$50,000 in the manner provided in article two, chapter six of this code.

(e) The Governor or designee, the Secretary of the Department of Environmental Protection and the Commissioner of the Bureau for Public Health do not receive compensation for serving as board members. Each appointed member receives an annual salary of \$12,000, payable in ~~monthly installments~~ at least twice per month. Each of the seven board members is reimbursed for all reasonable and necessary expenses actually incurred in the performance of duties as a

member of the board in a manner consistent with guidelines of the Travel Management Office of the Department of Administration. All expenses incurred by the board are payable solely from funds of the authority or from funds appropriated for that purpose by the Legislature. Liability or obligation is not incurred by the authority beyond the extent to which moneys are available from funds of the authority or from such appropriations.

(f) There is a director of the authority appointed by the Governor, with the advice and consent of the Senate, who serves at the Governor's will and pleasure. The director is responsible for managing and administering the daily functions of the authority and for performing other functions necessary to the effective operation of the authority. The compensation of the director is fixed annually by the board.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 1. GENERAL PROVISIONS.

§24-1-3. Commission continued; membership; chairman; compensation; quorum.

(a) The Public Service Commission of West Virginia is continued and directed as provided by this chapter, chapter twenty-four-a, chapter twenty-four-b and chapter twenty-four-d of this code. The Public Service Commission may sue and be sued by that name.

(b) The Public Service Commission shall consist of three members who shall be appointed by the Governor, with the advice and consent of the Senate. The commissioners shall be citizens and residents of this state and at least one of them shall be duly licensed to practice law in West Virginia, with not less than ten years' actual work experience in the legal profession as a member of a State Bar.

(c) No more than two of the commissioners shall be members of the same political party.

(d) Each commissioner shall, before entering upon the duties of his or her office, take and subscribe to the oath provided by section five, article IV of the Constitution of West Virginia. The oath shall be filed in the office of the Secretary of State.

(e) The Governor shall designate one of the commissioners to serve as chairman at the Governor's will and pleasure. The chairman shall be the chief administrative officer of the commission. The Governor may remove any commissioner only for incompetency, neglect of duty, gross immorality, malfeasance in office or violation of subsections (g) and (h) of this section.

(f) Upon expiration of the terms, appointments are for terms of six years, except that an appointment to fill a vacancy is for the unexpired term only.

(g) No person while in the employ of, or holding any official relation to, any public utility subject to the provisions of this chapter or holding any stocks or bonds of a public utility subject to the provisions of this chapter or who is pecuniarily interested in a public utility subject to the provisions of this chapter may serve as a member of the commission or as an employee of the commission.

(h) Nor may any commissioner be a candidate for or hold public office or be a member of any political committee while acting as a commissioner; nor may any commissioner or employee of the commission receive any pass, free transportation or other thing of value, either directly or indirectly, from any public utility or motor carrier subject to the provisions of this chapter. In case

any of the commissioners becomes a candidate for any public office or a member of any political committee, the Governor shall remove him or her from office and shall appoint a new commissioner to fill the vacancy created.

(i) The annual salary of each commissioner provided in section two-a, article seven, chapter six of this code shall be paid ~~in monthly installments~~ at least twice per month from the special funds in the percentages that follow:

(1) From the Public Service Commission Fund collected under the provisions of section six, article three of this chapter, eighty percent;

(2) From the Public Service Commission Motor Carrier Fund collected under the provisions of section six, article six, chapter twenty-four-a of this code, seventeen percent; and

(3) From the Public Service Commission Gas Pipeline Safety Fund collected under the provisions of section three, article five, chapter twenty-four-b of this code, three percent.

(j) In addition to the salary provided for all commissioners in section two-a, article seven, chapter six of this code, the chairman of the commission shall receive \$5,000 per annum to be paid ~~in monthly installments~~ at least twice per month from the Public Service Commission Fund collected under the provisions of section six, article three of this chapter.

CHAPTER 24A. COMMERCIAL MOTOR CARRIERS.

ARTICLE 6. DUTIES AND PRIVILEGES OF MOTOR CARRIERS SUBJECT TO REGULATION OF THE COMMISSION.

§24A-6-6. Special annual assessment against motor carriers for expenses of administering chapter; Public Service Commission Motor Carrier Fund.”

In addition to the license fees, registration fees, or any other taxes required by law to be collected from motor carriers subject to this chapter, each such motor carrier shall be subject to, and shall pay to the Public Service Commission, a special annual assessment for the purpose of paying the salaries, compensation, costs and expenses of administering and enforcing this chapter. All proceeds or funds derived from such assessment shall be paid into the State Treasury and credited to a special fund, designated Public Service Commission Motor Carrier Fund, to be appropriated as provided by law for the purposes herein stated. Each member of the commission shall receive a salary in the amount set forth in section three, article one, chapter twenty-four of this code as compensation for the administration of this chapter in addition to all other salary or compensation otherwise provided by law, to be paid ~~in monthly installments~~ at least twice per month. The special assessment against each motor carrier shall be apportioned upon the number and capacity of motor vehicles used by said carrier, computed as hereinafter provided.

(a) For each uniform identification card\$ 3.00

(b) Upon each power unit of such carriers of property, in accordance with its capacity as rated by its manufacturer, in addition to amount of subdivision (a):

of one ton or less capacity.....\$ 9.00

of over one to one and one-half tons capacity	13.50
of over one and one-half tons to two tons capacity	18.00
of over two tons to three tons capacity	22.50
of over three tons to four tons capacity.....	27.00
of over four tons to five tons capacity	31.50
of over five tons to six tons capacity	36.00
of over six tons to seven tons capacity	40.50
of over seven tons to eight tons capacity	45.00
of over eight tons to nine tons capacity	49.50
of over nine tons to ten tons capacity	54.00
of over ten tons capacity, \$54.00 plus \$4.50 for each additional ton of capacity in excess of ten tons.	

(c) Upon each trailer and semitrailer of such carriers of property, in accordance with its capacity as rated by its manufacturer, in an amount of two thirds of the amount provided for vehicles of its capacity in subdivision (b) of this section.

(d) Upon each power unit of such carriers of passengers, in accordance with the seating capacity thereof, in addition to amount in subdivision (a):

of ten passengers or less	\$13.50
of eleven to twenty passengers, inclusive	22.50
of twenty-one to thirty passengers, inclusive	31.50
of thirty-one to forty passengers, inclusive	45.00
of over forty passengers	54.00

(e) The annual assessment of each motor carrier shall be paid on or before July 1 of each year. Additional assessments shall be collected upon the placing in use of any additional motor vehicle: *Provided*, That such additional assessments shall be subject to a reduction in the amounts shown in subdivisions (b), (c) and (d) of this section corresponding to the unexpired quarterly periods of the fiscal year, but shall not in any event be less than one fourth of such amount plus the sum of \$3 provided in subdivision (a) of this section.

(f) Upon payment by any motor carrier of the assessment provided for, the Public Service Commission shall advise the Division of Motor Vehicles by notice in writing that such assessment has been paid, whereupon the Division of Motor Vehicles may issue motor vehicle license for the vehicles described in said notice.

(g) Prior to the beginning of any fiscal year the Public Service Commission, after taking into consideration any unexpended balance in the Motor Carrier Fund, the probable receipts to be received in the ensuing fiscal year, and the probable costs of administering and enforcing this chapter for the ensuing fiscal year, may fix the assessments provided for in this section for the ensuing fiscal year in amounts which, in the commission's judgment, will produce sufficient revenue to administer and enforce this chapter for said fiscal year: *Provided*, That in no event shall such assessments exceed the amounts set up in this section.

CHAPTER 24B. GAS PIPELINE SAFETY.

ARTICLE 5. EMPLOYEES OF COMMISSION; FUNDING.

§24B-5-2. Compensation to commissioners.

Each member of the commission shall receive a salary in the amount set forth in section three, article one, chapter twenty-four of this code as compensation for the administration of this chapter in addition to all other salary or compensation otherwise provided for by law, to be paid ~~in monthly installments~~ at least twice per month from the Public Service Commission Pipeline Safety Fund.

CHAPTER 25. DIVISION OF CORRECTIONS.

ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS MANAGEMENT.

§25-1-19. Reports by ~~state commissioner of public institutions~~ Commissioner of Corrections and chief officers of institutions to Auditor.

The ~~state commissioner of public institutions~~ Commissioner of Corrections shall, from time to time, as may be necessary, make a report to the Auditor, which shall state the name of each person employed at any of the institutions named in section three of this article, his or her official designation and biweekly rate of compensation, ~~per month (or by the day or week, if employed for less than a month)~~ and out of what funds or appropriation the same is payable. The chief officer of any such institution, or other person who may have been appointed for the purpose by the ~~state commissioner of public institutions~~ Commissioner of Corrections, shall make out and certify to the Auditor at the end of each month a list of persons to whom any payments may be due, stating for what purpose due, the amount due each person, and the fund or appropriation from which payable; one copy whereof shall be filed in the office of the institution where made, and one in the office of the ~~state commissioner of public institutions~~ Commissioner of Corrections. If the Auditor finds such list correct and in accordance with the reports made to him or her by the ~~state commissioner of public institutions~~ Commissioner of Corrections, he or she may pay to the persons entitled thereto the amounts so certified as due each.

CHAPTER 31. CORPORATIONS.

ARTICLE 19. WEST VIRGINIA COMMUNITY INFRASTRUCTURE AUTHORITY.

§31-19-4. West Virginia Community Infrastructure Authority created; West Virginia Community Infrastructure Board created; organization of Authority and Board; appointment of board members; their term of office, compensation and expenses; duties and responsibilities of director and staff of authority.

(a) There is hereby created the West Virginia Community Infrastructure Authority. The authority is a governmental instrumentality of the state and a body corporate. The exercise by the authority of the powers conferred by this article and the carrying out of its purposes and duties are essential governmental functions and for a public purpose.

The authority shall be controlled, managed and operated by the five-member board known as the West Virginia Community Infrastructure Board, which is hereby created. The Director of the West Virginia Development Office, or her or his designee, the Director of the Division of Environmental Protection, or her or his designee, and the Commissioner of the Division of Highways, or her or his designee, are members ex officio of the board. The Executive Director of the West Virginia Development Office, or her or his designee, is the ex officio chair. Two members of the board shall be representative of the general public, one of which shall have had experience or a demonstrated interest in local government. The two members who are not ex officio members of the board shall be appointed by the Governor, by and with the advice and consent of the Senate, for initial terms of three and six years, respectively. The successor of each such appointed member shall be appointed for a term of six years in the same manner as the original appointments were made, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which her or his predecessor was appointed shall be appointed only for the remainder of such term. Each board member shall serve until the appointment and qualification of her or his successor. The two appointed board members shall not at any one time belong to the same political party. Appointed board members may be reappointed to serve additional terms, not to exceed two consecutive full terms. All members of the board shall be citizens of the state. Each appointed member of the board, before entering upon her or his duties, shall comply with the requirements of article one, chapter six of this code and give bond in the sum of \$20,000 in the manner provided in article two, chapter six of this code. The Governor may remove any board member for cause as provided in article six, chapter six of this code.

Annually the board shall elect one of its appointed members as chair, and shall appoint a secretary-treasurer, who need not be a member of the board. Three members of the board is a quorum and the affirmative vote of three members is necessary for any action taken by vote of the board. No vacancy in the membership of the board impairs the rights of a quorum by such vote to exercise all the rights and perform all the duties of the board and the authority. The person appointed as secretary-treasurer, including a board member if she or he is so appointed, shall give bond in the sum of \$50,000 in the manner provided in article two, chapter six of this code.

The Executive Director of the West Virginia Development Office or her or his designee, the Director of the Division of Environmental Protection or her or his designee, and the Commissioner of the Division of Highways or her or his designee, shall not receive any compensation for serving as board members. Each of the two appointed board members of the board shall receive an annual salary of \$5,000, payable in ~~monthly installments~~ at least twice per month. Each of the five board members shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of her or his duties as a member of such board. All such expenses incurred by the board are payable solely from funds of the authority or from funds appropriated for such purpose by the Legislature and no liability or obligation shall be incurred by the authority beyond the extent for which moneys are available from funds of the authority or from such appropriations.

(b) There shall be a director of the authority appointed by the board who shall supervise and manage the Community Infrastructure Authority, and the West Virginia Development Office shall serve as the staff for the authority. Except as otherwise provided in this section, the duties and responsibilities of the director and of the staff shall be established by the authority. At the board's discretion, it may provide for the position of general counsel, who shall be an employee of the

authority, or for the appointment of special counsel. As the board deems necessary and desirable, it may at any time elect to change its decision on the employment or appointment of a counsel.

(c) The director, or her or his designee, may employ or appoint any staff members in addition to those provided by the West Virginia Development Office, including general or special counsel if the position is established by the board. The number of employees needed, the positions to be filled and their salaries or wages shall be determined by the director with the approval of the board, unless the board elects to not require its approval. At any time the board may elect to change its decision concerning approval of additional staff hiring and salaries.

(d) The board shall meet at least quarterly, and more often as it deems necessary. The director and any other staff member or members as the director deems expedient shall attend board meetings.

CHAPTER 33. INSURANCE.

ARTICLE 2. INSURANCE COMMISSIONER.

§33-2-2. Compensation and expenses of commissioner and employees; location of office.

The commissioner shall receive an annual salary as provided in section two-a, article seven, chapter six of this code and actual expenses incurred in the performance of official business, which compensation shall be in full for all services. The office of the commissioner shall be maintained in the Capitol or other suitable place in Charleston. The commissioner may employ such persons and incur such expenses as may be necessary in the discharge of his or her duties and shall fix the compensation of such employees, but such compensation shall not exceed the appropriation therefor. The commissioner may reimburse employees for reasonable expenses incurred for job-related training and educational seminars and courses. All compensation for salaries and expenses of the commissioner and his or her employees shall be paid monthly at least twice per month out of the State Treasury by requisition upon the Auditor, properly certified by the commissioner.

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.

§50-1-8. Magistrate court clerks; salaries; duties; duties of circuit clerk.

(a) In each county having three or more magistrates the judge of the circuit court or the chief judge of the circuit court, if there is more than one judge of the circuit court, shall appoint a magistrate court clerk. In all other counties the judge may appoint a magistrate court clerk or may by rule require the duties of the magistrate court clerk to be performed by the clerk of the circuit court, in which event the circuit court clerk is entitled to additional compensation in the amount of \$2,500 per year. The magistrate court clerk serves at the will and pleasure of the circuit judge.

(b) Magistrate court clerks shall be paid a ~~monthly salary~~ at least twice per month by the state. Magistrate court clerks serving magistrates who serve less than seven thousand three hundred in population shall be paid up to \$39,552 per year and magistrate court clerks serving magistrates who serve seven thousand three hundred or more in population shall be paid up to \$44,712 per year: *Provided*, That after the effective date of this section, any general salary increase granted to all state employees, whose salaries are not set by statute, expressed as a percentage increase

or an across-the-board increase, may also be granted to magistrate court clerks. For the purpose of determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county. The salary of the magistrate court clerk shall be established by the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court, within the limits set forth in this section.

(c) In addition to other duties that may be imposed by the provisions of this chapter or by the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of the circuit court if there is more than one judge of the circuit court, it is the duty of the magistrate court clerk to establish and maintain appropriate dockets and records in a centralized system for the magistrate court, to assist in the preparation of the reports required of the court and to carry out on behalf of the magistrates or chief magistrate if a chief magistrate is appointed, the administrative duties of the court.

(d) The magistrate court clerk, or if there is no magistrate court clerk in the county, the clerk of the circuit court, may issue all manner of civil process and require the enforcement of subpoenas and subpoenas duces tecum in magistrate court.

(e) Notwithstanding any provision of this code to the contrary, the amendments made to this section during the 2013 first extraordinary session are effective upon passage and are retroactive to January 1, 2013.

(f) Beginning January 1, 2017, the annual salary of all magistrate court clerks is \$44,720. After the effective date of this section, a general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, may also be granted to magistrate court clerks.

§50-1-9. Magistrate assistants; salary; duties.

(a) In each county there shall be one magistrate assistant for each magistrate. Each magistrate assistant shall be appointed by the magistrate under whose authority and supervision and at whose will and pleasure he or she shall serve. The assistant shall not be a member of the immediate family of any magistrate and shall not have been convicted of a felony or any misdemeanor involving moral turpitude and shall reside in the State of West Virginia. For the purpose of this section, "immediate family" means the relationships of mother, father, sister, brother, child or spouse.

(b) A magistrate assistant shall have the duties, clerical or otherwise, assigned by the magistrate and prescribed by the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of the circuit court if there is more than one judge of the circuit court. In addition to these duties, magistrate assistants shall perform and are accountable to the magistrate court clerks with respect to the following duties:

- (1) The preparation of summons in civil actions;
- (2) The assignment of civil actions to the various magistrates;
- (3) The collection of all costs, fees, fines, forfeitures and penalties which are payable to the court;

(4) The submission of moneys, along with an accounting of the moneys, to appropriate authorities as provided by law;

(5) The daily disposition of closed files which are to be located in the magistrate clerk's office;

(6) All duties related to the gathering of information and documents necessary for the preparation of administrative reports and documents required by the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of the circuit court if there is more than one judge of the circuit court;

(7) All duties relating to the notification, certification and payment of jurors serving pursuant to the terms of this chapter; and

(8) All other duties or responsibilities whereby the magistrate assistant is accountable to the magistrate court clerk as determined by the magistrate.

(c) Magistrate assistants shall be paid ~~a monthly salary~~ at least twice per month by the state. Magistrate assistants serving magistrates who serve less than seven thousand three hundred in population shall be paid up to \$36,048 per year and magistrate assistants serving magistrates who serve seven thousand three hundred or more in population shall be paid up to \$39,348 per year: *Provided*, That after the effective date of this section, any general salary increase granted to all state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, may also be granted to magistrate assistants. For the purpose of determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county. The salary of the magistrate assistant shall be established by the magistrate within the limits set forth in this section.

(d) Notwithstanding any provision of this code to the contrary, the amendments made to this section during the 2013 first extraordinary session are effective upon passage and are retroactive to January 1, 2013.

(e) Beginning January 1, 2017, the annual salary of all magistrate assistants is \$39,348. After the effective date of this section, a general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, may also be granted to magistrate assistants.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 7. OFFICIAL REPORTERS.

§51-7-3. Compensation for attending court and taking notes.

The official reporter shall receive, for his or her services and expenses in attending the court or judge and in taking the notes provided for in section two of this article, such salary or other compensation as the court or judge, in accordance with the rules of the Supreme Court of Appeals, may allow. If such salary be allowed, it shall be paid ~~monthly~~ at least twice per month, out of the State Treasury. If no such salary be allowed, such other compensation and expenses as may be allowed in civil cases shall be certified by the court or judge to the Auditor and the same shall be paid out of the State Treasury. Such other compensation and expenses in felony and, misdemeanor cases shall be certified to the Auditor and paid out of the State Treasury. The

salary or other compensation provided for in this section shall not be deemed to include the making of typewritten transcripts as provided for in section four of this article.

§51-7-5. Salary in lieu of all other compensation.

If neither of the methods of compensation provided for in section three of this article be adopted, a salary may be allowed in lieu of all other compensation, which shall be paid ~~monthly~~ at least twice per month, out of the State Treasury, in such proportions as the court or judge may fix in accordance with the rules of the Supreme Court of Appeals. All fees for services rendered by the official reporter in the discharge of his or her duties as such, when he or she is allowed a salary under the provisions of this section, may be collected, and shall, when collected by the sheriff or official reporter, be paid into the State Treasury; and it shall be the duty of such reporter to make out, sign and deliver to the sheriff a fee bill in every case, civil or criminal, giving the style thereof and the amount due, and from whom, which amount may be collected or levied for by the sheriff, and such fee bill shall have the force and effect of an execution when levied. An official reporter compensated under the provisions of this section shall collect the fees mentioned in section four of this article for any transcript of his or her shorthand notes of the testimony or proceedings furnished by him or her to any party, and shall pay the same over to the sheriff of the county in which the services were performed, to be by him or her accounted for and paid into the State Treasury.

ARTICLE 8. STATE AND COUNTY LAW LIBRARIES; LAW CLERKS.

§51-8-2. Librarian; bond; assistants; compensation.

The Supreme Court of Appeals, or the judges thereof in vacation, shall appoint a competent librarian to have immediate custody of the West Virginia Law Library under the direction of the court. Such librarian shall give bond in a penalty fixed by the court of not less than two nor more than \$5,000, with surety thereon, to be approved by the court, and conditioned as provided for official bonds. Such bond shall be deposited for safekeeping with the clerk of the court. The librarian shall be an officer of the court and shall hold his or her office and be removable at its pleasure. Vacancies in the office of librarian occurring during vacation of the court may be filled by appointment in writing made by the judges of the court, or any three of them. When, in the opinion of the court, other employees are needed for the proper protection and use of the library, it may employ such assistants as may be necessary for that purpose. The salary of the librarian and assistants shall be fixed by the court and shall be ~~payable in monthly installments~~ paid at least twice per month.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 12. PROBATION AND PAROLE.

§62-12-5. Probation officers and assistants.

(a) Each circuit court, subject to the approval of the Supreme Court of Appeals and in accordance with its rules, is authorized to appoint one or more probation officers and clerical assistants.

(b) The appointment of probation officers and clerical assistants shall be in writing and entered on the order book of the court by the judge making such appointment and a copy of said order of appointment shall be delivered to the Administrative Director of the Supreme Court of Appeals.

The order of appointment shall state the ~~monthly~~ annual salary, fixed by the judge and approved by the Supreme Court of Appeals, to be paid to the probation officer or clerical assistants so appointed.

(c) The salary of probation officers and clerical assistants shall be paid ~~monthly or semimonthly~~ at least twice per month, as the Supreme Court of Appeals by rule may direct and they shall be reimbursed for all reasonable and necessary expenses actually incurred in the line of duty in the field. The salary and expenses shall be paid by the state from the judicial accounts thereof. The county commission shall provide adequate office space for the probation officer and his or her assistants to be approved by the appointing court. The equipment and supplies as may be needed by the probation officer and his or her assistants shall be provided by the state and the cost thereof shall be charged against the judicial accounts of the state.

(d) No judge may appoint any probation officer, assistant probation officer or clerical assistant who is related to him or her either by consanguinity or affinity.

(e) Subject to the approval of the Supreme Court of Appeals and in accordance with its rules, a judge of a circuit court whose circuit comprises more than one county may appoint a probation officer and a clerical assistant in each county of the circuit or may appoint the same persons to serve in these respective positions in two or more counties in the circuit.

(f) Nothing contained in this section alters, modifies, affects or supersedes the appointment or tenure of any probation officer, medical assistant or psychiatric assistant appointed by any court under any special act of the Legislature heretofore enacted, and the salary or compensation of those persons shall remain as specified in the most recent amendment of any special act until changed by the court, with approval of the Supreme Court of Appeals, by order entered of record, and any such salary or compensation shall be paid out of the State Treasury.

(g) In order to carry out the supervision responsibilities set forth in section twenty-six, article twelve, chapter sixty-two of this code, the Administrative Director of the Supreme Court of Appeals, or his or her designee, in accordance with the court's procedures, is authorized to hire multijudicial-circuit probation officers, to be employed through the court's Division of Probation Services. Such officers may also supervise probationers who are on probation for sexual offences with the approval of the administrative director of the Supreme Court of Appeals or his or her designee.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 523, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 523) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 523) takes effect from passage.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 533, Relating to taxes on wine and intoxicating liquors.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 547, Modifying fees paid to Secretary of State.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On pages eight, after line one hundred ninety-three, by inserting a new subsection, designated subsection (g), to read as follows:

(g) Any balance in the service fees and collections account established by this section which exceeds \$500,000 as of June 30, 2003, and each year thereafter, shall be expired to the state fund, General Revenue Fund.;

And by relettering the remaining subsections;

On page ten, section two-b, line four, by striking out “\$3000” and inserting in lieu thereof “\$1000”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 547—A Bill to amend and reenact §59-1-2 and §59-1-2b of the Code of West Virginia, 1931, as amended, all relating to fees to be paid to the Secretary of State;

increasing certain fees for corporations; providing that fees remain until legislative rules to approve new fees are approved by Legislature; creating a new fee for expedited service; reducing fees on certain election related services; and creating new fees for certain election services.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 547, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—29.

The nays were: Beach, Jeffries, Miller, Ojeda and Romano—5.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 547) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 622, Relating generally to tax procedures and administration.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §11-10-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §38-10C-2 be amended and reenacted, all to read as follows:

CHAPTER 11. TAXATION

ARTICLE 10. TAX PROCEDURE AND ADMINISTRATION ACT.

§11-10-12. Liens, release; subordination; foreclosure; withdrawal.

(a) *General.* — Any tax, additions to tax, penalties or interest due and payable under this article or any of the other articles of this chapter to which this article is applicable is a debt due this state. It is a personal obligation of the taxpayer and is a lien upon the real and personal property of the taxpayer.

(b) *Duration of lien.* — The lien created by this section continues until the liability for the tax, additions to tax, penalties and interest is satisfied or upon the expiration of ten years from the

date the tax, additions to tax, penalties and interest are due and payable under section eight of this article or the date the tax return is filed, whichever is later.

(c) *Recordation.* — The lien created by this section is subject to the restrictions and conditions embodied in article ten-c, chapter thirty-eight of this code and any amendment made or which may hereafter be made thereto: *Provided*, That the notice of lien shall indicate the date the tax, additions to tax, penalties and interest are due and payable under section eight of this article or the date the tax return was filed and the lien expiration date.

(d) *Release or subordination.* — The Tax Commissioner, pursuant to rules prescribed by him or her, may issue his or her certificate of release of any lien created pursuant to this section when the debt is adequately secured by bond or other security. He or she shall issue his or her certificate of release when the debt secured has been satisfied. The certificate of release shall be issued in duplicate. One copy shall be forwarded to the taxpayer and the other copy shall be forwarded to the clerk of the county commission of the county wherein the lien is recorded. The clerk of the county commission shall record the release without payment of any fee and the recordation is a release and full discharge of the lien. The Tax Commissioner may issue his or her certificate of release of the lien as to all or any part of the property subject to the lien, or may subordinate the lien to any other lien or interest, but only if there is paid to the state an amount not less than the value of the interest of the state in the property, or if the interest of the state in the property has no value.

(e) *Foreclosure.* — The Tax Commissioner may enforce any lien created and recorded under this section, against any property subject to the lien by civil action in the circuit court of the county wherein the property is located, in order to subject the property to the payment of the tax secured by the lien. All persons having liens upon or having any interest in the property shall be made parties to the action. The court may appoint a receiver or commissioner who shall ascertain and report all liens, claims and interests in and upon the property, the validity, amount and priority of each. The court shall, after notice to all parties, proceed to adjudicate all matters involved therein, shall determine the validity, amount and priorities of all liens, claims and interests in and upon the property and shall decree a sale of the property by the sheriff or any commissioner to whom the action is referred, and shall decree distribution of the proceeds of the sale according to the findings of the court in respect to the interests of the parties.

(f) *Discharge of lien.* — A sale of property against which the state has a lien under this section, made pursuant to an instrument creating a lien on the property or made pursuant to a statutory lien on the property, or made pursuant to a judicial order to enforce any judgment in any civil action, shall be made subject to and without disturbing the state tax lien if the state tax lien was recorded more than thirty days before the sale, unless:

(1) The Tax Commissioner is made a party to the civil action;

(2) The Tax Commissioner is given notice of the sale in writing not less than fifteen days prior to sale; or

(3) The Tax Commissioner consents to the sale. The notice shall contain the name of the owner of the property and the Social Security number or federal employer identification number of the owner.

(g) *Withdrawal of lien.* — ~~Upon the determination of the~~

(1) The Tax Commissioner or the Tax Commissioner's designee that may withdraw a tax lien upon making one or more of the following determinations:

(A) The lien was recorded prematurely, inadvertently or otherwise erroneously; or

(B) The taxpayer voluntarily and through due diligence paid the lien, fulfilled a payment plan agreement, fulfilled the terms of an offer in compromise, timely provided supporting documentation or paid the lien in good faith.

(2) A withdrawal of the lien shall be issued in duplicate. One copy shall be forwarded to the taxpayer and the other copy shall be forwarded to the clerk of the county commission of the county wherein the lien is recorded. The clerk of the county commission shall record the withdrawal of lien without payment of any fee.

(h) Release of lien. — Subject to such rules as the Tax Commissioner may prescribe, pursuant to article three, chapter twenty-nine-a of this code, the Tax Commissioner shall issue a certificate of release of any lien imposed with respect to any tax or fee administered under this article not later than sixty days after the day on which the Tax Commissioner finds that the liability for the amount assessed, together with all interest and additions to tax in respect thereof, has been fully satisfied: *Provided*, That subject to such rules as the Tax Commissioner may prescribe pursuant to article three, chapter twenty-nine-a of this code, the Tax Commissioner shall withdraw, release or otherwise terminate any lien imposed with respect to any tax or fee administered under this article, upon the determining that the lien is unenforceable, or in accordance with such other criteria as the Tax Commissioner may prescribe pursuant to rule.

CHAPTER 38. LIENS.

ARTICLE 10C. STATE AND LOCAL TAX LIENS.

§38-10C-2. Notices of liens of state, political subdivisions and municipalities to be filed; indexes; withdrawal release.

It is the duty of the Tax Commissioner, or the proper officers of the political subdivisions of the state for its subdivisions and of the proper officers of the municipalities for the municipalities, having liens, to file a notice of the liens in the office of the clerk of the county commission of the county in which the property of the taxpayer against whom the lien is claimed, is situate, stating in the notice what amount of money is owing to the State of West Virginia, the political subdivision or the municipality, on account of the lien from the taxpayer owing the money; and the clerk of the county commission of the county shall, upon the filing of notice, index the lien in the judgment or tax lien docket in his or her office as a tax lien against the taxpayer in favor of the State of West Virginia, the political subdivision or the municipality. Upon the determination of the Tax Commissioner or the Tax Commissioner's designee that the lien ~~was recorded prematurely, inadvertently or otherwise erroneously~~ should be withdrawn, a withdrawal of the lien shall be issued in duplicate. One copy shall be forwarded to the taxpayer, and the other copy shall be forwarded to the clerk of the county commission of the county wherein the lien is recorded. The clerk of the county commission shall record the withdrawal of lien without payment of any fee. Upon the satisfaction of the lien, a release of the lien for recordation shall be signed and delivered to the taxpayer by the proper officer. The signature of the Tax Commissioner or the Tax Commissioner's designee on the notice and on the release or withdrawal may be either a properly acknowledged manual signature or a facsimile signature authenticated pursuant to the filing of an affidavit and a manual signature with the Secretary of State in the manner specified in section

two, article fourteen, chapter six of this code. The facsimile signature has the same legal effect as the manual signature.

~~All acts or parts of acts inconsistent or in conflict herewith are hereby repealed.~~

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 622, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 622) passed with its title.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 637, Relating to private club operations requirements.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 656, Relating to Student Data Accessibility, Transparency and Accountability Act.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page five, section five-h, line ninety-five, by striking out the words "Except for subparagraph (iv) of this paragraph, the" and inserting in lieu thereof the word "The";

On page five, section five-h, line one hundred five, by striking out the word "sixteen" and inserting in lieu thereof the word "fifteen";

On page five, section five-h, line one hundred six, by striking out the word "sixteen" and inserting in lieu thereof the word "fifteen";

On page five, section five-h, line one hundred eight, by striking out the word "and" and inserting in lieu thereof the word "or";

On page five, section five-h, line one hundred eight, after the word “opportunities;” by inserting the word “and”;

On page five, section five-h, line one hundred thirteen, by striking out the word “and”;

On pages five and six, section five-h, lines one hundred fourteen through one hundred seventeen, by striking out all of subparagraph (iv);

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 656—A Bill to amend and reenact §18-2-5h of the Code of West Virginia, 1931, as amended, relating to allowing certain comprehensive statewide student assessment program vendors to only receive consideration for certain information if they obtain affirmative written consent solely for providing a student access to employment, educational scholarships or financial aid, or post-secondary educational opportunities.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 656, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 656) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 686, Exempting facilities governed by DHHR that provide direct patient care.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause 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 §5A-3-3a to read as follows:

ARTICLE 3. PURCHASING DIVISION.

§5A-3-3a. Exemption of facilities providing direct patient care services that are managed, directed, controlled and governed by the Secretary of the Department of Health and Human Resources.

Notwithstanding any provisions of sections one or three of this article to the contrary, the provisions of this article do not apply to facilities providing direct patient care services that are managed, directed, controlled and governed by the Secretary of the Department of Health and Human Resources: *Provided*, That on or before July 1, 2020, the Legislative Auditor shall audit the purchasing procedures of the facilities described in this subdivision and report the results to the Joint Committee on Government and Finance on the effects of exempting said facilities from the provisions of this article, including but not limited to, any realized cost savings and changes in purchasing policies resulting from such exemption.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 686—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-3a, relating to facilities providing direct patient care services that are managed, directed, controlled and governed by the Secretary of the Department of Health and Human Resources; exempting such facilities from statewide purchasing requirements and from the otherwise required oversight and review by the Purchasing Division of the Department of Administration; and requiring the Legislative Auditor to audit purchasing made by facilities and report the findings to the Joint Committee on Government and Finance.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 686, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 686) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 691, Relating to off-road vehicles.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page three, section two, line nine, after the word “Authority” by inserting a comma and the words “or other regional recreation authorities,”;

On page three, section two, line seventeen, after the words “Off-highway vehicle” by inserting a comma and the words “off-highway recreational vehicle”;

On page three, section two, line twenty-six, after the word “Authority” by inserting the words “or other regional recreation authorities”;

On page four, section two, line twenty-seven, after subdivision (7), by inserting a new subdivision, designated subdivision (8), to read as follows:

“(8) Regional recreational authority” means the Hatfield-McCoy Regional Recreation Authority or any regional recreation authority established and organized pursuant to the provisions of article fourteen-a of this chapter; and”;

And by renumbering the remaining subdivisions;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 691—A Bill to amend and reenact §17-2A-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §17F-1-9 of said code; and to amend and reenact §20-15-2 of said code, all relating to off-highway vehicles; defining terms; creating digital road map for certain roads and vehicles, including off-highway vehicles; and making technical corrections.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 691, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 691) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of, to take effect from passage, of

Eng. Senate Bill 694, Expiring funds to unappropriated surplus balance in General Revenue fund to Department of Administration.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, as to

Eng. House Bill 2446, Relating to the requirement that all executive branch agencies maintain a website that contains specific information.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2509, Relating to the practice of telemedicine.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. House Bill 2628, Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2646, Terminating the Women's Commission and discontinue its functions.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2767, Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2839, Updating the procedures for legislative review of departments and licensing boards.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. Com. Sub. for House Bill 3048, Relating to collection of Tier II fees for chemical inventories.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 174, Exempting transportation of household goods from PSC jurisdiction.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 1. PURPOSES, DEFINITIONS AND EXEMPTIONS.

§24A-1-3. Exemptions from chapter.

The provisions of this chapter, except where specifically otherwise provided, do not apply to:

(1) Motor vehicles operated exclusively in the transportation of United States mail or in the transportation of newspapers: *Provided*, That the vehicles and their operators are subject to the safety rules promulgated by the commission;

(2) Motor vehicles owned and operated by the United States of America, the State of West Virginia or any county, municipality or county board of education, urban mass transportation authority established and maintained pursuant to article twenty-seven, chapter eight of this code, or by any of their departments, and any motor vehicles operated under a contract with a county board of education exclusively for the transportation of children to and from school or other legitimate transportation for the schools as the commission may specifically authorize;

(3) Motor vehicles used exclusively in the transportation of agricultural or horticultural products, livestock, poultry and dairy products from the farm or orchard on which they are raised or produced to markets, processing plants, packing houses, canneries, railway shipping points and cold storage plants, and in the transportation of agricultural or horticultural supplies to farms or orchards where they are to be used: *Provided*, That the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the safety and insurance rules promulgated by the commission;

(4) Motor vehicles used exclusively in the transportation of human or animal excreta;

(5) Motor vehicles used exclusively in ambulance service or duly chartered rescue squad service;

(6) Motor vehicles used exclusively for volunteer fire department service;

(7) Motor vehicles used exclusively in the transportation of coal from mining operations to loading facilities for further shipment by rail or water carriers: *Provided*, That the vehicles and their operators are subject to the safety rules promulgated by the commission and the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the insurance rules promulgated by the commission;

(8) Motor vehicles used by petroleum commission agents and oil distributors solely for the transportation of petroleum products and related automotive products when the transportation is incidental to the business of selling the products: *Provided*, That the vehicles and their operators are subject to the safety rules promulgated by the commission and the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the insurance rules promulgated by the commission;

(9) Motor vehicles owned, leased by or leased to any person and used exclusively for the transportation of processed source-separated recycled materials generated by commercial, institutional and industrial customers, transported free of charge or by a nonprofit recycling cooperative association in accordance with subdivision (1), subsection (d), section one, article four, chapter nineteen of this code from the customers to a facility for further processing: *Provided*, That the vehicles and their operators shall be subject to the safety rules promulgated by the commission and the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the insurance rules promulgated by the commission;

(10) Motor vehicles specifically preempted from state economic regulation of intrastate motor carrier operations by the provisions of 49 U. S. C. §14501 as amended by Title I, Section 103 of the federal Interstate Commerce Commission Termination Act of 1995: *Provided*, That the vehicles and their operators are subject to the safety regulations promulgated by the commission and the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the insurance rules promulgated by the commission;

(11) Motor vehicles designated by the West Virginia Bureau of Senior Services for use and operation by local county aging programs: *Provided*, That the vehicles and their operators are subject to the safety rules promulgated by the commission;

(12) Motor vehicles designated by the West Virginia Division of Public Transit operated by organizations that receive federal grants from the Federal Transit Administration: *Provided*, That the vehicles and their operators are subject to the safety and insurance rules promulgated by the commission; ~~and~~

(13) Motor vehicles used exclusively in the nonemergency medical transportation of Medicaid members ~~by community action agencies as designated by the Governor, including those under contract with any broker authorized by the Bureau for Medical Services although~~ : *Provided*, That these vehicles and their operators shall be subject to the safety rules promulgated by the commission; and

(14) Common carriers or contract carriers engaged in the business of transporting household goods and motor vehicles used exclusively in the transportation of household goods.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 174—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, all relating generally to the jurisdiction of the Public Service Commission over motor carriers; exempting vehicles engaged in nonemergency transportation of Medicaid members from permit requirements; and exempting the transportation of household goods from the jurisdiction of the Public Service Commission.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 174, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—29.

The nays were: Beach, Facemire, Jeffries, Miller and Romano—5.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 174) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill 333, Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §60A-9-4, §60A-9-5, and §60A-9-5a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §60A-9-9 all to read as follows:

ARTICLE 9. CONTROLLED SUBSTANCES MONITORING.

§60A-9-4. Required information.

(a) Whenever a medical services provider dispenses a controlled substance listed in Schedule II, III or IV as established under the provisions of article two of this chapter or an opioid antagonist, or whenever a prescription for the controlled substance or opioid antagonist is filled by: (i) A pharmacist or pharmacy in this state; (ii) a hospital, or other health care facility, for outpatient use; or (iii) a pharmacy or pharmacist licensed by the Board of Pharmacy, but situated outside this state for delivery to a person residing in this state, the medical services provider, health care facility, pharmacist or pharmacy shall, in a manner prescribed by rules promulgated by the ~~board~~ Board of Pharmacy pursuant to this article, report the following information, as applicable:

(1) The name, address, pharmacy prescription number and Drug Enforcement Administration controlled substance registration number of the dispensing pharmacy or the dispensing physician or dentist;

(2) The full legal name, address and birth date of the person for whom the prescription is written;

(3) The name, address and Drug Enforcement Administration controlled substances registration number of the practitioner writing the prescription;

(4) The name and national drug code number of the Schedule II, III and IV controlled substance or opioid antagonist dispensed;

(5) The quantity and dosage of the Schedule II, III and IV controlled substance or opioid antagonist dispensed;

(6) The date the prescription was written and the date filled;

(7) The number of refills, if any, authorized by the prescription;

(8) If the prescription being dispensed is being picked up by someone other than the patient on behalf of the patient, the first name, last name and middle initial, address and birth date of the person picking up the prescription as set forth on the person's government-issued photo identification card shall be retained in either print or electronic form until such time as otherwise directed by rule promulgated by the ~~board~~ Board of Pharmacy; and

(9) The source of payment for the controlled substance dispensed.

(b) Whenever a medical services provider treats a patient for an overdose that has occurred as a result of illicit or prescribed medication, the medical service provider shall report the full legal name, address and birth date of the person who is being treated, including any known ancillary evidence of the overdose. The Board of Pharmacy shall coordinate with the Division of Justice and Community Services and the Office of Drug Control Policy regarding the collection of overdose data.

~~(b)~~ (c) The ~~board~~ Board of Pharmacy may prescribe by rule promulgated ~~under this~~ pursuant to this article the form to be used in prescribing a Schedule II, III, and IV substance or opioid antagonist if, in the determination of the ~~board~~ Board of Pharmacy, the administration of the requirements of this section would be facilitated.

~~(e)~~ (d) Products regulated by the provisions of article ten of this chapter shall be subject to reporting pursuant to the provisions of this article to the extent set forth in said article.

~~(d)~~ (e) Reporting required by this section is not required for a drug administered directly to a patient by a practitioner. Reporting is, however, required by this section for a drug dispensed to a patient by a practitioner. ~~Provided, That the~~ The quantity dispensed by a prescribing practitioner to his or her own patient may not exceed an amount adequate to treat the patient for a maximum of seventy-two hours with no greater than two 72-hour cycles dispensed in any fifteen-day period of time.

~~(e)~~ (f) The Board of Pharmacy shall notify a physician prescribing buprenorphine or buprenorphine/naloxone within sixty days of the availability of ~~the~~ an abuse deterrent form of buprenorphine or buprenorphine/naloxone ~~is~~ if approved by the Food and Drug Administration as provided in FDA Guidance to Industry. Upon receipt of the notice, a physician may switch their patients using buprenorphine or buprenorphine/naloxone to the abuse deterrent form of the drug.

§60A-9-5. Confidentiality; limited access to records; period of retention; no civil liability for required reporting.

(a)(1) The information required by this article to be kept by the ~~board~~ Board of Pharmacy is confidential and not subject to the provisions of chapter twenty-nine-b of this code or obtainable as discovery in civil matters absent a court order and is open to inspection only by inspectors and agents of the ~~board~~ Board of Pharmacy, members of the West Virginia State Police expressly authorized by the Superintendent of the West Virginia State Police to have access to the information, authorized agents of local law-enforcement agencies as members of a federally affiliated drug task force, authorized agents of the federal Drug Enforcement Administration, duly authorized agents of the Bureau for Medical Services, duly authorized agents of the Office of the Chief Medical Examiner for use in post-mortem examinations, duly authorized agents of the Office of Health Facility Licensure and Certification for use in certification, licensure and regulation of health facilities, duly authorized agents of licensing boards of practitioners in this state and other states authorized to prescribe Schedules II, III and IV controlled substances, prescribing practitioners and pharmacists, a dean of any medical school or his or her designee located in this state to access prescriber level data to monitor prescribing practices of faculty members, prescribers and residents enrolled in a degree program at the school where he or she serves as dean, a physician reviewer designated by an employer of medical providers to monitor prescriber level information of prescribing practices of physicians, advance practice registered nurses or physician assistant in their employ, and a chief medical officer of a hospital or a physician designated by the chief executive officer of a hospital who does not have a chief medical officer, for prescribers who have admitting privileges to the hospital or prescriber level information, and persons with an enforceable court order or regulatory agency administrative subpoena. ~~Provided, That all~~ All law-enforcement personnel who have access to the Controlled Substances Monitoring Program database shall be granted access in accordance with applicable state laws and the ~~board's legislative~~ Board of Pharmacy's rules, shall be certified as a West Virginia law-enforcement officer and shall have successfully completed training approved by the ~~board~~ Board of Pharmacy. All information released by the ~~board~~ Board of Pharmacy must be related to a specific patient or a specific individual or entity under investigation by any of the above parties except that practitioners who prescribe or dispense controlled substances may request specific data related to their Drug Enforcement Administration controlled substance registration number or for the purpose of providing treatment to a patient: ~~Provided, That the~~ The West Virginia Controlled Substances Monitoring Program Database Review Committee established in subsection (b) of this section is authorized to query the database to comply with said subsection.

(2) Subject to the provisions of subdivision (1) of this subsection, the ~~board~~ Board of Pharmacy shall also review the West Virginia Controlled Substance Monitoring Program database and issue

reports that identify abnormal or unusual practices of patients who exceed parameters as determined by the advisory committee established in this section. The ~~board~~ Board of Pharmacy shall communicate with practitioners and dispensers to more effectively manage the medications of their patients in the manner recommended by the advisory committee. All other reports produced by the ~~board~~ Board of Pharmacy shall be kept confidential. The ~~board~~ Board of Pharmacy shall maintain the information required by this article for a period of not less than five years. Notwithstanding any other provisions of this code to the contrary, data obtained under the provisions of this article may be used for compilation of educational, scholarly or statistical purposes, and may be shared with the West Virginia Department of Health and Human Resources for those purposes, as long as the identities of persons or entities and any personally identifiable information, including protected health information, contained therein shall be redacted, scrubbed or otherwise irreversibly destroyed in a manner that will preserve the confidential nature of the information. No individual or entity required to report under section four of this article may be subject to a claim for civil damages or other civil relief for the reporting of information to the ~~board~~ Board of Pharmacy as required under and in accordance with the provisions of this article.

(3) The ~~board~~ Board of Pharmacy shall establish an advisory committee to develop, implement and recommend parameters to be used in identifying abnormal or unusual usage patterns of patients in this state. This advisory committee shall:

(A) Consist of the following members: A physician licensed by the West Virginia Board of Medicine, a dentist licensed by the West Virginia Board of Dental Examiners, a physician licensed by the West Virginia Board of Osteopathic Medicine, a licensed physician certified by the American Board of Pain Medicine, a licensed physician board certified in medical oncology recommended by the West Virginia State Medical Association, a licensed physician board certified in palliative care recommended by the West Virginia Center on End of Life Care, a pharmacist licensed by the West Virginia Board of Pharmacy, a licensed physician member of the West Virginia Academy of Family Physicians, an expert in drug diversion and such other members as determined by the ~~board~~ Board of Pharmacy.

(B) Recommend parameters to identify abnormal or unusual usage patterns of controlled substances for patients in order to prepare reports as requested in accordance with subdivision (2), subsection (a) of this section.

(C) Make recommendations for training, research and other areas that are determined by the committee to have the potential to reduce inappropriate use of prescription drugs in this state, including, but not limited to, studying issues related to diversion of controlled substances used for the management of opioid addiction.

(D) Monitor the ability of medical services providers, health care facilities, pharmacists and pharmacies to meet the 24-hour reporting requirement for the Controlled Substances Monitoring Program set forth in section three of this article, and report on the feasibility of requiring real-time reporting.

(E) Establish outreach programs with local law enforcement to provide education to local law enforcement on the requirements and use of the Controlled Substances Monitoring Program database established in this article.

(b) The ~~board~~ Board of Pharmacy shall create a West Virginia Controlled Substances Monitoring Program Database Review Committee of individuals consisting of two prosecuting attorneys from West Virginia counties, two physicians with specialties which require extensive

use of controlled substances and a pharmacist who is trained in the use and abuse of controlled substances. The review committee may determine that an additional physician who is an expert in the field under investigation be added to the team when the facts of a case indicate that the additional expertise is required. The review committee, working independently, may query the database based on parameters established by the advisory committee. The review committee may make determinations on a case-by-case basis on specific unusual prescribing or dispensing patterns indicated by outliers in the system or abnormal or unusual usage patterns of controlled substances by patients which the review committee has reasonable cause to believe necessitates further action by law enforcement or the licensing board having jurisdiction over the practitioners or dispensers under consideration. The licensing board having jurisdiction over the practitioner or dispenser under consideration shall report back to the Board of Pharmacy regarding any findings, investigation or discipline resulting from the findings of the review committee within thirty days of resolution of any action taken by the licensing board resulting from the information provided by the Board of Pharmacy. The review committee shall also review notices provided by the chief medical examiner pursuant to subsection (h), section ten, article twelve, chapter sixty-one of this code and determine on a case-by-case basis whether a practitioner who prescribed or dispensed a controlled substance resulting in or contributing to the drug overdose may have breached professional or occupational standards or committed a criminal act when prescribing the controlled substance at issue to the decedent. Only in those cases in which there is reasonable cause to believe a breach of professional or occupational standards or a criminal act may have occurred, the review committee shall notify the appropriate professional licensing agency having jurisdiction over the applicable practitioner or dispenser and appropriate law-enforcement agencies and provide pertinent information from the database for their consideration. The number of cases identified shall be determined by the review committee based on a number that can be adequately reviewed by the review committee. The information obtained and developed may not be shared except as provided in this article and is not subject to the provisions of chapter twenty-nine-b of this code or obtainable as discovering in civil matters absent a court order.

(c) The ~~board~~ Board of Pharmacy is responsible for establishing and providing administrative support for the advisory committee and the West Virginia Controlled Substances Monitoring Program Database Review Committee. The advisory committee and the review committee shall elect a chair by majority vote. Members of the advisory committee and the review committee may not be compensated in their capacity as members but shall be reimbursed for reasonable expenses incurred in the performance of their duties.

(d) The ~~board~~ Board of Pharmacy shall promulgate rules with advice and consent of the advisory committee, in accordance with the provisions of article three, chapter twenty-nine-a of this code. The legislative rules must include, but shall not be limited to, the following matters:

(1) Identifying parameters used in identifying abnormal or unusual prescribing or dispensing patterns;

(2) Processing parameters and developing reports of abnormal or unusual prescribing or dispensing patterns for patients, practitioners and dispensers;

(3) Establishing the information to be contained in reports and the process by which the reports will be generated and disseminated; and

(4) Setting up processes and procedures to ensure that the privacy, confidentiality, and security of information collected, recorded, transmitted and maintained by the review committee is not disclosed except as provided in this section.

(e) Persons or entities with access to the West Virginia Controlled Substances Monitoring Program database pursuant to this section may, pursuant to rules promulgated by the ~~board~~ Board of Pharmacy, delegate appropriate personnel to have access to said database.

(f) Good faith reliance by a practitioner on information contained in the West Virginia Controlled Substances Monitoring Program database in prescribing or dispensing or refusing or declining to prescribe or dispense a Schedule II, III, or IV controlled substance shall constitute an absolute defense in any civil or criminal action brought due to prescribing or dispensing or refusing or declining to prescribe or dispense.

(g) A prescribing or dispensing practitioner may notify law enforcement of a patient who, in the prescribing or dispensing practitioner's judgment, may be in violation of section four hundred ten, article four of this chapter, based on information obtained and reviewed from the controlled substances monitoring database. A prescribing or dispensing practitioner who makes a notification pursuant to this subsection is immune from any civil, administrative or criminal liability that otherwise might be incurred or imposed because of the notification if the notification is made in good faith.

(h) Nothing in the article may be construed to require a practitioner to access the West Virginia Controlled Substances Monitoring Program database except as provided in section five-a of this article.

(i) The ~~board~~ Board of Pharmacy shall provide an annual report on the West Virginia Controlled Substance Monitoring Program to the Legislative Oversight Commission on Health and Human Resources Accountability with recommendations for needed legislation no later than January 1 of each year.

§60A-9-5a. Practitioner requirements to access database and conduct annual search of the database; required rulemaking.

(a) All practitioners, as that term is defined in section one hundred one, article two of this chapter who prescribe or dispense Schedule II, III or IV controlled substances shall register with the West Virginia Controlled Substances Monitoring Program and obtain and maintain online or other electronic access to the program database: *Provided*, That compliance with the provisions of this subsection must be accomplished within thirty days of the practitioner obtaining a new license: *Provided, however*, That ~~no licensing board~~ the Board of Pharmacy may renew a practitioner's license without proof that the practitioner meet the requirements of this subsection.

(b) Upon initially prescribing or dispensing any pain-relieving controlled substance for a patient for whom they are providing pain-relieving controlled substances as part of a course of treatment for chronic, nonmalignant pain but who are not suffering from a terminal illness and at least annually thereafter should the practitioner or dispenser continue to treat the patient with controlled substances, all persons with prescriptive or dispensing authority and in possession of a valid Drug Enforcement Administration registration identification number and, who are licensed by the Board of Medicine as set forth in article three, chapter thirty of this code, the Board of Registered Professional Nurses as set forth in article seven of said chapter, the Board of Dental Examiners as set forth in article four of said chapter and the Board of Osteopathic Medicine as set forth in article fourteen of said chapter shall access the West Virginia Controlled Substances Monitoring Program database for information regarding specific patients ~~for whom they are providing pain-relieving controlled substances as part of a course of treatment for chronic, nonmalignant pain but who are not suffering from a terminal illness~~. The information obtained from accessing the

West Virginia Controlled Substances Monitoring Program database for the patient shall be documented in the patient's medical record maintained by a private prescriber or any inpatient facility licensed pursuant to the provisions of chapter sixteen of this code. A pain-relieving controlled substance shall be defined as set forth in section one, article three-a, chapter thirty of this code.

(c) The various boards mentioned in subsection (b) of this section shall promulgate both emergency and legislative rules pursuant to the provisions of article three, chapter twenty-nine-a of this code to effectuate the provisions of this section.

§60A-9-9. Drugs of concern designation.

(a) The Board of Pharmacy may designate certain drugs as drugs of concern which must be reported to the database established pursuant to this article. The designation of a drug of concern shall be reserved for drugs which have a high potential for abuse. Whenever a medical services provider dispenses a drug of concern or whenever a prescription for a drug of concern is filled by: (i) A pharmacist or pharmacy in this state; (ii) a hospital, or other health care facility, for outpatient use; or (iii) a pharmacy or pharmacist licensed by the Board of Pharmacy, but situated outside this state for delivery to a person residing in this state, the medical services provider, health care facility, pharmacist or pharmacy shall, in a manner prescribed by rules promulgated by the Board of Pharmacy under this article, report the following information, as applicable:

(1) The name, address, pharmacy prescription number and Drug Enforcement Administration controlled substance registration number of the dispensing pharmacy or the dispensing physician or dentist;

(2) The full legal name, address and birth date of the person for whom the prescription is written;

(3) The name, address and Drug Enforcement Administration controlled substances registration number of the practitioner writing the prescription;

(4) The name and national drug number of the drug of concern dispensed;

(5) The quantity and dosage of the drug of concern dispensed;

(6) The date the prescription was written and the date filled;

(7) The number of refills, if any, authorized by the prescription;

(8) If the prescription being dispensed is being picked up by someone other than the patient on behalf of the patient, the first name, last name and middle initial, address and birth date of the person picking up the prescription as set forth on the person's government-issued photo identification card shall be retained in either print or electronic form until such time as otherwise directed by rule promulgated by the Board of Pharmacy; and

(9) The source of payment for the drug of concern dispensed.

(b) The penalties set forth in section seven of this article shall not apply to drugs listed as drugs of concern. Failure to report may be considered a violation of the practice act of the prescriber and may result in discipline by the appropriate licensing board.

(c) The Board of Pharmacy may promulgate emergency rules pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code to effectuate the provisions of this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill 333—A Bill to amend and reenact §60A-9-4, §60A-9-5 and §60A-9-5a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60A-9-9, all relating to the Controlled Substances Monitoring Program database; requiring reporting instances of an overdose or a suspected overdose to the database; setting out elements to be reported; allowing access to the database to deans of the state's medical schools or their designees for monitoring prescribing practices of prescribing faculty members, prescribers and residents enrolled in a degree program at the school where the dean serves; allowing access to designated physician reviewers for medical provider employers; providing access to a physician reviewer designated by an employer of medical providers for monitoring prescribing practices of physicians, advance practice registered nurses or physician assistants in their employ; providing access to chief medical officers of a hospital or a physician designated by the chief executive officer of a hospital who does not have a chief medical officer for monitoring prescribing practices of prescribers who have admitting privileges to the hospital; providing that information obtained from accessing the West Virginia Controlled Substances Monitoring Program database shall be documented in a patient's medical record maintained by a private prescriber or any inpatient facility licensed pursuant to Public Health; allowing the Board of Pharmacy to require that drugs of concern be reported to the database; exempting reporting requirements for drugs of concern from criminal penalties; allowing duly authorized agents of the Office of Health Facility Licensure and Certification to access the database for use in certification, licensure and regulation of health facilities; providing that a failure to report drugs of concern may be considered a violation of the practice act of the prescriber and may result in discipline by the appropriate licensing board; providing for rulemaking; requiring the licensing boards to report to the Board of Pharmacy when notified of unusual prescribing habits of a licensee; and making technical corrections.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for Com. Sub. for S. B. 333) were reported by the Clerk, considered simultaneously, and adopted:

On page two, section four, subsection (b), subdivision (8), by striking out the words "the first name, last name and middle initial, address and birth date of the person picking up the prescription" and inserting in lieu thereof the words "information about the person picking up the prescription";

On page eleven, section nine, subsection (a), subdivision (8), by striking out the words "the first name, last name and middle initial, address and birth date of the person picking up the prescription" and inserting in lieu thereof the words "information about the person picking up the prescription";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill 333—A Bill to amend and reenact §60A-9-4, §60A-9-5 and §60A-9-5a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60A-9-9, all relating to the Controlled Substances Monitoring Program database; requiring reporting instances of an overdose or a suspected overdose to the database; setting out elements to be reported; allowing access to the database to deans of the state's medical schools or their designees for monitoring prescribing practices of prescribing faculty members, prescribers and residents enrolled in a degree program at the school where the dean serves; allowing access to designated physician reviewers for medical provider employers; providing access to a physician reviewer designated by an employer of medical providers for monitoring prescribing practices of physicians, advance practice registered nurses or physician assistants in their employ; providing access to chief medical officers of a hospital or a physician designated by the chief executive officer of a hospital who does not have a chief medical officer for monitoring prescribing practices of prescribers who have admitting privileges to the hospital; providing that information obtained from accessing the West Virginia Controlled Substances Monitoring Program database shall be documented in a patient's medical record maintained by a private prescriber or any inpatient facility licensed pursuant to Public Health; allowing the Board of Pharmacy to require that drugs of concern be reported to the database; clarifying identity information required to be retained by dispensers of controlled substances regarding persons picking up prescriptions other than the patient; exempting reporting requirements for drugs of concern from criminal penalties; allowing duly authorized agents of the Office of Health Facility Licensure and Certification to access the database for use in certification, licensure and regulation of health facilities; providing that a failure to report drugs of concern may be considered a violation of the practice act of the prescriber and may result in discipline by the appropriate licensing board; providing for rulemaking; requiring the licensing boards to report to the Board of Pharmacy when notified of unusual prescribing habits of a licensee; and making technical corrections.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 333, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 333) passed with its Senate amended title.

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

Executive Communications

The Clerk then presented communications from His Excellency, the Governor, advising that on April 8, 2017, he had approved **Enr. Committee Substitute for Senate Bill 113, Enr. Committee Substitute for Committee Substitute for Senate Bill 222, Enr. Committee Substitute for Senate Bill 338, Enr. Committee Substitute for House Bill 2506 and Enr. House Bill 2774.**

At the request of Senator Prezioso, and by unanimous consent, Senator Prezioso addressed the Senate regarding Senator Stollings receiving the West Virginia Chapter of the American Academy of Pediatrics Friend of Children award.

Thereafter, at the request of Senator Ferns, unanimous consent being granted, the remarks by Senator Prezioso were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Ferns, and by unanimous consent, proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill 2002, Relating to parental notification of abortions performed on unemancipated minors.

On third reading, coming up in regular order, with the unreported Health and Human Resources committee amendment pending, and with the right having been granted on yesterday, Friday, April 7, 2017, for further amendments to be received on third reading, was reported by the Clerk.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 2F. PARENTAL NOTIFICATION OF ABORTIONS PERFORMED ON UNEMANCIPATED MINORS.

§16-2F-1. Legislative findings and intent.

(a) The Legislature finds that immature minors often lack the ability to make fully informed choices that take into account both immediate and long-range consequences of their actions; that the medical, emotional and psychological consequences of abortion are serious and of indeterminate duration, particularly when the patient is immature; that in its current abortion policy as expressed in *Bellotti v. Baird*, 443 U. S. 622 (1979), and *H. L. v. Matheson*, 450 U. S. 398 (1981), and *Hodgson v. Minnesota*, 497 U.S. 417, (1990), the United States Supreme Court ~~clearly relies on physician's commitment to consider all factors, physical and otherwise, before performing abortions on minors~~ held that notification of a parent with a judicial waiver procedure is Constitutional; that parents ordinarily possess information essential to a physician's exercise of his or her best medical judgment concerning their child; and that parents who are aware that their minor daughter has had an abortion may better ensure that the minor receives adequate medical attention after her abortion.

(b) The Legislature further finds that parental consultation regarding abortion is usually desirable and in the best interests of the minor.

(c) The Legislature further finds ~~in accordance with the U. S. Supreme Court's decision in Bellotti v. Baird, 443 U. S. 622 (1979), and H. L. v. Matheson, 450 U. S. 398 (1981),~~ that there exists important and compelling state interests:

- (i) ~~(1)~~ in protecting minors against their own immaturity,
- (ii) ~~(2)~~ in fostering the family structure and preserving it as a viable social unit, and
- (iii) ~~(3)~~ in protecting the rights of parents to rear their own children in their own household.

(d) It is, therefore, the intent of the Legislature to further these important and compelling state interests by enacting this parental notice provision.

§16-2F-2. Definitions.

For purposes of this article, unless the context in which used clearly requires otherwise:

~~(1) "Minor" means any person under the age of eighteen years who has not graduated from high school.~~

~~(2) "Unemancipated minor" means any minor who is neither married nor who has been emancipated as pursuant to applicable federal law or as provided by section twenty-seven, article seven, chapter forty-nine of this code.~~

~~(3) "Actual notice" means the giving of notice directly, in person or by telephone.~~

~~(4) "Constructive notice" means the giving of notice by certified mail to the last known address of the parents or legal guardian, return receipt requested.~~

~~(5) "Abortion" means the use of any instrument, medicine, drug or any other substance or device with intent to terminate the pregnancy of a female known to be pregnant and with intent to cause the expulsion of a fetus other than by live birth: Provided, That nothing in this article shall be construed so as to prevent the prescription, sale or transfer of intrauterine contraceptive devices or other contraceptive devices or other generally medically accepted contraceptive devices, instruments, medicines or drugs for a female who is not known to be pregnant and for whom such contraceptive devices, instruments, medicines or drugs were prescribed by a physician solely for contraceptive purposes and not for the purpose of inducing or causing the termination of a known pregnancy.~~

As used in this article:

(1) "Abortion" means the use of any instrument, medicine, drug or any other substance or device with intent to terminate the pregnancy of a female known to be pregnant and with intent to cause the expulsion of a fetus other than by live birth. This article does not prevent the prescription, sale or transfer of intrauterine contraceptive devices, other contraceptive devices or other generally medically accepted contraceptive devices, instruments, medicines or drugs for a female who is not known to be pregnant and for whom the contraceptive devices, instruments,

medicines or drugs were prescribed by a physician solely for contraceptive purposes and not for the purpose of inducing or causing the termination of a known pregnancy.

(2) "Medical emergency" means the same as that term is defined in section two, article two-m of this chapter.

(3) "Secretary" means the Secretary of the West Virginia Department of Health and Human Resources.

(4) "Unemancipated minor" means any person less than eighteen years of age who is not, or has not been, married, who is under the care, custody and control of the person's parent or parents, guardian or court of competent jurisdiction pursuant to applicable federal law or as provided in section twenty-seven, article seven, chapter forty-nine of this code.

§16-2F-3. Parental notification required for abortions performed on unemancipated minors.

~~(a) No physician may perform an abortion upon an unemancipated minor unless such physician has given or caused to be given at least twenty-four hours actual notice to one of the parents or to the legal guardian of the pregnant minor of his intention to perform the abortion, or, if the parent or guardian cannot be found and notified after a reasonable effort to do so, without first having given at least forty-eight hours constructive notice computed from the time of mailing to the parent or to the legal guardian of the minor: *Provided*, That prior to giving the notification required by this section, the physician shall advise the unemancipated minor of the right of petition to the circuit court for waiver of notification: *Provided, however*, That any such notification may be waived by a duly acknowledged writing signed by a parent or the guardian of the minor.~~

~~(b) Upon notification being given to any parent or to the legal guardian of such pregnant minor, the physician shall refer such pregnant minor to a counselor or caseworker of any church or school or of the department of human services or of any other comparable agency for the purpose of arranging or accompanying such pregnant minor in consultation with her parents. Such counselor shall thereafter be authorized to monitor the circumstances and the continued relationship of and between such minor and her parents.~~

~~(c) Parental notification required by subsection (a) of this section may be waived by a physician, other than the physician who is to perform the abortion, if such other physician finds that the minor is mature enough to make the abortion decision independently or that notification would not be in the minor's best interest. *Provided*, That such The other physician shall not be associated professionally or financially with the physician proposing to perform the abortion.~~

(a) A physician may not perform an abortion upon an unemancipated minor until notice of the pending abortion as required by this section is complete.

(b) A physician or his or her agent may personally give notice directly, in person, by telephone or by letter to the parent, the guardian or conservator of the unemancipated minor at their usual place of residence and shall be delivered personally by the physician or his or her agent. Upon delivery of the notice, forty-eight hours shall pass until the abortion may be performed.

(c) A physician or his or her agent may provide notice by certified mail addressed to the parent, the guardian or conservator of the unemancipated minor at their usual place of residence, return receipt requested. The delivery shall be sent restricted delivery assuring that the letter is delivered

only to the addressee. Time of delivery shall be deemed to occur at twelve o'clock noon on the next day on which regular mail delivery takes place unless. Upon delivery of the notice, forty-eight hours shall pass until the abortion may be performed.

(d) Notice may be waived if the person entitled to notice certifies in writing that he or she has been notified.

§16-2F-4. Process to obtain waiver of notification.

(a) ~~A minor~~ An unemancipated minor who objects to ~~such the~~ notice being given to her parent or legal guardian may petition for a waiver of ~~such the~~ notice to the circuit court of the county in which the ~~minor~~ unemancipated minor resides or in which the abortion is to be performed, or to the judge of either of such courts. ~~Such minor may so petition and proceed in her own right or, at her option, by a next friend.~~

(b) ~~Such~~ The petition need not be made in any specific form and shall be sufficient if it fairly sets forth the facts and circumstances of the matter, but shall contain the following information:

(i) The age of the ~~petitioner~~ unemancipated minor and her educational level;

(ii) The county and state in which she resides; and

(iii) A brief statement of ~~petitioner's~~ unemancipated minor's reason or reasons for the desired waiver of notification of the parent or guardian of such ~~minor~~ petitioner unemancipated minor.

No such petition shall be dismissed nor shall any hearing thereon be refused because of any defect in the form of the petition.

(c) ~~Upon the effective date of this article or as soon thereafter as may be,~~ The Attorney General shall prepare suggested form petitions and accompanying instructions and shall make the same available to the ~~several~~ clerks of the circuit courts. ~~Such~~ The clerks shall ~~see that a sufficient number of such suggested~~ make the form petitions and instructions are available in the clerks office. ~~for the use of any person desiring to use the same for the purposes of this section.~~

(d) ~~All~~ The proceedings held pursuant to this article shall be confidential and the court shall conduct ~~all such the~~ proceedings in camera. The court shall inform the ~~minor~~ petitioner unemancipated minor of her right to be represented by counsel. ~~and that if she~~ the unemancipated minor is without the requisite funds to retain the services of an attorney, ~~that~~ the court will appoint an attorney to represent ~~her~~ the unemancipated minor's interest in the matter. If the ~~minor~~ petitioner unemancipated minor desires the services of an attorney, an attorney shall be appointed to represent ~~such the~~ minor ~~petitioner unemancipated minor~~, if ~~she~~ the unemancipated minor advises the court under oath or affidavit that ~~she~~ the unemancipated minor is financially unable to retain counsel. ~~Any~~ An attorney appointed to represent ~~such the~~ minor ~~petitioner unemancipated minor~~ shall be appointed and paid for his ~~or her~~ services pursuant to the provisions of article twenty-one, chapter twenty-nine of this code. ~~Provided, That~~ The pay to ~~any such attorney pursuant to such appointment~~ shall not exceed the sum of \$100.

(e) The court shall conduct a hearing upon the petition without delay, but ~~in no event shall the delay may not~~ exceed the next succeeding judicial day. ~~and~~ The court shall render its decision immediately upon its submission and, ~~in any event, an order reflecting the findings of fact and conclusions of law reached by the court and its judgement shall be endorsed by the judge thereof~~

~~its written order not later than twenty-four hours following such submission and shall be forthwith entered of in the record by the clerk of the court. All testimony, documents, and other evidence, presented to the court, as well as the petition, and any orders entered thereon and all records of whatsoever nature and kind relating to the matter shall be sealed by the clerk and shall not be opened to any person except upon order of the court and, then, only upon a showing of good cause. being shown therefor. A separate order book for the purposes of this article shall be maintained by such the clerk and shall likewise be sealed and not open to inspection by any person save upon order of the court for good cause shown.~~

(f) Notice as required by section three of this article shall be ordered waived by the court if the court finds either:

(1) That the ~~minor petitioner~~ unemancipated minor is mature and well informed sufficiently to make the decision to proceed with the abortion independently and without the notification or involvement of her parent or legal guardian; or

(2) That notification to the person or persons to whom ~~such the~~ notification would otherwise be required would not be in the best interest of the ~~minor petitioner~~ unemancipated minor.

~~(g) If or when the circuit court, or the judge thereof, shall refuse to order the waiver of the notification required by section three of this article, a copy of the petition and all orders entered in the matter and all other documents and papers submitted to the circuit court, may be presented to the Supreme Court of Appeals, or to any justice thereof if such court then be in vacation, and such court or justice if deemed proper, may thereupon order the waiver of notification otherwise required by section three of this article. The Supreme Court of Appeals or justice thereof shall hear and decide the matter without delay and shall enter such orders as such court or justice may deem appropriate.~~

~~(h) If either the circuit court or the Supreme Court of Appeals, or any judge or justice thereof if either of such courts be then in vacation, shall order a waiver of the notification required by section three of this article, any physician to whom a certified copy of said order shall be presented may proceed to perform the abortion to the same extent as if such physician were in compliance with the provisions of said section three and, notwithstanding the fact that no notification is given to either the parent or legal guardian of any such unemancipated minor, any such physician shall not be subject to the penalty provisions which may be prescribed by this article for such failure of notification.~~

(g) A confidential appeal shall be available to any unemancipated minor to whom a court denies an order authorizing an abortion without notification. An order authorizing an abortion without notification may not be appealed. Access to the trial court and the Supreme Court of Appeals shall be given to an unemancipated minor.

~~(i) (h) No Filing fees may be~~ are not required of any unemancipated minor who avails herself of any of the procedures provided by this section.

§16-2F-5. Emergency exception from notification requirements.

(a) The notification requirements of section three of this article do not apply where the attending physician certifies that there is an emergency a need for an abortion to be performed if the continuation of the pregnancy constitutes an immediate threat and grave risk to the life or health of the pregnant minor and the attending physician so certifies in writing setting forth the

~~nature of such threat or risk and the consequences which may be attendant to the continuation of the pregnancy due to a medical emergency. Such writing~~ A description of the medical emergency shall be maintained with the other unemancipated minor's medical records, relating to such minor which are maintained, by the physician and the facility at which such abortion is performed.

(b) If the physician who is to perform the abortion concludes under subsection (a) of this section that a medical emergency exists and that there is insufficient time to provide the notice required by section three of this article, the physician shall make a reasonable effort to inform, in person or by telephone, the parent, managing conservator, or guardian of the unemancipated minor within 24 hours after the time a medical emergency abortion is performed on the minor of:

(1) The performance of the abortion; and

(2) The basis for the physician's determination that a medical emergency existed that required the performance of a medical emergency abortion without fulfilling the requirements of section three.

(c) A physician who performs an abortion under the circumstances described in subsection (a) of this section shall, not later than 48 hours after the abortion is performed, send a written notice that a medical emergency occurred and that the parent, managing conservator, or guardian may contact the physician for more information and medical records, to the last known address of the parent, managing conservator, or guardian by certified mail, restricted delivery, return receipt requested. The physician may rely on last known address information if a reasonable and prudent person, under similar circumstances, would rely on the information as sufficient evidence that the parent, managing conservator, or guardian resides at that address. The physician shall keep in the minor's medical record:

(1) The return receipt from the written notice; or

(2) If the notice was returned as undeliverable, the notice.

(d) A physician who performs an abortion on an unemancipated minor during a medical emergency as described in subsection (a) of this section shall execute for inclusion in the medical record of the minor an affidavit that explains the specific medical emergency that necessitated the immediate abortion.

§16-2F-6. Reporting requirements for physicians.

(a) Any A physician performing an abortion upon an unemancipated minor shall provide the department of health secretary a written report of the procedure within thirty days after having performed the abortion. The department of health shall provide reporting forms for this purpose to all physicians and public health facilities required to be licensed pursuant to article five-b of this chapter. The following information, in addition to any other information which may be required by the department of health secretary, regarding the minor an unemancipated minor receiving the abortion shall be included in such the reporting form:

(1) Age;

(2) Educational level;

(3) Previous pregnancies;

(4) Previous live births;

(5) Previous abortions;

(6) Complications, if any, of the abortion being reported;

(7) Reason for waiver of notification, ~~of the minor's parent or guardian~~, if such notice was waived; and

(8) The city and county in which the abortion was performed.

(b) Any such ~~The~~ report shall not contain the name, address or other information by which the ~~minor~~ unemancipated minor receiving the abortion may be identified.

§16-2F-8. Penalties.

~~Any person who knowingly performs an abortion upon an unemancipated minor in violation of this article or who knowingly fails to conform to any requirement of this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000 or imprisoned in the county jail not more than thirty days, or both fined and imprisoned.~~

(a) Any physician or other licensed medical practitioner who intentionally or recklessly performs or induces an abortion in violation of this article is considered to have acted outside the scope of practice permitted by law or otherwise in breach of the standard of care owed to patients, and is subject to discipline from the applicable licensure board for that conduct, including, but not limited to, loss of professional license to practice.

(b) A person, not subject to subsection (a) of this section, who intentionally or recklessly performs or induces an abortion in violation of this article is considered to have engaged in the unauthorized practice of medicine in violation of section thirteen, article three, chapter thirty of this code, and upon conviction, subject to the penalties contained in that section.

(c) In addition to the penalties set forth in subsections (a) and (b) of this section, a patient may seek any remedy otherwise available to such patient by applicable law.

(d) No penalty may be assessed against any patient upon whom an abortion is performed or induced or attempted to be performed or induced.

On motion of Senator Palumbo, the following amendment to the Health and Human Resources committee amendment to the bill (Eng. Com. Sub. for H. B. 2002) was reported by the Clerk:

On page four, section three, after subsection (d), by inserting a new subsection, designated subsection (e), to read as follows:

(e) The parental notification required by subsections (a) through (c), inclusive, of this section may be waived by a physician who is qualified to treat mental health, psychiatrist or psychologist, if such physician, psychiatrist or psychologist: (1) Does not perform abortions as part of his or her practice; (2) is not associated professionally or financially with the physician proposing to perform the abortion; and (3) finds that the notification would not be in the minor's best interest. Any physician, psychiatrist or psychologist that certifies the three requirements contained in this

subsection shall file a petition under seal with the circuit court of the county within which the minor resides within twenty-four hours of making the determination that the notification would not be in the minor's best interest. The circuit court shall review the filing forthwith and direct appropriate measures in the best interests of the minor be taken in order to secure the safety of the minor and preserve any evidence of a crime committed in connection with the pregnancy, if applicable.

Following discussion,

The question being on the adoption of Senator Palumbo's amendment to the Health and Human Resources committee amendment to the bill, and on this question, Senator Rucker demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Boley, Facemire, Jeffries, Maroney, Miller, Palumbo, Plymale, Romano, Stollings, Takubo and Carmichael (Mr. President)—12.

The nays were: Azinger, Blair, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Mullins, Ojeda, Prezioso, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld and Woelfel—22.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Palumbo's amendment to the Health and Human Resources committee amendment to the bill rejected.

The question now being on the adoption of the Health and Human Resources committee amendment to the bill, the same was put and prevailed.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2002), as just amended, was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 2002 pass?"

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Beach, Facemire, Jeffries, Miller, Palumbo and Romano—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2002) passed.

On motion of Senator Takubo, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2002—A Bill to amend and reenact §16-2F-1, §16-2F-2, §16-2F-3, §16-2F-4, §16-2F-5, §16-2F-6 and §16-2F-8 and of the Code of West Virginia, 1931, as amended, all relating to parental notification of abortions performed on unemancipated minors; setting out legislative findings; defining terms; clarifying parental notification requirements prior to performing an abortion on an unemancipated minor; modifying waiver language; providing exceptions; providing a judicial process to not permit parental notification; requiring parental notice following abortion due to medical emergency; requiring reporting; providing for disciplinary actions; and modifying penalties.

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

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the sixth order of business, which agenda includes the making of main motions.

On motion of Senator Ferns, the Senate requested the return from the House of Delegates of

Eng. Com. Sub. for Senate Bill 238, Increasing tax credits allowed for rehabilitation of certified historic structures.

Having been received as a House message on yesterday, Friday, April 7, 2017; for the purpose of subsequently moving reconsideration of the vote on Senator Ferns' motion to refuse to concur in the House of Delegates amendments to the bill.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence as to the recall of Engrossed Committee Substitute for Senate Bill 238.

On motion of Senator Ferns, the Senate recessed until 2 p.m. today.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Hall, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate again then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 25, Creating farm-to-food bank tax credit.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 219, Relating to conspiracy to commit crimes under Uniform Controlled Substances Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for Senate Bill 362, Authorizing redirection of certain amounts to General Revenue Fund.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, to take effect from passage, of

Eng. Com. Sub. for House Bill 2759, Creating Statewide Interoperable Radio Network.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. House Bill 2962, Enlarging the authority of the Tax Commissioner to perform background investigations of employees and contractors.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. House Bill 2967, Relating generally to administration of estates and trusts.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2980, Relating to civil lawsuit filing fees for multiple defendant civil action.

At the request of Senator Ferns, unanimous consent being granted, the Senate proceeded to the eighth order of business and the consideration of

Eng. Com. Sub. for House Bill 2711, Abolishing regional educational service agencies and providing for the transfer of property and records.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Cline, Gaunch, Hall, Karnes, Mann, Maynard, Miller, Mullins, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—21.

The nays were: Beach, Clements, Facemire, Ferns, Jeffries, Maroney, Ojeda, Palumbo, Prezioso, Romano, Stollings, Unger and Woelfel—13.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2711) passed.

At the request of Senator Mann, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

On motion of Senator Mann, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2711—A Bill to repeal §18-2-26a of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2-26 of said code; to amend and reenact §18-2E-1a and §18-2E-5 of said code; to amend and reenact §18-5-13 and §18-5-45 of said code; to further amend said code by adding thereto two new sections designated §18-5-13b and §18-5-13c; to amend and reenact §18-5A-5 of said code; to amend and reenact §18-9A-8a of said code; and to amend and reenact §18A-4-14 of said code, all relating generally to education; repealing requirement for biennial meetings of county boards by region; providing for dissolving regional educational service agencies by certain date; allowing for modification and dissolving by cooperative agreement before said date; providing for the transfer, liquidation or disbursement of property and records; requiring state board to constructively engage with the legislative oversight commission on education accountability prior to adopting certain standards and prior to adoption of a new statewide summative assessment; requiring certain state board actions before full implementation of a new accountability system; modifying state board prohibitions and duties as part of its on-going responsibility for developing and implementing a program of standards, assessments and a program of accountability; clarifying responsibilities and authority of Legislature and state board with respect to process for improving education and purposes and intent of system of accountability; modifying areas for which the state board is required to adopt high-quality education standards; modifying statewide assessment program; modifying annual performance measures for accreditation; requiring county board use of statewide electronic information system; modifying process for assessing school and school system performance; eliminating office of education performance audits and authorizing employment of experienced education professionals with certain duties; modifying school accreditation and removing authorization for state board intervention in school operations; modifying school system approval and processes for state board intervention; modifying processes for improving capacity; modifying process for building leadership capacity of system during intervention; expanding county board authority for entering into cooperative agreements; establishing the County Superintendents' Advisory Council; setting forth the council's authority and responsibilities, including the formation of four geographic quadrants to carry out the work of the council; requiring certain meetings and reports; authorizing county board agreements to establish educational services cooperatives; providing references to regional education service agencies mean cooperatives; providing priorities for transfer, liquidation and disbursement of regional education service agency property, equipment and records upon dissolution; providing for governing council of educational services cooperatives; providing for powers and duties; providing for cooperative annual plan and optional programs and services; providing for selection of fiscal agent county board and annual audit; providing for staff and member expenses; providing for member compensation; removing the word "separate" as it relates to the number of instructional days in the school calendar; designating one noninstructional day for teachers as a preparation day for opening school and another for teachers as a preparation day for closing school; allowing teacher preparation days to be used for certain other purposes at teacher's discretion; increasing number of two-hour blocks for faculty senate meetings from four to six; removing requirement that faculty senate meetings be held once every forty-five days; permitting certain accrued minutes to be used for lost instructional days; encouraging the use of reimagining student instructional days to achieve the one hundred eighty instructional day requirement; reducing foundation allowance for regional education service agencies; requiring educators to receive uninterrupted time for planning periods each day; prohibiting administrators from requiring a teacher to use the planning period time to complete duties beyond instructional planning; and making technical improvements and removing obsolete provisions.

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

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill 2196, Relating to the secondary schools athletic commission.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2196 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Maroney, Maynard, Mullins, Plymale, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel and Carmichael (Mr. President)—23.

The nays were: Beach, Boso, Facemire, Jeffries, Miller, Ojeda, Palumbo, Prezioso, Romano and Weld—10.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2196) passed.

On motion of Senator Karnes, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2196—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the Secondary Schools Athletic Commission; participation by home school, private and parochial school students without an interscholastic program available; providing that the private and parochial schools must be registered; setting forth standards for each nonenrolled student participant to meet; providing that each home school, private or parochial student pay the same fees associated with participation as public school students; and providing that the state board accumulate data as to the costs associated with the nonenrolled students participating in interscholastic activities.

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

At the request of Senator Weld, unanimous consent being granted, Senator Weld announced meetings of the committees of conference on Engrossed Committee Substitute for House Bills 2329, 2579 and 2585.

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill 2801, Expiring funds to the unappropriated balance in the State Fund from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2801) passed.

On motion of Senator Hall, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2801—A Bill expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017, in the amount of \$2,000,000 from the Legislative, Senate, fund 0165, fiscal year 2012, organization 2100, appropriation 02100, in the amount of \$1,000,000 from the Legislative, Senate, fund 0165, fiscal year 2012, organization 2100, appropriation 06400, in the amount of \$500,000 from the Legislative, House of Delegates, fund 0170, fiscal year 2015, organization 2200, appropriation 00500, in the amount of \$1,500,000 from the Legislative, House of Delegates, fund 0170, fiscal year 2015, organization 2200, appropriation 02100, in the amount of \$500,000 from the Legislative, Joint Expenses, fund 0175, fiscal year 2015, organization 2300, appropriation 10400, in the amount of \$2,000,000 from the Executive, Governor's Office, fund 0101, fiscal year 2005, organization 0100, appropriation 66500, in the amount of \$800,000 from the Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 08400, in the amount of \$200,000 from the Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2008, organization 0100, appropriation 11400, in the amount of \$400,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2009, organization 0307, appropriation 13100, in the amount of \$400,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2011, organization 0307, appropriation 13100, in the amount of \$200,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2012, organization 0307, appropriation 13100, in the amount of \$500,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2007, organization 0307, appropriation 81900, in the amount of \$500,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2008, organization 0307, appropriation 81900, in the amount of \$500,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2009, organization 0307, appropriation 81900, in the amount of \$1,600,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2010, organization 0307, appropriation 81900, in the amount of \$1,500,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2011, organization 0307, appropriation 81900, in the amount of \$640,000 from the Department of Commerce, West Virginia Development Office,

fund 0256, fiscal year 2012, organization 0307, appropriation 81900, in the amount of \$628,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2014, organization 0307, appropriation 81900, in the amount of \$932,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2015, organization 0307, appropriation 81900, in the amount of \$650,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2012, organization 0307, appropriation 94100, in the amount of \$150,000 from the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2011, organization 0402, appropriation 16100, in the amount of \$400,000 from the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2012, organization 0402, appropriation 16100, in the amount of \$400,000 from the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2013, organization 0402, appropriation 16100, in the amount of \$150,000 from the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2014, organization 0402, appropriation 16100, in the amount of \$500,000 from the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2014, organization 0402, appropriation 88600, in the amount of \$40,000 from the Department of Health and Human Resources – Office of the Secretary, fund 0400, fiscal year 2015, organization 0501, appropriation 19100, in the amount of \$60,000 from the Department of Health and Human Resources – Office of the Secretary, fund 0400, fiscal year 2016, organization 0501, appropriation 19100, in the amount of \$1,000,000 from the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2014, organization 0506, appropriation 21900, in the amount of \$200,000 from the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2011, organization 0608, appropriation 09700, in the amount of \$200,000 from the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 09700, in the amount of \$480,000 from the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 66100, in the amount of \$1,000,000 from the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 67700, in the amount of \$500,000 from the Department of Military Affairs and Public Safety, Division of Justice and Community Services, fund 0546, fiscal year 2014, organization 0620, appropriation 56100, in the amount of \$100,000 from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2011, organization 0621, appropriation 75500, in the amount of \$80,000 from the Department of Revenue, State Budget Office, fund 0595, fiscal year 2009, organization 0703, appropriation 09900, in the amount of \$300,000 from the Department of Transportation, Aeronautics Commission, fund 0582, fiscal year 2013, organization 0807, appropriation 13000, in the amount of \$200,000 from the Department of Veterans' Assistance, fund 0456, fiscal year 2013, organization 0613, appropriation 28600, in the amount of \$100,000 from the Department of Veterans' Assistance, fund 0456, fiscal year 2014, organization 0613, appropriation 28600, in the amount of \$500,000 from the West Virginia Council for Community and Technical College Education – Control Account, fund 0596, fiscal year 2012, organization 0420, appropriation 66100, in the amount of \$200,000 from the Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2012, organization 0441, appropriation 09700, in the amount of \$1,000,000 from the Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2012, organization 0441, appropriation 66100, in the amount of \$40,404,684.31 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701, in the amount of \$20,000,000 from the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2017, organization 0704, in the amount of \$100,000 from the State Board of Education, fund 3951, fiscal year 2007, organization 0402,

appropriation 09900, in the amount of \$300,000 from the State Board of Education, fund 3951, fiscal year 2008, organization 0402, appropriation 09900, in the amount of \$500,000 from the State Board of Education, fund 3951, fiscal year 2012, organization 0402, appropriation 09900, in the amount of \$500,000 from the State Board of Education, fund 3951, fiscal year 2013, organization 0402, appropriation 39600, in the amount of \$500,000 from the State Board of Education, fund 3951, fiscal year 2014, organization 0402, appropriation 39600, in the amount of \$1,000,000 from the State Board of Education, fund 3951, fiscal year 2014, organization 0402, appropriation 93300, in the amount of \$150,000 from the Division of Culture and History – Lottery Education Fund, fund 3534, fiscal year 2003, organization 0432, appropriation 86500, in the amount of \$40,000 from the Division of Culture and History – Lottery Education Fund, fund 3534, fiscal year 2012, organization 0432, appropriation 62400, in the amount of \$150,000 from the Library Commission – Lottery Education Fund, fund 3559, fiscal year 2011, organization 0433, appropriation 62500, in the amount of \$250,000 from the Library Commission – Lottery Education Fund, fund 3559, fiscal year 2012, organization 0433, appropriation 62500, in the amount of \$150,000 from the Bureau of Senior Services- Lottery Senior Citizens Fund, fund 5405, fiscal year 2011, organization 0508, appropriation 46200, in the amount of \$350,000 from the Bureau of Senior Services- Lottery Senior Citizens Fund, fund 5405, fiscal year 2012, organization 0508, appropriation 46200, in the amount of \$550,000 from the Bureau of Senior Services- Lottery Senior Citizens Fund, fund 5405, fiscal year 2013, organization 0508, appropriation 46200, in the amount of \$50,000 from the West Virginia Development Office, fund 3170, fiscal year 2007, organization 0307, appropriation 92300, in the amount of \$2,500,000 from the West Virginia Development Office, fund 3170, fiscal year 2008, organization 0307, appropriation 25300, in the amount of \$400,000 from the West Virginia Development Office, fund 3170, fiscal year 2013, organization 0307, appropriation 09600, in the amount of \$1,000,000 from the Division of Corrections – Correctional Units, fund 6283, fiscal year 2010, organization 0608, appropriation 75500, in the amount of \$500,000 from the Office of the Treasurer, Financial Electronic Communication Fund, fund 1345, fiscal year 2017, organization 1300, in the amount of \$1,000,000 from the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2017, organization 1500, in the amount of \$2,000,000 from the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2017, organization 0218, in the amount of \$110,467.62 from the Department of Administration, Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2017, organization 0211, in the amount of \$184,848.07 from the Department of Environmental Protection, Dam Safety Rehabilitation Fund, fund 3025, fiscal year 2017, organization 0313, in the amount of \$500,000 from the Department of Health and Human Resources, Health Care Authority Fund, fund 5375, fiscal year 2017, organization 0507 and in the amount of \$4,000,000 from the Public Service Commission, Public Service Commission Fund, fund 8623, fiscal year 2017, organization 0926.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2801) takes effect from passage.

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

At the request of Senator Weld, unanimous consent being granted, Senator Weld announced a meeting of the committee of conference on Engrossed Senate Bill 554.

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 2329, Prohibiting the production, manufacture or possession of fentanyl.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Sobonya, Hollen and R. Miller.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 2579, Increasing the penalties for transporting controlled substances.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Sobonya, Hollen and R. Miller.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 2585, Creating felony crime of conducting financial transactions involving proceeds of criminal activity.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Sobonya, Hollen and R. Miller.

At the request of Senator Ferns, and by unanimous consent, the Senate again proceeded to the eighth order of business and the consideration of

Eng. House Bill 3103, Making a supplementary appropriation to the Department of Health and Human Resources.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3103) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3103) takes effect from passage.

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

At the request of Senator Ferns, unanimous consent being granted, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill 2935, Relating to state flood protection planning.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2935) passed.

On motion of Senator Blair, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2935—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-15-1; and to amend said code by adding thereto a new article, designated §29-30-1, §29-30-2, §29-30-3 and §29-30-4, all relating to state flood protection generally; establishing a Joint Legislative Committee on Flooding and providing for duties; establishing the Resiliency and Flood Protection Planning Act; providing legislative findings and purpose; creating the State Resiliency Office within the Development Office in the Department of Commerce; establishing a State Resiliency Office Board; providing certain duties and authorities of the State Resiliency Office; and requiring reporting to the Legislature.

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

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 2589, Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Gaunch, Mann and Romano.

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

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 2631, Relating to time standards for disposition of complaint proceedings.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Takubo, Maroney and Palumbo.

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

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 2805, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Sypolt, Boso and Facemire.

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

On motion of Senator Palumbo, the Senate recessed until 3:25 p.m. today.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Ferns, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 2721, Removing the cost limitation on projects completed by the Division of Highways.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Walters, Gearheart and Bates.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 2722, Eliminating the financial limitations on utilizing the design-build program for highway construction.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Walters, Gearheart and Bates.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill 27, Relating to microprocessor permit.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 35. FARMERS MARKETS.

§19-35-5. Microprocessor permit.

(a) Notwithstanding any provision of chapter sixteen of this code or any rules promulgated pursuant to that chapter to the contrary, a farmer's market vendor may apply for a microprocessor permit to sell certain foods at a farmer's market. A home, farm, community or commercial kitchen may be used by a microprocessor. The microprocessor permit is required in addition to the farmer's market vendor permit.

(b) A majority of all produce from a microprocessor's products shall be from his or her farm or garden. The microprocessor is required to keep production and food source records for a period of two years. The food shall be labeled in compliance with the West Virginia Department of Agriculture labeling standards and provide information about its content and sources. The label shall include the words "MADE IN A WV _____ KITCHEN – NOT FOR RESALE/ PROCESSED AND PREPARED WITHOUT STATE INSPECTION" in capital, bold, 10-point type or larger, with the blank space to state whether the product was made in a home, farm, community or commercial kitchen. The label shall also include:

(1) The name and address of the home-based processing operation;

(2) The common or usual name of the food product;

(3) Product ingredients that include potential food allergens such as, but not limited to, milk, eggs, peanuts, tree nuts, wheat and soy;

(4) The date the product was processed.

(c) A microprocessor is permitted to sell:

(1) Canned acidified foods, such as pickled products, sauces and salsas. Acidified foods are low-acid foods to which acid or acid foods are added with a water activity of greater than .085 and a finished equilibrium of pH 4.6 or below; and

(2) Frozen fruits and vegetables, which are not permitted to be vacuum-sealed.

(d) Nonpotentially hazardous foods, and those already exempted, do not require a microprocessor permit but require registration with the local health department. These include, but are not limited to:

(1) Breads, cakes and candies;

(2) Honey, maple syrup, apple butter and molasses;

(3) Standardized nondietary jams and jellies;

(4) Fermented products;

(5) Whole or chopped tomatoes, tomato sauce and tomato juice having a finished equilibrium of pH 4.6 or below;

(6) Exempted condiments; and

(7) Dehydrated fruits and vegetables.

(e) To qualify for a microprocessor permit, the applicant shall:

(1) If the microprocessor makes acidified foods, they are required to complete either a training program from the Better Control Process School for acidified foods, an approved program set up by the West Virginia University Extension Service or an approved training course approved by the Department of Agriculture;

(2) Pass a pre-opening permit inspection conducted by the local health department at the microprocessor's kitchen. The local health department may conduct at least one annual operational inspection during the processing season at the microprocessor's kitchen or when warranted. The local health department has the right to suspend operations or recall products for disease outbreaks, or violations of rules or regulations. Any inspection by a local health department shall be in compliance with rules promulgated by the West Virginia Department of Health and Human Resources pursuant to section four of this article;

(3) Possess a valid food handler's permit from the local health department, if required;

(4) Use a USDA or West Virginia University pre-approved and tested recipe; and

(5) Pay an annual permit fee of not more than \$40 to the local health department issuing the microprocessor permit.

(f) A person may not offer for sale microprocessed products over the Internet or in interstate commerce;

(g) A person who purchases a product made by a microproducer shall not resell the product;

(h) Microprocessors shall not sell more than three thousand units per year in the aggregate;

(i) The following prohibitions shall apply to persons microprocessing food for sale at a farmer's market pursuant to a permit granted by the provisions of this section:

(1) No animals are permitted in the microprocessor's kitchen or storage area at any time during the production, preparation, processing or packing of products;

(2) Smoking is not permitted in any portion of the microprocessor's home which is used for preparation, packaging, storage or handling of food and related ingredients or equipment while food is being prepared, packaged, stored or handled.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill 27—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-35-5, relating to a microprocessor; establishing permit requirements; establishing permit limitations; clarifying types of microprocessor kitchens; requiring percentage from garden or farm; requiring recordkeeping; requiring labeling; setting forth labeling requirements; clarifying foods requiring permit; exempting certain foods; setting forth permit inspections; establishing fees; allowing suspension of products; permitting recalls; setting forth production prohibitions and limiting sales.

On motion of Senator Trump, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for Com. Sub. for S. B. 27) were reported by the Clerk, considered simultaneously, and adopted:

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new sections, designated §19-35-5 and §19-35-5, to read as follows:

ARTICLE 35. FARMERS MARKETS.

§19-35-5. Microprocessor permit.

(a) Notwithstanding any provision of chapter sixteen of this code or any rules promulgated pursuant to that chapter to the contrary, a farmer's market vendor may apply for a microprocessor permit to sell certain foods at a farmer's market. A home, farm, community or commercial kitchen may be used by a microprocessor. The microprocessor permit is required in addition to the farmer's market vendor permit.

(b) A majority of all produce from a microprocessor's products shall be from his or her farm or garden. The microprocessor is required to keep production and food source records for a period of two years. The food shall be labeled in compliance with the West Virginia Department of Agriculture labeling standards and provide information about its content and sources. The label shall include the words "MADE IN A WV _____ KITCHEN – NOT FOR RESALE/ PROCESSED AND PREPARED WITHOUT STATE INSPECTION" in capital, bold, 10-point type or larger, with the blank space to state whether the product was made in a home, farm, community or commercial kitchen. The label shall also include:

(1) The name and address of the home-based processing operation;

(2) The common or usual name of the food product;

(3) Product ingredients that include potential food allergens such as, but not limited to, milk, eggs, peanuts, tree nuts, wheat and soy;

(4) The date the product was processed.

(c) A microprocessor is permitted to sell:

(1) Canned acidified foods, such as pickled products, sauces and salsas. Acidified foods are low-acid foods to which acid or acid foods are added with a water activity of greater than .085 and a finished equilibrium of pH 4.6 or below; and

(2) Frozen fruits and vegetables, which are not permitted to be vacuum-sealed.

(d) Nonpotentially hazardous foods, and those already exempted, do not require a microprocessor permit but require registration with the local health department. These include, but are not limited to:

(1) Breads, cakes and candies;

(2) Honey, maple syrup, apple butter and molasses;

(3) Standardized nondietary jams and jellies;

(4) Fermented products;

(5) Whole or chopped tomatoes, tomato sauce and tomato juice having a finished equilibrium of pH 4.6 or below;

(6) Exempted condiments; and

(7) Dehydrated fruits and vegetables.

(e) To qualify for a microprocessor permit, the applicant shall:

(1) If the microprocessor makes acidified foods, they are required to complete either a training program from the Better Control Process School for acidified foods, an approved program set up by the West Virginia University Extension Service or an approved training course approved by the Department of Agriculture;

(2) Pass a pre-opening permit inspection conducted by the local health department at the microprocessor's kitchen. The local health department may conduct at least one annual operational inspection during the processing season at the microprocessor's kitchen or when warranted. The local health department has the right to suspend operations or recall products for disease outbreaks or violations of rules or regulations. Any inspection by a local health department shall be in compliance with rules promulgated by the West Virginia Department of Health and Human Resources pursuant to section four of this article;

(3) Possess a valid food handler's permit from the local health department, if required;

(4) Use a USDA or West Virginia University pre-approved and tested recipe; and

(5) Pay an annual permit fee of not more than \$40 to the local health department issuing the microprocessor permit.

(f) A person may not offer for sale microprocessed products over the Internet or in interstate commerce;

(g) A person who purchases a product made by a microproducer shall not resell the product;

(h) Microprocessors shall not sell more than three thousand units per year in the aggregate;

(i) The following prohibitions shall apply to persons microprocessing food for sale at a farmer's market pursuant to a permit granted by the provisions of this section:

(1) No animals are permitted in the microprocessor's kitchen or storage area at any time during the production, preparation, processing or packing of products;

(2) Smoking is not permitted in any portion of the microprocessor's home which is used for preparation, packaging, storage or handling of food and related ingredients or equipment while food is being prepared, packaged, stored or handled.

§19-35-6. Distilleries and mini-distillery retail sales; prohibited at farmers market.

(a) Notwithstanding any provisions of chapter sixty to the contrary, a licensed distillery or mini-distillery on a farm or otherwise may make retail sales of alcoholic liquors produced at the distillery or mini-distillery for consumption off the premises of the distillery or mini-distillery on Sundays beginning at one o'clock p.m. A distillery or mini-distillery located on a farm shall be required to meet only the state and local building and fire regulations as apply to structures on parcels of land used primarily for farm and agricultural purposes.

(b) A licensed distillery or mini-distillery may not make retail sales of alcoholic liquors produced at the distillery or mini-distillery for consumption at farmers markets on Sundays.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill 27—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §19-35-5 and §19-35-6, all relating to farmers markets and farms; establishing microprocessing permit; establishing permit requirements and limitations; clarifying types of microprocessor kitchens; requiring percentage from garden or farm; requiring recordkeeping; requiring labeling and labeling requirements; clarifying foods requiring permit; exempting certain foods; setting forth permit inspections; establishing fees; allowing suspension of products; permitting recalls; setting forth production prohibitions and limiting sales; permitting distillery and mini distillery on farm or otherwise for retail sales to customers for consumption off the premises on Sundays beginning at one o'clock p.m.; and providing that a distillery or mini-distillery located on a farm shall be required to meet only state and local building and fire regulations as apply to structures on parcels of land used primarily for farm and agricultural purposes; and prohibiting distillery and mini distillery retail sales to customers at farmers markets on Sundays.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 27, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Jeffries, Maynard and Weld—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 27) passed with its Senate amended title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 220, Relating to offenses and penalties under Uniform Controlled Substances Act.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking everything after the enacting clause 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 §60A-4-414, to read as follows:

CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-414. Drug delivery resulting in death.

(a) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance in violation of the provisions of section four hundred one, article four of this chapter with the intent to cause an intoxicated, euphoric or stupefied state, and the use, ingestion or consumption of the controlled substance or counterfeit controlled substance alone or in combination with one or more other controlled substances, proximately causes the death of a person using, ingesting or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than three nor more than fifteen years.

(b) Any person who:

(1) is present and views another individual ingest a controlled substance;

(2) is also participating in the use of a controlled substance;

(3) knows that the other person has manifested an adverse physical reaction to a controlled substance;

(4) fails to render, seek or ensure timely medical assistance has been provided to the person having the adverse reaction; and

(5) the person having the adverse reaction subsequently dies due to that ingestion, is guilty of a felony, and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than three years nor more than fifteen years.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 220—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3 and §15-9C-4; and to amend said code by adding thereto a new section, designated §60A-4-414, relating generally to offenses and penalties under the Uniform Controlled Substances Act; providing for the collection of data pertaining to the prosecutions and overdoses of controlled substances; establishing an office of drug control, programming and data collection; collection of data pertaining to the prosecutions and overdoses of controlled substances establishing the purpose and responsibilities of the office; declaring the office to be a law enforcement entity capable of receiving and sharing law enforcement information; directing that the office be operated, supervised and controlled by the Director of the Division of Justice and Community Services; setting for the staffing of the office, including the availability of future staffing, resources and equipment upon obtaining grant funding, federal funds, or other funding; setting forth the executive and administrative responsibilities of the office of drug control, programming and data collection; establishing a reporting program for collection of criminal statistics; setting forth legislative purpose for collection of data; requiring the prosecuting attorney for each county to compile data relating to the criminal matters involving a violation of the uniform controlled substances act; directing the Division of Justice and Community Services to establish a reporting form to allow for reporting of information; setting forth information required to be reported; providing for data collection and reporting to the Division of Justice and Community Services; requiring that certain personally identifiable information about a specific defendant not be reported; establishing a reporting program for collection of data on overdoses; setting forth legislative purpose for collection of data; establishing a reporting program for collection of fatal and nonfatal overdoses in the state; directing the office of drug control, programming and data collection to establish a central repository for collection of data; directing the office to consult with affected entities in implementing the data collection program; establishing information required to be reported; directing the Division of Justice and Community Services to establish a reporting form to allow for reporting of information; setting forth information required to be reported; setting forth the entities required to report information; providing for data collection and reporting to the Division of Justice and Community Services through legislative rule; requiring that certain personally identifiable information about a specific defendant not be reported; providing for rule-making authority; creating the felony offense of delivering controlled substances or counterfeit controlled substances resulting in the death of another person and providing criminal penalties therefor; creating felony offense of failing to render, seek, or ensure timely medical assistance to

another person who has manifested an adverse physical reaction to a controlled substance and who subsequently dies; and providing criminal penalties therefor.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 220) were reported by the Clerk, considered simultaneously, and adopted:

By striking out everything 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 §60A-4-414, to read as follows:

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-414. Drug delivery resulting in death; failure to render aid.

(a) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance in violation of the provisions of section four hundred one, article four of this chapter for an illicit purpose and the use, ingestion or consumption of the controlled substance or counterfeit controlled substance alone or in combination with one or more other controlled substances, proximately causes the death of a person using, ingesting or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than three nor more than fifteen years.

(b) Any person who, while engaged in the illegal use of a controlled substance with another, who knowingly fails to seek medical assistance for such other person when the other person suffers an overdose of the controlled substance or suffers a significant adverse physical reaction to the controlled substance and the overdose or adverse physical reaction proximately causes the death of the other person, is guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than five years.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 220—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating generally to offenses and penalties under the Uniform Controlled Substances Act; creating the felony offense of delivering controlled substances or counterfeit controlled substances for an illicit purpose resulting in the death of another person and providing criminal penalties therefor; creating the criminal offense of failing to seek necessary medical attention for another while jointly engaged in illegal use of controlled substances where death ensues; and providing criminal penalties therefor.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 220, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Jeffries, Maynard and Weld—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 220) passed with its Senate amended title.

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

Consideration of House messages now lodged with the Clerk having been concluded, the Senate returned to the consideration of

Eng. Com. Sub. for Senate Bill 441, Establishing Municipal Home Rule Pilot Program.

Having been received as a House message in earlier proceedings today, and the House of Delegates amendment to the bill reported at that time (*shown in the Senate Journal of today, pages 16 to 23, inclusive*), and now coming up in deferred order, was again reported by the Clerk.

On motion of Senator Ferns, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 441) was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §8-1-5a of the Code of West Virginia, 1931, as amended, be amended and reenacted and that said code be amended by adding thereto a new section, designated §8-1-5b, all to read as follows:

ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS; GENERAL PROVISIONS; CONSTRUCTION.

§8-1-5a. Municipal Home Rule ~~Pilot~~ Program.

(a) *Legislative findings.* — The Legislature finds and declares that:

(1) The initial Municipal Home Rule Pilot Program brought innovative results, including novel municipal ideas that became municipal ordinances which later resulted in new statewide statutes;

(2) The initial Municipal Home Rule Pilot Program also brought novel municipal ideas that resulted in court challenges against some of the participating municipalities;

(3) The Municipal Home Rule Board was an essential part of the initial Municipal Home Rule Pilot Program, but it lacked some needed powers and duties;

(4) Municipalities still face challenges delivering services required by federal and state law or demanded by their constituents;

(5) Municipalities are sometimes restrained by state statutes, policies and rules that challenge their ability to carry out their duties and responsibilities in a cost-effective, efficient and timely manner;

(6) ~~Continuing~~ Establishing the Municipal Home Rule Pilot Program as a permanent program available to all municipalities statewide is in the public interest; and

(7) Increasing the powers and duties of the Municipal Home Rule Board will enhance the Municipal Home Rule Pilot Program.

~~(b) Continuation of pilot program. — The Municipal Home Rule Pilot Program is continued until July 1, 2019. The ordinances enacted by the participating municipalities pursuant to the Municipal Home Rule Pilot Program may remain in effect, subject to the requirements of this section, until the ordinances are repealed: *Provided*, That any ordinance enacting a municipal occupation tax is hereby null and void.~~

(b) Establishment of a permanent program and continuation of pilot plans. — The Municipal Home Rule Pilot Program is hereby established as a permanent program and shall be identified as the Municipal Home Rule Program. Any ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed.

(c) Authorizing participation. —

(1) Commencing ~~July 1, 2015~~ July 1, 2017, ~~thirty~~ any Class I, Class II, and Class III municipalities and ~~four~~ Class IV municipalities municipality that ~~are~~ is current in payment of all state fees may participate in the Municipal Home Rule ~~Pilot~~ Program pursuant to the provisions of this section.

(2) The municipalities participating in the pilot program on the effective date of the amendment and reenactment of this section are hereby authorized to continue in the ~~pilot~~ program, subject to the requirements of this section, and may amend current written plans and/or submit new written plans in accordance with the provisions of this section.

(d) Municipal Home Rule Board. — The Municipal Home Rule Board is hereby continued. Effective July 1, 2015, the Municipal Home Rule Board shall consist of the following five voting members:

(1) The Governor, or a designee, who shall serve as chair;

(2) The Executive Director of the West Virginia Development Office, or a designee;

(3) One member representing the Business and Industry Council, appointed by the Governor with the advice and consent of the Senate;

(4) One member representing the largest labor organization in the state, appointed by the Governor with the advice and consent of the Senate; and

(5) One member representing the West Virginia Chapter of the American Institute of Certified Planners, appointed by the Governor with the advice and consent of the Senate.

The Chair of the Senate Committee on Government Organization and the Chair of the House Committee on Government Organization shall continue to be ex officio nonvoting members of the board.

(e) *Board's powers and duties.* — The Municipal Home Rule Board has the following powers and duties:

(1) Review, evaluate, make recommendations and approve or reject for any reason, by a majority vote of the board, each aspect of the written plan, or the written plan in its entirety, submitted by a municipality;

(2) By a majority vote of the board, select, based on the municipality's written plan, new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule ~~Pilot~~ Program;

(3) Review, evaluate, make recommendations and approve or reject for any reason, by a majority vote of the board, the amendments to the written plans submitted by municipalities;

(4) Consult with any agency affected by the written plans or the amendments to the written plans; and

(5) Perform any other powers or duties necessary to effectuate the provisions of this section.

(f) *Written plan.* — Any Class I, Class II, Class III or Class IV municipality desiring to participate in the Municipal Home Rule ~~Pilot~~ Program shall submit a written plan to the board stating in detail the following:

(1) The specific laws, acts, resolutions, policies, rules or regulations which prevent the municipality from carrying out its duties in the most cost-efficient, effective and timely manner;

(2) The problems created by the laws, acts, resolutions, policies, rules or regulations;

(3) The proposed solutions to the problems, including all proposed changes to ordinances, acts, resolutions, rules and regulations: *Provided*, That the specific municipal ordinance instituting the solution does not have to be included in the written plan; and

(4) A written opinion, by an attorney licensed to practice in West Virginia, stating that the proposed written plan does not violate the provisions of this section.

(g) *Public hearing on written plan.* — Prior to submitting its written plan to the board, the municipality shall:

(1) Hold a public hearing on the written plan;

(2) Provide notice at least thirty days prior to the public hearing by a Class II legal advertisement;

(3) Make a copy of the written plan available for public inspection at least thirty days prior to the public hearing; and

(4) After the public hearing, adopt an ordinance authorizing the municipality to submit a written plan to the Municipal Home Rule Board after the proposed ordinance has been read two times.

(h) *Selection of municipalities.* — On or after June 1, 2015, by a majority vote, the Municipal Home Rule Board may select from the municipalities that submitted written plans and were approved by the board by majority vote new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule ~~Pilot~~ Program.

(i) *Powers and duties of municipalities.* — The municipalities participating in the Municipal Home Rule ~~Pilot~~ Program have the authority to pass an ordinance, act, resolution, rule or regulation, under the provisions of this section, that is not contrary to:

- (1) Environmental law;
- (2) Laws governing bidding on government construction and other contracts;
- (3) The Freedom of Information Act;
- (4) The Open Governmental Proceedings Act;
- (5) Laws governing wages for construction of public improvements;
- (6) The provisions of this section;
- (7) The provisions of section five-a, article twelve of this chapter;
- (8) The municipality's written plan;
- (9) The Constitution of the United States or the Constitution of the State of West Virginia;
- (10) Federal law or crimes and punishment;
- (11) Chapters sixty-a, sixty-one and sixty-two of this code or state crimes and punishment;
- (12) Laws governing pensions or retirement plans;
- (13) Laws governing annexation;
- (14) Laws governing taxation: *Provided*, That a participating municipality may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal business and occupation tax: *Provided, however*, That if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduced or eliminated under the Municipal Home Rule Pilot Program or the Municipal Home Rule Program, it shall eliminate the municipal sales tax enacted under the Municipal Home Rule ~~Pilot~~ Program: *Provided further*, That any municipality that imposes a municipal sales tax pursuant to this section shall use the services of the Tax Commissioner to administer, enforce and collect the tax in the same manner as the state consumers sales and service tax and use tax under the provisions of articles fifteen, fifteen-a and fifteen-b, chapter eleven of this code and all applicable provisions of the Streamlined Sales and Use Tax Agreement: *And provided further*, That such tax ~~will~~ shall not apply to the sale of motor fuel or motor vehicles;
- (15) Laws governing tax increment financing;
- (16) Laws governing extraction of natural resources; ~~and~~

(17) Marriage and divorce laws; and

(18) Laws governing professional licensing or certification, including the administration and oversight of those laws, by state agencies to the extent required by law.

(j) Municipalities may not pass an ordinance, act, resolution, rule or regulation under the provisions of this section that:

(1) Affects persons or property outside the boundaries of the municipality: *Provided*, That this prohibition under the Municipal Home Rule ~~Pilot~~ Program does not limit a municipality's powers outside its boundary lines under other provisions of this section, other sections of this chapter, other chapters of this code or court decisions; or

(2) Enacts an occupation tax, fee or assessment payable by a nonresident of a municipality.

(k) *Amendments to written plans.* — A municipality participating in the Municipal Home Rule ~~Pilot~~ Program may amend its written plan at any time.

(l) *Amendments to ordinances, acts, resolutions, rules or regulations.* — A municipality participating in the Municipal Home Rule ~~Pilot~~ Program may amend any ordinance, act, resolution, rule or regulation enacted pursuant to the municipality's approved written plan at any time so long as any amendment is consistent with the municipality's approved written plan, complies with the provisions of subsections (i) and (j) of this section and the municipality complies with all applicable state law procedures for enacting municipal legislation.

(m) *Reporting requirements.* — Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.

~~(n) *Termination of the pilot program.* — The Municipal Home Rule Pilot Program terminates on July 1, 2019. An ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed.~~

(n) In the event thirty percent of the qualified voters of the municipality that voted in the previous municipal election, by petition duly signed by them in their own handwriting and filed with the recorder of the municipality within forty-five days after the enactment or amendment of an ordinance, protest against the ordinance as enacted or amended, the ordinance shall not become effective until it is ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs. Voting shall not take place until after notice of the submission is given by publication as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code.

(o) Notwithstanding any other provision of this code to the contrary, on and after the effective date of the enactment of this provision in 2015, no distributee under the provisions of this section may seek from the Tax Division of the Department of Revenue a refund of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue, nor seek a change in past amounts distributed, or any other retrospective adjustment relating to any amount distributed,

to the extent that the moneys in question have been distributed to another distributee, regardless of whether those distributions were miscalculated, mistaken, erroneous, misdirected or otherwise inaccurate or incorrect. For purposes of this section, the term "distributee" means any municipality that receives or is authorized to receive a specific distribution of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue pursuant to this section.

§8-1-5b. Municipal Government Labor Regulatory Limitation.

(a) Notwithstanding any home rule authority granted under this code, and notwithstanding any other provision of this code to the contrary, no municipality may adopt, enforce or administer an ordinance, regulation, local policy, local resolution or other legal requirement regarding any of the following specific areas:

(1) Regulating information an employer or potential employer must request, require or exclude on an application for employment from an employee or a potential employee: *Provided*, That this section does not prohibit an ordinance, local policy or local resolution requiring a criminal background check for an employee or potential employee in connection with the receipt of a license or permit from a local governmental body;

(2) Requiring an employer to pay to an employee a wage higher than any applicable state or federal law;

(3) Requiring an employer to pay to an employee a wage or fringe benefit based on wage and fringe benefit rates prevailing in the locality;

(4) Regulating work stoppage or strike activity of employers and their employees or the means by which employees may organize;

(5) Requiring an employer to provide to an employee paid or unpaid leave time;

(6) Requiring an employer or its employees to participate in any educational apprenticeship or apprenticeship training program that is not required by state or federal law; or

(7) Regulating hours and scheduling that an employer is required to provide to employees: *Provided*, That this section does not prohibit an ordinance, local policy or local resolution that limits the hours a business may operate.

(b) Nothing in this article shall be construed so as to prohibit a municipality from enforcing a written agreement voluntarily entered into and in effect prior to the effective date of this section.

(c) Any ordinance, regulation, local policy, local resolution or other legal requirement enacted or adopted prior to the effective date of this section that would be prohibited under this section is void upon the effective date of this section.

(d) This section does not apply to the employees of a municipality and is not intended to prohibit a municipality from adopting, enforcing or administering an ordinance, regulation, local policy, local resolution or other legal requirement applicable to its own employees regarding any of the specific areas described in subsection-a.

(e) Nothing in this section shall be construed as prohibiting or limiting a municipality from complying with the West Virginia Drug and Alcohol Free Workplace Act, set forth in article one-d,

chapter twenty-one of this code, or otherwise requiring similar drug and alcohol policies and testing of a municipality's vendors.

Senator Palumbo arose to a point of order that Senator Ferns' amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 441) was broader than the current bill and that the enacting sections may be conflicting.

Which point of order, the President ruled well taken, saying Senator Ferns' amendment to the House of Delegates amendment to the bill is broader than the scope of the bill and, therefore, the amendment will be disallowed.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 630, Establishing Accessibility and Equity in Public Education Enhancement Act.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking everything after the enacting clause and inserting in lieu thereof the following:

That §18-2-25 of the Code of West Virginia, 1931, as amended, be amended and reenacted and to amend said code by adding thereto a new article, designated §18-5F-1, §18-5F-2, §18-5F-3, §18-5F-4, §18-5F-5 and §18-5F-6, all to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-25. Authority of county boards to regulate athletic and other extracurricular activities of secondary schools; delegation of authority to West Virginia Secondary School Activities Commission; authority of commission; approval of rules and regulations by state board; incorporation; funds; participation by private and parochial schools and by home schooled students.

The county boards of education ~~are hereby granted and~~ shall exercise the control, supervision and regulation of all interscholastic athletic events, and other extracurricular activities of the students in public secondary schools, and of ~~said those~~ schools of their respective counties. The county board of education may delegate ~~such~~ control, supervision and regulation of interscholastic athletic events and band activities to the West Virginia Secondary School Activities Commission. ~~which is hereby established~~

The West Virginia Secondary School Activities Commission ~~shall be~~ is composed of the principals, or their representatives, of those secondary schools whose county boards of education have certified in writing to the state superintendent of Schools that they have elected to delegate the control, supervision and regulation of their interscholastic athletic events and band activities of the students in the public secondary schools in their respective counties to ~~said the~~ commission. The West Virginia Secondary School Activities Commission ~~is hereby empowered to may~~ exercise the control, supervision and regulation of interscholastic athletic events and band

activities of secondary schools, delegated to it pursuant to this section. The rules ~~and regulations~~ of the West Virginia Secondary School Activities Commission shall contain a provision for a proper review procedure and review board and be promulgated in accordance with the provisions of chapter twenty-nine-a of this code, but ~~shall~~ are, in all instances ~~be~~ subject to the prior approval of the state board. The West Virginia Secondary School Activities Commission, may, with the consent of the State Board of Education, incorporate under the name of "West Virginia Secondary School Activities Commission, Inc.," as a nonprofit, nonstock corporation under the provisions of chapter thirty-one of this code. County boards of education ~~are hereby authorized to~~ may expend moneys for and pay dues to the West Virginia Secondary School Activities Commission, and all moneys paid to ~~such the~~ the commission, as well as moneys derived from any contest or other event sponsored by ~~said the~~ the commission, ~~shall be~~ are quasi-public funds as ~~the same are~~ defined in article five, chapter eighteen, and ~~such the~~ the funds of the commission ~~shall be~~ are subject to an annual audit by the State Tax Commissioner.

The West Virginia Secondary School Activities Commission shall promulgate reasonable rules ~~and regulations~~ providing for the control, supervision and regulation of the interscholastic athletic events and other extracurricular activities of ~~such~~ private and parochial secondary schools ~~as that~~ elect to delegate to ~~such the~~ the commission ~~such~~ control, supervision and regulation, upon the same terms and conditions, subject to the same regulations and requirements and upon the payment of the same fees and charges as those provided for public secondary schools. Any such private or parochial secondary school shall receive any monetary or other benefits in the same manner and in the same proportion as any public secondary school.

Notwithstanding any other provision of this section or the commission's rules, the commission shall consider eligible for participation in extracurricular activities of secondary schools a student who is receiving home instruction pursuant to subsection (c), section one, article eight, chapter eighteen of this code and who:

(1) Has demonstrated satisfactory evidence of academic progress for two years in compliance with the provisions of that subsection; provided that the student's average test results are within or above the fourth stanine in all subject areas;

(2) Has not reached the age of nineteen by August 1 of the current school year;

(3) Is an amateur who receives no compensation, but participates solely for the educational, physical, mental and social benefits of the activity;

(4) Agrees to comply with all disciplinary rules and regulations of the West Virginia Secondary Schools Activities Commission and the county board in which the home-schooled student lives, applicable to all other athletes and activity participants; and

(5) Agrees to obey all rules of the West Virginia Secondary Schools Activities Commission governing awards, all-star games, parental consents, physical examinations and vaccinations applicable to all high school athletes.

Eligibility is limited to participation in interscholastic programs at the public secondary school serving the attendance zone in which the student lives. Provided that home school students who leave a member school during the school year shall be subject to the same transfer protocols that apply to member-to-member transfers. Reasonable fees may be charged to the student to cover the costs of participation in interscholastic programs.

ARTICLE 5F. ACCESSIBILITY AND EQUITY IN PUBLIC EDUCATION ENHANCEMENT ACT.**§18-5F-1. Short title.**

This article shall be known and may be cited as the Accessibility and Equity in Public Education Enhancement Act.

§18-5F-2. Legislative findings; purpose.

(a) The Legislature finds and declares that:

(1) County school districts have called for more local control and flexibility to meet the education needs of their communities;

(2) Students, parents and teachers are seeking alternatives to the traditional classroom delivery of education that better meets the educational needs of students;

(3) Public schools should be able to provide a variety of instructional delivery models;

(4) The county school districts can enhance education opportunities for students, using technology;

(5) Using technology to deliver instruction can provide flexibility and increase options for instruction;

(6) Giving county school districts the flexibility to create innovative programs will provide teachers with new instructional opportunities; and

(7) This Act is not intended to save money through the reduction of school personnel positions.

(b) The purpose of this article is to enhance access and equity in public education in West Virginia.

§18-5F-3. Definitions.

For the purposes of this article, unless a different meaning clearly appears from the context:

(a) "Blended program" means a formal education program in which a student learns:

(1) At least in part through online learning, with some element of student control over time, place, path or pace;

(2) At least in part in a supervised setting outside the home; and

(3) In such a way that the modalities of each student's learning path within a course or subject are connected to provide an integrated learning experience;

(b) "Eligible student" means a student eligible for attendance in public schools in a school district that provides a virtual instruction program, that is a member of a multicounty consortium providing a virtual instruction program or that does not provide a virtual instruction program and is not a member of a multicounty consortium, but participates through a collaborative agreement

between the school district in which the student is enrolled and a school district or a multicounty consortium providing a virtual instruction program;

(c) "Multicounty consortium" means a written arrangement where two or more county boards act in concert to establish a virtual school that will serve eligible students; and

(d) "Virtual instruction program" means a program implemented by a county board or multicounty consortium that provides a full-time online or blended program of instruction for students enrolled in any composition of grades kindergarten through twelve.

§18-5F-4. County board policy adoption.

(a) A county board or a multicounty consortium may create a virtual instruction program for one or more schools serving any composition of grades kindergarten through twelve by adopting a policy creating the program and after adopting the policy may contract with virtual school providers. When there is a multicounty consortium, each county board in the consortium shall adopt a policy creating the virtual instruction program. The virtual instruction program may begin July 1, 2017, or at any point thereafter: *Provided, That,* notwithstanding any other provision of this article to the contrary, no eligible students in grades kindergarten through five may participate in a virtual instruction program until after the program has been in operation for one full school year.

(b) The policy adopted by the county board pursuant to this section shall govern the virtual instruction program offered by the county board or multicounty consortium.

(c) The policy shall be consistent with this article and may offer eligible students in grades kindergarten through twelve an online pathway for earning a high school diploma and, at a minimum, shall include the following:

(1) The scope, instructional model and capacity for the virtual education program;

(2) Assessment protocol and specific requirements for monitoring performance that are consistent with section five, article two-e of this chapter;

(3) A plan for monitoring students receiving virtual instruction in accordance with pacing and completion of the required virtual coursework: *Provided, That,* if virtual instruction occurs in a public school classroom then a teacher, professional personnel, professional educator, or paraprofessional employed by that county must be present to monitor;

(4) Qualifications of faculty, which at a minimum shall include a teaching certificate issued pursuant to article three, chapter eighteen-a of this code and state board rules; and

(5) A requirement that any virtual school provider contracted with comply with state and federal privacy laws.

§18-5F-5. Compliance with existing state law

(a) An eligible student enrolled in a virtual instruction program shall:

(1) Be counted in the net enrollment of the school district in which the student resides for the purposes of calculating and receiving state aid;

(2) Be subject to the same state assessment requirements as other students in the school district; and

(3) Receive a diploma from the school district, upon completing the same coursework required of regular public school students in the district.

(b) An eligible student participating in a virtual instruction program, to the extent the program as delineated in the county board policy allows or requires instruction to occur outside of a school building, is not required to comply with compulsory school attendance requirements set forth in article eight of this code or any other provision of law or state board rule relating to attendance.

(c) Neither the school district, the eligible student nor the parents of the student participating in a virtual instruction program, to the extent the program as delineated in the county board policy allows or requires instruction to occur outside of a school building, may incur any penalty or be held accountable for the absence of the student from the school building.

(d) For an eligible student participating in a virtual instruction program, neither the school district nor the student, to the extent the program as delineated in the county board policy is a learn at your own pace program, is required to comply with the instructional term requirement set forth in section forty-five, article five of this chapter or any other law or state board rule requiring a student to be receiving instruction for any set time.

(e) An eligible student participating in a virtual instruction program shall be considered to be attending the school in the attendance district created by the county board pursuant to section sixteen, article five of this chapter that the eligible student resides in unless otherwise transferred to another school pursuant to that section or any other provision of this code. The eligible student may participate in any cocurricular and extracurricular activities of that school, but is subject to the same participation requirements imposed on a traditional student attending the school. If the student transfers from a traditional school to the virtual model, he or she will be subject to the West Virginia Secondary Schools Athletic Commission transfer rules.

(f) A county board is exempt from any provision of law or state board rule that applies to the traditional delivery of instruction such as requirements relating to the physical presence of a student, student monitoring and security, the maximum teacher-pupil ratio set forth in section eighteen-a, article five of this chapter, instructional time requirements and physical education requirements to the extent any of the foregoing conflict with the delivery of the virtual instruction program.

(g) The virtual instruction program is not subject to online course restrictions imposed by the state board, state superintendent or the West Virginia Department of Education.

(h) Coursework offered through a virtual instruction program shall be aligned to the appropriate academic standards as required by state law and state board rule.

(i) The assessment results of a student shall be included in the assessment results of the school and the school district in which the student is considered enrolled pursuant to this section for purposes of accountability.

§18-5F-6. Report to Legislative Oversight Commission on Education Accountability.

At the end of the first year any virtual instruction program is implemented pursuant to this article, the West Virginia Department of Education, after consulting with the county board or boards implementing the program, shall report to the Legislative Oversight Commission on Education Accountability on all aspects of the program. The report, at least, shall include the grade levels of the students the program was offered to; the number of students who enrolled in the program; the number of students who were enrolled in the program full-time and number who participated in a blended program; the number of students who were homeschooled, enrolled in a private school and enrolled in a public school immediately preceding enrollment in the virtual instruction program; and how the students performed academically as compared with students in a traditional classroom setting.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 630—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, and to amend said code by adding thereto a new article, designated §18-5F-1, §18-5F-2, §18-5F-3, §18-5F-4, §18-5F-5 and §18-5F-6, all relating to public education accessibility and equity; relating to the secondary schools athletic commission; participation by home schooled students in extracurricular activities; establishing the Accessibility and Equity in Public Education Enhancement Act; setting forth legislative findings and purpose; defining terms; allowing a county board or a multicounty consortium to create a virtual instruction program for one or more schools serving any composition of grades kindergarten through twelve by adopting a policy creating the program; allowing the county board or multicounty consortium after adopting the policy to contract with virtual school providers; delaying participation of eligible students in grades kindergarten through five until after the program has been in operation for one full school year; requiring eligible students to be counted in the net enrollment of the school district for the purposes of calculating and receiving state aid, be subject to the same state assessment requirements as other students in the school district and receive a diploma upon completing the same coursework required of regular public school students in the district; exempting, to a limited extent, certain students, parents and school districts from certain laws and state board policies that pertain to requiring the student to be in a school building receiving instruction for any set period of time; providing that a participating eligible student be considered to be attending a certain school; allowing the eligible student to participate in any cocurricular and extracurricular activities of the school under the same participation requirements imposed on traditional students attending the school; exempting a county board from certain provisions of law or state board rule to the extent any conflict with the delivery of the program; exempting a county board from certain online course restrictions; requiring coursework offered through a program be aligned to certain academic standards; requiring the assessment results of a student be included in the assessment results of the school and the school district in which the student is considered to be enrolled for purposes of accountability; and requiring report to the Legislative Oversight Commission on Education Accountability on all aspects of the program.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 630) were reported by the Clerk, considered simultaneously, and adopted:

On page one, after the enacting section, by striking out the article heading;

On pages one through three, by striking out all of section twenty-five;

On page seven, section five, line twenty-seven, after the word “school.” by striking out the remainder of subsection (e);

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §18-5F-1, §18-5F-2, §18-5F-3, §18-5F-4, §18-5F-5 and §18-5F-6, all to read as follows::

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 630—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5F-1, §18-5F-2, §18-5F-3, §18-5F-4, §18-5F-5 and §18-5F-6, all relating to establishing the Accessibility and Equity in Public Education Enhancement Act; setting forth legislative findings and purpose; defining terms; allowing a county board or a multicounty consortium to create a virtual instruction program for one or more schools serving any composition of grades kindergarten through twelve by adopting a policy creating the program; allowing the county board or multicounty consortium after adopting the policy to contract with virtual school providers; delaying participation of eligible students in grades kindergarten through five until after the program has been in operation for one full school year; requiring eligible students to be counted in the net enrollment of the school district for the purposes of calculating and receiving state aid, be subject to the same state assessment requirements as other students in the school district and receive a diploma upon completing the same coursework required of regular public school students in the district; exempting, to a limited extent, certain students, parents and school districts from certain laws and state board policies that pertain to requiring the student to be in a school building receiving instruction for any set period of time; providing that a participating eligible student be considered to be attending a certain school; allowing the eligible student to participate in any cocurricular and extracurricular activities of the school under the same participation requirements imposed on traditional students attending the school; exempting a county board from certain provisions of law or state board rule to the extent any conflict with the delivery of the program; exempting a county board from certain online course restrictions; requiring coursework offered through a program be aligned to certain academic standards; requiring the assessment results of a student be included in the assessment results of the school and the school district in which the student is considered to be enrolled for purposes of accountability; and requiring report to the Legislative Oversight Commission on Education Accountability on all aspects of the program.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 630, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 630) passed with its Senate amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 630) takes effect from passage.

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

On motion of Senator Ferns, the Senate recessed for five minutes to permit Rebecca Turnbull to address the Senate on behalf of the Legislative Information Journalism Internship Program.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Romano, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business and the consideration of

Eng. Com. Sub. for Senate Bill 441, Establishing Municipal Home Rule Pilot Program.

Having been received as a House message in earlier proceedings today, and the House of Delegates amendment to the bill reported at that time (*shown in the Senate Journal of today, pages 16 to 23, inclusive*), was again reported by the Clerk.

On motion of Senator Ferns, the following amendment to the House of Delegates amendment to the bill was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 441—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing that any ordinance, act, resolution, rule or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; clarifying the authority of the Municipal Home Rule Board; allowing all municipalities to participate in the Municipal Home Rule Program; requiring certain notice prior to passing of an ordinance; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule

or regulation that is contrary to certain laws governing the professional licensing or certification of public employees; providing for petition procedures to protest enacted or amended ordinances; requiring ratification of certain ordinances by the voters in a municipal election; and eliminating the automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Committee Substitute for Senate Bill 441, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Facemire, Miller and Romano—3.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 441) passed with its Senate amended title.

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

At the request of Senator Ferns, and by unanimous consent, the Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 2018, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

On third reading, coming up in regular order, with the right having been granted on yesterday, Friday, April 7, 2017, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Ferns, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's third reading calendar.

Eng. Com. Sub. for House Bill 2109, Relating to the West Virginia Land Reuse Agency Authorization Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Azinger, Rucker and Sypolt—3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2109) passed.

On motion of Senator Blair, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2109—A Bill to amend and reenact §31-18E-3 and §31-18E-9 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Land Reuse Agency Authorization Act; defining the term “municipal land bank”; including a municipal land bank as an agency that may acquire property; providing that a land reuse agency or a municipal land bank may have the right of first refusal to buy certain tax delinquent property for taxes owed and any related fees before the tax delinquent property is placed for public auction at tax sales; providing procedures for when a land reuse agency or municipal land bank exercises a first right of refusal to purchase tax-delinquent property; requiring county sheriffs to compile a list of properties meeting certain criteria; granting owners of adjacent real property a right to purchase a tax delinquent property from a land reuse agency or municipal land bank, within 120 days of receiving notice, for an amount equal to the amount paid for the property by the land reuse agency or municipal land bank; providing a three year sunset provision; and authorizing reporting to the Legislature.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Azinger, Rucker and Sypolt—3.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2109) takes effect from passage.

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

Eng. Com. Sub. for House Bill 2359, Relating to offenses and penalties for practicing osteopathic medicine without a license.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2359) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2359—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §30-3-18; to amend and reenact §30-14-12 of said code; and to amend said code by adding thereto a new section, designated §30-14-16, all relating generally to the West Virginia Medical Practice Act; authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff for functions common to both boards; providing offenses and penalties for practicing osteopathic medicine without a license; and creating a felony crime of practicing or attempting to practice osteopathic medicine without a license or permit and providing criminal penalties.

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

Eng. Com. Sub. for House Bill 2520, Prohibiting the use of a tanning device by a person under the age of eighteen.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2520 pass?”

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Maroney, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Azinger, Karnes, Mann, Maynard, Rucker and Trump—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2520) passed with its title.

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

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 4:58 p.m. today:

Eng. Senate Bill 554, Relating to false swearing in legislative proceeding.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 2552, Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Gaunch, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Azinger, Ferns, Hall, Karnes, Sypolt and Trump—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2552) passed with its title.

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

Eng. Com. Sub. for House Bill 2637, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2637) passed.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2637—A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage; including speech pathologists and school nurses in definition of teacher or substitute teacher for purposes of employment of retired teachers beyond the post-retirement limit; establishing uniform date retirement must become effective to determine status of retirement benefits during employment as critical needs substitute teacher; restating reporting requirement to legislative committees; extending date for expiration of provisions related to employment of retired teacher as substitute

teach beyond the post-retirement limit; eliminating requirement that county policy for employment of prospective employable professional personnel be based on areas of critical need and shortage identified by state board; requiring posting of notice of critical need and shortage area positions prior to making offers of employment and options for posting; limiting employment of prospective employable professional personnel to certain candidates at job fair who will commence employment at the next employment term; changing limit on number of prospective employable professional personnel that may be employed to number required to fill positions posted; clarifying action required for prospective employable professional personnel to obtain regular employment status; clarifying that provisions relating to prospective employable professional personnel do not prevent filling posted vacancy at any time in accordance with other provisions; eliminating any requirement for successive postings where there were no qualified applicants in response to the initial posting; clarifying that no additional faculty senate involvement is required after initial faculty senate involvement; and allowing financial incentives for purposes of recruiting professional personnel in critical needs areas and to attract professional personnel in a critical need or shortage area.

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

At the request of Senator Boso, and by unanimous consent, Senator Boso announced a meeting of the Committee on Transportation and Infrastructure and a meeting of the committee of conference as to Engrossed Committee Substitute for Senate Bill 204 (*Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses*).

At the request of Senator Blair, and by unanimous consent, Senator Blair announced a meeting of the committee of conference as to Engrossed Senate Bill 172 (*Eliminating salary for Water Development Authority board members*).

The Senate then resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 2648, Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2648) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2648—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8D-4b, relating to creating the criminal offense of child neglect by voluntary intoxication; establishing elements of the offenses; establishing enhanced penalties for second and subsequent offenses; making third and subsequent offenses a felony; allowing convictions in other jurisdictions to constitute a prior conviction for enhancement purposes; and establishing criminal penalties.

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

Eng. Com. Sub. for House Bill 2651, Relating generally to standardized testing requirements for nonpublic schools.

On third reading, coming up in regular order, was read a third time.

Pending discussion,

On motion of Senator Ferns, the bill was committed to the Committee on Rules.

Eng. Com. Sub. for House Bill 2674, Relating to access to and receipt of certain information regarding a protected person.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2674) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2674—A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §44A-3-17 and §44A-3-18, all relating to the disclosure of certain confidential information relating to protected persons in guardianship; access to and receipt of certain information regarding a protected person by certain relatives of the protected person; authorizing relatives of a protected person to petition the circuit court for access and information about a protected person; defining “relative”; providing a relative may petition the court for an order granting access to a protected person; setting forth time standards in which to conduct a hearing after a petition is filed; providing for an emergency hearing under particular circumstances; providing for service of a petition upon a guardian and setting time standards for service thereof; providing for the entry of an order by the court following notice and hearing conducted thereon; providing standards for a court to observe and implement in issuing a ruling on a petition; providing

the court may award attorney's fees and costs be paid to a prevailing party; setting forth particular duties for a guardian to provide relatives notice about a protected person's condition and circumstances; authorizing court to retain jurisdiction; regarding dissemination of information about a protected person to relatives; and providing a guardian method whereby one may be relieved of responsibility for providing information regarding a protected person to a relative.

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

Eng. House Bill 2675, Relating to primary elections and nominating procedures.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2675) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. House Bill 2675—A Bill to amend §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-3, §3-5-13 and §3-5-13a of said code; to amend and reenact §3-10-1 and §3-10-8 of said code; and to amend said code by adding thereto a new section, designated §3-10-8a, all relating generally to primary elections and nominating procedures; removing county surveyor of lands from primary election ballot and primary election procedures; providing for nonpartisan election of surveyor of lands effective with general election of 2020; removing requirement for certain nonpartisan races to be separated from partisan ballot; requiring ballots containing names of persons aspiring to be candidates of their respective parties for president of the United States contain additional line permitting voter to express choice of "None of these candidates"; clarifying that only votes for named candidates to be counted in determining presidential nominations; requiring votes for "None of these candidates" to be listed with other results of presidential preference vote; requiring sample ballots or other voter instructions to clearly explain that voter may mark "None of these candidates" only if voter has not voted for any candidate for office; providing ballot order of races on state and national ticket; removing language permitting ballots for judicial races be on separate paper ballot; providing language for ballot title of portion of ballot for nonpartisan election of county surveyor; providing manner of filling vacancies in office of county surveyor of lands; removing outdated language; and making technical corrections.

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

At the request of Senator Swope, and by unanimous consent, Senator Swope announced a meeting of the committee of conference as to Engrossed Committee Substitute for Senate Bill 224 (*Repealing requirement for employer's bond for wages and benefits*).

At the request of Senator Takubo, unanimous consent being granted, Senator Takubo announced a meeting of the committee of conference as to Engrossed Committee Substitute for House Bill 2631 (*Relating to time standards for disposition of complaint proceedings*).

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill 2851, Updating fee structure provisions for broker-dealers.

On third reading, coming up out of regular order, with the unreported Finance committee amendments pending, and with the right having been granted on yesterday, Friday, April 7, 2017, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Hall, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendments to the bill were withdrawn.

On motion of Senator Hall, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page seven, section three hundred five, after line seventy-seven, by inserting the following:

§32-4-406. Administration of chapter; operating fund for securities department.

(a) This chapter shall be administered by the Auditor of this state and he or she is hereby designated, and shall be, the commissioner of securities of this state. He or she or she has the power and authority to appoint or employ such assistants as are necessary for the administration of this chapter.

(b) The Auditor shall set up a special operating fund for the securities division in his or her office. The Auditor shall pay into the fund twenty percent of all fees collected as provided for in this chapter. If, at the end of any fiscal year, the balance in the special operating fund exceeds half of the prior fiscal year's appropriation, the excess shall be transferred to the General Revenue Fund: Provided, That at the end of the 2018 fiscal year, if the balance in the special operating fund exceeds twenty percent of the gross revenues from the special operating fund operations, the auditor may first use the fund to repay any transfers made during the 2017 fiscal year from the Revenue Shortfall Reserve Fund to the West Virginia Enterprise Resource Planning Board created in section one, article six-d, chapter twelve of this code: Provided, however, That at the end of the 2018 fiscal year, after any repayments made out of the special operating fund to the Revenue Shortfall Reserve Fund, any balance in the special operating fund that exceeds half of prior year's appropriation shall be transferred to the General Revenue Fund.

The special operating fund shall be used by the Auditor to fund the operation of the securities division and the general operations of the Auditor's office. The special operating fund shall be appropriated by line item by the Legislature.

(c) Moneys payable for assessments established by section four hundred seven-a of this article shall be collected by the commissioner and deposited into the General Revenue Fund.

(d) It is unlawful for the commissioner or any of his or her officers or employees to use for personal benefit any information which is filed with or obtained by the commissioner and which is not made public. No provision of this chapter authorizes the commissioner or any of his or her officers or employees to disclose any information except among themselves or when necessary or appropriate in a proceeding or investigation under this chapter. No provision of the chapter either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the commissioner or any of his or her officers or employees.;

And,

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That §32-2-202 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §32-2-406 of said code be amended and reenacted; that §32-3-305 of said code be amended and reenacted; and that §32-4-413 of said code be amended and reenacted, all to read as follows:.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2851), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Azinger, Karnes and Unger—3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2851) passed.

At the request of Senator Hall, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the title of the bill was withdrawn.

On motion of Senator Hall, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2851—A Bill to amend and reenact §32-2-202 of the Code of West Virginia, 1931, as amended; to amend and reenact §32-3-305 of said code; to amend and reenact §32-2-406 of said code; and to amend and reenact §32-4-413 of said code, all relating to increasing fees assessed by the Auditor's Securities Division; and changing the threshold at which money in the Auditor's Security Division's special revenue fund becomes excess and transfers to the General Revenue Fund for the 2018 fiscal year.

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

On motion of Senator Ferns, the Senate recessed until 6 p.m. today.

Upon expiration of the recess, the Senate reconvened.

On motion of Senator Ferns, the special order of business set for this position on the calendar (*consideration of executive nominations*) was postponed and made a special order of business at 9 p.m. tonight.

At the request of Senator Gaunch, and by unanimous consent, Senator Gaunch announced a meeting of the committee of conference as to Engrossed Committee Substitute for House Bill 2585 (*Creating felony crime of conducting financial transactions involving proceeds of criminal activity*).

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 6:22 p.m. today:

Eng. Com. Sub. for Senate Bill 204, Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.

The Clerk announced the following conference committee reports had been filed at 6:23 p.m. today:

Eng. Com. Sub. for House Bill 2721, Removing the cost limitation on projects completed by the Division of Highways.

And,

Eng. Com. Sub. for House Bill 2722, Eliminating the financial limitations on utilizing the design-build program for highway construction.

On motion of Senator Ferns, the Senate recessed for five minutes.

Night Session

Upon expiration of the recess, the Senate reconvened and, without objection, returned to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 2589, Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Blair, Upson and Rodighiero.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 2631, Relating to time standards for disposition of complaint proceedings.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Hanshaw, Capito and R. Miller.

The Senate again proceeded to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee reports had been filed at 7:24 p.m. tonight:

Eng. House Bill 2329, Prohibiting the production, manufacture or possession of fentanyl.

And,

Eng. Com. Sub. for House Bill 2579, Increasing the penalties for transporting controlled substances.

The Clerk announced the following conference committee report had been filed at 7:25 p.m. tonight:

Eng. Com. Sub. for House Bill 2585, Creating felony crime of conducting financial transactions involving proceeds of criminal activity.

The Clerk announced the following conference committee report had been filed at 7:26 p.m. tonight:

Eng. Com. Sub. for House Bill 2631, Relating to time standards for disposition of complaint proceedings.

At the request of Senator Palumbo, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2083, Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2367, Establishing a criminal offense of organized retail crime.

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill 2447, Renaming the Court of Claims the state Claims Commission.

Whereupon, Senator Weld, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill 2447, Renaming the Court of Claims the state Claims Commission.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill 2447 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the House agree to the amendment of the Senate to the bill striking out everything after the enacting section;

That both houses agree to an amendment as follows:

On page nine, after section seventeen, by inserting a new section, designated section seventeen-a, to read as follows:

§14-2-17a. Shortened procedure for road condition claims.

Notwithstanding the regular and shortened procedures provided for in sections sixteen and seventeen of this article, there shall be a shortened procedure for road condition claims. The shortened procedure authorized by this section shall apply only to a claim possessing all of the following characteristics:

- (1) The claim does not arise under an appropriation for the current fiscal year.
- (2) The claim alleges that a condition on the state's highways or roads caused property damage.
- (3) The Division of Highways concurs in the claim.
- (4) The amount claimed does not exceed \$1,000.

The Division of Highways shall prepare a stipulation concerning the claim and file it with the clerk. The commission shall order the claim approved and shall file its statement with the clerk.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title, to read as follows:

Eng. Com. Sub. for House Bill 2447—A Bill to repeal §14-2-6 and §14-2-18 of the Code of West Virginia, 1931, as amended; to repeal §14-2A-7 of said code; to amend and reenact §14-2-3, §14-2-4, §14-2-4a, §14-2-5, §14-2-7, §14-2-8, §14-2-9, §14-2-10, §14-2-11, §14-2-12, §14-2-13, §14-2-14, §14-2-15, §14-2-16, §14-2-17, §14-2-19, §14-2-20, §14-2-21, §14-2-22, §14-2-23, §14-2-24, §14-2-25, §14-2-26, §14-2-27 and §14-2-28 of said code; to amend said code by adding thereto a new section, designated §14-2-17a; and to amend and reenact §14-2A-5, §14-2A-6, §14-2A-9, §14-2A-10, §14-2A-11, §14-2A-12, §14-2A-13, §14-2A-14, §14-2A-15, §14-2A-16, §14-2A-17, §14-2A-18, §14-2A-19, §14-2A-19a, §14-2A-19b, §14-2A-20, §14-2A-21, §14-2A-25, §14-2A-26 and §14-2A-28 of said code, all relating to certain claims against the state generally; renaming the West Virginia Court of Claims the West Virginia Legislative Claims Commission; renaming judges commissioners; clarifying the length of the existing terms for the current commissioners; clarifying that commissioners are not judicial officers; modifying definitions; providing explicit power of removal of commissioners to the President of the Senate and the Speaker of the House of Delegates; providing authority to the President of the Senate and the Speaker of the House of Delegates for the hiring of a clerk, chief deputy clerk, deputy clerks, claim investigators, and support staff and setting salaries for said positions; authorizing the President of the Senate and Speaker of the House to permit commissioners serve more than one hundred twenty days in any fiscal year; increasing the monetary limit for agency agreed to claims from \$1,000 to \$3,000; and updating and modifying and clarifying procedures and practices of the commission.

Respectfully submitted,

Mark Zatezalo, *Chair*, John D. O'Neal IV, Rodney Miller, *Conferees on the part of the House of Delegates*.

Ryan W. Weld, *Chair*, Mark R. Maynard, Glenn D. Jeffries, *Conferees on the part of the Senate*.

On motions of Senator Weld, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2447, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Mann, Maroney, Maynard, Mullins, Plymale, Rucker, Smith, Stollings, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—26.

The nays were: Miller, Palumbo, Prezioso and Romano—4.

Absent: Jeffries, Karnes, Ojeda and Swope—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2447) passed with its conference amended title.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2601, Relating to municipal policemen's or municipal firemen's pension and relief funds.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2679, Relating to the possession of firearms in parks and park facilities.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. Com. Sub. for House Bill 2683, Relating to West Virginia Insurance Guaranty Association Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect July 1, 2017, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2702, Relating to excused absences for personal illness from school.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect July 1, 2017, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2720, Allowing the School Building Authority to transfer funds allocated into the School Construction Fund.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 2739, Relating to supplemental Medicaid provider reimbursement.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2771, Relating to temporary teaching certificates for Armed Forces spouses.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2815, Relating to higher education governance.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2857, West Virginia Safer Workplaces Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2897, Raising the amount required for competitive bidding of construction contracts by the state and its subdivisions.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. House Bill 3018, Adding definition of correctional employee to the list of persons against whom an assault is a felony.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 3093, Establishing Broadband Enhancement and Expansion Policies.

At the request of Senator Ferns, and by unanimous consent, the Senate again proceeded to the eighth order of business and the consideration of

Eng. Com. Sub. for House Bill 3020, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person.

On third reading, coming up out of regular order, with the unreported Natural Resources committee amendment pending, and with the right having been granted on Thursday, April 6, 2017, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Maynard, as chair of the Committee on Natural Resources, and by unanimous consent, the unreported Natural Resources committee amendment to the bill was withdrawn.

On motion of Senator Maynard, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §20-2-3 and §20-2-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto a new section, designated §20-2-5i; and that §20-7-9 of said code be amended and reenacted, all to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-3. State ownership of wildlife.

~~The ownership of and title to all wild animals, wild birds, both migratory and resident, and all fish, amphibians, and all forms of aquatic life in the State of West Virginia is hereby declared to be in the state, as trustee for the people. No such wildlife shall be taken or hunted in any manner, or at any time, unless the person so taking or hunting the same shall consent that the title thereto shall be and remain in the State of West Virginia for the purpose of regulating the taking, hunting, using and disposing of the same. The taking or hunting of wildlife at any time or in any manner by any person shall be deemed such consent: *Provided*, That, all fish, frogs and other aquatic life in privately-owned ponds are, and shall remain, the private property of the owner or owners of such privately-owned ponds, and that such fish, frogs and other aquatic life in such privately-owned ponds may be caught, taken or killed by such owner or owners at any time.~~

The ownership of and title to wildlife in the State of West Virginia belongs to the state as trustee for the people. Wildlife may not be taken or hunted in any manner unless the person consents to regulation by the state for the taking, hunting and use of wildlife. The act of taking, hunting or using wildlife by any person constitutes consent to the state's regulation of wildlife. Fish, frogs and aquatic life in privately owned ponds are the private property of the owners of the privately owned ponds and may be caught, taken or killed by the owners at any time.

§20-2-5i. Leashed dogs for tracking mortally wounded deer or bear.

(a) Notwithstanding any provision of this chapter to the contrary, a person who is legally hunting and reasonably believes he or she has mortally wounded a deer or bear may either personally, or by engaging a dog handler, use a leashed dog to track and locate the mortally wounded deer or bear. The hunter or the dog handler shall maintain physical control of the leashed dog at all times.

(b) The act of tracking a mortally wounded deer or bear with a dog is hunting and is subject to all applicable laws and rules, including the requirement to have written permission to hunt on private property and to hunt during legal hunting hours. The hunter and the dog handler shall possess a valid West Virginia hunting license and any requisite stamps or permits. Only the hunter may kill a mortally wounded deer or bear, and the deer or bear shall count toward the bag limit of the hunter.

§20-2-16. Dogs chasing deer.

No person may permit or use his or her dog to hunt or chase deer. A natural resources police officer shall take into possession any dog known to have hunted or chased deer. ~~and the director shall advertise that the dog is in his or her possession, giving a description of the dog and stating~~

~~the circumstances under which it was taken. The notice shall be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for the publication is the county. He or she shall hold the dog for a period of ten days after the date of the publication. If, within ten days, the owner does not claim the dog, the director shall destroy it. In this event the cost of keeping and advertising shall be paid by the director. If, within ten days, the owner claims the dog, he or she may repossess it on the payment of costs of advertising and the cost of keep, not exceeding 50¢ per day. A natural resources police officer, or any officer or employee of the director authorized to enforce the provisions of this section, after a bona fide but unsuccessful effort to capture dogs detected chasing or pursuing deer, may kill the dogs. If the owner of the dog can be ascertained, the dog shall be returned to the owner. If the owner of the dog cannot be ascertained, the natural resources police officer shall deliver the dog to the appropriate county humane officer or facility consistent with the provisions of this code.~~

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-9. Violations of chapter generally; penalties.

~~(a) Any person violating any of the provisions of this chapter or rules promulgated under the provisions of this chapter, thereunder, when the punishment for which is not prescribed, shall be guilty of a misdemeanor and, upon conviction thereof, shall for each offense be fined not less than \$20 nor more than \$300 or confined in jail not less than ten or more than one hundred days, or be both fined and imprisoned. within the limitations aforesaid and, in~~

~~(b) In the case of a violation by a corporation, every officer or agent thereof directing or engaging in such each violation shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the same penalties and punishment as herein provided.:- *Provided, That any*~~

~~(c) Any person violating subdivision (3), section five, article two of this chapter, or section seven, section eight, or section ten, article two of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500 and or shall be imprisoned for not less than ten days nor more than one hundred days, or both fined and imprisoned.:- *Provided, however, That any*~~

~~(d) Any person who is in violation of section twenty-seven, article two of this chapter as a result of their failure to have a valid Class E nonresident hunting and trapping license, as defined by section forty-two-d of this article, or a valid Class EE nonresident bear hunting license, as defined by section forty-two-e of this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$250 nor more than \$500, or confined in jail not less than ten nor more than one hundred days, or both fined and imprisoned.:- *Provided further, That any*~~

~~(e) Any person who is in violation of section twenty-seven, article two of this chapter as a result of their failure to have a Class F nonresident fishing license, as defined by section forty-two-f of this article, shall be guilty of a misdemeanor and, upon conviction thereof, fined not less than \$100 nor more than \$300 or confined in jail not less than ten nor more than one hundred days, or both fined and imprisoned.:- *And provided further, That any*~~

~~(f) Any person violating any parking or speeding regulations as promulgated by the director on any state parks, state forests, public hunting and fishing areas and all other lands and waters owned, leased or under the control of the Division of Natural Resources shall be guilty of a~~

misdemeanor and, upon conviction thereof, shall be fined not less than \$2 nor more than \$100 or imprisoned in jail not more than ten days, or both fined and imprisoned.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 3020), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Karnes, Ojeda and Swope—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3020) passed.

At the request of Senator Maynard, as chair of the Committee on Natural Resources, and by unanimous consent, the unreported Natural Resources committee amendment to the title of the bill was withdrawn.

On motion of Senator Maynard, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub for House Bill 3020—A Bill to amend and reenact §20-2-3 and §20-2-16 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §20-2-5i; and to amend and reenact §20-7-9 of said code, all relating to hunting, trapping and fishing of wildlife generally; clarifying state ownership of wildlife; permitting leashed dogs to track mortally wounded deer or bear; clarifying the handling of dogs caught chasing deer; setting forth criminal penalties for entering posted lands, destroying posted land signs or hunting, trapping or fishing on the lands of another; and making technical corrections.

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

At the request of Senator Ferns, unanimous consent being granted, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill 3096, Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state.

On third reading, coming up out of regular order, with the unreported Government Organization committee amendments pending, and with the right having been granted on yesterday, Friday, April 7, 2017, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Blair, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendments to the bill were withdrawn.

On motions of Senators Blair and Palumbo, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page seven, section nine, lines seventy-five through eighty-seven, by striking out all of paragraph (G) and inserting in lieu thereof a new paragraph, designated paragraph (G), to read as follows:

(G) The public service district, or a customer aggrieved by the changed rates or charges who presents to the circuit court a petition signed by at least 750 customers or twenty-five percent of the customers served by the public service district, whichever is fewer, when dissatisfied by the approval, modification, or rejection by the county commission of the proposed rates, fees and charges under the provisions of this subdivision (2) may file a complaint regarding the rates, fees and charges resulting from the action of, or failure to act by, the county commission in the circuit court of the county in which the county commission sits: *Provided*, That any complaint or petition filed hereunder shall be filed within thirty days of the county commission's final action approving, modifying or rejecting such rates, fees and charges, or the expiration of the forty-five day period from the receipt by the county commission, in writing, of the rates, fees and charges approved by resolution of the board, without final action by the county commission to approve, modify or reject such rates, fees and charges, and the circuit court shall resolve said complaint: *Provided, however*, That the rates, fees and charges so fixed by the county commission, or those adopted by the district upon which the county commission failed to act, shall remain in full force and effect, until set aside, altered or amended by the circuit court in an order to be followed in the future.;

On page eighteen, section one, after line one hundred forty-eight, by adding two new subsections, designated subsections (e) and (d), to read as follows:

(e) The commission shall not have jurisdiction of Internet protocol-enabled service or voice-over Internet protocol-enabled service. As used in this subsection:

(1) "Internet protocol-enabled service" means any service, capability, functionality or application provided using Internet protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet protocol format, or any successor format, regardless of whether the communication is voice, data or video.

(2) "Voice-over Internet protocol service" means any service that:

(i) Enables real-time two-way voice communications that originate or terminate from the user's location using Internet protocol or a successor protocol; and

(ii) Uses a broadband connection from the user's location.

(3) The term "voice-over Internet protocol service" includes any service that permits users to receive calls that originate on the public-switched telephone network and to terminate calls on the public-switched telephone network.

(f) Notwithstanding any other provisions of this article, the commission shall not have jurisdiction to review or approve any transaction involving a telephone company otherwise subject

to sections twelve and twelve-a, article two, chapter twenty-four of this code if all entities involved in the transaction are under common ownership.;

And,

On page thirty, section eleven, after line one hundred twenty-seven, by adding a new subdivision, designated subdivision (8), to read as follows:

(8) A public service district, or a customer aggrieved by the changed rates or charges who presents to the circuit court a petition signed by at least 750 or twenty-five percent of the customers served by the public service district, whichever is fewer, when dissatisfied by the approval, modification, or rejection by the county commission of the proposed rates, fees and charges under the provisions of this subsection (l) may file a complaint regarding the rates, fees and charges resulting from the action of, or failure to act by, the county commission in the circuit court of the county in which the county commission sits: *Provided*, That any complaint or petition filed hereunder shall be filed within thirty days of the county commission's final action approving, modifying or rejecting such rates, fees and charges, or the expiration of the 45 day period from the receipt by the county commission, in writing, of the rates, fees and charges approved by resolution of the board, without final action by the county commission to approve, modify or reject such rates, fees and charges, and the circuit court shall resolve said complaint: *Provided, however*, That the rates, fees and charges so fixed by the county commission, or those adopted by the district upon which the county commission failed to act, shall remain in full force and effect, until set aside, altered or amended by the circuit court in an order to be followed in the future.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 3096), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Karnes, Ojeda and Swope—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3096) passed.

On motion of Senator Blair, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 3096—A Bill to repeal §8-16-19 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-13A-8 and §16-13A-9 of said code; to amend and reenact §24-1-1b of said code; to amend and reenact §24-2-1, §24-2-3, §24-2-4b and §24-2-11 of said code, all relating to the operation and regulation of utilities and services generally; modifying procedures and requirements for the operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state; eliminating reference to appeals to the Public Service Commission from actions of municipal boards that are not subject

to the jurisdiction of the Public Service Commission; prohibiting Public Service Commission jurisdiction of Internet protocol-enabled service and voice-over Internet protocol-enabled service; defining the terms "Internet protocol-enabled service" and "Voice-over Internet protocol service"; limiting Public Service Commission jurisdiction of certain telephone company transactions; relating to the authority of county commissions to modify proposed rates for certain water and sewer utilities and providing for complaints to be filed with the circuit courts pertaining to rates and charges enacted as proposed, modified or rejected by the county commission; eliminating Public Service Commission authority regarding stormwater utilities; providing time limits for the filing of requests for investigations pertaining to political subdivisions providing separate or combined water and/or sewer services and having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more; clarifying the authority of the Public Service Commission to resolve complaints of customers of water and sewer utilities operated by a political subdivision of the state having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more; clarifying the jurisdiction of the Public Service Commission relating to rates for municipal water and/or sewer utilities having less than four thousand five hundred customers or annual combined gross revenues of less than \$3 million; revising the notice and procedure provisions for construction projects for political subdivisions of this state providing separate or combined water and/or sewer services and having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more; and providing procedures for a public service district or a customer satisfying certain requirements to file a complaint in circuit court to contest the action or inaction of a county commission regarding a rate proposals and construction projects that are not in the ordinary course of business.

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

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill 2936, Requiring purchases to be made at lowest retail price available at level of quality sought by the spending unit.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Sypolt, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Blair, Karnes, Ojeda, Smith, Swope and Woelfel—6.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2936) passed.

On motion of Senator Blair, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2936—A Bill to amend and reenact §5A-3-11, §5A-3-19 and §5A-3-37 of the Code of West Virginia, 1931, as amended, all relating to state purchases of commodities, printing and services generally; authorizing the Office of Technology to engage in procurement of technical infrastructure up to \$500,000 without the approval of the director of the Division of Purchasing, subject to legislative rules; authorizing spending units to purchase commodities, printing or services without written bids for purchases of \$2,500 or less; requiring spending units to make such purchases, when practical, at the lowest available price, whether online or within a reasonable geographic area; requiring the director of the Division of Purchasing, upon recommendation of the Office of Technology, to participate in a cooperative purchasing agreement or consortium for the purchase of technical infrastructure with certain governmental entities; providing that a nonresident vendor of information technology equipment or services that maintains at least one office within West Virginia and employs a minimum of twenty-five state residents may qualify for a bidding preference; establishing a reciprocal preference; and providing that a resident vendor of West Virginia shall receive a preference against a nonresident vendor from any state that gives or requires a preference to bidders from that state in an amount equal to the amount of the preference given or required by the state of the nonresident vendor for that particular supply.

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

At the request of Senator Ferns, unanimous consent being granted, the Senate proceeded to the consideration of

Eng. House Bill 2684, Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Sypolt, Trump, Unger, Weld and Carmichael (Mr. President)—27.

The nays were: None.

Absent: Blair, Karnes, Ojeda, Smith, Swope, Takubo and Woelfel—7.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2684) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. House Bill 2684—A Bill to amend and reenact §17B-4-3 of the Code of West Virginia, 1931, as amended, relating to imposing enhanced penalties for repeat violations of the prohibition against driving a motor vehicle on any public highway of this state at a time when the privilege to do so has been lawfully suspended for driving while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent by weight.

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

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill 2704, Prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from holding certification or license valid in public schools.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Sypolt, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Blair, Karnes, Ojeda, Smith, Swope and Woelfel—6.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2704) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2704—A Bill to amend and reenact §18A-3-6 and §18A-3-10 of the Code of West Virginia, 1931, as amended, all relating generally to the licensure or certification of teachers; providing for the automatic revocation of a certificate or license for a teacher convicted of an offense under chapter sixty-one, article eight-d, section five of the code; and permitting the West Virginia Department of Education to require that a licensee be fingerprinted for analysis by the West Virginia State Police for a state criminal history record check through the central abuse registry and by the Federal Bureau of Investigation for a national criminal history record check, when the licensee has lived outside of the state for one year or more since licensure, or when the department or school administrator reasonably believes the licensee has not disclosed a felony conviction, a conviction of an offense under chapter sixty-one, article eight-b of this code, or a conviction of an offense similar to those in chapter sixty-one, article eight-b of this code that have been established under the laws of any other state or the United States.

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

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 7:54 p.m. tonight:

Eng. Com. Sub. for House Bill 2589, Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school.

The Clerk announced the following conference committee report had been filed at 7:56 p.m. tonight:

Eng. Senate Bill 172, Eliminating salary for Water Development Authority board members.

At the request of Senator Ferns, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

House Concurrent Resolution 62, Webster County Veterans Highway.

And has amended same.

House Concurrent Resolution 63, William B. Burgess Memorial Road.

And has amended same.

Com. Sub. for House Concurrent Resolution 65, Hobert G. 'Hobie' Underwood Memorial Bridge.

And has amended same.

House Concurrent Resolution 68, James Earl Gibson Memorial Road.

And has amended same.

And,

House Concurrent Resolution 118, Craddock Brothers Bridge.

And has amended same.

And reports the same back with the recommendation that they each be adopted, as amended.

Respectfully submitted,

Gregory L. Boso,
Chair.

Following a point of inquiry to the President, with resultant response thereto,

At the request of Senator Boso, unanimous consent being granted, House Concurrent Resolution 62 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendment to the resolution, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

On page one, in the third Whereas clause, by striking out the word “its” and inserting in lieu thereof the word “their”.

The question now being on the adoption of the resolution (H. C. R. 62), as amended, the same was put and prevailed.

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

At the request of Senator Boso, unanimous consent being granted, House Concurrent Resolution 63 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page one, in the Resolved clause, line fourteen, before the word “William” by inserting the words “U.S. Army PFC”;

On page one, in the first Further Resolved clause, before the word “William” by inserting the words “U.S. Army PFC”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution 63—Requesting the Division of Highways to name a portion of Route 80, known as Wills Creek Road, in Logan County, beginning at latitude 37.730131, longitude -81.873774 and ending at latitude 37.692547, longitude -81.865702, the “U.S. Army PFC William B. Burgess Memorial Road”.

The question now being on the adoption of the resolution (H. C. R. 63), as amended, the same was put and prevailed.

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

At the request of Senator Boso, unanimous consent being granted, Committee Substitute for House Concurrent Resolution 65 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendment to the resolution, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

On page one, in the second Whereas clause, after the word “War” by inserting “II”.

The question now being on the adoption of the resolution (Com. Sub. for H. C. R. 65), as amended, the same was put and prevailed.

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

At the request of Senator Boso, unanimous consent being granted, House Concurrent Resolution 68 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page one, in the Resolved clause, before the word "James" by inserting the words "U.S. Navy PO3";

On page one, in the first Further Resolved clause, before the word "James" by inserting the words "U.S. Navy PO3";

And,

By striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution 68—Requesting the Division of Highways to name a portion of West Virginia Route 80, near Bruno, beginning at a point, latitude 37.692547, longitude -81.865702, and ending at a point, latitude 37.664654, longitude -81.848732, the "U.S. Navy PO3 James Earl Gibson Memorial Road".

The question now being on the adoption of the resolution (H. C. R. 68), as amended, the same was put and prevailed.

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

At the request of Senator Boso, unanimous consent being granted, House Concurrent Resolution 118 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page two, in the tenth Whereas clause, after the word "Brothers" by inserting the word "Veterans";

On page two, in the Resolved clause, after the word "Brothers" by inserting the word "Veterans";

On page two, in the first Further Resolved clause, after the word "Brothers" by inserting the word "Veterans";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

House Concurrent Resolution 118—Requesting the Division of Highways name bridge number 07-33-5.34 (07A057) (38.79415, -81.14055), locally known as the Arnoldsburg Bridge, carrying US 33 over the West Fork of Little Kanawha River in Calhoun County, the “Craddock Brothers Veterans Bridge”.

The question now being on the adoption of the resolution (H. C. R. 118), as amended, the same was put and prevailed.

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

The Senate again proceeded to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 8:00 p.m. tonight:

Eng. Com. Sub. for Senate Bill 224, Repealing requirement for employer’s bond for wages and benefits.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Com. Sub. House Concurrent Resolution 78, Almond Brothers and Family Veterans Bridge.

Com. Sub. House Concurrent Resolution 84, U.S. Army Air Force S/SGT Harold ‘Dean’ Baker Memorial Bridge.

House Concurrent Resolution 87, Deputy Sheriff SGT. Justin Alan Thompson Memorial Highway.

House Concurrent Resolution 96, U. S. Marine Corps Cpl Mark Douglas Cool Memorial Bridge.

And,

Com. Sub. House Concurrent Resolution 98, John H. Reed, Jr. Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Gregory L. Boso,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the resolutions (Com. Sub. for H. C. R. 78, 84 and 98 and H. C. R. 87 and 96) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

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

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 64, Requesting study of Division of Purchasing.

On unfinished business, coming up in regular order, was reported by the Clerk.

On motion of Senator Ferns, the resolution was referred to the Committee on Rules.

House Concurrent Resolution 21, 1SG Carl J. Crabtree Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

By striking out everything after the title and inserting in lieu thereof the following:

Whereas, Carl J. Crabtree was born on November 8, 1917, in Branchland, Lincoln County, West Virginia. He was raised and educated in Logan County and worked there until he enlisted in the military on August 27, 1940; and

Whereas, Carl J. Crabtree served in WW II in the 325 Glider Infantry Regiment, 82nd Airborne Division as a First Sergeant; and

Whereas, Carl J. Crabtree was wounded on June 8, 1944, in France and was a prisoner of war; and

Whereas, Carl J. Crabtree's decorations and citations included the American Defense, American Theater, Good Conduct, Purple Heart, European African Middle Eastern Theater Ribbon with one Bronze Star, Distinguished Unit Badge, Croix De Guerre, Belgium Fourragere and Victory Medal; and

Whereas, Carl J. Crabtree served honorably in the United States Army, ending his active service on May 24, 1946; and

Whereas, Carl J. Crabtree, after returning to Logan County and Rossmore, raised a family and was employed among other occupations in the coal mines; and

Whereas, Carl J. Crabtree died on December 6, 2004, survived by three daughters, Connie Herndon of Switzer, West Virginia, and Janet Cook and Carolyn Greene of Rossmore, West Virginia. He was preceded in death by his wife and a daughter, Patricia Molnar; and

Whereas, Naming a bridge in Logan County in U.S. Army 1SG Carl J. Crabtree's honor is an appropriate recognition of his contributions to his country, state, community and Logan County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-119/15-0.06 (23A247) (37.81172, -81.99561), locally known as National Guard Armory Bridge, carrying County Route 119/15 over Island Creek in Logan County the "U.S. Army 1SG Carl J. Crabtree Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying bridge number 23-119/15-0.06 (23A247) (37.81172, -81.99561), locally known as National Guard Armory Bridge, carrying County Route 119/15 over Island Creek in Logan County the "U.S. Army 1SG Carl J. Crabtree Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.;

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

House Concurrent Resolution 21—Requesting the Division of Highways to name bridge number 23-119/15-0.06 (23A247) (37.81172, -81.99561), locally known as National Guard Armory Bridge, carrying County Route 119/15 over Island Creek in Logan County the "U.S. Army 1SG Carl J. Crabtree Memorial Bridge".

The question now being on the adoption of the resolution (H. C. R. 21), as amended, the same was put and prevailed.

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

House Concurrent Resolution 35, Arnold Miller Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page three, in the Resolved clause, before the word "Arnold" by inserting the words "U.S. Army PFC";

On page three, in the first Further Resolved clause, before the word "Arnold" by inserting the words "U.S. Army PFC";

And,

By striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution 35—Requesting the Division of Highways to name bridge number 20-77-83.84 (20A615), (38.19560, -81.47926), locally known as WV.TPK/WV 79, carrying interstate 77/64 over Route 79/3 and Cabin Creek in Kanawha County, the “U.S. Army PFC Arnold Miller Memorial Bridge”.

The question now being on the adoption of the resolution (H. C. R. 35), as amended, the same was put and prevailed.

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

House Concurrent Resolution 58, William C. Campbell Memorial Highway.

On unfinished business, coming up in regular order, was reported by the Clerk.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page two, in the Resolved clause, before the word “William” by inserting the words “U.S. Army CPT”;

On page three, in the first Further Resolved clause, before the word “William” by inserting the words “U.S. Army CPT”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution 58—Requesting the Division of Highways to name the section of U.S. Route 60 in Cabell County from the Guyan Golf and Country Club to the Huntington City Limits, the “U.S. Army CPT William C. Campbell Memorial Highway”.

The question now being on the adoption of the resolution (H. C. R. 58), as amended, the same was put and prevailed.

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

Thereafter, at the request of Senator Stollings, and by unanimous consent, the remarks by Senator Plymale regarding the adoption of House Concurrent Resolution 58 were ordered printed in the Appendix to the Journal.

House Concurrent Resolution 73, U S Army Air Corps PVT William James Irwin, Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page one, in the first Whereas clause, by striking out the word “over” and inserting in lieu thereof the words “more than”;

On page two, in the Resolved clause, by striking out the words “Bridge Number:” and inserting in lieu thereof the words “bridge number”;

On page two, in the Resolved clause, by striking out “U S” and inserting in lieu thereof “U.S.”;

On page two, in the first Further Resolved clause, by striking out “U S” and inserting in lieu thereof “U.S.”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

House Concurrent Resolution 73—Requesting the Division of Highways that bridge number 42-23-2.73 (42A045) (38.90822, -79.86085), locally known as Southgate Bridge, carrying County Route 23 over Tygart Valley River in Randolph County, West Virginia, be named the “U.S. Army Air Corps PVT William James Irwin, Memorial Bridge”.

The question now being on the adoption of the resolution (H. C. R. 73), as amended, the same was put and prevailed.

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

At the request of Senator Ferns, unanimous consent being granted, the Senate again proceeded to the eighth order of business and the consideration of

Eng. Com. Sub. for House Bill 2781, Requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2781) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2781—A Bill to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating to voting procedures; removing requirement that Division of Motor Vehicles forward certain information of persons who decline to become registered to vote to Secretary of State; amending the effective date for voter registration procedures passed in 2016 and 2017 legislative sessions to July 1, 2019; requiring Division of

Motor Vehicles to make presentation to Joint Committee on Government and Finance if unable to meet requirements of section by February 1, 2019; and requiring Division of Motor Vehicles shall report to the Joint Committee on Government and Finance by January 1, 2018, with full and complete list of all infrastructure they require to achieve certain purposes.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2781) takes effect from passage.

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

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill 2887, Relating to retirement and separation incentives.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2887) passed.

At the request of Senator Mann, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on Finance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2887—A Bill to amend and reenact §18B-1-1d of the Code of West Virginia, 1931, as amended, relating to retirement and separation incentives; providing that higher education institutions may provide incentives for retirement in response to a decline in state revenues supporting said higher education institutions; providing that higher education

institutions must present policies involving incentives for retirement to the Joint Committee on Pensions and Retirement and those policies must be approved before being implemented; allowing a lump sum payment to an employee to be excluded from calculation of employees average final salary; allowing for continuation of employee's full salary for a predetermined time to be a reduced continuation salary; allowing an employee who is sixty-five or older, eligible for retirement and vested to retire without additional costs to the higher education institution; and requiring that the institution must enter into a memoranda of understanding with the Public Employees Insurance Agency and any affected retirement system and that memoranda of understanding must be approved by the Joint Committee on Pensions and Retirement prior to implementation of any incentive plan.

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

At the request of Senator Ferns, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Carmichael (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Eng. Com. Sub. for House Bill 2620, West Virginia Drug Overdose Monitoring Act.

With amendments from the Committee on the Judiciary pending;

Now on second reading, having been referred to the Committee on Rules on April 7, 2017;

And reports the same back with the recommendation that it do pass as amended by the Committee on the Judiciary to which the bill was first referred.

Respectfully submitted,

Mitch Carmichael,
Chairman ex officio.

At the request of Senator Ferns, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2620) contained in the preceding report from the Committee on Rules was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-5T-1, §16-5T-2, §16-5T-3, §16-5T-4 and §16-5T-5, all to read as follows:

ARTICLE 5T. OFFICE OF DRUG CONTROL POLICY.

§16-5T-1. Short title.

This article shall be referred to as the West Virginia Drug Control Policy Act.

16-5T-2. Office of Drug Control Policy.

(a) The Office of Drug Control Policy is created within the Department of Health and Human Resources under the direction of the Secretary and supervision of the State Health Officer.

(b) The Office of Drug Control Policy shall create a state drug control policy in coordination with the bureaus of the Department and other state agencies. This policy shall include all programs which are related to the prevention, treatment and reduction of substance abuse use disorder.

(c) The Office of Drug Control Policy shall:

(1) Develop a strategic plan to reduce the prevalence of drug and alcohol abuse and smoking by at least ten percent by July 1, 2018;

(2) Monitor, coordinate and oversee the collection of data and issues related to drug, alcohol and tobacco access, substance use disorder policies and smoking cessation and prevention and their impact on state and local programs;

(3) Make policy recommendations to executive branch agencies that work with alcohol and substance use disorder issues, and smoking cessation and prevention to ensure the greatest efficiency and consistency in practices will be applied to all efforts undertaken by the administration;

(4) Identify existing resources and prevention activities in each community that advocate or implement emerging best practice and evidence-based programs for the full substance use disorder continuum of drug and alcohol abuse education and prevention, including smoking cessation or prevention, early intervention, treatment and recovery;

(5) Encourage coordination among public and private, state and local, agencies, organizations and service providers and monitor related programs;

(6) Act as the referral source of information, using existing information clearinghouse resources within the Department for Health and Human Resources, relating to emerging best practice and evidence-based substance use disorder prevention, cessation, treatment and recovery programs, and youth tobacco access, smoking cessation and prevention. The Office of Drug Control Policy will identify gaps in information referral sources;

(7) Apply for grant opportunities for existing programs;

(8) Observe programs in other states;

(9) Make recommendations and provide training, technical assistance and consultation to local service providers;

(10) Review existing research on programs related to substance use disorder prevention and treatment and smoking cessation and prevention and provide for an examination of the prescribing and treatment history, including court-ordered treatment or treatment within the criminal justice system, of persons in the state who suffered fatal or nonfatal opiate overdoses;

(11) Establish a mechanism to coordinate the distribution of funds to support any local prevention, treatment and education program based on the strategic plan that could encourage smoking cessation and prevention through efficient, effective and research-based strategies;

(12) Establish a mechanism to coordinate the distribution of funds to support a local program based on the strategic plan that could encourage substance use prevention, early intervention, treatment and recovery through efficient, effective and research-based strategies;

(13) Oversee a school-based initiative that links schools with community-based agencies and health departments to implement school-based antidrug and anti-tobacco programs;

(14) Coordinate media campaigns designed to demonstrate the negative impact of substance use disorder, smoking and the increased risk of tobacco addiction and the development of other diseases;

(15) Review Drug Enforcement Agency and the West Virginia scheduling of controlled substances and recommend changes that should be made based on data analysis;

(16) Develop recommendations to improve communication between health care providers and their patients about the risks and benefits of opioid therapy for acute pain, improve the safety and effectiveness of pain treatment and reduce the risks associated with long-term opioid therapy, including opioid use disorder and overdose;

(17) Develop and implement a program, in accordance with the provisions of section three of this article, to collect data on fatal and nonfatal drug overdoses, caused by abuse and misuse of prescription and illicit drugs from law enforcement agencies, emergency medical services, health care facilities and the Office of the Chief Medical Examiner;

(18) Develop and implement a program that requires the collection of data on the dispensing and use of an opioid antagonist from law enforcement agencies, emergency medical services, health care facilities, the Office of the Chief Medical Examiner and other entities as required by the office;

(19) Develop a program that provides assessment of persons who have been administered an opioid antagonist; and

(20) Report semi-annually to the Joint Committee on Health on the status of the Office of Drug Control Policy.

(d) Notwithstanding any other provision of this code to the contrary, and to facilitate the collection of data and issues, the Office of Drug Control Policy may exchange necessary data and information with the bureaus within the Department, the Department of Military Affairs and Public Safety, the Department of Administration, the Administrator of Courts, the Poison Control Center, and the Board of Pharmacy. The data and information may include, but is not be limited to: data from the Controlled Substance Monitoring Program; the all-payer claims database; the criminal offender record information database; and the court activity record information;

(e) Prior to July 1, 2018, the office shall develop a plan to expand the number of treatment beds in locations throughout the state which the office determines to be the highest priority for serving the needs of the citizens of the state.

§16-5T-3. Reporting system requirements; implementation; central repository requirement.

(a) The Office of Drug Control Policy shall implement a program in which a central repository is established and maintained that shall contain information required by this article. In implementing this program, the office shall consult with all affected entities, including law-enforcement agencies, health care providers, emergency response providers, pharmacies and medical examiners.

(b) The program authorized by subsection (a) of this section shall be designed to minimize inconvenience to all entities maintaining possession of the relevant information while effectuating the collection and storage of the required information. The Office of Drug Control Policy shall allow reporting of the required information by electronic data transfer where feasible, and where not feasible, on reporting forms promulgated by the Office of Drug Control Policy. The information required to be submitted by the provisions of this article shall be required to be filed no more frequently than on a quarterly basis.

§16-5T-4. Entities required to report; required information.

(a) To fulfill the purposes of this article, the following information shall be reported to the Office of Drug Control Policy:

(1) An emergency medical or law-enforcement response to a suspected or reported overdose, or a response in which an overdose is identified by the responders;

(2) Medical treatment for an overdose;

(3) The dispensation or provision of an opioid antagonist; and

(4) Death attributed to overdose or “drug poisoning”.

(b) The following entities shall be required to report information contained in subsection (a) of this section:

(1) Pharmacies operating in the state;

(2) Health care providers;

(3) Medical examiners;

(4) Law-enforcement agencies, including prosecuting attorneys, state, county and local police departments; and

(5) Emergency response providers.

§16-5T-5. Promulgation of rules.

The Secretary of the Department of Health and Human Resources may propose rules for promulgation in accordance with article three, chapter twenty-nine-a of this code to implement the provisions of this section. The legislature finds that for the purposes of section fifteen, article three, chapter twenty-nine-a of this Code, an emergency exists requiring the promulgation of emergency

rules to preserve the public peace, health, safety or welfare and to prevent substantial harm to the public interest.

Following discussion,

The question being on the adoption of the Judiciary committee amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2620), as amended, was then ordered to third reading.

Senator Ferns moved that the constitutional rule requiring a bill to be read on three separate days be suspended.

Senator Stollings requested Senator Takubo to yield to questions.

Whereupon, the President stated the motion to suspend the constitutional rule was a nondebatable motion.

Thereafter, on motion of Senator Ferns, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: Facemire—1.

Absent: None.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2620) was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2620 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2620) passed.

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

Following a point of inquiry to the President, concerning possession of Engrossed Committee Substitute for House Bill 2620,

Senator Trump moved to amend the title of

Eng. Com. Sub. for House Bill 2620, West Virginia Drug Overdose Monitoring Act.

The bill still being in the possession of the Senate,

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2620—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5T-1, §16-5T-2, §16-5T-3, §16-5T-4 and §16-5T-5, all relating to the West Virginia Drug Control Policy Act; creating the Office of Drug Control Policy within the Department of Health and Human Resources; requiring the office to develop a state drug control policy and a strategic plan; requiring the office to coordinate with other entities; setting forth duties of the office; requiring the coordination of funding; requiring data sharing; requiring the office to develop a plan to add treatment beds; required reporting; requiring the office to create a central repository of drug overdose information in West Virginia; establishing the program and purpose; establishing the reporting system requirements; establishing responsibility of entities to report information; setting forth information required to be reported and the agencies which are affected; providing for data collection and reporting; and providing for rule-making authority and emergency rule-making authority.

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

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill 2721, Removing the cost limitation on projects completed by the Division of Highways.

Whereupon, Senator Boso, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill 2721, Removing the cost limitation on projects completed by the Division of Highways.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the Senate amendment to Engrossed Committee Substitute for House Bill 2721 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the Senate recede from its amendment on page four, section five, lines seventy-six and seventy-seven;

That the Senate recede from its amendment on page seven, section nine, lines sixty and sixty-one;

That the House of Delegates agrees to the amendment of the Senate on page eight, lines sixty-five to seventy-nine, by striking out all of subsection (i);

And,

That both houses recede from their positions as to the title of the bill and agree to the same as follows:

Eng. Com. Sub. for House Bill 2721—A Bill to amend and reenact §17-27-5 and §17-27-9 of the Code of West Virginia, 1931, as amended, all relating to the public-private transportation facilities act; reducing the cost threshold limitation on projects completed by the Division of Highways that are eligible for funding from the state road fund; and extending the time limitation by which agreements must be made.

Respectfully submitted,

Ron Walters, *Chair*, Marty Gearhart, Mick Bates, *Conferees on the part of the House of Delegates*.

Gregory L. Boso, *Chair*, Chandler Swope, Glenn D. Jeffries, *Conferees on the part of the Senate*.

Senator Boso, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Boso, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2721, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2721) passed with its conference amended title.

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

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill 2722, Eliminating the financial limitations on utilizing the design-build program for highway construction.

Whereupon, Senator Boso, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill 2722, Eliminating the financial limitations on utilizing the design-build program for highway construction.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the Senate amendment to Engrossed Committee Substitute for House Bill 2722 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

Both houses recede from their respective positions as to the amendment of the Senate on page one, section two, lines five through twelve, and agree to the same as follows:

(b) The Division of Highways may expend no more than \$50 million in each year in the program: *Provided*, That if any of the \$50 million is unused in one year, the remaining amount may be applied to the following year's amount: *Provided, however*, That the total aggregate amount to be expended may not exceed \$150 million in any one year: *Provided further*, That for fiscal years beginning after June 30, 2017, the Division of Highways may expend no more than \$200 million on any one project: *And provided further*, That for fiscal years beginning after June 30, 2017, the Division of Highways may expend no more than \$400 million in each year in the program: *And provided further*, That for fiscal years beginning after June 30, 2017, if any of the \$400 million is unused in any year, the remaining amount may be applied to the following year's amount: *And provided further*, That for fiscal years beginning after June 30, 2017, the total aggregate amount to be expended may not exceed \$500 million in any one year: *And provided further*, That expenditures made for projects that are necessitated by a declared state of emergency within a county that the Governor has included in a declaration of emergency are not to be included against the expenditure limits provided in this subsection;

That the Senate recede from its position as to the amendment of the Senate on page one, section two, line seventeen;

And,

That both houses recede from their positions as to the title of the bill and agree to the same as follows:

Eng. Com. Sub. for House Bill 2722—A Bill to amend and reenact §17-2D-2 of the Code of West Virginia, 1931, as amended, relating to highway construction using the design-build program; changing maximum amounts that may be expended for projects using the design-build program for highway construction and making certain exceptions to expenditure limits.

Respectfully submitted,

Ron Walters, *Chair*, Marty Gearhart, Mick Bates, *Conferees on the part of the House of Delegates*.

Gregory L. Boso, *Chair*, Chandler Swope, Glenn D. Jeffries, *Conferees on the part of the Senate*.

On motions of Senator Boso, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2722, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2722) passed with its conference amended title.

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

At the request of Senator Ferns, and by unanimous consent, the Senate again proceeded to the eighth order of business and the consideration of

Eng. Com. Sub. for House Bill 2846, Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2846) passed with its title.

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

On motion of Senator Ferns, the special order of business set for this position on the calendar (*consideration of executive nominations*) was postponed and made a special order of business at 11 p.m. tonight.

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect August 1, 2017, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 40, Requiring inclusion of protocols for response to after-school emergencies in school crisis response plans.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after 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 §18-2-25b, to read as follows:

§18-2-25b. Emergency Action Plans for Athletics.

(a) No later than August 1, 2017, the West Virginia Secondary Schools Athletics Commission shall promulgate rules to establish guidelines for emergency action plans for athletics, designed to respond to athletic injuries that occur on school property during school-sponsored athletic events. The rules shall address, at a minimum:

(1) Protocols for practices and for games;

(2) Directives for personnel or equipment which should be available on sports fields or in school buildings for both girls' and boys' teams; and

(3) Training needed for school or volunteer personnel on an as-needed basis.

(b) All member schools shall submit an emergency action plan for athletics to the West Virginia Secondary Schools Athletics Commission and their county boards of education by December 31, 2017. Provided, that the county boards shall keep the emergency plan of each school in the county on file and, unless otherwise provided for, provide a copy of each school's emergency action plan for athletics to each local emergency response agency that has a role in the plan.

(c) Any person licensed by, or certified or registered in, this state to provide health care or professional health care services who renders services of a medical nature to students under this section, who has an agreement with a county board of education that defines the scope of his or her duties as such, and for which no remuneration is demanded or received, is not liable for any civil damages as a result of rendering such services, or as a result of any act or failure to act in providing or arranging further medical treatment.

(1) The limitation of liability only applies if the services are provided in accordance with acceptable standards of care and the licensed health care provider is not grossly negligent or does not demonstrate willful misconduct.

(2) Any liability is limited to the applicable limits of the professional liability insurance provided by the State Board of Risk and Insurance Management in effect at the time.

(3) Nothing in this subsection nullifies the immunity from civil liability as granted pursuant to section fifteen, article seven, chapter fifty-five of this code or federal law except to the extent to which the actions are covered within the applicable limits of the professional liability insurance provided by the State Board of Risk and Insurance Management pursuant to this section and in effect at the time.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 40—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25b, relating to emergency action plans for athletics; providing that the West Virginia Secondary Athletics Commission promulgate rules to establish guidelines for emergency action plans by August 1, 2017; establishing parameters for said rules; requiring all member schools to submit emergency action plans to the commission and their county boards of education by December 31, 2107; providing that a copy of the plan be provided to local response agencies identified in the plan; setting forth a limit of liability; and providing for an effective date.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 40, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 40) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect August 1, 2017.

On this question, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 40) takes effect August 1, 2017.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 535, Reorganizing Division of Tourism.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page nine, section six, lines eleven through seventeen, after the word section” by changing the colon to a period and striking out the proviso;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 535—A Bill to repeal §5B-2-8, §5B-2-8a, §5B-2-9, §5B-2-11, §5B-2-12 and §5B-2-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-1-2 of said code; and to amend said code by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7 and §5B-2I-8, all relating to tourism promotion generally; continuing the West Virginia Division of Tourism Office; creating the West Virginia Tourism Act of 2017; creating the position of Executive Director of the West Virginia Tourism Office and setting forth the authority of the executive director; authorizing the Governor to appoint the executive director and set his or her salary; clarifying that the executive director shall serve as Commissioner of Tourism until establishment of the West Virginia Tourism Office; making the position of executive director one of will and pleasure; establishing qualifications for the position of executive director; establishing powers and duties of the West Virginia Tourism Office; authorizing the West Virginia Tourism Office to enter into private-public agreements and to change and collect fees for goods and services it supplies; authorizing the West Virginia Tourism Office to retain services necessary to carry out its duties; establishing criteria for retaining services; authorizing the executive to employ necessary personnel and to contract for professional, technical and consulting services and purchase equipment and supplies; authorizing the executive director, at the consent of the Secretary of Commerce, to compile a list on classified service exempt positions; requiring the West Virginia Tourism Office to publish and disseminate an annual report; directing the West Virginia Tourism office and its director to collaborate with the West Virginia Development Office; authorizing cancellation of contracts and joint venture agreements without further obligation of the state and setting the conditions precedent therefor; continuing the Tourism Promotion Fund in the State Treasury; directing that moneys in the fund be spent solely for tourism promotion; defining terms; exempting unspent moneys in fund from reverting to the General Revenue Fund; eliminating the Tourism Advertising Partnership Program effective July 1, 2017, with exceptions for resolution of outstanding obligations; directing the

establishment of a cooperative advertising program within the West Virginia Tourism Office; authorizing the West Virginia Tourism Office to establish a fee schedule for participants in the cooperative advertising program; continuing an independent Tourism Commission within the Department of Commerce; establishing membership of Tourism Commission; requiring that gubernatorial appointments to the board be subject to the advice and consent of the Senate; setting forth qualifications of board members; establishing duties of the commission; and providing that documents, data and other writings related to furnishing assistance to businesses, other than agreements entered into by the West Virginia Tourism Office or West Virginia Development Office which obligate public funds, are exempt from disclosure under the Freedom of Information Act.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 535, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 535) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 687, Relating generally to coal mining, safety and environmental protection.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page forty-two, section three, line twenty-eight, by striking out the words “2018, shall continue to serve until the expiration of their terms” and inserting in lieu thereof the words “2017, shall continue to serve for a minimum of three years until June 30, 2020”;

On page forty-eight, section six, line three, by striking out “2018” and inserting in lieu thereof “2017”;

On page forty-eight, section six, line three, by striking out the words “one year term” and inserting in lieu thereof the words “three year term until June 30, 2020”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 687—A Bill to amend and reenact §22-3-11, §22-3-13a and §22-3-23 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-6-24 of said code; to amend and reenact §22-11-7b of said code; to amend and reenact §22A-1-2 and §22A-1-5 of said code; to amend and reenact §22A-2-59 of said code; to amend said code by adding thereto a new section, designated §22A-2A-1001; to amend and reenact §22A-6-3, §22A-6-4 and §22A-6-6 of said code; to amend and reenact §22A-7-2, §22A-7-3, §22A-7-5, §22A-7-5a and §22A-7-7 of said code; to amend and reenact §22A-9-1 of said code; to amend and reenact §22A-11-1, §22A-11-2, §22A-11-3 and §22A-11-4 of said code; to amend said code by adding thereto a new section, designated §22A-11-5, all relating generally to natural resources; providing that moneys be paid from special reclamation water trust fund to assure a reliable source of capital and operating expenses for the treatment of discharges from forfeited sites; modifying notification requirements for preblast surveys for surface mining operations and certain other blasting activities; removing minimum bond requirements related to certain reclamation work; providing for changes to the method of plugging abandoned gas wells where a coal operator intends to mine through the well; removing certain criteria from evaluation for the narrative water quality standard; authorizing the elimination of the Board of Miner Training, Education and Certification, the Mine Inspectors' Examining Board, and the Mine Safety Technology Task Force, and the transfer of duties from those boards and task force to the Board of Coal Mine Health and Safety; providing guaranteed term limits for certain board and commission members, providing that an automated external defibrillator unit be required first-aid equipment located in certain areas of an underground coal mine; directing that the Office of Miners' Health, Safety and Training revise state rules related to diesel equipment operating in underground mines; and requiring rulemaking.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 687, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Beach, Miller, Romano and Unger—4.

Absent: Blair and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 687) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Beach, Miller, Romano and Unger—4.

Absent: Blair and Karnes—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 687) takes effect from passage.

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

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 2731, Clarifying civil actions heard in circuit court.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

On further motion of Senator Ferns, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed Committee Substitute for House Bill 2731, as amended by deletion, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2731) passed with its title.

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

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 2555, Relating to tax credits for apprenticeship training in construction trades.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

On further motion of Senator Ferns, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed Committee Substitute for House Bill 2555, as amended by deletion, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda,

Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2555) passed with its title.

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

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Ferns, the Senate recessed until 9:45 p.m. tonight.

Upon expiration of the recess, the Senate reconvened and resumed business under the third order.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 76, Creating WV Second Chance for Employment Act.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended, by adding thereto a new article, designated §61-11B-1; §61-11B-2, §61-11B-3 and §61-11B-4, all to read as follows:

ARTICLE 11B. CRIMINAL OFFENSE REDUCTION.

§61-11B-1. Legislative Intent

(1) It is the intent of the Legislature to establish a program that provides for a reduction of certain criminal offenses after imposition of penalties, and demonstration of reform and adherence to law for an extended period thereafter.

(2) It is also the intent of the Legislature to allow for public notice of prior transgressions without further penalty or diminution of employment opportunities.

§61-11B-2. Definitions

(a) As used in this article, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) "Criminal offense reduction" means a reduction of a qualifying felony offense to a misdemeanor offense pursuant to this article.

(2) “Excluded Offense” means:

(A) a conviction involving:

(i) the infliction of serious physical injury;

(ii) involving a sexual offense, including specifically the provisions of article eight-b, eight-c, and eight-d of this chapter;

(iii) involving the use or exhibition of a deadly weapon or dangerous instrument;

(iv) involving a battery, assault or other provision of section nine, article two of this chapter;

(v) involving a domestic battery, domestic assault, or other provisions of section twenty-eight, article two of this chapter;

(vi) a conviction for driving under the influence of alcohol, controlled substances or a conviction for a violation of section three, article four, chapter seventeen-b of this code or section nineteen, article eight of this chapter, or

(B) any that the Court may so find based upon the facts and circumstances of the offense giving rise to the felony conviction involved in the petition.

(3) “Non-violent felony” means a conviction in the State of West Virginia for a violation of state law that is felonious in nature, and in which the court makes an express finding that the underlying offense giving rise to the petition is not (i) an excluded offense as defined in subdivision (2) of this article, and (ii) did not involve violence or potential violence to another person or the public.

(4) “Petitioner” means a person who has filed a petition seeking a criminal offense reduction under the provisions of this article.

(5) “Qualifying felony offense” means: a conviction for non-violent felony offense that is also not an excluded offense.

(6) “Requisite time period” means (1) ten years after completion of any sentence or period of supervision or probation, whichever is longer; and (2) during which time there has been no commission and conviction of violation of law by the petitioner.

§61-11B-3. Criminal Offense Reduction

(a) Subject to the limitations and procedures set forth in this article, a person convicted of a non-violent felony offense may seek a criminal offense reduction by petition to the circuit court. If granted, the person’s felony offense shall be reduced to a misdemeanor and shall be designated on all records relating to the offense as a reduced misdemeanor. The person’s criminal record shall also reflect that the person be granted legal status associated with being convicted of a misdemeanor, and the person shall not be deemed as being convicted of a felony for any legal purpose or restriction.

(b) Notwithstanding any provision of law to the contrary, the reduced misdemeanor provided for under this article may not be expunged as part of this petition or by subsequent legal proceeding or petition.

(c) There shall be no entitlement to a criminal offense reduction and the granting of the petition shall remain in the discretion of the circuit court.

§61-11B-4. Petition for reduction.

(a) A person seeking a criminal offense reduction under this article shall file with the circuit court a petition, in a form and manner set forth by the West Virginia Supreme Court of Appeals.

(b) The clerk of the Circuit Court shall charge and collect a filing fee in advance the same fee as is charged for instituting a civil action pursuant to subdivision (1), subsection (a), section eleven, article one, chapter fifty-nine of this code: *Provided*, That \$100 of such filing fee shall go to the West Virginia State Police to assist in the administration and review of records required under this article.

(c) Each petition for criminal offense reduction pursuant to this section shall be verified under oath and include the following information:

(1) Petitioner's current name and all other legal names or aliases by which petitioner has been known at any time;

(2) All of petitioner's addresses from the date of the offense or alleged offense in connection with which an criminal offense reduction order is sought to date of the petition;

(3) Petitioner's date of birth and social security number;

(4) Petitioner's date of arrest, the court of jurisdiction and criminal complaint, indictment, summons or case number;

(5) The statute or statutes and offense or offenses for which petitioner was charged and of which petitioner was convicted;

(6) The names of any victim or victims, or that there were no identifiable victims;

(7) Whether there is any current order for restitution, protection, restraining order or other no contact order prohibiting the petitioner from contacting the victims or whether there has ever been a prior order for restitution, protection or restraining order prohibiting the petitioner from contacting the victim. If there is such a current order, petitioner shall attach a copy of that order to his or her petition;

(8) The court's disposition of the matter and punishment imposed, if any;

(9) Why a criminal offense reduction is sought, such as, but not limited to, employment or licensure purposes, and why it should be granted;

(10) The steps the petitioner has taken since the time of the offenses toward personal rehabilitation, including treatment, work or other personal history that demonstrates rehabilitation;

(11) Whether petitioner has ever been granted criminal offense reduction, expungement or similar relief regarding a criminal conviction by any court in this state, any other state or by any federal court; and

(12) Any supporting documents, sworn statements, affidavits or other information supporting the petition to reduce criminal offense

(d) A copy of the petition, with any supporting documentation, shall be served by petitioner pursuant to the rules of the trial court upon the Superintendent of the State Police; the prosecuting attorney of the county of conviction; the chief of police or other executive head of the municipal police department wherein the offense was committed; the chief law-enforcement officer of any other law-enforcement agency which participated in the arrest of the petitioner; the circuit court which disposed of the petitioner's criminal charge; the superintendent or warden of any institution in which the petitioner was confined; and all other state and local government agencies whose records would be affected by the proposed criminal offense reduction.

(e) The prosecutorial office that had jurisdiction over the offense or offenses for which reduction is sought shall serve by first class mail the petition for criminal offense reduction, accompanying documentation and any proposed criminal offense reduction order to any identified victims.

(f) Upon receipt of a petition for criminal offense reduction, the Superintendent of the State Police; the prosecuting attorney of the county of conviction; the chief of police or other executive head of the municipal police department wherein the offense was committed; the chief law-enforcement officer of any other law-enforcement agency which participated in the arrest of the petitioner; the superintendent or warden of any institution in which the petitioner was confined; the circuit court which disposed of the petitioner's criminal charge; all other state and local government agencies whose records would be affected by the proposed criminal offense reduction and any other interested individual or agency that desires to oppose the criminal offense reduction shall, within thirty days of receipt of the petition, file a notice of opposition with the court with supporting documentation and sworn statements setting forth the reasons for resisting the petition for criminal offense reduction. A copy of any notice of opposition with supporting documentation and sworn statements shall be served upon the petitioner in accordance with trial court rules. The petitioner may file a reply no later than fifteen days after service of any notice of opposition to the petition for criminal offense reduction.

(g) The burden of proof shall be on the petitioner to prove by clear and convincing evidence that:

(1) The conviction or convictions for which criminal offense reduction is sought are qualifying offenses and the only convictions against petitioner;

(2) that the requisite time period has passed since the conviction or convictions or end of the completion of any sentence of incarceration or probation;

(3) petitioner has no criminal charges pending against him or her;

(4) the criminal offense reduction is consistent with the public welfare;

(5) petitioner has, by his or her behavior since the conviction or convictions, evidenced that he or she has been rehabilitated and is law-abiding; and

(6) any other matter deemed appropriate or necessary by the court to make a determination regarding the petition for criminal offense reduction.

(h) Within ninety days of the filing of a petition for criminal offense reduction the circuit court shall:

(1) Summarily grant the petition;

(2) Set the matter for hearing; or

(3) Summarily deny the petition if the court determines that the petition is insufficient or, based upon supporting documentation and sworn statements filed in opposition to the petition, the court determines that the petitioner, as a matter of law, is not entitled to reduction.

(i) If the court sets the matter for hearing, all interested parties who have filed a notice of opposition shall be notified. At the hearing, the court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with any law-enforcement authority, the institution of confinement, if any, and parole authority or other agency which was in any way involved with the petitioner's arrest, conviction, sentence and post-conviction supervision, including any record of arrest or conviction in any other state or federal court. The court may hear testimony of witnesses and any other matter the court deems proper and relevant to its determination regarding the petition. The court shall enter an order reflecting its ruling on the petition for criminal offense reduction with appropriate findings of fact and conclusions of law.

(j) If the court grants the petition for criminal offense reduction, it shall order any records in the custody of the court, and of any other agency or official, including law-enforcement records, to reflect reduction of the felony offense to a reduced misdemeanor. Every agency with records relating to the arrest, charge or other matters arising out of the arrest or conviction that is ordered to reflect the criminal offense reduction in its records shall certify to the court within sixty days of the entry of the criminal offense reduction order that the required reduction has been completed.

(k) Upon granting of criminal offense reduction, the person whose felony offense has been reduced under the provisions of this article shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit or other type of application that he or she has a felony conviction.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 76—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-11B-1; §61-11B-2, §61-11B-3 and §61-11B-4, all relating to establishment of a criminal offense reduction program; setting forth legislative intent; setting forth definitions; providing for persons convicted of certain criminal felony offenses to petition for reduction to a misdemeanor offense; setting forth limitations; providing for reduced offense to be reflected on criminal records; expressly providing that reduction of felony offense means person shall not be deemed as being convicted of a felony for any legal purpose or restriction; clarifying that reduced misdemeanor offenses may not be expunged; clarifying that criminal offense reduction is in the discretion of the circuit court; establishing procedures for petition to the court; requiring payment of a filing fee; directing certain moneys to State Police from filing fee; setting forth information to be included on the petition; providing for notification of petition to certain persons; requiring prosecuting attorney to contact identified victims; providing for notice of opposition to the petition by certain persons; establishing burden of proof by

petitioner; providing for a hearing and setting forth procedures; providing for entry of an order by the court; authorizing court to enter an order directing certain records to reflect reduction of a felony offense to a reduced misdemeanor; requiring certification of compliance to the court; and providing for disclosure requirements.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 76) were reported by the Clerk, considered simultaneously, and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §61-11B-1, §61-11B-2, §61-11B-3, §61-11B-4 and §61-11B-5, all to read as follows:

ARTICLE 11B. CRIMINAL OFFENSE REDUCTION.

§61-11B-1. Legislative Intent.

It is the Legislature's intention in enacting this article to establish a procedure whereby individuals convicted of certain criminal offenses may, pursuant to the provisions of this article, obtain a reduced offense of conviction. In enacting this article, it is also the Legislature's intent to improve the employment possibilities of certain persons while allowing the public notice of their actual conduct and prior transgressions without further penalty or diminution of employment opportunities.

§61-11B-2. Definitions.

(a) As used in this article, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) "Criminal offense reduction" means the reduction of a qualifying felony offense to a misdemeanor offense pursuant to this article.

(2) "Excluded offense" means:

(A) An offense which involves the infliction of serious physical injury;

(B) A sexual offense, including, but not limited to, a violation of the felony provisions of article eight, eight-b, eight-c, or eight-d of this chapter;

(C) An offense which involves the use or exhibition of a deadly weapon or dangerous instrument;

(D) A felony violation of the provisions of section nine, article two of this chapter;

(E) A felony violation of the provisions of section twenty-eight, article two of this chapter;

(F) A felony violation of article four, chapter seventeen-b of this code; or

(G) A felony, the facts and circumstances of which the circuit court finds to be inconsistent with the purposes of this article.

(3) “Non-violent felony” means a felony conviction in a circuit court of this state, which the circuit court finds is not (i) an excluded offense as defined in subdivision (2) of this article, and (ii) which does not involve violence or potential violence to another person or the public.

(4) “Petitioner” means a person who has filed a petition seeking a criminal offense reduction under the provisions of this article.

(5) “Qualifying felony offense” means: a non-violent felony offense that is not excluded from relief under this article.

(6) “Reduced misdemeanor” means a legal status representing that a person previously convicted of a non-violent qualifying felony has successfully petitioned a circuit court to have the felony conviction reduced to the status of a misdemeanor.

(7) “Requisite time period” means ten years after completion of any sentence or period of supervision or probation, whichever is later during which time there has been no commission and conviction for a violation of law by the petitioner other than for a minor traffic offense.

§61-11B-3. Criminal Offense Reduction.

(a) Subject to the limitations and procedures set forth in this article, a person convicted of a non-violent felony offense may seek a criminal offense reduction by petition to the circuit court. If granted, the petitioner’s felony conviction shall be vacated and the petitioner’s status will thereafter be designated on all records relating to the offense as a “reduced misdemeanor.” The petitioner’s criminal record shall also reflect that he or she be granted such legal status as is associated with being convicted of a misdemeanor and, except as provided by the provisions of this article, the person shall not be deemed to have been convicted of a felony for any legal purpose or restriction.

(b) Notwithstanding any provision of law to the contrary, the reduced misdemeanor provided for under this article may not be expunged as part of this petition or by subsequent legal proceeding or petition.

(c) There shall be no entitlement to a criminal offense reduction and the granting of the petition shall remain in the discretion of the circuit court.

(d) Nothing in the section may be construed to allow a person obtaining relief pursuant to this article to be eligible for reinstatement of any retirement or employment benefit which he or she lost or forfeited due to the felony conviction or convictions vacated and reduced to the status of a misdemeanor.

§61-11B-4. Petition for reduction.

(a) A person seeking a criminal offense reduction under this article shall file with the circuit court a petition, in a form and manner set forth by the West Virginia Supreme Court of Appeals.

(b) Any person filing a petition pursuant to the provisions of this article shall pay the filing fee set by the provisions of subdivision (1), subsection (a), section eleven, article one, chapter fifty-nine of this code: *Provided*, That in addition to the fee required by the provisions of this subsection a petitioner shall pay a fee of \$100 which shall be deposited into a non-appropriated special revenue account within the State Treasurer’s office to be known as the West Virginia State Police

Criminal History Account, said fee to be used to offset costs to the State Police for actions to facilitate the operation of this article.

(c) Each petition for criminal offense reduction filed pursuant to this section shall be verified under oath and include the following information:

(1) Petitioner's current name and all other legal names or aliases by which the petitioner has been known at any time;

(2) All of petitioner's addresses from the date of the offense for which a criminal offense reduction order is sought to the date of the filing of the petition;

(3) Petitioner's date of birth and social security number;

(4) Petitioner's date of arrest, the court of jurisdiction and criminal case number;

(5) The offense or offenses with which petitioner was charged and of which petitioner was convicted and the statutory citations therefor.

(6) The names of any victim or victims, or where there are no identifiable victims such shall be stated;

(7) Whether there is any current order for restitution, protection, restraining order or other no contact order prohibiting the petitioner from contacting the victims or whether there has ever been a prior order for restitution, protection or restraining order prohibiting the petitioner from contacting the victim. If there is such a current order, petitioner shall attach a copy of that order to his or her petition;

(8) The court's disposition of the matter and sentence imposed;

(9) The reasons a criminal offense reduction is sought, such as, but not limited to, employment or licensure purposes, and arguments in support thereof;

(10) The date upon which he or she completed any sentence or period of supervision or probation;

(11) An express averment by the petitioner that he or she has neither committed nor been convicted of a violation of law;

(12) The action the petitioner has taken since the time of the offense or offenses toward personal rehabilitation, including treatment, work or other personal history that demonstrates rehabilitation;

(13) Whether petitioner has ever been granted criminal offense reduction, expungement or similar relief regarding a criminal conviction by any court in this state, any other state or by any federal court; and

(14) Any supporting documents, sworn statements, affidavits or other information supporting the petition to reduce criminal offense.

(d) A copy of the petition, with any supporting documentation, shall be served by petitioner pursuant to the West Virginia Rules of Civil Procedure upon the Superintendent of the State

Police; the prosecuting attorney of the county of conviction; the chief of police or other executive head of the municipal police department wherein the offense was committed; the chief law-enforcement officer of any other law-enforcement agency which participated in the arrest of the petitioner; the circuit court of conviction, if the petition is filed in another circuit; the superintendent or warden of any state correctional facility in which the petitioner was imprisoned; and any state and local government agencies the records of which would be affected by the proposed criminal offense reduction.

(e) The prosecuting attorney of the county in which the petition is filed shall serve by first class mail the petition for criminal offense reduction, accompanying documentation and any proposed criminal offense reduction order to any identified victims.

(f) Upon receipt of a petition for criminal offense reduction, the Superintendent of the State Police; the prosecuting attorney of the county of conviction; the chief of police or other executive head of the municipal police department wherein the offense was committed; the chief law-enforcement officer of any other law-enforcement agency which participated in the arrest of the petitioner; the superintendent or warden of any institution in which the petitioner was confined; the circuit court of conviction, if the petition is filed in another circuit; any state and local government agencies the records of which would be affected by the proposed criminal offense reduction and any interested individual or agency that desires to oppose the criminal offense reduction shall, within thirty days of receipt of the petition, file a notice of opposition with the court with supporting documentation and sworn statements setting forth the reasons for resisting the petition for criminal offense reduction. A copy of any notice of opposition with supporting documentation and sworn statements shall be served upon the petitioner or his or her counsel in accordance with West Virginia Rules of Civil Procedure. The petitioner may file a reply no later than fifteen days after service of any notice of opposition to the petition for criminal offense reduction.

(g) The burden of proof shall be on the petitioner to prove by clear and convincing evidence that:

(1) The conviction or convictions for which criminal offense reduction is sought are qualifying offenses and are the only convictions against petitioner;

(2) That the requisite time period has passed since the conviction or convictions or end of the completion of any sentence of incarceration or probation;

(3) That the petitioner has neither committed nor been convicted of a violation of law in the preceding ten years;

(4) That petitioner has no criminal charges pending against him or her;

(5) That the criminal offense reduction is consistent with the public welfare;

(6) That petitioner has, by his or her behavior since the conviction or convictions, evidenced that he or she has been rehabilitated and has remained law-abiding; and

(7) Any other matter deemed appropriate or necessary by the court to make a determination regarding the petition for criminal offense reduction.

(h) Within one-hundred-eighty days of the filing of a petition for criminal offense reduction or as soon thereafter as is practicable the circuit court shall:

(1) Summarily grant the petition;

(2) Set the matter for hearing; or

(3) Summarily deny the petition, if the court determines that the petition is insufficient, or based upon supporting documentation and sworn statements filed in opposition to the petition, the court determines that the petitioner, as a matter of law, is not entitled to reduction.

(i) If the court sets the matter for hearing, all interested parties who have filed a notice of opposition shall be notified. At the hearing, the court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with any law-enforcement authority, the institution of confinement, if any, and parole authority or other agency which was in any way involved with the petitioner's arrest, conviction, sentence and post-conviction supervision, including any record of arrest or conviction in any other state or federal court. The court may hear testimony of witnesses and evidence of any other matter the court deems proper and relevant to its determination regarding the petition. The court shall enter an order reflecting its ruling on the petition for criminal offense reduction with appropriate findings of fact and conclusions of law.

(j) If the court grants the petition for criminal offense reduction, it shall order any records in the custody of the court, and of any other agency or official, including law-enforcement records, to reflect reduction of the felony offense to the status of reduced misdemeanor. Every agency with records relating to the arrest, charge or other matters arising out of the arrest or conviction that is ordered to reflect the criminal offense reduction in its records shall certify to the court within ninety days of the entry of the criminal offense reduction order that the required reduction has been completed: *Provided*, That upon inquiry by a prospective employer or on an application for employment, credit or other type of application, he or she shall disclose the existence of the reduced misdemeanor and acknowledgement of the prior conviction if asked about prior convictions or crimes.

(k) Upon granting of criminal offense reduction, the person whose felony offense has been reduced under the provisions of this article shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit or other type of application that he or she has a felony conviction.

§61-11B-5. Employer protections.

(a) A cause of action may not be brought against an employer, general contractor, premises owner, or other third party solely based on the employer, general contractor, premises owner, or other third party employing a person or independent contractor who has been convicted of a nonviolent, non-sexual offense or a person who has had his or her conviction reduced pursuant to this article.

(b) In a negligent hiring action against an employer, general contractor, premises owner, or other third party for the acts of an employee or independent contractor that is based on a theory of liability other than that described by subsection (a) of the section, the fact that the employee or independent contractor was convicted of a nonviolent, non-sexual offense or had his or her conviction reduced pursuant to this article before the employee or independent contractor's

employment or contractual obligation with the employer, general contractor, premises owner, or other third party, as applicable, may not be introduced into evidence.

(c) This section does not preclude any existing cause of action for failure of an employer or other person to provide adequate supervision of an employee or independent contractor, except that the fact that the employee or independent contractor has been convicted of a nonviolent, non-sexual criminal offense or had his or her conviction reduced pursuant to this article may be introduced into evidence in the suit only if the employer:

(1) Knew of the conviction or was grossly negligent in not knowing of the conviction or reduced offense; and

(2) The conviction or reduced offense was directly related to the nature of the employee's or independent contractor's work and the conduct that gave rise to the alleged injury that is the basis of the suit.

(d) This section shall not be interpreted as implying a cause of action exists for negligent hiring of a person based upon his or her criminal record in factual situations not covered by the provisions of this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 76—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-11B-1, §61-11B-2, §61-11B-3, §61-11B-4 and §61-11B-5, all relating to establishment of a criminal offense reduction program; creating the criminal offense classification of reduced misdemeanor; setting forth legislative intent; setting forth definitions; allowing persons convicted of certain criminal felony offenses to petition under specified circumstances for reduction of the felony to misdemeanor status; setting forth limitations; providing for reduced offense status to be reflected on criminal records; expressly providing that reduction of felony offense means person shall not be deemed as being convicted of a felony for certain legal purposes or restrictions; clarifying that a reduced misdemeanor may not be expunged; clarifying that criminal offense reduction is in the discretion of the circuit court; establishing procedures for petition to the court; requiring payment of a filing fee when filing petition; directing a fee be paid to the State Police to offset costs associated with facilitating the purposes of this article; setting forth information to be included on the petition; providing for notification of petition to certain persons; requiring prosecuting attorney to contact identified victims; providing for notice of opposition to the petition by certain persons; establishing burden and standard of proof for petitions; providing for a hearing and setting forth procedures; providing for entry of an order by the court; authorizing court to enter an order directing certain records to reflect reduction of a felony offense to the status of reduced misdemeanor; requiring certification of compliance to the court; and providing for disclosure requirements; and granting employers limited civil immunity for hiring of convicted felons and persons in reduced misdemeanor status and exceptions thereto.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 76, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Karnes and Mullins—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 76) passed with its Senate amended title.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 2196, Relating to the secondary schools athletic commission.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page one, section twenty-five, line one, before the word "The" by inserting "(a)";

On page one, section twenty-five, line seven, before the word "The" by inserting "(b)";

On page two, section twenty-five, line twenty-seven, before the word "The" by inserting "(c)";

On page two, section, twenty-five, line thirty-five, before the word "Notwithstanding" by inserting "(d)";

On page three, section twenty-five, line forty, after the words "*provided that*" by striking out the remainder of subdivision (1) and inserting in lieu thereof a colon and the following:

(A) The home school student's average test results are within or above the fourth stanine in all subject areas, and;

(B) The private or parochial school students meet the same academic and attendance requirements of public school students.;

And,

On page three, section twenty-five, subdivision (5), by striking out the word "legislature" and inserting in lieu thereof the words "Legislature regarding".

On motion of Senator Ferns, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 2196, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Maroney, Maynard, Miller, Ojeda, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel and Carmichael (Mr. President)—27.

The nays were: Facemire, Mann, Palumbo, Prezioso and Weld—5.

Absent: Jeffries and Mullins—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2196) passed with its Senate amended title.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendment, as to

Eng. Com. Sub. for House Bill 2526, Classifying additional drugs to Schedules I, II, IV and V of controlled substances.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendment to the bill were reported by the Clerk:

On page four, section two hundred four, subsection (b), by striking out all of subdivision (29);

And,

By renumbering the remaining subdivisions.

On motion of Senator Ferns, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendment to the bill.

Engrossed Committee Substitute for House Bill 2526, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Mullins—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2526) passed with its title.

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

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill 2329, Prohibiting the production, manufacture or possession of fentanyl.

Whereupon, Senator Weld, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill 2329, Prohibiting the production, manufacture or possession of fentanyl.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill 2329 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate striking out everything following the enacting clause and inserting new language, and agree to the same as follows

That §60A-1-101 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §60A-2-204 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §60A-4-414, all to read as follows:

ARTICLE 1. DEFINITIONS.

§60A-1-101. Definitions.

As used in this act:

(a) "Administer" means the direct application of a controlled substance whether by injection, inhalation, ingestion or any other means to the body of a patient or research subject by:

(1) A practitioner (or, in his or her presence, by his or her authorized agent); or

(2) The patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Analogue" means a substance that, in relation to a controlled substance, has a substantially similar chemical structure.

(d) "Bureau" means the "Bureau of Narcotics and Dangerous Drugs, United States Department of Justice" or its successor agency.

(e) "Controlled substance" means a drug, substance or immediate precursor in Schedules I through V of article two of this chapter.

(f) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(g) "Imitation controlled substance" means: (1) A controlled substance which is falsely represented to be a different controlled substance; (2) a drug or substance which is not a controlled substance but which is falsely represented to be a controlled substance; or (3) a controlled substance or other drug or substance or a combination thereof which is shaped, sized, colored, marked, imprinted, numbered, labeled, packaged, distributed or priced so as to cause a reasonable person to believe that it is a controlled substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of: (1) A controlled substance, whether or not there is an agency relationship; (2) a counterfeit substance; or (3) an imitation controlled substance.

(i) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

(j) "Dispenser" means a practitioner who dispenses.

(k) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance, a counterfeit substance or an imitation controlled substance.

(l) "Distributor" means a person who distributes.

(m) "Drug" means: (1) Substances recognized as drugs in the official "United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or official National Formulary", or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in subdivision (1), (2) or (3) of this subdivision. It does not include devices or their components, parts or accessories.

(n) "Fentanyl analog or derivative" means any substance which has a chemical structure which is substantially similar to the chemical structure of fentanyl, including any of its salts, isomers, or salts of isomers, including any chemical compound or mixture. For purposes of this chapter, the term "fentanyl derivative or analog" includes any fentanyl analog that is not otherwise scheduled in this chapter.

~~(n)~~ (o) "Immediate derivative" means a substance which is the principal compound or any analogue of the parent compound manufactured from a known controlled substance primarily for use and which has equal or similar pharmacologic activity as the parent compound which is necessary to prevent, curtail or limit manufacture.

~~(e)~~ (p) "Immediate precursor" means a substance which is the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

~~(p)~~ (q) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice; or

(2) By a practitioner, or by his or her authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

~~(q)~~ (r) "Marijuana" means all parts of the plant "Cannabis sativa L.", whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, immediate derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, immediate derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

~~(r)~~ (s) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, immediate derivative or preparation of opium or opiate.

(2) Any salt, compound, isomer, immediate derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) of this subdivision, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, immediate derivative or preparation of coca leaves and any salt, compound, isomer, immediate derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

~~(s)~~ (t) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section two hundred one, article two of this chapter, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does not include its racemic and levorotatory forms.

~~(t)~~ (u) "Opium poppy" means the plant of the species "Papaver somniferum L.", except its seeds.

~~(u)~~ (v) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

~~(v)~~ (w) "Placebo" means an inert medicament or preparation administered or dispensed for its psychological effect, to satisfy a patient or research subject or to act as a control in experimental series.

~~(w)~~ (x) "Poppy straw" means all parts, except the seeds, of the opium poppy after mowing.

~~(x)~~ (y) "Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

~~(y)~~ (z) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

~~(z)~~ (aa) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof and any area subject to the legal authority of the United States of America.

~~(aa)~~ (bb) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

ARTICLE 2. STANDARDS AND SCHEDULES.

§60A-2-204. Schedule I.

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation (for purposes of subdivision (34) of this subsection only, the term isomer includes the optical and geometric isomers):

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl) -4-piperidinyll—phenylacetamide);

(2) Acetylmethadol;

(3) Allyprodine;

(4) Alphacetylmethadol (except levoalphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

(5) Alphameprodine;

(6) Alphamethadol;

(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(– propanilido) piperidine);

(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl- 4-piperidiny]—phenylpropanamide);

(9) Benzethidine;

(10) Betacetylmethadol;

(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl) -4- piperidiny]-N-phenylpropanamide);

(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-phenylpropanamide);

(13) Betameprodine;

(14) Betamethadol;

(15) Betaprodine;

(16) Clonitazene;

(17) Dextromoramide;

(18) Diampromide;

(19) Diethylthiambutene;

(20) Difenoxin;

(21) Dimenoxadol;

(22) Dimepheptanol;

(23) Dimethylthiambutene;

(24) Dioxaphetyl butyrate;

(25) Dipipanone;

(26) Ethylmethylthiambutene;

(27) Etonitazene;

(28) Etoxadine;

(29) Fentanyl analog or derivative, as that term is defined in article one of this chapter: Provided, That fentanyl and carfentanil remains a Schedule II substance, as set forth in section two hundred six of this article;

~~(29)~~ (30) Furethidine;

~~(30)~~ (31) Hydroxypethidine;

~~(31)~~ (32) Ketobemidone;

~~(32)~~ (33) Levomoramide;

~~(33)~~ (34) Levophenacymorphan;

~~(34)~~ (35) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

~~(35)~~ (36) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl) ethyl-4-piperidyl]—phenylpropanamide);

~~(36)~~ (37) Morpheridine;

~~(37)~~ (38) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

~~(38)~~ (39) Noracymethadol;

~~(39)~~ (40) Norlevorphanol;

~~(40)~~ (41) Normethadone;

~~(41)~~ (42) Norpipanone;

~~(42)~~ (43) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidyl]—propanamide);

~~(43)~~ (44) PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);

~~(44)~~ (45) Phenadoxone;

~~(45)~~ (46) Phenampromide;

~~(46)~~ (47) Phenomorphan;

~~(47)~~ (48) Phenoperidine;

~~(48)~~ (49) Piritramide;

~~(49)~~ (50) Proheptazine;

~~(50)~~ (51) Properidine;

~~(51)~~ (52) Propiram;

~~(52)~~ (53) Racemoramide;

~~(53)~~ (54) Thiofentanyl (N-phenyl-N-[1-(2-thienyl) ethyl-4- piperidiny]-propanamide);

~~(54)~~ (55) Tilidine;

~~(55)~~ (56) Trimeperidine.

(c) *Opium derivatives*. — Unless specifically excepted or unless listed in another schedule, any of the following opium immediate derivatives, its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;

(2) Acetyldihydrocodeine;

(3) Benzylmorphine;

(4) Codeine methylbromide;

(5) Codeine-N-Oxide;

(6) Cyprenorphine;

(7) Desomorphine;

(8) Dihydromorphine;

(9) Drotebanol;

(10) Etorphine (except HCl Salt);

(11) Heroin;

(12) Hydromorphenol;

(13) Methyldesorphine;

(14) Methyldihydromorphine;

(15) Morphine methylbromide;

(16) Morphine methylsulfonate;

(17) Morphine-N-Oxide;

(18) Myrophine;

(19) Nicocodeine;

(20) Nicomorphine;

(21) Normorphine;

(22) Pholcodine;

(23) Thebacon.

(d) *Hallucinogenic substances.* — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term “isomer” includes the optical, position and geometric isomers):

(1) Alpha-ethyltryptamine; some trade or other names: etryptamine; Monase; alpha-ethy-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; and AET;

(2) 4-bromo-2, 5-dimethoxy-amphetamine; some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo- 2,5-DMA;

(3) 4-Bromo-2,5-dimethoxyphenethylamine; some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha- desmethyl DOB; 2C-B, Nexus;

(4)(A) N-(2-Methoxybenzyl)-4-bromo-2, 5-dimethoxyphenethylamine. The substance has the acronym 25B-NBOMe.

(B) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C-NBOMe).

(C) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I-NBOMe)

(5) 2,5-dimethoxyamphetamine; some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA;

(6) 2,5-dimethoxy-4-ethylamphet-amine; some trade or other names: DOET;

(7) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

(8) 4-methoxyamphetamine; some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA;

(9) 5-methoxy-3, 4-methylenedioxy-amphetamine;

(10) 4-methyl-2,5-dimethoxy-amphetamine; some trade and other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; “DOM”; and “STP”;

(11) 3,4-methylenedioxy amphetamine;

(12) 3,4-methylenedioxymethamphetamine (MDMA);

(13) 3,4-methylenedioxy-N-ethylamphetamine (also known as – ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, MDEA);

(14) N-hydroxy-3,4-methylenedioxyamphetamine (also known as – hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and – hydroxy MDA);

(15) 3,4,5-trimethoxy amphetamine;

(15) (16) 5-methoxy-N, N-dimethyltryptamine (5-MeO-DMT);

(17) Alpha-methyltryptamine (other name: AMT);

(18) Bufotenine; some trade and other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;3-(2-dimethylaminoethyl) -5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;

(19) Diethyltryptamine; some trade and other names: N, N-Diethyltryptamine; DET;

(20) Dimethyltryptamine; some trade or other names: DMT;

(21) 5-Methoxy-N, N-diisopropyltryptamine (5-MeO-DIPT);

(22) Ibogaine; some trade and other names: 7-Ethyl-6, 6 Beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H- pyrido [1', 2': 1, 2] azepino [5,4-b] indole; Tabernanthe iboga;

(23) Lysergic acid diethylamide;

(24) Marijuana;

(25) Mescaline;

(26) Parahexyl-7374; some trade or other names: 3-Hexyl -1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl;

(27) Peyote; meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, immediate derivative, mixture or preparation of such plant, its seeds or extracts;

(28) N-ethyl-3-piperidyl benzilate;

(29) N-methyl-3-piperidyl benzilate;

(30) Psilocybin;

(31) Psilocyn;

(32) Tetrahydrocannabinols; synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis*, sp. and/or synthetic substances, immediate derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

delta-1 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-6 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-3,4 Cis or trans tetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered).

(33) Ethylamine analog of phencyclidine; some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

(34) Pyrrolidine analog of phencyclidine; some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;

(35) Thiophene analog of phencyclidine; some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine; TPCP, TCP;

(36) 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some other names: TCPy.

(37) 4-methylmethcathinone (Mephedrone);

(38) 3,4-methylenedioxyprovalerone (MDPV);

(39) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

(40) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)

(41) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)

(42) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)

(43) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)

(44) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)

(45) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)

(46) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N)

(47) 2-(2,5-Dimethoxy-

4-(n)-propylphenyl)ethanamine (2C-P)

(48) 3,4-Methylenedioxy-N-methylcathinone (Methylone)

(49) (2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7, its optical isomers, salts and salts of isomers

(50) 5-methoxy-N, N-dimethyltryptamine some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT(5-MeO-DMT)

(51) Alpha-methyltryptamine (other name: AMT)

(52) 5-methoxy-N, N-diisopropyltryptamine (other name: 5-MeO-DIPT)

(53) Synthetic Cannabinoids as follows:

(A) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol {also known as CP 47,497 and homologues};

(B) rel-2-[(1S,3R)-3-hydroxycyclohexyl] -5-(2-methylnonan-2-yl) phenol {also known as CP 47,497-C8 homolog};

(C) [(6aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol] {also known as HU-210};

(D) (dexanabinol);

(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo

[c]chromen-1-ol) {also known as HU-211};

(E) 1-Pentyl-3-(1-naphthoyl) indole {also known as JWH-018};

(F) 1-Butyl-3-(1-naphthoyl) indole {also known as JWH-073};

(G) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-015};

(H) (1-hexyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-019};

(I) [1-[2-(4-morpholinyl) ethyl] -1H-indol-3-yl]-1-naphthalenyl-methanone {also known as JWH-200};

(J) 1-(1-pentyl-1H-indol-3-yl)-2-(3-hydroxyphenyl)-ethanone {also known as JWH-250};

(K) 2-((1S,2S,5S)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl) -5-(2-methyloctan-2-yl)phenol {also known as CP 55,940};

(L) (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl) -methanone {also known as JWH-122};

(M) (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl) -methanone {also known as JWH-398};

(N) (4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone {also known as RCS-4};

(O) 1-(1-(2-cyclohexylethyl) -1H-indol-3-yl) -2-(2-methoxyphenyl) ethanone {also known as RCS-8};

(P) 1-pentyl-3-[1-(4-methoxynaphthoyl) indole (JWH-081);

(Q) 1-(5-fluoropentyl)-3-(1-naphthoyl) indole (AM2201); and

(R) 1-(5-fluoropentyl)-3-(2-iodobenzoyl) indole (AM694).

(54) Synthetic cannabinoids or any material, compound, mixture or preparation which contains any quantity of the following substances, including their analogues, congeners, homologues, isomers, salts and salts of analogues, congeners, homologues and isomers, as follows:

(A) CP 47,497 AND homologues, 2-[(1R,3S)-3-Hydroxycyclohexyl]-5-(2-methyloctan-2-YL) phenol);

(B) HU-210, [(6AR,10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-Methyloctan-2-YL)-6A,7,10,10A-tetrahydrobenzo[C] chromen-1-OL)];

(C) HU-211, (dexanabinol, (6AS,10AS)-9-(hydroxymethyl)-6,6-Dimethyl-3-(2-methyloctan-2-YL)-6A,7,10,10A-tetrahydrobenzo [C] chromen-1-OL);

(D) JWH-018, 1-pentyl-3-(1-naphthoyl) indole;

(E) JWH-019, 1-hexyl-3-(1-naphthoyl) indole;

(F) JWH-073, 1-butyl-3-(1-naphthoyl) indole;

(G) JWH-200, (1-(2-morpholin-4-ylethyl) indol-3-yl)- Naphthalen-1-ylmethanone;

(H) JWH-250, 1-pentyl-3-(2-methoxyphenylacetyl) indole.

(55) Synthetic cannabinoids including any material, compound, mixture or preparation that is not listed as a controlled substance in Schedule I through V, is not a federal Food and Drug Administration approved drug or used within legitimate and approved medical research and which contains any quantity of the following substances, their salts, isomers, whether optical positional or geometric, analogues, homologues and salts of isomers, analogues and homologues, unless specifically exempted, whenever the existence of these salts, isomers, analogues, homologues and salts of isomers, analogues and homologues if possible within the specific chemical designation:

(A) Tetrahydrocannabinols meaning tetrahydrocannabinols which are naturally contained in a plant of the genus cannabis as well as synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis or synthetic substances, derivatives and their isomers with analogous chemical structure and or pharmacological activity such as the following:

(i) DELTA-1 CIS OR trans tetrahydrocannabinol and their Optical isomers.

(ii) DELTA-6 CIS OR trans tetrahydrocannabinol and their Optical isomers.

(iii) DELTA-3,4 CIS OR their trans tetrahydrocannabinol and their optical isomers.

(B) Naphthoyl indoles or any compound containing a 3-(1-Naphthoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include the following:

(i) JWH 015;

(ii) JWH 018;

- (iii) JWH 019;
- (iv) JWH 073;
- (v) JWH 081;
- (vi) JWH 122;
- (vii) JWH 200;
- (viii) JWH 210;
- (ix) JWH 398;
- (x) AM 2201;
- (xi) WIN 55,212.

(56) Synthetic Phenethylamines (including their optical, positional, and geometric isomers, salts and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers):

(A) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe/ 2C-I-NBOMe);

(B) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe/2C-C-NBOMe);

(C) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe/ 2C-B-NBOMe);

(57) Synthetic Opioids (including their isomers, esters, ethers, salts and salts of isomers, esters and ethers):

(A) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);

(B) furanyl fentanyl;

(C) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (also known as U-47700);

(D) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl fentanyl);

(E) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide, (beta-hydroxythiofentanyl).

(58) Opioid Receptor Agonist (including its isomers, esters, ethers, salts, and salts of isomers, esters and ethers):

(A) AH-7921 (3,4-dichloro-N-(1dimethylamino)cyclohexylmethylbenzamide).

~~(56)~~ (59) Naphthylmethylnidoles or any compound containing a 1-indol-3-yl-(1-naphthyl) methane structure with a substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 175 and JWH 184.

~~(57)~~ (60) Naphthoylpyrroles or any compound containing a 3-(1-Naphthoyl) pyrrole structure with substitution at the nitrogen atom of the pyrrole ring whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 147 and JWH 307.

~~(58)~~ (61) Naphthylmethylnidenes or any compound containing a Naphthylideneindene structure with substitution at the 3- Position of the indene ring whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 176.

~~(59)~~ (62) Phenylacetylnidoles or any compound containing a 3- Phenylacetylindole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include the following:

- (A) RCS-8, SR-18 OR BTM-8;
- (B) JWH 250;
- (C) JWH 203;
- (D) JWH 251;
- (E) JWH 302.

~~(60)~~ (63) Cyclohexylphenols or any compound containing a 2-(3- hydroxycyclohexyl) phenol structure with a substitution at the 5-position of the phenolic ring whether or not substituted in the cyclohexyl ring to any extent. This shall include the following:

- (A) CP 47,497 and its homologues and analogs;
- (B) Cannabicyclohexanol;
- (C) CP 55,940.

~~(64)~~ (64) Benzoylnidoles or any compound containing a 3-(benzoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include the following:

- (A) AM 694;
- (B) Pravadoline WIN 48,098;
- (C) RCS 4;
- (D) AM 679.

~~(62)~~ (65) [2,3-dihydro-5 methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-DE]-1, 4-benzoxazin-6-YL]-1-napthalenymethanone. This shall include WIN 55,212-2.

~~(63)~~ (66) Dibenzopyrans or any compound containing a 11-hydroxydelta 8-tetrahydrocannabinol structure with substitution on the 3-pentyl group. This shall include HU-210, HU-211, JWH 051 and JWH 133.

~~(64)~~ (67) Adamantoylindoles or any compound containing a 3-(-1- Adamantoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the adamantoyl ring system to any extent. This shall include AM1248.

~~(65)~~ (68) Tetramethylcyclopropylindoles or any compound containing A 3-tetramethylcyclopropylindole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent. This shall include UR-144 and XLR-11.

~~(66)~~ (69) N-(1-Adamantyl)-1-pentyl-1h-indazole-3-carboxamide. This shall include AKB48.

~~(67)~~ (70) Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and V, not federal Food and Drug Administration approved drug or used within legitimate, approved medical research. Since nomenclature of these substances is not internationally standardized, any immediate precursor or immediate derivative of these substances shall be covered.

~~(68)~~ (71) Tryptamines:

(A) 5- methoxy- N- methyl-N-isopropyltryptamine (5-MeO-MiPT)

(B) 4-hydroxy-N, N-diisopropyltryptamine (4-HO-DiPT)

(C) 4-hydroxy-N-methyl-N-isopropyltryptamine (4-HO-MiPT)

(D) 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET)

(E) 4-acetoxy-N, N-diisopropyltryptamine (4-AcO-DiPT)

(F) 5-methoxy- α -methyltryptamine (5-MeO-AMT)

(G) 4-methoxy-N, N-Dimethyltryptamine (4-MeO-DMT)

(H) 4-hydroxy Diethyltryptamine (4-HO-DET)

(I) 5- methoxy- N, N- diallyltryptamine (5-MeO-DALT)

(J) 4-acetoxy-N, N-Dimethyltryptamine (4-AcO DMT)

(K) 4-hydroxy Diethyltryptamine (4-HO-DET)

(72) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (AB-CHMINACA):

(73) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA);

(74) [1-(5-fluoropentyl)-1H-indazol-3-yl (naphthalen-1-yl)methanone (THJ-2201);

(75) quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22; QUPIC);

(76) quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5-fluoro-PB-22; 5F-PB-22);

(77) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA);

(78) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA); and

(79) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (common names, MAB-CHMINACA and ADB-CHMINACA);

(e) *Depressants*. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Mecloqualone;

(2) Methaqualone.

(f) *Stimulants*. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Aminorex; some other names: aminoxaphen; 2-amino-5- phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine;

(2) Cathinone; some trade or other names: 2-amino-1-phenyl-1- propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

(3) Fenethylamine;

(4) Methcathinone, its immediate precursors and immediate derivatives, its salts, optical isomers and salts of optical isomers; some other names: (2-(methylamino)-propiophenone; alpha-

(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1- one; alpha—methylaminopropiophenone; monomethylpropion; 3,4-methylenedioxypropylphenone and/or mephedrone; 3,4-methylenedioxypropylphenone (MPVD); ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL- 463 and UR1432;

(5) (+-) cis-4-methylaminorex; ((-) cis-4,5-dihydro-4-methyl- 5-phenyl-2-oxazolamine);

(6) N-ethylamphetamine;

(7) N,N-dimethylamphetemine; also known as N,N-alpha- trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.

(8) Alpha-pyrrolidinopentiophenone, also known as alpha-PVP, optical isomers, salts and salts of isomers.

(9) Substituted amphetamines:

(A) 2-Fluoroamphetamine

(B) 3-Fluoroamphetamine

(C) 4-Fluoroamphetamine

(D) 2-chloroamphetamine

(E) 3-chloroamphetamine

(F) 4-chloroamphetamine

(G) 2-Fluoromethamphetamine

(H) 3-Fluoromethamphetamine

(I) 4-Fluoromethamphetamine

(J) 4-chloromethamphetamine

(10) 4-methyl-N-ethylcathinone (4-MEC);

(11) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);

(12) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);

(13) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);

(14) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);

(15) 4-fluoro-N-methylcathinone (4-FMC);

(16) 3-fluoro-N-methylcathinone (3-FMC);

(17) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone); and

(18) Alpha-pyrrolidinobutiophenone (α -PBP).

(g) Temporary listing of substances subject to emergency scheduling. Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers.

(2) N-[1-(2-thienyl) methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers.

(3) N-benzylpiperazine, also known as BZP.

(h) The following controlled substances are included in Schedule I:

(1) Synthetic Cathinones or any compound, except bupropion or compounds listed under a different schedule, or compounds used within legitimate and approved medical research, structurally derived from 2- Aminopropan-1-one by substitution at the 1-position with Monocyclic or fused polycyclic ring systems, whether or not the compound is further modified in any of the following ways:

(A) By substitution in the ring system to any extent with Alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl or halide Substituents whether or not further substituted in the ring system by one or more other univalent substituents.

(B) By substitution at the 3-Position with an acyclic alkyl substituent.

(C) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups.

(D) By inclusion of the 2-amino nitrogen atom in a cyclic structure.

(2) Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and V, not federal Food and Drug Administration approved drug or used within legitimate, approved medical research.

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-414. Unlawful manufacture, delivery, transport into state, or possession of fentanyl.

(a) For purposes of this section,

(1) "Controlled substance" shall have the same meaning as provided in subsection (e), section one hundred one, article one of this chapter.

(2) "Fentanyl" refers to the substance identified in subdivision (9), subsection (c), section two hundred six, article two of this chapter, and any analog or derivative thereof.

(b) Any person who violates the provisions of subsection (a), section four hundred one of this article or section four hundred nine of this article in which fentanyl is a controlled substance involved in the offense, either alone or in combination with another controlled substance, shall be guilty of a felony, and upon conviction thereof, shall be punished in accordance with the following:

(1) If the net weight of fentanyl involved in the offense is less than one gram, such person shall be imprisoned in a correctional facility not less than two nor more than ten years.

(2) If the net weight of fentanyl involved in the offense is one gram or more but less than five grams, such person shall be imprisoned in a correctional facility not less than three nor more than fifteen years.

(3) If the net weight of fentanyl involved in the offense is five grams or more, such person shall be imprisoned in a correctional facility not less than four nor more than twenty years.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title to read as follows:

Eng. Com. Sub. for House Bill 2329—A Bill to amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-2-204 of said code; and to amend said code by adding thereto a new section, designated §60A-4-414, all relating to prohibiting the unlawful production, manufacture or possession of fentanyl and fentanyl analogs and derivatives; defining a fentanyl analog or derivative; classifying a fentanyl analog or derivative as a Schedule I drug; classifying additional drugs to Schedules I of uniform controlled substances act; creating a felony offense and imposing criminal penalties for the unlawful manufacture, delivery, possession with intent to manufacture or deliver, and transport into state of fentanyl; defining terms; establishing increased penalties for manufacturing, delivering, possessing with intent to manufacture or deliver, and transporting into state with intent to deliver or manufacture in which fentanyl is a controlled substance involved in the offense; and providing for penalties based upon weight.

Respectfully submitted,

Kelli Sobonya, *Chair*, Ray Hollen, Rodney Miller, *Conferees on the part of the House of Delegates*.

Ryan W. Weld, *Chair*, Mark R. Maynard, Glenn D. Jeffries, *Conferees on the part of the Senate*.

Senator Weld, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Weld, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2329, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mullins—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2329) passed with its conference amended title.

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

At the request of Senator Sypolt, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

On motion of Senator Ferns, the special order of business set for this position on the calendar (*consideration of executive nominations*) was postponed and made a special order of business for tomorrow, Sunday, April 9, 2017, at 6 p.m.

The Senate again proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill 2579, Increasing the penalties for transporting controlled substances.

Whereupon, Senator Weld, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill 2579, Increasing the penalties for transporting controlled substances.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill 2579 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate striking out everything following the enacting clause and inserting new language, and agree to the same as follows:

That §60A-4-409 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-409. Prohibited acts – Transportation of controlled substances into state; penalties.

(a) Except as otherwise authorized by the provisions of this code, it ~~shall be~~ is unlawful for any person to transport or cause to be transported into this state a controlled substance with the intent to deliver the same or with the intent to manufacture a controlled substance.

(b) Any person who violates this section with respect to:

(1) A controlled substance classified in Schedule I or II, which is a narcotic drug, shall be guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than fifteen years, or fined not more than \$25,000, or both;

(2) Any other controlled substance classified in Schedule I, II or III shall be guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than ~~five~~ ten years, or fined not more than \$15,000, or both: Provided, That for the substance marihuana, as scheduled in subdivision (24) subsection (d), section two hundred four, article two of this chapter, the penalty, upon conviction of a violation of this subsection, shall be that set forth in subdivision (3) of this subsection.

(3) A substance classified in Schedule IV shall be guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than ~~three~~ five years, or fined not more than \$10,000, or both;

(4) A substance classified in Schedule V shall be guilty of a misdemeanor and, upon conviction, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both: *Provided*, That for offenses relating to any substance classified as Schedule V in article ten of this chapter, the penalties established in said article apply.

(c) Notwithstanding the provisions of subsection (b) of this section, any person violating or causing a violation of subsection (a) of this section involving one kilogram or more of heroin, five kilograms or more of cocaine or cocaine base, one hundred grams or more of phencyclidine, ten grams or more of lysergic acid diethylamide, or fifty grams or more of methamphetamine or five hundred grams of a substance or material containing a measurable amount of methamphetamine, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than thirty years.

(d) Notwithstanding the provisions of subsection (b) of this section, any person violating or causing a violation of subsection (a) of this section involving one hundred but fewer than 1000 grams of heroin, not less than five hundred but fewer than 5,000 grams of cocaine or cocaine base, not less than ten but fewer than ninety-nine grams of phencyclidine, not less than one but fewer than ten grams of lysergic acid diethylamide, or not less than five but fewer than fifty grams of methamphetamine or not less than fifty grams but fewer than five hundred grams of a substance or material containing a measurable amount of methamphetamine, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than twenty years.

(e) Notwithstanding the provisions of subsection (b) of this section, any person violating or attempting to violate the provisions of subsection (a) of this section involving not less than ten grams nor more than one hundred grams of heroin, not less than fifty grams nor more than five hundred grams of cocaine or cocaine base, not less than two grams nor more than ten grams of phencyclidine, not less than two hundred micrograms nor more than one gram of lysergic acid diethylamide, or not less than four hundred ninety nine milligrams nor more than five grams of methamphetamine or not less than twenty grams nor more than fifty grams of a substance or material containing a measurable amount of methamphetamine is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than fifteen years.

~~(e)~~(f) The offense established by this section shall be in addition to and a separate and distinct offense from any other offense set forth in this code.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title to read as follows:

Eng. Com. Sub. for House Bill 2579—A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to the offense of transporting illegal substances into the state generally; increasing penalties for illegal transportation of controlled substances into the state; clarifying that causing illegal transportation of controlled substances into the state is prohibited; providing for a differing penalty for an offense involving marihuana; and creating enhanced criminal penalties for transporting certain controlled substances into the state based on quantity.

Respectfully submitted,

Kelli Sobonya, *Chair*, Ray Hollen, Rodney Miller, *Conferees on the part of the House of Delegates*.

Ryan W. Weld, *Chair*, Mark R. Maynard, Glenn D. Jeffries, *Conferees on the part of the Senate*.

On motions of Senator Weld, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2579, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mullins—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2579) passed with its conference amended title.

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

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill 2585, Creating felony crime of conducting financial transactions involving proceeds of criminal activity.

Whereupon, Senator Weld, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill 2585, Creating felony crime of conducting financial transactions involving proceeds of criminal activity.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill 2585 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the House agree to the amendment of the Senate to the bill striking out everything after the enacting clause, and that both houses agree to the following amendments to the Senate amendment, as follows:

On page three, section two, line fifteen, by striking out the phrase “a determinate term of”;

On page four, section two, line twenty-one, by striking out the phrase “a determinate term of”;

And,

The House agrees to the Senate title.

Respectfully submitted,

Kelli Sobonya, *Chair*, Ray Hollen, Rodney Miller, *Conferees on the part of the House of Delegates*.

Ryan W. Weld, *Chair*, Mark R. Maynard, Glenn D. Jeffries, *Conferees on the part of the Senate*.

Senator Weld, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Weld, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2585, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2585) passed with its Senate amended title.

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

The Senate again proceeded to the fifth order of business.

Senator Weld, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Senate Bill 554, Relating to false swearing in legislative proceeding.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Senate Bill 554 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the House of Delegates recedes from its amendments to the bill.

Respectfully submitted,

Ryan W. Weld, *Chair*, Charles H. Clements, Robert D. Beach, *Conferees on the part of the Senate*.

Moore Capito, *Chair*, Charlotte R. Lane, Barbara Evans Fleischauer, *Conferees on the part of the House of Delegates*.

On motions of Senator Weld, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Senate Bill 554, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 554) passed with its title.

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

Senator Swope, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for Senate Bill 224, Repealing requirement for employer's bond for wages and benefits.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Committee Substitute for Senate Bill 224 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, striking everything after the enacting clause, and agree to the same as follows:

That §21-5-14 and §21-5-15 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 5. WAGE PAYMENT AND COLLECTION.

§21-5-14. Employer's bond for wages and benefits.

(a) Bond required. — With the exception of those who have been doing business in this state actively and actually engaged in construction work, or the severance, production or transportation of minerals for at least ~~five consecutive years~~ one year next preceding the posting of the bond required by this section, every employer, person, firm or corporation engaged in or about to engage in construction work, or the severance, production or transportation (excluding railroads and water transporters) of minerals, shall, prior to engaging in any construction work, or the severance, production or transportation of minerals, furnish a bond on a form prescribed by the commissioner, payable to the State of West Virginia, with the condition that the person, firm or corporation pay the wages and fringe benefits of his or her or its employees when due. The amount of the bond shall be equal to the total of the employer's gross payroll for four weeks at full capacity or production, plus fifteen percent of the said total of employer's gross payroll for four weeks at full capacity or production. The amount of the bond shall increase or decrease as the employer's payroll increases or decreases: *Provided*, That the amount of the bond shall not be decreased, except with the commissioner's approval and determination that there are not outstanding claims against the bond: *Provided, however*, That if the employer, person, firm or corporation meets one of the following, then such employer, person, firm or corporation shall be exempt from the requirements of this subsection:

(1) Has been in business in another state for at least five years;

(2) Has at least \$100,000 in assets; or

(3) Is a subsidiary of a parent company that has been in business for at least five years.

(b) Waiver. — The commissioner shall waive the posting of any bond required by subsection (a) of this section upon his or her determination that an employer is of sufficient financial responsibility to pay wages and fringe benefits. The commissioner shall promulgate rules and regulations according to the provisions of chapter twenty-nine-a of this code which prescribe standards for the granting of such waivers.

(c) Form of bond; filing in office of circuit clerk. — The bond may include, with the approval of the commissioner, surety bonding, collateral bonding (including cash and securities), letters of credit, establishment of an escrow account or a combination of these methods. The commissioner shall accept an irrevocable letter of credit in lieu of any other bonding requirement. If collateral bonding is used, the employer may deposit cash, or collateral securities or certificates as follows: Bonds of the United States or its possessions, or of the federal land bank, or of the homeowner's

loan corporation; full faith and credit general obligation bonds of the State of West Virginia or other states, and of any county, district or municipality of the State of West Virginia or other states; or certificates of deposit in a bank in this state, which certificates shall be in favor of the state. The cash deposit or market value of such securities or certificates shall be equal to or greater than the sum of the bond. The commissioner shall, upon receipt of any such deposit of cash, securities or certificates, promptly place the same with the State Treasurer whose duty it shall be to receive and hold the same in the name of the state in trust for the purpose for which such deposit is made. The employer making the deposit shall be entitled from time to time to receive from the State Treasurer, upon the written approval of the commissioner, the whole or any portion of any cash, securities or certificates so deposited, upon depositing with him or her in lieu thereof, cash or other securities or certificates of the classes herein specified having value equal to or greater than the sum of the bond. The commissioner shall cause a copy of the bond to be filed in the office of the clerk of the county commission of the county wherein the person, firm or corporation is doing business to be available for public inspection.

(d) Employee cause of action. — Notwithstanding any other provision in this article, any employee, whose wages and fringe benefits are secured by the bond, as specified in subsection (c) of this section, has a direct cause of action against the bond for wages and fringe benefits that are due and unpaid.

(e) Action of commissioner. — Any employee having wages and fringe benefits unpaid may inform the commissioner of the claim for unpaid wages and fringe benefits and request certification thereof. If the commissioner, upon notice to the employer and investigation, finds that such wages and fringe benefits or a portion thereof are unpaid, he or she shall make demand of such employer for the payment of such wages and fringe benefits. If payment for such wages and fringe benefits is not forthcoming within the time specified by the commissioner, not to exceed thirty days, the commissioner shall certify such claim or portion thereof, and forward the certification to the bonding company or the State Treasurer, who shall provide payment to the affected employee within fourteen days of receipt of such certification. The bonding company, or any person, firm or corporation posting a bond, thereafter shall have the right to proceed against a defaulting employer for that part of the claim the employee paid. The procedure specified herein shall not be construed to preclude other actions by the commissioner or employee to seek enforcement of the provisions of this article by any civil proceedings for the payment of wages and fringe benefits or by criminal proceedings as may be determined appropriate.

(f) Posting and reporting by employer. — With the exception of those exempt under subsection (a) of this section, any employer who is engaged in construction work or the severance, production or transportation (excluding railroad and water transporters) of minerals shall post the following in a place accessible to his or her or its employees:

(1) A copy of the bond or other evidence of surety specifying the number of employees covered as provided under subsection (a) of this section, or notification that the posting of a bond has been waived by the commissioner; and

(2) A copy of the notice in the form prescribed by the commissioner regarding the duties of employers under this section. During the first ~~two years~~ year that any person, firm or corporation is doing business in this state in construction work, or in the severance, production or transportation of minerals, such person, firm or corporation shall on or before February 1, May, August and November of each calendar year file with the department a verified statement of the number of employees, or a copy of the quarterly report filed with the Bureau of Employment Programs showing the accurate number of employees, unless the commissioner waives the filing

of the report upon his or her determination that the person, firm or corporation is of sufficient stability that the reporting is unnecessary.

(g) Termination of bond. — The bond may be terminated, with the approval of the commissioner, after an employer submits a statement, under oath or affirmation lawfully administered, to the commissioner that the following has occurred: The employer has ceased doing business and all wages and fringe benefits have been paid, or the employer has been doing business in this state for at least ~~five consecutive years~~ one year and has paid all wages and fringe benefits. The approval of the commissioner will be granted only after the commissioner has determined that the wages and fringe benefits of all employees have been paid. The bond may also be terminated upon a determination by the commissioner that an employer is of sufficient financial responsibility to pay wages and fringe benefits.

§21-5-15. Violations; cease and desist orders and appeals therefrom; criminal penalties.

(a) Any person, firm or corporation who knowingly and willfully fails to provide and maintain an adequate bond as required by section fourteen of this article is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$200 nor more than \$5,000, or imprisoned in the county jail not more than one month, or both fined and imprisoned.

(b) Any person, firm or corporation who knowingly, willfully and fraudulently disposes of or relocates assets with intent to deprive employees of their wages and fringe benefits is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than ~~\$30,000~~ \$60,000, or imprisoned in the ~~penitentiary~~ state correctional facility not less than one nor more than three years, or both fined and imprisoned.

(c) (1) At any time the commissioner determines that a person, firm or corporation has not provided or maintained an adequate bond, as required by section fourteen of this article, the commissioner shall issue a cease and desist order which is to be issued and posted requiring that said person, firm or corporation either post an adequate bond or cease further operations in this state within a period specified by the commissioner; which period shall be not less than five nor more than fourteen days. The cease and desist order may be issued by the commissioner at his or her own instance or at his or her direction, with or without application to or the approval of any other officer, agent, department or employee of the state or application to any court for approval thereof. Any person, firm or corporation who continues to engage in construction work or the severance, production or transportation of minerals without an approved bond after such specified period shall be guilty of a felony, and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$30,000, or imprisoned in the penitentiary not less than one nor more than three years, or both fined and imprisoned. Any cease and desist order issued by the commissioner pursuant to this subsection may be directed by the commissioner to the sheriff of the county wherein the business activity of which the order is the subject, or to any officer or employee of the department, commanding such sheriff, officer or employee to serve such order upon the business in question within seventy-two hours and to make proper return thereof.

(2) Any other provision of law to the contrary notwithstanding, any person against whom a cease and desist order has been directed shall be entitled to judicial review thereof by filing a verified petition taking an appeal therefrom within fifteen days from the date of service of such order. Such verified petition shall be filed in the circuit court of the county wherein service of the order was completed, at the option of the petitioner, or, in the circuit court of Kanawha County, West Virginia. If the appeal is not perfected within such fifteen day period, the cease and desist order shall be final and shall not thereafter be subject to judicial review. No appeal shall be

deemed to have been perfected except upon the filing with the clerk of the circuit court of the county wherein the appeal is taken, of a bond or other security to be approved by the court, in an amount of not less than the amount of the bond otherwise required to be posted under the provisions of section fourteen of this article. The person so filing a petition of appeal shall cause a copy of the petition and bond or other posted security to be served upon the commissioner by certified mail, return receipt requested, within seven days after the date upon which the petition for appeal is filed.

(d) Any person who threatens any officer, agent or employee of the department or other person authorized to assist the commissioner in the performance of his or her duties under any provision of section fourteen of this article or of this section or who shall interfere with or attempt to prevent any such officer, agent, employee or other person in the performance of such duties shall be guilty of a felony, and, upon conviction thereof, shall be fined in an amount of not less than \$1,000 nor more than \$3,000 or imprisoned in the penitentiary not less than one nor more than three years, or both such fine and imprisonment.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Eng. Com. Sub. for Senate Bill 224—A Bill to amend and reenact §21-5-14 and §21-5-15 of the Code of West Virginia, 1931, as amended, relating to the requirement of a bond for wages and benefits for certain designated employers, persons, firms, or corporations generally; lowering period of time for the requirement that certain designated employers, persons, firms or corporations shall furnish a bond for wages and benefits to at least one year; providing exemptions for employers, persons, firms, or corporations who have been in business in another state for at least five years, employers, persons, firms or corporations who have at least \$100,000 in assets or employers, persons, firms, or corporations who are a subsidiary of a parent company that has been in business for at least five years; lowering period of time in which a person, firm or corporation is required to file a statement or copy with the Bureau of Employment Programs; lowering period of time employer must have been doing business in order to terminate bond; increasing the maximum criminal fine for any person, firm or corporation who knowingly, willfully and fraudulently disposes of or relocates assets with the intent to deprive employees of their wages and fringe benefits from \$30,000 to \$60,000; and making corrections to current code.

Respectfully submitted,

Chandler Swope, *Chair*, Robert Karnes, Richard N. Ojeda II, *Conferees on the part of the Senate*.

Roger Hanshaw, *Chair*, Geoff Foster, Barbara Evans Fleischauer, *Conferees on the part of the House of Delegates*.

On motions of Senator Swope, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill 224, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Karnes, Maroney, Maynard, Mullins, Plymale, Rucker, Smith, Swope, Sybolt, Takubo, Trump, Weld and Carmichael (Mr. President)—21.

The nays were: Beach, Facemire, Hall, Jeffries, Mann, Miller, Ojeda, Palumbo, Prezioso, Romano, Stollings, Unger and Woelfel—13.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 224) passed with its conference amended title.

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

Senator Boso, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for Senate Bill 204, Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendment of the House to Engrossed Committee Substitute for Senate Bill 204 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House, striking out everything after the enacting clause, and agree to the same as follows:

That §5-1-22 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. THE GOVERNOR.

§5-1-22. Vacancies in offices filled by appointment of Governor; Senate action; bond requirements; filling vacancies in other appointive offices.

(a) In case of a vacancy, during the recess of the Senate, in any office, which vacancy the Governor is authorized to fill by and with the advice and consent of the Senate, the Governor shall, by appointment within ninety days, fill such vacancy until the next meeting of the Senate, when the Governor shall submit to the Senate a nomination to fill such vacancy and, upon confirmation of such nomination by the Senate, by a vote of a majority of all the members elected to the Senate, taken by yeas and nays, the person so nominated and confirmed shall hold said office during the remainder of the term for which his or her predecessor in office was appointed, and until his or her successor shall be appointed and qualified. No person whose nomination for office has been rejected by the Senate shall again be nominated for the same office during the session in which his or her nomination was so rejected, unless at the request of the Senate, nor shall ~~he~~ the person be appointed to the same office during the recess of the Senate. No appointee

who resigns from any such office prior to confirmation, or whose name has not been submitted for confirmation while the Senate is in session, shall be eligible, during the recess of the Senate, to hold any office the nomination for which must be confirmed by the Senate.

(b) Any person appointed to temporarily fill a vacancy shall possess the qualifications required by law for that vacant position, and may only remain in the vacated position for a maximum of ninety days.

(c) If an employee of a state agency is temporarily appointed to fill a vacancy, the employee may fill such vacancy without resigning from the position he or she ordinarily holds: *Provided*, that the employee's compensation shall be the greater of:

(1) The employee's regular salary in his or her usual position; or

(2) The salary for the office the employee temporarily fills.

(d) If a vacancy is temporarily filled by a person not otherwise employed by any agency of the State of West Virginia, then that person shall be compensated at a rate no greater than that of the salary for the office that person temporarily fills.

(e) The bond, if any, required by law to be given by any officer so temporarily appointed by the Governor, shall be in such penalty as is required by law of the incumbent of such office.

(f) Any vacancy in any other office filled by appointment, or in any office hereafter created to be filled by appointment, shall be filled by the same person, court or body authorized to make appointment to such office for the full term thereof.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Eng. Com. Sub. for Senate Bill 204—A Bill to amend and reenact §5-1-22 of the Code of West Virginia, 1931, as amended, relating to filling vacancies in offices by appointment of the Governor; requiring certain appointments be made within ninety days; authorizing temporary appointments; and providing requirements for persons appointed temporarily to fill vacancies.

Respectfully submitted,

Gregory L. Boso, *Chair*, C. Edward Gaunch, Douglas E. Facemire, *Conferees on the part of the Senate*.

Roger Hanshaw, *Chair*, Mark Zatezalo, Phil Isner, *Conferees on the part of the House of Delegates*.

Senator Boso, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Boso, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill 204, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—26.

The nays were: Beach, Facemire, Jeffries, Miller, Prezioso, Romano, Stollings and Unger—8.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 204) passed with its conference amended title.

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

Senator Blair, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Senate Bill 172, Eliminating salary for Water Development Authority board members.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendment of the House to Engrossed Senate Bill 172 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses agree to the House amendment to the bill on page two, section four;

That the Senate and House agree to an amendment on page two, section four, line thirty-six, after the word "board" by striking out the words "in a manner consistent with guidelines of the travel management office of the Department of Administration." and inserting in lieu thereof the following: in the following manner: Each board member who lives more than fifty miles from the location where the meetings are held may receive the sum of one hundred thirty-one dollars per day as per diem allowance for any day on which such a meeting is held. Each board member who lives fifty miles or fewer from the location where the meetings are held may receive the sum of fifty-five dollars per day as the per diem allowance. In addition, each board member may be reimbursed for overnight commuting expenses at the mileage rate equal to the amount paid by the travel management office of the Department of Administration for the most direct usually traveled route, if travel is by private automobile, or for actual transportation costs for direct route travel, if travel is by public carrier, or for any combination of the means of transportation actually used, plus the costs of necessary taxi or limousine service, tolls and parking fees in connection with the travel: *Provided*, That the total of this per diem allowance plus travel expense for a daily commuting board member may not exceed one hundred thirty-one dollars per day. The amount for mileage paid pursuant to this subsection may change from time to time in accordance with changes in the level of reimbursement by the travel management office.;

And,

That both houses agree to a new title, to read as follows:

Eng. Senate Bill 172—A Bill to amend and reenact §22C-1-4 of the Code of West Virginia, 1931, as amended, relating to the Water Development Authority; eliminating the salary for appointed board members effective July 1, 2017; authorizing appointed board members receive same compensation for attending official meetings or engaging in official duties at rate not to exceed amount paid to members of Legislature for interim duties as recommended by Citizens Legislative Compensation Commission and authorized by law; permitting reimbursement for reasonable and necessary expenses actually incurred in the performance of duties as member of board; providing manner in which expenses may be reimbursed; setting per diem allowances; permitting board members to be reimbursed for overnight commuting expenses; setting manner for calculating reimbursement rates; setting cap on per diem allowance and travel expenses for daily commuting board member; and permitting amount for mileage paid to change from time to time under certain conditions.

Respectfully submitted,

Craig Blair, *Chair*, Randy E. Smith, Michael A. Woelfel, *Conferees on the part of the Senate*.

Vernon Criss, *Chair*, Martin Atkinson III, John Williams, *Conferees on the part of the House of Delegates*.

On motions of Senator Blair, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Senate Bill 172, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—29.

The nays were: Beach, Facemire, Jeffries, Miller and Romano—5.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 172) passed with its conference amended title.

Senator Ferns moved that the bill take effect July 1, 2017.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—29.

The nays were: Beach, Facemire, Jeffries, Miller and Romano—5.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 172) takes effect July 1, 2017.

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

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill 2589, Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school.

Whereupon, Senator Gaunch, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill 2589, Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to the Engrossed Committee Substitute for House Bill 2589 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses agree with the Senate's amendment, except that it be further amended on page one, section fifteen-g, line three, after the word "counties" by changing the period to a colon and inserting the following: *Provided*, that such students will be treated equally for admission purposes with applicants enrolled in public school.

Respectfully submitted,

Saira Blair, *Chair*, Jill Upson (*did not sign*), Ralph Rodighiero, *Conferees on the part of the House of Delegates*.

C. Edward Gaunch, *Chair*, Kenny Mann, Michael J. Romano, *Conferees on the part of the Senate*.

Senator Gaunch, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Gaunch, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2589, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2589) passed with its Senate amended title.

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

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill 2631, Relating to time standards for disposition of complaint proceedings.

Whereupon, Senator Takubo, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill 2631, Relating to time standards for disposition of complaint proceedings.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendment of the Senate to Engrossed Committee Substitute for House Bill 2631 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment on page two, section five, line sixteen, after the word "ruling.", and that the Senate and the House agree to an amendment as follows:

On page two, section five, line sixteen, after the word "ruling." by inserting the following:

"The time period for final ruling shall be tolled for any delay requested or caused by the respondent or by counsel for the respondent and in no event shall a complaint proceeding be dismissed for exceeding the time standards in this section when such overage is the result of procedural delay or obstructive action by the accused or his or her counsel or agents.";

That both houses agree to all other amendments of the Senate;

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title to read as follows:

Eng. Com. Sub. for House Bill 2631—A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended, relating to time standards for disposition of complaint proceedings; tolling the time periods for delays attributable to the respondent; and prohibiting complaint proceeding from being dismissed for exceeding time standards when overage is result of procedural delay or obstructive action by respondent.

Respectfully submitted,

Roger Hanshaw, *Chair*, Moore Capito, Rodney Miller, *Conferees on the part of the House of Delegates*.

Tom Takubo, *Chair*, Michael J. Maroney, Corey Palumbo, *Conferees on the part of the Senate*.

On motions of Senator Takubo, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2631, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2631) passed with its conference amended title.

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

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 2561, Relating to public school support.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

On further motion of Senator Ferns, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed Committee Substitute for House Bill 2561, as amended by deletion, was then put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2561 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2561) passed with its title.

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

At the request of Senator Ferns, and by unanimous consent, the Senate again proceeded to the eighth order of business and the consideration of

Eng. Com. Sub. for House Bill 2018, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

On third reading, coming up out of regular order, with the right having been granted on yesterday, Friday, April 7, 2017, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Hall, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

TITLE I – GENERAL PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

West Virginia Council for Community and Technical College Education and Higher Education Policy Commission entities operating with special revenue funds and/or federal funds shall pay their proportionate share of the Board of Risk and Insurance Management total insurance premium cost for their respective institutions.

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

“Equipment” shall mean equipment items which have an appreciable and calculable period of usefulness in excess of one year.

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

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

“Lands” shall mean the purchase of real property or interest in real property.

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

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

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

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

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

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

Sec. 5. Maximum expenditures. — No authority or requirement of law shall be interpreted as 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.

Section 1. Appropriations from general revenue. – From the State Fund, General Revenue, there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, 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
Compensation of Members (R)	00300	\$ 1,010,000
Compensation and Per Diem of Officers and Employees (R).....	00500	4,011,332
Current Expenses and Contingent Fund (R)	02100	276,392
Repairs and Alterations (R)	06400	50,000
Computer Supplies (R).....	10100	20,000
Computer Systems (R).....	10200	60,000
Printing Blue Book (R).....	10300	125,000
Expenses of Members (R)	39900	370,000
BRIM Premium (R).....	91300	<u>29,482</u>
Total		\$ 5,952,206

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

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

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

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

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

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

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

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

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

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

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

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

Included in the above appropriation for House of Delegates (fund 0170, appropriation 02100), an amount not less than \$5,000 is to be used for the West Virginia Academy of Family 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

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

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

JUDICIAL

4 - Supreme Court –

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

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

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

The appropriation for the Judges’ Retirement System (fund 0180, appropriation 11000) is to be transferred to the Consolidated Public Retirement Board, in accordance with the law relating 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	\$	3,120,203
2	Current Expenses (R)	13000		539,573
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	Southern Governors' Association.....	31400		0
7	BRIM Premium.....	91300		<u>169,079</u>
8	Total		\$	4,038,281

Any unexpended balances remaining in the appropriations for Unclassified (fund 0101, appropriation 09900), Current Expenses (fund 0101, appropriation 13000), and JOBS Fund (fund 0101, appropriation 66500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

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

The above appropriation for Herbert Henderson Office of Minority Affairs (fund 0101, 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

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

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

7 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2018 Org 0100

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

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

The above fund is intended to provide contingency funding for accidental, unanticipated, emergency or unplanned events which may occur during the fiscal year and is not to be expended 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	\$	2,660,738
2	Current Expenses (R)	13000		10,622
3	BRIM Premium.....	91300		11,287
4	Total.....		\$	2,682,647

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

Included in the above appropriation to Personal Services and Employee Benefits (fund 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		177,271
4	Abandoned Property Program.....	11800		96,600
5	Other Assets	69000		5,000
6	BRIM Premium.....	91300		<u>54,409</u>
7	Total		\$	2,788,794

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

Included in the above appropriation to Personal Services and Employee Benefits (fund 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	\$	5,144,066
2	Animal Identification Program	03900		122,143
3	State Farm Museum.....	05500		87,759
4	Current Expenses (R)	13000		135,155
5	Repairs and Alterations.....	06400		0
6	Gypsy Moth Program (R)	11900		880,820
7	Huntington Farmers Market.....	12800		37,142
8	Black Fly Control.....	13700		450,830

9	Donated Foods Program.....	36300	45,000
10	Predator Control (R).....	47000	176,400
11	Logan Farmers Market.....	50100	41,277
12	Bee Research.....	69100	65,892
13	Charleston Farmers Market.....	74600	71,429
14	Microbiology Program.....	78500	97,454
15	Moorefield Agriculture Center.....	78600	912,312
16	Chesapeake Bay Watershed.....	83000	102,700
17	Livestock Care Standards Board.....	84300	8,820
18	BRIM Premium.....	91300	120,202
19	State FFA-FHA Camp and Conference Center.....	94101	588,000
20	Threat Preparedness.....	94200	69,524
21	WV Food Banks.....	96900	126,000
22	Senior's Farmers' Market Nutrition Coupon Program.....	97000	<u>55,840</u>
23	Total.....		\$ 9,338,765

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

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

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

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

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

11 - West Virginia Conservation Agency

(WV Code Chapter 19)

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		290,830
4	Repairs and Alterations.....	06400		0
5	Soil Conservation Projects (R)	12000		6,566,841
6	BRIM Premium.....	91300		<u>30,213</u>
7	Total.....		\$	7,690,855

Any unexpended balances remaining in the appropriations for Unclassified (fund 0132, appropriation 09900), Soil Conservation Projects (fund 0132, appropriation 12000), and Current Expenses (fund 0132, appropriation 13000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0132, fiscal 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>67,699</u>
4	Total.....		\$	694,916

Any part or all of this appropriation may be transferred to a special revenue fund for the 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>38,165</u>
3	Total		\$	53,165

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	\$	92,908
2	Unclassified	09900		<u>950</u>
3	Total		\$	93,858

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		24,478
3	Current Expenses (R)	13000		737,360
4	Repairs and Alterations.....	06400		1,000
5	Equipment.....	07000		1,000
6	Criminal Convictions and Habeas Corpus Appeals (R)	26000		978,104
7	Better Government Bureau	74000		271,991
8	BRIM Premium.....	91300		<u>112,761</u>
9	Total		\$	4,407,839

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

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

When legal counsel or secretarial help is appointed by the Attorney General for any state spending unit, this account shall be reimbursed from such spending units specifically appropriated account or from accounts appropriated by general language contained within this bill: *Provided*, That the spending unit shall reimburse at a rate and upon terms agreed to by the state spending unit and the Attorney General: *Provided, however*, That if the spending unit and the Attorney General are unable to agree on the amount and terms of the reimbursement, the spending unit and the Attorney General shall submit their proposed reimbursement rates and terms to the 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		<u>21,695</u>
5	Total.....		\$	954,336

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

Included in the above appropriation to Personal Services and Employee Benefits (fund 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	\$	2,327
2	Unclassified	09900		75
3	Current Expenses	13000		<u>4,956</u>
4	Total.....		\$	7,358

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	\$	569,679
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.....		\$	15,702,372

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

The appropriation for Lease Rental Payments (fund 0186, appropriation 51600) shall be 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

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

20 - Division of Finance

(WV Code Chapter 5A)

Fund 0203 FY 2018 Org 0209

1	Personal Services and Employee Benefits.....	00100	\$	66,583
2	Unclassified	09900		1,400
3	Current Expenses	13000		68,083
4	Repairs and Alterations.....	06400		0
5	Equipment.....	07000		0
6	GAAP Project (R).....	12500		591,072
7	Other Assets	69000		0
8	BRIM Premium.....	91300		<u>5,625</u>
9	Total		\$	732,763

Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2017 is hereby reappropriated for expenditure 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	\$	2,533,541
2	Unclassified	09900		0
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		4,004,610

11	Other Assets	69000	500
12	Land (R).....	73000	500
13	BRIM Premium.....	91300	<u>121,479</u>
14	Total	\$	7,473,654

Any unexpended balances remaining in the above appropriations for Buildings (fund 0230, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900), Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700), and Land (fund 0230, appropriation 73000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

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

The above appropriation for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900) shall be expended for capital improvements, maintenance, repairs and 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	\$	984,561
2	Unclassified	09900		144
3	Current Expenses	13000		250
4	Repairs and Alterations.....	06400		200
5	Equipment.....	07000		0
6	Other Assets	69000		0
7	BRIM Premium.....	91300		<u>6,469</u>
8	Total		\$	991,624

The Division of Highways shall reimburse Fund 2031 within the Division of Purchasing for 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	\$	768,556
2	Unclassified	09900		12,032
3	Current Expenses	13000		421,739
4	Repairs and Alterations.....	06400		0
5	Equipment.....	07000		5,000
6	Buildings (R)	25800		100
7	Other Assets	69000		<u>100</u>
8	Total.....		\$	1,207,527

Any unexpended balance remaining in the appropriation for Buildings (fund 0615, appropriation 25800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure 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	\$	44,639
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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		121,561
4	Equipment.....	07000		50
5	BRIM Premium.....	91300		<u>9,608</u>
6	Total.....		\$	1,043,333

26 - Ethics Commission

(WV Code Chapter 6B)

Fund 0223 FY 2018 Org 0220

1	Personal Services and Employee Benefits.....	00100	\$	569,502
2	Unclassified	09900		2,200
3	Current Expenses	13000		97,377
4	Repairs and Alterations.....	06400		500
5	Other Assets	69000		100
6	BRIM Premium.....	91300		<u>4,473</u>
7	Total.....		\$	674,152

27 - Public Defender Services

(WV Code Chapter 29)

Fund 0226 FY 2018 Org 0221

1	Personal Services and Employee Benefits.....	00100	\$	1,334,314
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.....		\$	31,590,916

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

The director shall have the authority to transfer funds from the appropriation to Public Defender Corporations (fund 0226, appropriation 35200) to Appointed Counsel Fees (fund 0226, 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	\$	3,106
2	Current Expenses	13000		<u>868</u>
3	Total		\$	3,974

29 - Public Employees Insurance Agency

(WV Code Chapter 5)

Fund 0200 FY 2018 Org 0225

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

30 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 0557 FY 2018 Org 0228

1	Forensic Medical Examinations (R).....	68300	\$	133,226
2	Federal Funds/Grant Match (R)	74900		<u>98,443</u>
3	Total		\$	231,669

Any unexpended balances remaining in the appropriations for Forensic Medical Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557, appropriation 74900) at the close of the fiscal year 2017 are hereby reappropriated for expenditure 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	\$	647,668
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	<u>7,976</u>
7	Total		\$ 797,170

DEPARTMENT OF COMMERCE

32 - Division of Forestry

(WV Code Chapter 19)

Fund 0250 FY 2018 Org 0305

1	Personal Services and Employee Benefits.....	00100	\$ 2,402,439
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		\$ 2,933,131

Any unexpended balance remaining in the appropriation for Equipment (fund 0250, appropriation 07000) at the close of the fiscal year 2016 is hereby reappropriated for expenditure during the fiscal year 2017, with the exception of fund 0250, fiscal year 2016, appropriation 07000 (\$27,000) which shall expire on June 30, 2016.

Out of the above appropriations a sum may be used to match federal funds for cooperative 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	15,776
4	Repairs and Alterations.....	06400	968
5	Mineral Mapping System (R).....	20700	1,103,532
6	BRIM Premium.....	91300	<u>22,766</u>

7 Total..... \$ 2,733,035

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

The above Unclassified and Current Expense appropriations include funding to secure federal and other contracts and may be transferred to a special revolving fund (fund 3105) for the 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	\$	4,210,888
2	Unclassified	09900		108,687
3	Save Our State (SOS).....	05050		0
4	Current Expenses	13000		3,809,447
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.....		\$	10,649,328

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

The above appropriation to Local Economic Development Partnerships (fund 0256, appropriation 13300) shall be used by the West Virginia Development Office for the award of

funding assistance to county and regional economic development corporations or authorities participating in the Certified Development Community Program developed under the provisions of W.Va. Code §5B-2-14. The West Virginia Development Office shall award the funding assistance through a matching grant program, based upon a formula whereby funding assistance may not exceed \$34,000 per county served by an economic development or redevelopment 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	\$	15,109,046
2	Unclassified	09900		184,711
3	Current Expenses	13000		166,201
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		\$	18,197,090

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

Any revenue derived from mineral extraction at any state park shall be deposited in a special revenue account of the Division of Natural Resources, first for bond debt payment 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

Included in the above appropriation for Current Expenses (fund 0277, appropriation 13000) is \$500,000 to be used for coal mine training activities at an established mine training 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>117,906</u>
4	Total		\$	348,007

38 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 0572 FY 2018 Org 0323

1	Personal Services and Employee Benefits.....	00100	\$	51,998
2	Unclassified	09900		599
3	Current Expenses	13000		<u>7,069</u>
4	Total		\$	59,666

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>14,512</u>
4	Total		\$	416,764

40 - Division of Energy

(WV Code Chapter 5H)

Fund 0612 FY 2018 Org 0328

1	Personal Services and Employee Benefits.....	00100	\$	194,457
2	Unclassified	09900		15,204
3	Current Expenses	13000		1,276,705
4	BRIM Premium.....	91300		<u>3,604</u>
5	Total		\$	1,489,970

From the above appropriation for Current Expenses (fund 0612, appropriation 13000) \$558,247 is for West Virginia University and \$558,247 is for Southern West Virginia Community 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	Buildings (R)	25800		1,000
11	Allowance for County Transfers	26400		64,212
12	Technology Repair and Modernization.....	29800		951,003
13	HVAC Technicians.....	35500		495,507
14	Early Retirement Notification Incentive.....	36600		300,000
15	MATH Program.....	36800		336,532
16	Assessment Programs.....	39600		1,339,588
17	21st Century Fellows.....	50700		0
18	English as a Second Language.....	52800		96,000
19	Teacher Reimbursement.....	57300		297,188
20	Hospitality Training	60000		267,123
21	Hi-Y Youth in Government	61600		100,000
22	High Acuity Special Needs (R).....	63400		1,500,000
23	Foreign Student Education.....	63600		150,000
24	Principals Mentorship.....	64900		69,250
25	State Board of Education Administrative Costs	68400		266,152

26	Other Assets	69000	1,000
27	IT Academy (R).....	72100	500,000
28	Land (R).....	73000	1,000
29	Early Literacy Program.....	75600	5,700,000
30	School Based Truancy Prevention (R)	78101	0
31	Innovation in Education.....	78102	0
32	21st Century Learners (R).....	88600	0
33	BRIM Premium.....	91300	320,429
34	21st Century Assessment and Professional Development	93100	1,999,007
35	21st Century Technology Infrastructure Network		
36	Tools and Support.....	93300	7,636,586
37	Regional Education Service Agencies.....	97200	0
38	Educational Program Allowance	99600	<u>516,250</u>
39	Total.....		\$ 72,760,767

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

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

The above appropriation for Technology System Specialists (fund 0313, appropriation 06200), shall first be used for the continuance of current pilot projects. The remaining balance, if any, may be used to expand the pilot project for additional counties.

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

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

From the above appropriation for Educational Program Allowance (fund 0313, appropriation 99600), \$100,000 shall be expended for Webster County Board of Education for Hacker Valley; \$150,000 shall be for the Randolph County Board of Education for Pickens School; \$100,000 shall be for the Preston County Board of Education for the Aurora School; \$100,000 shall be for the Fayette County Board of Education for Meadow Bridge; and \$66,250 is for Project 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

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

From the above appropriations, the superintendent shall have authority to expend funds 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	\$	149,939,320
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	21st Century Strategic Technology Learning Growth	93600	<u>20,756,981</u>
10	Basic Foundation Allowances		1,558,210,962
11	Less Local Share		(454,486,958)
12	Adjustments		<u>(2,441,341)</u>
13	Total Basic State Aid.....		1,101,282,663
14	Public Employees' Insurance Matching.....	01200	242,714,967
15	Teachers' Retirement System	01900	72,125,000
16	School Building Authority	45300	23,424,770
17	Retirement Systems – Unfunded Liability.....	77500	<u>343,963,000</u>
18	Total		\$ 1,783,510,400

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	22,216,196
7	Adult Basic Education	14900	4,545,977
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		\$ 31,329,439

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

46 - State Board of Education –

Division of Education Performance Audits

(WV Code Chapters 18 and 18A)

Fund 0573 FY 2018 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$ 867,482
2	Unclassified	09900	10,000
3	Current Expenses	13000	<u>294,316</u>
4	Total		\$ 1,171,798

47 - 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
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

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

DEPARTMENT OF EDUCATION AND THE ARTS

48 - 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	\$	781,264
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		977,760
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		<u>25,000</u>
13	Total.....		\$	5,069,626

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

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

49 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2018 Org 0432

1	Personal Services and Employee Benefits.....	00100	\$	3,776,418
2	Current Expenses	13000		542,510
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		<u>36,371</u>
13	Total.....		\$	4,693,507

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Buildings (fund 0293, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), Land (fund 0293, appropriation 73000), and Capital Outlay and Maintenance (fund 0293, appropriation 75500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

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

50 - Library Commission

(WV Code Chapter 10)

Fund 0296 FY 2018 Org 0433

1	Personal Services and Employee Benefits.....	00100	\$	1,275,211
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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		\$	1,597,836

51 - 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

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

52 - 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	\$	10,488,256
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		\$	13,896,062

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

53 - Environmental Quality Board

(WV Code Chapter 20)

Fund 0270 FY 2018 Org 0311

1	Personal Services and Employee Benefits.....	00100	\$	70,636
2	Current Expenses	13000		28,586
3	Repairs and Alterations.....	06400		100
4	Equipment.....	07000		300
5	Other Assets	69000		400
6	BRIM Premium.....	91300		<u>739</u>
7	Total		\$	100,761

54 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 0273 FY 2018 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	3,921,861
2	Water Resources Protection and Management.....	06800		568,778
3	Current Expenses	13000		95,737
4	Repairs and Alterations.....	06400		4,950
5	Unclassified	09900		25,049
6	Dam Safety	60700		210,959

7	Equipment.....	07000		0
8	West Virginia Stream Partners Program.....	63700		77,396
9	Meth Lab Cleanup.....	65600		200,496
10	Other Assets	69000		1,000
11	WV Contributions to River Commissions.....	77600		148,485
12	Office of Water Resources Non-Enforcement Activity	85500		<u>915,636</u>
13	Total.....		\$	6,170,347

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

55 - Air Quality Board

(WV Code Chapter 16)

Fund 0550 FY 2018 Org 0325

1	Personal Services and Employee Benefits.....	00100	\$	59,866
2	Current Expenses	13000		12,183
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.....		\$	74,752

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

56 - 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

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

57 - 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	CARDIAC Project.....	37500	0
11	Statewide EMS Program Support (R).....	38300	2,298,605
12	Black Lung Clinics.....	46700	170,885
13	Center for End of Life	54500	0
14	Vaccine for Children.....	55100	332,942
15	Tuberculosis Control	55300	364,556

16	Maternal and Child Health Clinics, Clinicians		
17	Medical Contracts and Fees (R)	57500	6,327,015
18	Epidemiology Support.....	62600	1,492,573
19	Primary Care Support	62800	4,665,575
20	Sexual Assault Intervention and Prevention	72300	125,000
21	Health Right Free Clinics	72700	2,750,000
22	Capital Outlay and Maintenance (R)	75500	100,000
23	Healthy Lifestyles.....	77800	0
24	Maternal Mortality Review	83400	46,563
25	Osteoporosis and Arthritis Prevention	84900	0
26	Diabetes Education and Prevention	87300	97,125
27	Tobacco Education Program (R).....	90600	0
28	BRIM Premium.....	91300	228,111
29	State Trauma and Emergency Care System	91800	<u>1,986,847</u>
30	Total.....		\$67,502,349

Any unexpended balances remaining in the appropriations for Safe Drinking Water Program (fund 0407, appropriation 18700), Statewide EMS Program Support (fund 0407, appropriation 38300), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), Assistance to Primary Health Care Centers Community Health Foundation (fund 0407, appropriation 84500), and Tobacco Education Program (fund 0407, appropriation 90600) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018; Provided that on June 30, 2017, the following reappropriated funds and amounts be transferred to the Division of Human Services - Medical Services Trust Fund, fund 5185: Fund 0407 appropriation 84500, Assistance to Primary Health Care Centers Community Health Foundation, \$2,473,236; fund 0407, appropriation 82200, Emergency Response Entities – Special Projects, \$441,303; and fund 0407, appropriation 75500, Capital Outlay and Maintenance, \$6,000,000.

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

From the above appropriation for Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500) up to \$400,000 may be transferred to the

Breast and Cervical Cancer Diagnostic Treatment Fund (fund 5197) and \$11,000 is for the Marshall County Health Department for dental services.

58 - 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		105,067,434
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.....		\$	178,628,889

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

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

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

From the above appropriation for Institutional Facilities Operations (fund 0525, appropriation 33500), together with available funds from the Division of Health – Hospital Services Revenue Account (fund 5156, appropriation 33500), on July 1, 2017, the sum of \$160,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as

advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.

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

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

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

59 - 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

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

60 - Human Rights Commission

(WV Code Chapter 5)

Fund 0416 FY 2018 Org 0510

1	Personal Services and Employee Benefits.....	00100	\$	908,017
2	Unclassified	09900		4,024
3	Current Expenses	13000		191,766
4	BRIM Premium.....	91300		<u>10,056</u>
5	Total		\$	1,113,863

61 - 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		11,861,920
4	Child Care Development	14400		12,541,247
5	Medical Services Contracts and Office of Managed Care	18300		1,835,469
6	Medical Services	18900		350,680,022
7	Social Services	19500		142,485,812
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

25	Child and Family Services.....	73600	2,850,000
26	Grants for Licensed Domestic Violence		
27	Programs and Statewide Prevention	75000	2,500,000
28	Capital Outlay and Maintenance (R)	75500	11,875
29	Community Based Services and Pilot Programs for Youth.....	75900	1,000,000
30	Medical Services Administrative Costs.....	78900	35,609,925
31	Traumatic Brain Injury Waiver	83500	800,000
32	Indigent Burials (R)	85100	2,050,000
33	BRIM Premium.....	91300	834,187
34	Rural Hospitals Under 150 Beds	94000	2,596,000
35	Children's Trust Fund – Transfer.....	95100	<u>220,000</u>
36	Total.....		\$ 797,746,439

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0403, appropriation 75500) and Indigent Burials (fund 0403, appropriation 85100) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

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

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

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

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

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

The above appropriation for WV Works Separate State Program (fund 0403, appropriation 69800), shall be transferred to the WV Works Separate State College Program Fund (fund 5467),

and the WV Works Separate State Two-Parent Program Fund (fund 5468) as determined by the secretary of the Department of Health and Human Resources.

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

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

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

**DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY**

62 - Department of Military Affairs and Public Safety –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 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		437,665
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		250,000
11	Homeland State Security Administrative Agency (R).....	95300		385,850

12 Total \$ 1,929,402

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

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

63 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 0433 FY 2018 Org 0603

1	Unclassified	09900	\$	11,839,780
2	College Education Fund.....	23200		0
3	Civil Air Patrol	23400		249,219
4	Mountaineer ChalleNGe Academy.....	70900		1,500,000
5	Armory Board Transfer.....	70015		0
6	Military Authority	74800		<u>0</u>
7	Total		\$	13,588,999

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

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

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

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

The above appropriation for Civil Air Patrol (fund 0433, appropriation 23400) shall be distributed equally to each of the twelve Civil Air Patrol Squadrons.

64 - 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

65 - 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		194,559
3	Salaries of Members of West Virginia Parole Board.....	22700		593,029
4	BRIM Premium.....	91300		<u>5,747</u>
5	Total.....		\$	1,176,287

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

66 - Division of Homeland Security and

Emergency Management

(WV Code Chapter 15)

Fund 0443 FY 2018 Org 0606

1	Personal Services and Employee Benefits.....	00100	\$	537,175
2	Unclassified	09900		26,342
3	Current Expenses	13000		40,962
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	454,189
9	Early Warning Flood System (R).....	87700	469,506
10	BRIM Premium.....	91300	20,786
11	WVU Charleston Poison Control Hotline	94400	<u>712,942</u>
12	Total.....		\$ 2,940,723

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

67 - Division of Corrections –

Central Office

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

Fund 0446 FY 2018 Org 0608

1	Personal Services and Employee Benefits.....	00100	\$ 581,526
2	Current Expenses	13000	<u>1,800</u>
3	Total.....		\$ 583,326

68 - 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	1,478,800
4	Current Expenses (R)	13000	20,151,011

5	Facilities Planning and Administration (R)	38600	1,166,627
6	Charleston Correctional Center	45600	2,609,672
7	Beckley Correctional Center.....	49000	1,790,364
8	Huntington Work Release Center.....	49500	990,100
9	Anthony Correctional Center	50400	4,940,533
10	Huttonsville Correctional Center.....	51400	19,966,539
11	Northern Correctional Center	53400	6,798,279
12	Inmate Medical Expenses (R)	53500	21,226,064
13	Pruntytown Correctional Center	54300	6,910,326
14	Corrections Academy.....	56900	1,416,819
15	Information Technology Services	59901	1,616,491
16	Martinsburg Correctional Center	66300	3,488,534
17	Parole Services.....	68600	4,981,198
18	Special Services	68700	6,122,439
19	Investigative Services	71600	3,001,604
20	Capital Outlay and Maintenance (R)	75500	2,000,000
21	Salem Correctional Center	77400	9,625,650
22	McDowell County Correctional Center	79000	1,949,983
23	Stevens Correctional Center	79100	6,474,500
24	Parkersburg Correctional Center.....	82800	2,417,670
25	St. Mary's Correctional Center	88100	12,075,450
26	Denmar Correctional Center	88200	4,264,286
27	Ohio County Correctional Center	88300	1,713,335
28	Mt. Olive Correctional Complex.....	88800	18,968,873
29	Lakin Correctional Center	89600	8,611,795
30	BRIM Premium.....	91300	<u>2,359,770</u>

31 Total..... \$ 181,213,285

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

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

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

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

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

69 - West Virginia State Police

(WV Code Chapter 15)

Fund 0453 FY 2018 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$ 56,708,867
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	4,654,942
8	Handgun Administration Expense	74700	67,692

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.....		\$ 104,464,974

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

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

70 - Fire Commission

(WV Code Chapter 29)

Fund 0436 FY 2018 Org 0619

1	Current Expenses	13000	\$ 64,021
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71 - 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	6,907,760
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	332,619
9	Law Enforcement Professional Standards.....	83800	154,471
10	BRIM Premium.....	91300	<u>1,788</u>

11 Total..... \$ 9,886,472

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

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

72 - 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

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

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

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

73 - Division of Protective Services

(WV Code Chapter 5F)

Fund 0585 FY 2018 Org 0622

1	Personal Services and Employee Benefits.....	00100	\$	2,601,257
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		\$	2,846,577

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

DEPARTMENT OF REVENUE

74 - Office of the Secretary

(WV Code Chapter 11)

Fund 0465 FY 2018 Org 0701

1	Personal Services and Employee Benefits.....	00100	\$	487,270
2	Unclassified	09900		5,954
3	Current Expenses	13000		80,633

4	Repairs and Alterations.....	06400	1,262
5	Equipment.....	07000	8,000
6	Other Assets	69000	<u>500</u>
7	Total		\$ 583,619

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

75 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2018 Org 0702

1	Personal Services and Employee Benefits.....	00100	\$ 15,773,677
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		\$ 24,106,154

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and GIS Development Project (fund 0470, appropriation 56200) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

76 - State Budget Office

(WV Code Chapter 11B)

Fund 0595 FY 2018 Org 0703

1	Personal Services and Employee Benefits.....	00100	\$ 631,045
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2	Unclassified (R).....	09900	<u>129</u>
3	Total		\$ 631,174

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

77 - West Virginia Office of Tax Appeals

(WV Code Chapter 11)

Fund 0593 FY 2018 Org 0709

1	Personal Services and Employee Benefits.....	00100	\$ 414,391
2	Current Expenses (R)	13000	92,542
3	Unclassified	09900	5,255
4	BRIM Premium.....	91300	<u>2,862</u>
5	Total		\$ 515,050

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

78 - 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>27,634</u>
3	Total		\$ 34,834

DEPARTMENT OF TRANSPORTATION

79 - State Rail Authority

(WV Code Chapter 29)

Fund 0506 FY 2018 Org 0804

1	Personal Services and Employee Benefits.....	00100	\$ 304,238
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2	Current Expenses	13000	287,332
3	Other Assets (R)	69000	1,303,277
4	BRIM Premium.....	91300	<u>188,356</u>
5	Total		\$ 2,083,203

Any unexpended balances remaining in the appropriations for Unclassified (fund 0506, appropriation 09900) and Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2016 are hereby reappropriated for expenditure during the fiscal year 2017, with the exception of fund 0506, fiscal year 2016, appropriation 69000 (\$25,000) which shall expire on June 30, 2016.

80 - Division of Public Transit

(WV Code Chapter 17)

Fund 0510 FY 2018 Org 0805

1	Equipment (R).....	07000	\$ 417,194
2	Current Expenses (R)	13000	<u>1,757,998</u>
3	Total		\$ 2,175,192

Any unexpended balances remaining in the appropriations for Equipment (fund 0510, appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0510, fiscal year 2017, appropriation 07000 (\$22,203), fund 0510, fiscal year 2017, appropriation 25800 (\$5,281), and fund 0510, fiscal year 2017, appropriation 69000 (\$5,000) which shall expire on June 30, 2017.

81 - Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2018 Org 0807

1	Personal Services and Employee Benefits.....	00100	\$ 168,368
2	Current Expenses (R)	13000	711,614
3	Repairs and Alterations.....	06400	100
4	Civil Air Patrol	23400	0
5	BRIM Premium.....	91300	<u>4,148</u>
6	Total		\$ 884,230

Any unexpended balance remaining in the appropriations for Unclassified (fund 0582, appropriation 09900) and Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2016 are hereby reappropriated for expenditure during the fiscal year 2017, with the exception of fund 0582, fiscal year 2016, appropriation 13000 (\$73,169) which shall expire on June 30, 2016.

DEPARTMENT OF VETERANS' ASSISTANCE

82 - 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

Any unexpended balances remaining in the appropriations for Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0456, fiscal year 2017,

appropriation 28600 (\$8,794), fund 0456, fiscal year 2017, appropriation 32900 (\$1,702), and fund 0456, fiscal year 2017, appropriation 34200 (\$29,000) which shall expire on June 30, 2017.

83 - 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		44,576
3	Total.....		\$	1,138,068

BUREAU OF SENIOR SERVICES

84 - 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	\$	11,368,797

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

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

**WEST VIRGINIA COUNCIL FOR COMMUNITY
AND TECHNICAL COLLEGE EDUCATION**

85 - West Virginia Council for

Community and Technical College Education –

Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2018 Org 0420

1	West Virginia Council for Community			
2	and Technical Education (R)	39200	\$	726,624

3	Transit Training Partnership	78300		35,217
4	Community College Workforce Development (R)	87800		806,048
5	College Transition Program.....	88700		285,718
6	West Virginia Advance Workforce Development (R)	89300		3,200,720
7	Technical Program Development (R)	89400		<u>1,849,250</u>
8	Total		\$	6,903,577

Any unexpended balances remaining in the appropriations for West Virginia Council for Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements – Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation 89300), and Technical Program Development (fund 0596, appropriation 89400) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0596, fiscal year 2017, appropriation 39200 (\$14,000), fund 0596, fiscal year 2017, appropriation 89300 (\$69,244), and fund 0596, fiscal year 2017, appropriation 89400 (\$45,964) which shall expire on June 30, 2017.

From the above appropriation for the Community College Workforce Development (fund 0596, appropriation 87800), \$200,000 shall be expended on the Mine Training Program in Southern West Virginia.

Included in the above appropriation for West Virginia Advance Workforce Development (fund 0596, appropriation 89300) is \$200,000 to be used exclusively for advanced manufacturing and energy industry specific training programs.

86 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2018 Org 0444

1	Mountwest Community and Technical College.....	48700	\$	5,346,752
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87 - New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2018 Org 0445

1	New River Community and Technical College.....	35800	\$	5,279,168
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88 - Pierpont Community and Technical College

(WV Code Chapter 18B)

Fund 0597 FY 2018 Org 0446

1	Pierpont Community and Technical College.....	93000	\$	7,030,858
	<i>89 - Blue Ridge Community and Technical College</i>			
	(WV Code Chapter 18B)			
	Fund <u>0601</u> FY <u>2018</u> Org <u>0447</u>			
1	Blue Ridge Community and Technical College.....	88500	\$	4,870,907
	<i>90 - West Virginia University at Parkersburg</i>			
	(WV Code Chapter 18B)			
	Fund <u>0351</u> FY <u>2018</u> Org <u>0464</u>			
1	West Virginia University – Parkersburg	47100	\$	9,140,900
	<i>91 - Southern West Virginia Community and Technical College</i>			
	(WV Code Chapter 18B)			
	Fund <u>0380</u> FY <u>2018</u> Org <u>0487</u>			
1	Southern West Virginia Community and Technical College.....	44600	\$	7,672,107
	<i>92 - West Virginia Northern Community and Technical College</i>			
	(WV Code Chapter 18B)			
	Fund <u>0383</u> FY <u>2018</u> Org <u>0489</u>			
1	West Virginia Northern Community and Technical College	44700	\$	6,622,521
	<i>93 - Eastern West Virginia Community and Technical College</i>			
	(WV Code Chapter 18B)			
	Fund <u>0587</u> FY <u>2018</u> Org <u>0492</u>			
1	Eastern West Virginia Community and Technical College.....	41200	\$	1,761,888
	<i>94 - BridgeValley Community and Technical College</i>			
	(WV Code Chapter 18B)			
	Fund <u>0618</u> FY <u>2018</u> Org <u>0493</u>			
1	BridgeValley Community and Technical College.....	71700	\$	7,200,888

HIGHER EDUCATION POLICY COMMISSION

95 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 0589 FY 2018 Org 0441

1	Personal Services and Employee Benefits.....	00100	\$	2,486,430
2	Current Expenses	13000		13,568
3	Higher Education Grant Program	16400		39,019,864
4	Tuition Contract Program (R)	16500		1,249,555
5	Underwood-Smith Scholarship Program-Student Awards	16700		328,349
6	Facilities Planning and Administration (R)	38600		1,760,234
7	PROMISE Scholarship – Transfer.....	80000		18,500,000
8	HEAPS Grant Program (R)	86700		5,007,764
9	BRIM Premium.....	91300		<u>16,965</u>
10	Total.....		\$	68,382,729

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0589, appropriation 09700), Tuition Contract Program (fund 0589, appropriation 16500), Capital Improvements – Surplus (fund 0589, appropriation 66100), Capital Outlay and Maintenance (fund 0589, appropriation 75500), and HEAPS Grant Program (fund 0589, appropriation 86700) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0589, fiscal year 2017, appropriation 16500 (\$24,991) which shall expire on June 30, 2017.

The above appropriation for Facilities Planning and Administration (fund 0589, appropriation 38600) is for operational expenses of the West Virginia Education, Research and Technology Park between construction and full occupancy.

The above appropriation for Higher Education Grant Program (fund 0589, appropriation 16400) shall be transferred to the Higher Education Grant Fund (fund 4933, org 0441) established by W.Va. Code §18C-5-3.

The above appropriation for Underwood-Smith Scholarship Program-Student Awards (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teacher Scholarship and Loan Assistance Fund (fund 4922, org 0441) established by W.Va. Code §18C-4-1.

The above appropriation for PROMISE Scholarship – Transfer (fund 0589, appropriation 80000) shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

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	\$	2,063,557
2	WVU – School of Health Sciences	17400		14,239,818
3	WVU – School of Health Sciences – Charleston Division	17500		2,122,336
4	Rural Health Outreach Programs	37700		156,133
5	West Virginia University School of Medicine			
6	BRIM Subsidy	46000		<u>1,203,087</u>
7	Total		\$	19,784,931

The above appropriation for Rural Health Outreach Programs (fund 0343, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for West Virginia University School of Medicine BRIM Subsidy (fund 0343, appropriation 46000) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the “Total Premium Billed” to the institution as part of the 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	\$	84,837,900
2	Jackson’s Mill	46100		219,808
3	West Virginia University Institute of Technology	47900		7,330,893
4	State Priorities – Brownfield Professional Development	53100		309,747

5	West Virginia University – Potomac State	99400	<u>3,598,985</u>
6	Total		\$ 96,297,333

*98 - Marshall University –**School of Medicine*

(WV Code Chapter 18B)

Fund 0347 FY 2018 Org 0471

1	Marshall Medical School	17300	\$ 11,177,634
2	Rural Health Outreach Programs (R)	37700	153,831
3	Forensic Lab	37701	221,582
4	Center for Rural Health	37702	146,994
5	Marshall University Medical School BRIM Subsidy	44900	<u>872,612</u>
6	Total		\$ 12,572,653

Any unexpended balance remaining in the appropriation for Rural Health Outreach Program (fund 0347, appropriation 37700) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0347, fiscal year 2017, appropriation 37700 (\$3,352) which shall expire on June 30, 2017.

The above appropriation for Rural Health Outreach Programs (fund 0347, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for Marshall University Medical School BRIM Subsidy (fund 0347, appropriation 44900) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the "Total Premium Billed" to the institution as part of the full cost of their malpractice insurance coverage.

*99 - Marshall University –**General Administration Fund*

(WV Code Chapter 18B)

Fund 0348 FY 2018 Org 0471

1	Marshall University	44800	\$ 38,882,683
2	Luke Lee Listening Language and Learning Lab	44801	93,682
3	Vista E-Learning (R)	51900	228,604

4	State Priorities – Brownfield Professional Development (R)	53100	306,866
5	Marshall University Graduate College Writing Project (R)	80700	19,032
6	WV Autism Training Center (R).....	93200	<u>1,647,655</u>
7	Total		\$ 41,178,522

Any unexpended balances remaining in the appropriations for Vista E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0348, fiscal year 2017, appropriation 51900 (\$4,982), fund 0348, fiscal year 2017, appropriation 53100 (\$6,687), fund 0348, fiscal year 2017, appropriation 80700 (\$415), and fund 0348, fiscal year 2017, appropriation 93200 (\$35,906) which shall expire on June 30, 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	\$ 6,526,309
2	Rural Health Outreach Programs (R)	37700	161,620
3	West Virginia School of Osteopathic Medicine		
4	BRIM Subsidy	40300	156,299
5	Rural Health Initiative – Medical Schools Support	58100	<u>388,769</u>
6	Total		\$ 7,232,997

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) at the close of fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0336, fiscal year 2017, appropriation 37700 (\$3,367) which shall expire on June 30, 2017.

The above appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for West Virginia School of Osteopathic Medicine BRIM Subsidy (fund 0336, appropriation 40300) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the "Total Premium Billed" to the institution as part of the 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 \$ 5,411,388

102 - Concord University

(WV Code Chapter 18B)

Fund 0357 FY 2018 Org 0483

1 Concord University..... 41000 \$ 8,327,612

103 - Fairmont State University

(WV Code Chapter 18B)

Fund 0360 FY 2018 Org 0484

1 Fairmont State University..... 41400 \$ 14,666,658

104 - Glenville State College

(WV Code Chapter 18B)

Fund 0363 FY 2018 Org 0485

1 Glenville State College..... 42800 \$ 5,655,741

105 - Shepherd University

(WV Code Chapter 18B)

Fund 0366 FY 2018 Org 0486

1 Shepherd University..... 43200 \$ 9,169,914

106 - West Liberty University

(WV Code Chapter 18B)

Fund 0370 FY 2018 Org 0488

1 West Liberty University 43900 \$ 7,638,116

107 - West Virginia State University

(WV Code Chapter 18B)

Fund 0373 FY 2018 Org 0490

1	West Virginia State University	44100	\$	9,702,948
2	West Virginia State University Land Grant Match	95600		<u>1,571,549</u>
3	Total		\$	11,274,497
4	Total TITLE II, Section 1 – General Revenue			
5	(Including claims against the state).....			<u>\$ 4,102,700,000</u>

Sec. 2. Appropriations from state road fund. — From the state road fund there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal 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
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2	Maintenance	23700	359,278,000
3	Nonfederal Improvements.....	23701	194,700,000
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.....		\$ 1,231,700,000

The above appropriations are to be expended in accordance with the provisions of Chapters 17 and 17C of the code.

The Commissioner of Highways shall have the authority to operate revolving funds within the State Road Fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies.

There is hereby appropriated in addition to the above appropriations, sufficient money for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Sections 17 and 18, Article 2, Chapter 14 of the code.

It is the intent of the Legislature to capture and match all federal funds available for expenditure on the Appalachian highway system at the earliest possible time. Therefore, should amounts in excess of those appropriated be required for the purposes of Appalachian programs, funds in excess of the amount appropriated may be made available upon recommendation of the commissioner and approval of the Governor. Further, for the purpose of Appalachian programs, funds appropriated by appropriation may be transferred to other appropriations upon 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).....		<u>\$ 1,277,031,358</u>

Sec. 3. Appropriations from other funds. — From the funds designated there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal 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 –
Adult Drug Court Participation Fund
 (WV Code Chapter 62)
 Fund __ FY 2018 Org 2400

1	Current Expenses	13000	\$	10,000
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114 - Supreme Court –
Court Advanced Technology Subscription Fund
 (WV Code Chapter 51)
 Fund __ FY 2018 Org 2400

1	Current Expenses	13000	\$	10,000
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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		<u>1,341,168</u>
7	Total.....		\$	3,250,236

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the necessary amount for the expenditure of funds other than Personal Services and Employee Benefits to enable the division to pay the direct expenses relating to land sales as provided in Chapter 11A of the West Virginia Code.

The total amount of these appropriations shall be paid from the Special Revenue Fund out 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

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer of revenue distribution requirements to provide a proportionate share of rebates back to the general fund of local governments based on 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	\$	1,882,510
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2	Unclassified	09900		31,866
3	Current Expenses	13000		1,463,830
4	Repairs and Alterations.....	06400		12,400
5	Equipment.....	07000		94,700
6	Other Assets	69000		<u>773,326</u>
7	Total		\$	4,258,632

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

Fifty percent of the deposits made into this fund shall be transferred to the Treasurer's Office – Technology Support and Acquisition Fund (fund 1329, org 1300) for expenditure for the 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

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer and revenue distribution requirements to the Purchasing Improvement Fund (fund 2264), the Hatfield-McCoy Regional Recreation Authority, 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>
4	Total		\$	4,221,427

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

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
2	Unclassified	09900		14,000
3	Current Expenses	13000		<u>619,862</u>
4	Total		\$	1,408,631

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
2	Unclassified	09900		37,425
3	Current Expenses	13000		1,356,184
4	Repairs and Alterations.....	06400		58,500
5	Equipment.....	07000		36,209
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

The above appropriations shall be expended in accordance with Article 26, Chapter 19 of 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
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	1,000
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
4	Equipment.....	07000	1,000
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	1,000
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	\$	791,051
2	Unclassified	09900		4,524
3	Current Expenses	13000		<u>8,036</u>
4	Total		\$	803,611

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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The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – West Virginia Teachers’ Retirement 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
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

The total amount of these appropriations shall be paid from a Special Revenue Fund out of collections made by the Division of Information Services and Communications as provided by law.

Each spending unit operating from the General Revenue Fund, from special revenue funds or receiving reimbursement for postage from the federal government shall be charged monthly for all postage meter service and shall reimburse the revolving fund monthly for all such 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
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

The total amount of these appropriations shall be paid from a Special Revenue Fund out of 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

From the above fund, the provisions of W.Va. Code §11B-2-18 shall not operate to permit 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
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	10,000
7	Total		\$ 261,779

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	1,482,760
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	399,191
4	Total		\$ 838,215

154 - 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

155 - 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

156 - 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

157 - 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

158 - 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

159 - 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

160 - Division of Labor –

Steam Boiler Fund

(WV Code Chapter 21)

Fund FY 2018 Org 0308

1	Unclassified	09900	\$	10,000
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161 - Division of Labor –

Psychophysiological Examiners Fund

(WV Code Chapter 21)

Fund FY 2018 Org 0308

1	Unclassified	09900	\$	10,000
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162 - Division of Labor –

Plumbing Work Fund

(WV Code Chapter 21)

Fund FY 2018 Org 0308

1	Unclassified	09900	\$	10,000
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163 - Division of Labor –

HVAC Fund

(WV Code Chapter 21)

Fund FY 2018 Org 0308

1	Unclassified	09900	\$	10,000
	<i>164 - Division of Labor – Bedding and Upholstery Fund (WV Code Chapter 21) Fund __ FY <u>2018</u> Org <u>0308</u></i>			
1	Unclassified	09900	\$	10,000
	<i>165 - Division of Natural Resources – License Fund – Wildlife Resources (WV Code Chapter 20) Fund <u>3200</u> FY <u>2018</u> Org <u>0310</u></i>			
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

The total amount of these appropriations shall be paid from a Special Revenue Fund out of fees collected by the Division of Natural Resources.

Any unexpended balance remaining in the appropriation for Capital Improvements and Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*166 - 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
	<i>167 - Division of Natural Resources – Nongame Fund (WV Code Chapter 20)</i>			

Fund 3203 FY 2018 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	678,109
2	Current Expenses	13000		201,930
3	Equipment.....	07000		<u>106,615</u>
4	Total		\$	986,654

168 - 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		<u>31,700</u>
8	Total		\$	2,510,347

169 - 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

170 - 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

171 - 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

172 - 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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173 - Division 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

174 - 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		265,000
4	Total		\$	400,000

175 - State Board of Education –

School Construction Fund

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2018 Org 0402

1	SBA Construction Grants	24000	\$	37,217,000
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176 - 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		26,000
5	Total		\$	1,371,182

The above appropriations are for the administrative expenses of the School Building Authority and shall be paid from the interest earnings on debt service reserve accounts maintained on behalf of said authority.

DEPARTMENT OF EDUCATION AND THE ARTS

177 - Office of the Secretary –

Lottery Education Fund Interest Earnings –

Control Account

(WV Code Chapter 29)

Fund 3508 FY 2018 Org 0431

Any unexpended balance remaining in the appropriation for Educational Enhancements (fund 3508, appropriation 69500) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

178 - 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

179 - 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

180 - 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

181 - 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

*182 - 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

183 - 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
4	Equipment.....	07000		130,192
5	Other Assets	69000		<u>32,000</u>
6	Total		\$	17,995,477

184 - 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
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2	Current Expenses	13000	<u>356,094</u>
3	Total		\$ 500,000

185 - 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

186 - 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
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

187 - 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

188 - 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
5	Unclassified	09900		10,616
6	Other Assets	69000		<u>11,700</u>
7	Total		\$	1,104,035

189 - 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

190 - 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

191 - 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

192 - 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

193 - 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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194 - 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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195 - 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

*196 - 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

*197 - 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
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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

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

The total amount of these appropriations shall be paid from the Hospital Services Revenue Account Special Fund created by W.Va. Code §16-1-13, and shall be used for operating expenses and for improvements in connection with existing facilities.

Additional funds have been appropriated in fund 0525, fiscal year 2018, organization 0506, for the operation of the institutional facilities. The Secretary of the Department of Health and

Human Resources is authorized to utilize up to ten percent of the funds from the appropriation for Institutional Facilities Operations to facilitate cost effective and cost saving services at the community level.

Necessary funds from the above appropriation may be used for medical facilities operations, either in connection with this fund or in connection with the appropriation designated Institutional Facilities Operations in the Consolidated Medical Service Fund (fund 0525, organization 0506).

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

The above appropriation is to be expended in accordance with and pursuant to the provisions of W.Va. Code §16-29B and from the Special Revolving Fund designated Health Care Cost Review Fund.

The Health Care Authority is authorized to transfer up to \$1,500,000 from fund 5375 to the West Virginia Health Information Network Account (fund 5380) as authorized per W.Va. Code §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
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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

The above appropriation for Medical Services Administrative Costs (fund 5090, appropriation 78900) shall be transferred to a Special Revenue account in the treasury for use by the Department of Health and Human Resources for administrative purposes. The remainder of all moneys deposited in the fund shall be transferred to the West Virginia Medical Services Fund (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	\$ 134,510,937
2	Medical Services Administrative Costs.....	78900	<u>548,723</u>
3	Total.....		\$ 135,059,660

The above appropriation to Medical Services shall be used to provide state match of Medicaid expenditures as defined and authorized in subsection (c) of W.Va. Code §9-4A-2a. Expenditures from the fund are limited to the following: payment of backlogged billings, funding for services to future federally mandated population groups and payment of the required state match for Medicaid disproportionate share payments. The remainder of all moneys deposited in 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
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
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2	Current Expenses	13000		25,000
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3	Total		\$	35,000
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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
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2	Current Expenses	13000		650,000
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3	Repairs and Alterations.....	06400		485,652
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4	Equipment.....	07000		300,000
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5	Buildings	25800	770,820
6	Other Assets	69000	100,000
7	Land	73000	<u>50,000</u>
8	Total		\$ 4,000,000

From the above appropriations, the Adjutant General may receive and expend funds to conduct operations and activities to include functions of the Military Authority. The Adjutant General may transfer funds between appropriations, except no funds may be transferred to 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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Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 6295, appropriation 09600) at the close of fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

220 - Division of Homeland Security and

Emergency Management –

Statewide Interoperable Radio Network Account

(WV Code Chapter 24)

Fund FY 2018 Org 0606

1	Unclassified	09900	\$ 10,000
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221 - 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

222 - 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

The total amount of these appropriations shall be paid from the Special Revenue Fund out of fees collected for inspection stickers as provided by law.

223 - 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

The total amount of these appropriations shall be paid from the Special Revenue Fund out of receipts collected pursuant to W.Va. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

224 - 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

225 - 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

226 - 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
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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

227 - 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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228 - 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

229 - 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
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230 - 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

231 - 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
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

232 - 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

DEPARTMENT OF REVENUE

233 - Division of Financial Institutions

(WV Code Chapter 31A)

Fund 3041 FY 2018 Org 0303

1	Personal Services and Employee Benefits.....	00100	\$	2,503,751
2	Unclassified	09900		1,000
3	Current Expenses	13000		695,225
4	Repairs and Alterations.....	06400		100
5	Equipment.....	07000		14,000
6	Other Assets	69000		<u>15,000</u>
7	Total		\$	3,229,076

234 - Office of the Secretary –

Revenue Shortfall Reserve Fund

(WV Code Chapter 11B)

Fund 7005 FY 2018 Org 0701

1	Medical Services Trust Fund.....	51200	\$	90,000,000
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The above appropriation for Medical Services Trust Fund – Transfer (appropriation 51200) shall be transferred to the Medical Services Trust Fund (fund 5185).

235 - 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
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The above appropriation for Directed Transfer shall be transferred to the Consolidated Public Retirement Board – West Virginia Public Employees Retirement System Employers Accumulation Fund (fund 2510).

236 - 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		<u>7,717</u>
3	Total		\$	31,176

237 - 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		<u>5,000</u>
6	Total		\$	950,000

238 - 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

239 - 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

240 - 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

241 - 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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The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall be transferred to the Medical Services Trust Fund (fund 5185, org 0511) for expenditure.

242 - State Budget Office –

Public Employee Insurance Agency Financial Stability Fund

(WV Code Chapter 11B)

Fund 7401 FY 2018 Org 0703

1	Retiree Premium Offset.....	80101	\$	5,000,000
2	PEIA Reserve	80102		<u>10,000,000</u>
3	Total.....		\$	15,000,000

The above appropriation shall be transferred to special revenue funds to be utilized by the West Virginia Public Employees Insurance Agency for the purposes of permitting the PEIA Finance Board to offset \$5 million in retiree premium increases. Additionally, \$10 million will be put into a reserve fund to stabilize and preserve the future solvency of PEIA. Such amount shall not be included in the calculation of the plan year aggregate premium cost-sharing percentages between employers and employees.

*243 - Insurance Commissioner –**Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2018 Org 0704

1	Personal Services and Employee Benefits.....	00100	\$	721,117
2	Current Expenses	13000		1,357,201
3	Repairs and Alterations.....	06400		3,000
4	Equipment.....	07000		81,374
5	Buildings	25800		8,289
6	Other Assets	69000		<u>11,426</u>
7	Total.....		\$	2,182,407

*244 - 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

245 - 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

246 - 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

247 - 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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*248 - 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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*249 - 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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250 - Municipal Bond Commission

(WV Code Chapter 13)

Fund 7253 FY 2018 Org 0706

1	Personal Services and Employee Benefits.....	00100	\$	247,523
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2	Current Expenses	13000		144,844
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3	Equipment.....	07000		<u>100</u>
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4	Total.....		\$	392,467
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*251 - Racing Commission –**Relief Fund*

(WV Code Chapter 19)

Fund 7300 FY 2018 Org 0707

1	Medical Expenses – Total	24500	\$	57,000
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The total amount of this appropriation shall be paid from the Special Revenue Fund out of collections of license fees and fines as provided by law.

No expenditures shall be made from this fund except for hospitalization, medical care and/or funeral expenses for persons contributing to this fund.

252 - 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		<u>5,000</u>
4	Total		\$	355,000

253 - 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		<u>50,000</u>
5	Total		\$	2,894,587

254 - 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	<u>200,000</u>
4	Total		\$ 1,278,880

255 - 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	<u>100</u>
7	Total		\$ 308,888

To the extent permitted by law, four classified exempt positions shall be provided from Personal Services and Employee Benefits appropriation for field auditors.

256 - Alcohol Beverage Control Administration

(WV Code Chapter 60)

Fund 7352 FY 2018 Org 0708

1	Personal Services and Employee Benefits.....	00100	\$ 5,413,237
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	16,000,000
8	Other Assets	69000	125,100
9	Land	73000	<u>100</u>

10 Total \$ 97,503,114

The total amount of these appropriations shall be paid from a special revenue fund out of liquor revenues and any other revenues available.

The above appropriations include the salary of the commissioner and the salaries, expenses and equipment of administrative offices, warehouses and inspectors.

The above appropriations include funding for the Tobacco/Alcohol Education Program.

There is hereby appropriated from liquor revenues, in addition to the above appropriations as needed, the necessary amount for the purchase of liquor as provided by law and the remittance of profits and taxes to the General Revenue Fund.

257 - State Athletic Commission Fund

(WV Code Chapter 29)

Fund 7009 FY 2018 Org 0933

1 Current Expenses 13000 \$ 30,000

DEPARTMENT OF TRANSPORTATION

258 - Division of Motor Vehicles –

Dealer Recovery Fund

(WV Code Chapter 17)

Fund 8220 FY 2018 Org 0802

1 Current Expenses 13000 \$ 189,000

259 - 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

260 - 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

261 - 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

262 - 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

263 - 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

The total amount of these appropriations are funded from annual table game license fees to enable the aged and disabled citizens of West Virginia to stay in their homes through the provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION

264 - 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

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.Va. Code §18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for Debt Service, may be transferred to special revenue funds for capital improvement projects at the institutions.

265 - Tuition Fee Revenue Bond Construction Fund

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2018 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.Va. Code §18-12B-8, which have since been refunded.

266 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2018 Org 0442

Any unexpended balance remaining in the appropriation for Capital Improvements – Total (fund 4908, appropriation 95800) at the close of fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

The total amount of this appropriation shall be paid from the sale of the 2009 Series A Community and Technical College Capital Improvement Revenue Bonds and anticipated interest earnings.

267 - 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

268 - 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

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Board of Barbers and Cosmetologists as provided by law.

269 - 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

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the Code.

270 - 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

271 - 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		4,500
6	Directed Transfer	70000		<u>0</u>
7	Total		\$	1,404,033

272 - 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

The total amount of these appropriations shall be paid from a special revenue fund out of collections for special license fees from public service corporations as provided by law.

The Public Service Commission is authorized to transfer up to \$500,000 from this fund to meet the expected deficiencies in the Motor Carrier Division (fund 8625, org 0926) due to the amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

273 - 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

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies as provided by law.

274 - 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
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

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as provided by law.

275 - 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

The total amount of these appropriations shall be supported by cash from a special revenue fund out of collections made by the Public Service Commission.

276 - 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

The total amount of these appropriations shall be paid out of collections of license fees as provided by law.

277 - 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

278 - 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

279 - 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

280 - 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

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		<u>\$ 4,985,000</u>

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the Consolidated fund of the State as provided in Article 6C, Chapter 12 of the Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

Total TITLE II, Section 3 – Other Funds

(Including claims against the state)..... \$ 1,629,216.710

Sec. 4. Appropriations from lottery net profits. — Net profits of the lottery are to be deposited by the director of the lottery to the following accounts in the amounts indicated. The Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the Director of the Lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 3390, and Fund 3514 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, and Fund 3514 for that purpose. Upon receipt of reimbursement of amounts so transferred, the Director of the Lottery shall deposit the 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
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2	Tourism – Advertising (R)	61800	1,822,407
3	Tourism – Operations (R).....	66200	<u>3,951,872</u>
4	Total		\$ 5,856,359

Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund 3067, appropriation 61800), and Tourism – Operations (fund 3067, appropriation 66200) at the 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

Any unexpended balances remaining in the appropriations for Unclassified (fund 3267, appropriation 09900), Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2017 are hereby reappropriated for expenditure 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	21st Century Technology Infrastructure		
5	Network Tools and Support (R)	93300	<u>13,868,262</u>
6	Total		\$ 17,723,181

Any unexpended balances remaining in the appropriations for Unclassified (fund 3951, appropriation 09900), Current Expenses (fund 3951, appropriation 13000), Assessment Program (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2017 are hereby 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

The School Building Authority shall have the authority to transfer between the above 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 21st Century Academy.....	89700		130,000
5	Literacy Project (R)	89900		<u>350,000</u>
6	Total.....		\$	948,354

Any unexpended balances remaining in the appropriations for Unclassified (fund 3508, appropriation 09900), Governor’s Honors Academy (fund 3508, appropriation 47800), Arts Programs (fund 3508, appropriation 50000), and Literacy Project (fund 3508, appropriation

89900) at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal 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		466,921
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.....		\$	3,474,632

From the above appropriation for Preservation West Virginia (fund 3534, appropriation 09200) funding shall be provided to the African-American Heritage Family Tree Museum (Fayette) \$2,673, Aracoma Story (Logan) \$29,703, Arts Monongahela (Monongalia) \$11,881, Barbour

County Arts and Humanities Council \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society (Wayne) \$1,166, Ceredo Kenova Railroad Museum (Wayne) \$1,166, Ceredo Museum (Wayne) \$720, Children's Theatre of Charleston (Kanawha) \$3,127, Chuck Mathena Center (Mercer) \$62,532, Collis P. Huntington Railroad Historical Society (Cabell) \$5,940, Country Music Hall of Fame and Museum (Marion) \$4,158, First Stage Children's Theater Company \$1,166, Flannigan Murrell House (Summers) \$3,780, Fort Ashby Fort (Mineral) \$891, Fort New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen Memorial Foundation (Berkeley) \$11,005, Grafton Mother's Day Shrine Committee (Taylor) \$5,049, Hardy County Tour and Crafts Association \$11,881, Heartwood in the Hills (Calhoun) \$5,040, Heritage Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic Middleway Conservancy (Jefferson) \$594, Jefferson County Black History Preservation Society \$2,970, Jefferson County Historical Landmark Commission \$4,752, Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society \$5,049, McCoy Theater (Hardy) \$11,881, Morgantown Theater Company (Monongalia) \$11,881, Mountaineer Boys' State (Lewis) \$5,940, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum (Berkeley) \$5,940, Old Opera House Theater Company (Jefferson) \$8,910, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House \$3,564, Raleigh County All Wars Museum \$5,940, Rhododendron Girl's State (Ohio) \$5,940, Roane County 4-H and FFA Youth Livestock Program \$2,970, Scottish Heritage Society/N. Central WV (Harrison) \$2,970, Society for the Preservation of McGrew House (Preston) \$2,079, Southern West Virginia Veterans' Museum \$3,393, Summers County Historic Landmark Commission \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian Center (Summers) \$5,310, Tug Valley Arts Council (Mingo) \$2,970, Tug Valley Chamber of Commerce Coal House (Mingo) \$1,188, Tunnelton Historical Society (Preston) \$1,188, Veterans Committee for Civic Improvement of Huntington (Wayne) \$2,970, West Virginia Museum of Glass (Lewis) \$3,713, West Virginia Music Hall of Fame (Kanawha) \$20,792, YMCA Camp Horseshoe (Tucker) \$59,405, Youth Museum of Southern West Virginia (Raleigh) \$7,128, Z. D. Ramsdell House (Wayne) \$720.

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$2,970, Alderson 4th of July Celebration (Greenbrier) \$2,970, Allegheny Echo (Pocahontas) \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683, American Civil War (Grant) \$3,127, American Legion Post 8 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle Show (Lewis) \$891, Annual Birch River Days (Nicholas) \$1,296, Annual Don Redman Heritage Concert & Awards (Jefferson) \$938, Annual Ruddle Park Jamboree (Pendleton) \$4,690, Antique Market Fair (Lewis) \$1,188, Apollo Theater-Summer Program (Berkeley) \$1,188, Apple Butter Festival (Morgan) \$3,564, Arkansaw Homemaker's Heritage Weekend (Hardy) \$2,079, Armed Forces Day-South Charleston (Kanawha) \$1,782, Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Barbour County Fair \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Bass Festival (Pleasants) \$1,099, Battelle District Fair (Monongalia) \$2,970, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$2,673, Belleville Homecoming (Wood) \$11,881, Bergoo Down Home Days (Webster) \$1,485, Berkeley County Youth Fair \$10,990, Black Bear 4K Mountain Bike Race (Kanawha) \$684, Black Heritage Festival (Harrison) \$3,564, Black Walnut Festival (Roane) \$5,940, Blast from the Past (Upshur) \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone County Fair \$5,940, Boone County Labor Day Celebration \$2,376, Bradshaw Fall Festival (McDowell) \$1,188, Brandonville Heritage Day (Preston) \$1,048, Braxton County Fair \$6,832, Braxton County Monster Fest / West Virginia Autumn Festival \$1,485, Brooke County Fair \$2,079, Bruceton Mills Good Neighbor Days (Preston) \$1,188, Buckwheat Festival (Preston) \$5,050, Buffalo 4th of July

Celebration (Putnam) \$400, Buffalo October Fest (Putnam)\$3,240, Burlington Apple Harvest Festival (Mineral) \$17,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970, Burnsville Harvest Festival (Braxton) \$1,407, Cabell County Fair \$5,940, Calhoun County Wood Festival \$1,188, Campbell's Creek Community Fair (Kanawha) \$1,485, Cape Coalwood Festival Association (McDowell) \$1,485, Capon Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs Ruritan 4th of July (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188, Cedarville Town Festival (Gilmer) \$684, Celebration in the Park (Wood) \$2,376, Celebration of America (Monongalia) \$3,564, Ceredo Freedom Festival (Wayne) \$700, Chapmanville Apple Butter Festival (Logan) \$684, Chapmanville Fire Department 4th of July (Logan) \$1,782, Charles Town Christmas Festival (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester Fireworks (Hancock) \$891, Chester 4th of July Festivities (Hancock) \$2,970, Chief Logan State Park-Civil War Celebration (Logan) \$4,752, Chilifest West Virginia State Chili Championship (Cabell) \$1,563, Christmas In Our Town (Marion) \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the Park (Brooke) \$2,970, Christmas in the Park (Logan) \$14,851, City of Dunbar Critter Dinner (Kanawha) \$5,940, City of Logan Polar Express (Logan)\$4,456, City of New Martinsville Festival of Memories (Wetzel) \$6,534, Clay County Golden Delicious Apple Festival \$4,158, Clay District Fair (Monongalia) \$1,080, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Country Roads Festival (Fayette) \$1,188, Cowen Railroad Festival (Webster) \$2,079, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079, Doddridge County Fair \$4,158, Dorcas Ice Cream Social (Grant) \$3,564, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Elkins Randolph County 4th of July Car Show (Randolph) \$1,188, Fairview 4th of July Celebration (Marion) \$684, Farm Safety Day (Preston) \$1,188, Farmer's Day Festival (Monroe) \$2,330, Farmers' Day Parade (Wyoming) \$720, Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$11,881, Flatwoods Days (Braxton) \$700, Flemington Day Fair and Festival (Taylor) \$2,079, Follansbee Community Days (Brooke) \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison) \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton) \$4,456, Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W. R. Sharpe Hospital (Lewis) \$2,970, Frontier Days (Harrison) \$1,782, Frontier Fest/Canaan Valley (Taylor) \$2,970, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,485, Gassaway Days Celebration (Braxton) \$2,970, Gilbert Elementary Fall Blast (Mingo) \$2,188, Gilbert Kiwanis Harvest Festival (Mingo) \$2,376, Gilbert Spring Fling (Mingo) \$3,595, Gilmer County Farm Show \$2,376, Grant County Arts Council \$1,188, Grape Stomping Wine Festival (Nicholas) \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, Greater Quinwood Days (Greenbrier) \$781, Guyandotte Civil War Days (Cabell) \$5,940, Hamlin 4th of July Celebration (Lincoln) \$2,970, Hampshire Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July Celebration \$11,881, Hampshire County Fair \$5,002, Hampshire Heritage Days (Hampshire) \$2,376, Hancock County Oldtime Fair \$2,970, Hardy County Commission - 4th of July \$5,940, Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970, Heat'n the Hills Chilifest (Lincoln) \$2,970, Heritage Craft Festival (Monroe) \$1,044, Heritage Days Festival (Roane) \$891, Hilltop Festival (Cabell) \$684, Hilltop Festival of Lights (McDowell) \$1,188, Hinton Railroad Days (Summers) \$4,347, Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432, Hundred 4th of July (Wetzel) \$4,307, Hundred American Legion Earl Kiger Post Bluegrass Festival (Wetzel) \$1,188, Hurricane 4th of July Celebration (Putnam) \$2,970, Iaeger Town Fair (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair \$2,970, Jamboree (Pocahontas) \$2,970, Jane Lew Arts

and Crafts Fair (Lewis) \$684, Jefferson County Fair Association \$14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire) \$684, John Henry Days Festival (Monroe) \$4,698, Johnnie Johnson Blues and Jazz Festival (Marion) \$2,970, Johnstown Community Fair (Harrison) \$1,485, Junior Heifer Preview Show (Lewis) \$1,188, Kanawha Coal Riverfest-St. Albans 4th of July Festival (Kanawha) \$2,970, Keeper of the Mountains-Kayford (Kanawha) \$1,485, Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, Keystone Reunion Gala (McDowell) \$1,563, King Coal Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, L. Z. Rainelle West Virginia Veterans Reunion (Greenbrier) \$2,970, Lady of Agriculture (Preston) \$684, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$5,940, Larry Joe Harless Community Center Spring Middle School Event (Mingo) \$2,970, Last Blast of Summer (McDowell) \$2,970, Lewis County Fair Association \$2,079, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival \$4,752, Lincoln County Winterfest \$2,970, Lindsie Veterans' Day Parade \$720, Little Levels Heritage Festival (Pocahontas) \$1,188, Lost Creek Community Festival (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley) \$2,813, Mannington District Fair (Marion) \$3,564, Maple Syrup Festival (Randolph) \$684, Marion County FFA Farm Fest \$1,485, Marmet Labor Day Celebration (Kanawha) \$3,078, Marshall County Antique Power Show \$1,485, Marshall County Fair \$4,456, Mason County Fair \$2,970, Mason Dixon Festival (Monongalia) \$4,158, Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County \$11,881, McDowell County Fair \$1,485, McGrew House History Day (Preston) \$1,188, McNeill's Rangers (Mineral) \$4,752, Meadow Bridge Hometown Festival (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer Bluestone Valley Fair (Mercer) \$1,188, Mercer County Fair \$1,188, Mercer County Heritage Festival \$3,474, Mid Ohio Valley Antique Engine Festival (Wood) \$1,782, Milton Christmas in the Park (Cabell) \$1,485, Milton 4th of July Celebration (Cabell) \$1,485, Mineral County Fair \$1,040, Mineral County Veterans Day Parade \$891, Molasses Festival (Calhoun) \$1,188, Monongahfest (Marion) \$3,752, Moon Over Mountwood Fishing Festival (Wood) \$1,782, Morgan County Fair-History Wagon \$891, Moundsville Bass Festival (Marshall) \$2,376, Moundsville July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall Festival (Barbour) \$1,485, Mountain Fest (Monongalia) \$11,881, Mountain Festival (Mercer) \$2,747, Mountain Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music Festival (McDowell) \$1,485, Mountain State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) \$26,732, Mountaineer Hot Air Balloon Festival (Monongalia) \$2,376, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia (Kanawha) \$11,881, Music and Barbecue - Banks District VFD (Upshur) \$1,278, New Cumberland Christmas Parade (Hancock) \$1,782, New Cumberland 4th of July (Hancock) \$2,970, New River Bridge Day Festival (Fayette) \$23,762, Newburg Volunteer Fireman's Field Day (Preston) \$684, Nicholas County Fair \$2,970, Nicholas County Potato Festival \$2,079, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$3,564, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair \$5,346, Ohio River Fest (Jackson) \$4,320, Ohio Valley Beef Association (Wood) \$1,485, Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Central City Fair (Cabell) \$2,970, Old Century City Fair (Barbour) \$1,250, Old Tyme Christmas (Jefferson) \$1,425, Paden City Labor Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Patty Fest (Monongalia) \$1,188, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970, Pendleton County 4-H Weekend \$1,188, Pendleton County Committee for Arts \$8,910, Pendleton County Fair \$6,253, Pennsboro Country Road Festival (Ritchie) \$1,188, Petersburg 4th of July Celebration (Grant) \$11,881, Petersburg HS Celebration (Grant) \$5,940, Piedmont-Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$891, Pine Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair \$2,970, Poca Heritage Days (Putnam) \$1,782, Pocahontas County Pioneer Days

\$4,158, Point Pleasant Stern Wheel Regatta (Mason) \$2,970, Pratt Fall Festival (Kanawha) \$1,485, Princeton Autumnfest (Mercer) \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair \$2,970, Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha) \$1,485, Randolph County Community Arts Council \$1,782, Randolph County Fair \$4,158, Randolph County Ramp and Rails \$1,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier) \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair and Exposition \$2,970, Ritchie County Pioneer Days \$684, River City Festival (Preston) \$684, Roane County Agriculture Field Day \$1,782, Rock the Park (Kanawha) \$3,240, Rocket Boys Festival (Raleigh) \$1,710, Romney Heritage Days (Hampshire) \$1,876, Ronceverte River Festival (Greenbrier) \$2,970, Rowlesburg Labor Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of July (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on the Water (Wetzel) \$1,782, South Charleston Summerfest (Kanawha) \$5,940, Southern Wayne County Fall Festival \$684, Spirit of Grafton Celebration (Taylor) \$5,940, Springfield Peach Festival (Hampshire) \$738, St. Albans City of Lights - December (Kanawha) \$2,970, Sternwheel Festival (Wood) \$1,782, Stoco Reunion (Raleigh) \$1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, Storytelling Festival (Lewis) \$400, Strawberry Festival (Upshur) \$17,821, Sylvester Big Coal River Festival \$1,944, Tacy Fair (Barbour) \$684, Taste of Parkersburg (Wood) \$2,970, Taylor County Fair \$3,267, Terra Alta VFD 4th of July Celebration (Preston) \$684, The Gathering at Sweet Creek (Wood) \$1,782, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$8,910, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town of Fayetteville Heritage Festival (Fayette) \$4,456, Town of Matoaka Hog Roast (Mercer) \$684, Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield - Putnam County Homecoming \$3,240, St. Albans Train Fest (Kanawha) \$6,120, Treasure Mountain Festival (Pendleton) \$14,851, Tri-County Fair (Grant) \$22,548, Tucker County Arts Festival and Celebration \$10,692, Tucker County Fair \$2,821, Tucker County Health Fair \$1,188, Tunnelton Depot Days (Preston) \$684, Tunnelton Volunteer Fire Department Festival (Preston) \$684, Turkey Festival (Hardy) \$1,782, Tyler County Fair \$3,088, Tyler County 4th of July \$400, Tyler County OctoberFest \$720, Union Community Irish Festival (Barbour) \$648, Uniquely West Virginia Festival (Morgan) \$1,188, Upper Kanawha Valley Oktoberfest (Kanawha) \$1,485, Upper Ohio Valley Italian Festival (Ohio) \$7,128, Upshur County Youth Livestock Show \$1,440, Valley District Fair (Preston) \$2,079, Veterans Welcome Home Celebration (Cabell) \$938, Vietnam Veterans of America # 949 Christmas Party (Cabell) \$684, Volcano Days at Mountwood Park (Wood) \$2,970, War Homecoming Fall Festival (McDowell) \$891, Wardensville Fall Festival (Hardy) \$2,970, Wayne County Fair \$2,970, Wayne County Fall Festival \$2,970, Webster County Fair \$3,600, Webster County Wood Chopping Festival \$8,910, Webster Wild Water Weekend \$1,188, Weirton July 4th Celebration (Hancock) \$11,881, Welcome Home Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke) \$4,456, Wellsburg Apple Festival of Brooke County \$2,970, West Virginia Blackberry Festival (Harrison) \$2,970, West Virginia Chestnut Festival (Preston) \$684, West Virginia Coal Festival (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum (Mercer) \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Fireman's Rodeo (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach Festival (Hampshire) \$3,240, West Virginia Polled Hereford Association (Braxton) \$891, West Virginia Poultry Festival (Hardy) \$2,970, West Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia State Folk Festival (Gilmer) \$2,970, West Virginia Water Festival - City of Hinton (Summers) \$9,144, Weston VFD 4th of July Firemen Festival (Lewis) \$1,188, Wetzel County Autumnfest \$3,267, Wetzel County Town and Country Days \$10,098, Wheeling Celtic Festival (Ohio) \$1,166, Wheeling City of Lights

(Ohio) \$4,752, Wheeling Sternwheel Regatta (Ohio) \$5,940, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action (Fayette) \$1,485, Wileyville Homecoming (Wetzel) \$2,376, Wine Festival and Mountain Music Event (Harrison) \$2,970, Winter Festival of the Waters (Berkeley) \$2,970, Wirt County Fair \$1,485, Wirt County Pioneer Days \$1,188, Wyoming County Civil War Days \$1,296, Youth Stockman Beef Expo (Lewis) \$1,188.

Any unexpended balances remaining in the appropriations for Preservation West Virginia (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200), Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic Preservation Grants (fund 3534, appropriation 31100), Grants for Competitive Arts Program (fund 3534, appropriation 62400), and Project ACCESS (fund 3534, appropriation 86500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

Any Fairs & Festivals awards shall be funded in addition to, and not in lieu of, individual 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

Any unexpended balance remaining in the appropriation for Libraries – Special Projects (fund 3559, appropriation 62500) at the close of fiscal year 2017 is hereby reappropriated for 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 and Title XIX Waiver for Senior Citizens	53900	19,723,029
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	8,670,000
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.....		\$ 48,436,583

Any unexpended balance remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

Included in the above appropriation for Current Expenses (fund 5405, appropriation 13000), is funding to support an in-home direct care workforce registry.

The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens (appropriation 53900) along with the federal moneys 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
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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

Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (fund 4925, appropriation 03800), Minority Doctoral Fellowship (fund 4925, appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation 60100) at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

The above appropriation for WV Engineering, Science, and Technology Scholarship Program (appropriation 86800) shall be transferred to the West Virginia Engineering, Science and 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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Any unexpended balance remaining in the appropriation for Capital Outlay and Improvements – Total (fund 4908, appropriation 84700) at the close of fiscal year 2017 is hereby 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		\$	<u>3,402,163</u>

Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 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>

Any unexpended balances remaining in the appropriations for Marshall Medical School – RHI Program and Site Support (fund 4896, appropriation 03300) and Vice Chancellor for Health

Sciences – Rural Health Residency Program (fund 4896, appropriation 60100) at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

Total TITLE II, Section 4 – Lottery Revenue..... \$ 130,917,133

Sec. 5. Appropriations from state excess lottery revenue fund. — In accordance with W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following appropriations shall be deposited and disbursed by the Director of the Lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are sufficient to meet all the appropriations required made pursuant to this section, then the 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

		Excess
		Lottery
		Funds
		Appro-
		priation
1	Directed Transfer	70000 \$ 10,000,000

The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.Va. Code §11-21-21. The amount of the required transfer shall be determined solely by the state tax commissioner and shall be 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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The above appropriation shall be transferred to the General Revenue Fund as determined 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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The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

300 - Economic Development Authority –

Economic Development Project Fund

Fund 9065 FY 2018 Org 0944

1	Debt Service – Total	31000	\$	19,000,000
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Pursuant to W.Va. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the economic development project fund pursuant to section four of this title and W.Va. Code §29-22-18, subsection (f).

301 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2018 Org 0944

1	Debt Service	04000	\$	3,000,000
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302 - Department of Education –

School Building Authority

Fund 3514 FY 2018 Org 0402

1	Debt Service – Total	31000	\$	19,000,000
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303 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2018 Org 0316

1	Directed Transfer	70000	\$	46,000,000
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The above appropriation shall be allocated pursuant to W.Va. Code §29-22-18d and §31-15-9.

304 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2018 Org 0441

1	Directed Transfer	70000	\$	15,000,000
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The above appropriation shall be transferred to fund 4903, org 0442 as authorized by Senate Concurrent Resolution No. 41.

305 - 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
4	Buildings (R)	25800		100,000
5	Other Assets (R)	69000		<u>100,500</u>
6	Total		\$	5,000,000

Any unexpended balances remaining in the above appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Unclassified (fund 3277, appropriation 09900), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

306 - Racing Commission –

Fund 7308 FY 2018 Org 0707

1	Special Breeders Compensation			
2	(WVC §29-22-18a, subsection (l))	21800	\$	2,000,000

307 - 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>6,111,678</u>
17	Total.....		\$ 59,081,245

308 - Governor's Office

(WV Code Chapter 5)

Fund 1046 FY 2018 Org 0100

Any unexpended balance remaining in the appropriation for Publication of Papers and Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

309 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 3170 FY 2018 Org 0307

Any unexpended balances remaining in the appropriations for Unclassified – Total (fund 3170, appropriation 09600), Recreational Grants or Economic Development Loans (fund 3170, appropriation 25300), and Connectivity Research and Development – Lottery Surplus (fund 3170, appropriation 92300) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

310 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 4932 FY 2018 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

311 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2018 Org 0511

1	Medical Services.....	18900	\$	45,506,170
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312 - Division of Corrections –

Correctional Units

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

Fund 6283 FY 2018 Org 0608

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 6283, appropriation 75500) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

Total TITLE II, Section 5 – Excess Lottery Funds.....		\$	<u>317,587,415</u>
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Sec. 6. Appropriations of federal funds. — In accordance with Article 11, Chapter 4 of the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2018.

LEGISLATIVE

313 - 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*314 - 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*315 - Governor's Office*

(WV Code Chapter 5)

Fund 8742 FY 2018 Org 0100

1	Current Expenses – Total	13000	\$	225,000
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316 - 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

*317 - 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
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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

318 - 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
2	Current Expenses	13000		<u>14,099,974</u>
3	Total		\$	14,197,224

319 - 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

320 - 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*321 - 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

322 - 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

323 - 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

324 - 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
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

325 - 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

326 - 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

327 - 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

328 - 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

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.Va. Code §21A-9-9, the above appropriation to Unclassified and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of administration of the state's unemployment insurance program or job service activities, subject to

each and every restriction, limitation or obligation imposed on the use of the funds by those federal and state statutes.

329 - Division 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

330 - 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

331 - 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

332 - 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

333 - 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

334 - 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

335 - 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

336 - 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

337 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 8721 FY 2018 Org 0439

1	Equipment.....	07000	\$ 750,000
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338 - 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

339 - 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*340 - 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		<u>100,000</u>
8	Total.....		\$	226,297,839

DEPARTMENT OF HEALTH AND HUMAN RESOURCES*341 - 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		<u>6,630,103</u>
4	Total.....		\$	7,454,286

*342 - 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	<u>380,000</u>
7	Total		\$ 94,794,875

343 - 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		
2	Revolving Fund – Transfer	68900	\$ 16,000,000

344 - West Virginia Health Care Authority

(WV Code Chapter 16)

Fund 8851 FY 2018 Org 0507

1	Unclassified	09900	\$ 9,966
2	Current Expenses	13000	<u>986,649</u>
3	Total		\$ 996,615

345 - 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	<u>140,389</u>
4	Total		\$ 771,220

346 - 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		<u>20,000,000</u>
9	Total.....		\$	3,600,936,301

DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

347 - 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

348 - 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

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

349 - 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
2	Current Expenses	13000	300,000
3	Equipment.....	07000	<u>350,000</u>
4	Total		\$ 2,000,000

350 - 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

351 - Division of Corrections

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

Fund 8836 FY 2018 Org 0608

1	Unclassified	09900	\$ 1,100
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2	Current Expenses	13000	<u>108,900</u>
3	Total		\$ 110,000

352 - 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
6	Other Assets	69000	144,500
7	Land	73000	<u>500</u>
8	Total		\$ 8,001,295

353 - Fire Commission

(WV Code Chapter 29)

Fund 8819 FY 2018 Org 0619

1	Current Expenses	13000	\$ 80,000
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354 - Division of Justice and Community Services

(WV Code Chapter 15)

Fund 8803 FY 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

355 - 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

356 - 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		500
4	Total		\$	14,173,534

357 - 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		250,000
7	Total		\$	15,593,700

358 - Public Port Authority

(WV Code Chapter 17)

Fund 8830 FY 2018 Org 0806

1	Current Expenses	13000	\$	0
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DEPARTMENT OF VETERANS' ASSISTANCE

359 - 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
7	Land	73000		<u>100,000</u>
8	Total.....		\$	7,727,000

360 - 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

361 - 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*362 - 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

*363 - 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

364 - 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		<u>2,000</u>
6	Total		\$	<u>800,600</u>
7	Total TITLE II, Section 6 - Federal Funds.....			<u>\$ 4,874,926,288</u>

Sec. 7. Appropriations from federal block grants. — The following items are hereby appropriated from federal block grants to be available for expenditure during the fiscal year 2018.

365 - 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

366 - 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
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367 - 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

368 - 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

369 - 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

370 - 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

371 - 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

372 - 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

373 - 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

374 - 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

375 - 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

376 - 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>

Sec. 8. Awards for claims against the state. — There are hereby appropriated for fiscal year 2018, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$930,143, special revenue funds in the amount of \$458,733, and state road funds in the amount of \$802,735 for payment of claims against the state.

Sec. 9. Appropriations from general revenue surplus accrued. — The following item is hereby appropriated from the state fund, general revenue, and is to be available for expenditure during the fiscal year 2018 out of surplus funds only, accrued from the fiscal year ending June 30, 2017, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus as of July 31, 2017 from the fiscal year ending June 30, 2017, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2017, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available as of the date mandated to meet the appropriation in this section.

377 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2018 Org 0211

1	Capital Outlay, Repairs and Equipment – Surplus.....	67700	\$ <u>8,000,000</u>
2	Total TITLE II, Section 9 – Surplus Accrued		\$ <u>8,000,000</u>

Sec. 10. Appropriations from lottery net profits surplus accrued. — The following item is hereby appropriated from the lottery net profits, and is to be available for expenditure during the fiscal year 2018 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2017, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2017.

In the event that surplus revenues available from the fiscal year ending June 30, 2017, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

378 - 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>8,000,000</u>
2	Total TITLE II, Section 10 – Surplus Accrued		\$ <u>8,000,000</u>

Sec. 11. Appropriations from state excess lottery revenue surplus accrued. — The following item is hereby appropriated from the state excess lottery revenue fund, and is to be available for expenditure during the fiscal year 2018 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2017, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2017.

In the event that surplus revenues available from the fiscal year ending June 30, 2017, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

379 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2018 Org 0511

1	Medical Services – Lottery Surplus	68100	\$ <u>32,000,000</u>
2	Total TITLE II, Section 11 – Surplus Accrued		\$ <u>32,000,000</u>

Sec. 12. Special revenue appropriations. — There are hereby appropriated for expenditure during the fiscal year 2018 appropriations made by general law from special revenues which are not paid into the state fund as general revenue under the provisions of W.Va. Code §12-2-2: Provided, That none of the money so appropriated by this section shall be available for expenditure except in compliance with the provisions of W.Va. Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending unit has filed with the director of the budget and the legislative auditor prior to the beginning of each fiscal year:

(a) An estimate of the amount and sources of all revenues accruing to such fund; and

(b) A detailed expenditure schedule showing for what purposes the fund is to be expended. During Fiscal Year 2018, the following funds are hereby available and are to be transferred to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund (fund 5185) from available balances per the following:

380 - Treasurer’s Office –

Banking Services Fund

(WV Code Chapter 12)

Fund 1322 FY 2018 Org 1300

1	Directed Transfer	70000	\$ 1,209,197.40
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381 - 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	\$	540,659.06
	<i>382 - Department of Administration -</i>			
	<i>Office of the Secretary -</i>			
	<i>Gifts, Grants and Donations</i>			
	(WV Code Chapter 5A)			
	Fund <u>2046</u> FY <u>2018</u> Org <u>0201</u>			
1	Directed Transfer	70000	\$	80,000
	<i>383 - Department of Administration -</i>			
	<i>Division of Personnel -</i>			
	<i>Civil Service Emergency Employment Fund</i>			
	(WV Code Chapter 29)			
	Fund <u>2444</u> FY <u>2018</u> Org <u>0222</u>			
1	Directed Transfer	70000	\$	264.96
	<i>384 - Department of Health and Human Resources -</i>			
	<i>Division of Health -</i>			
	<i>Breast and Cervical Diagnostic and Treatment Fund</i>			
	(WV Code Chapter 16)			
	Fund <u>5197</u> FY <u>2018</u> Org <u>0506</u>			
1	Directed Transfer	70000	\$	1,500,000
2	Total TITLE II, Section 12 – Directed Transfer.....		\$	<u>3,330,121.42</u>

Sec. 13. State improvement fund appropriations. — Bequests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2018, for the purpose of making studies and recommendations relative to improvements of the administration and management of spending units in the executive branch of state government, shall be deposited in the state treasury in a separate account therein designated state improvement fund.

There are hereby appropriated all moneys so deposited during the fiscal year 2018 to be expended as authorized by the Governor, for such studies and recommendations which may encompass any problems of organization, procedures, systems, functions, powers or duties of a state spending unit in the executive branch, or the betterment of the economic, social, educational, health and general welfare of the state or its citizens.

Sec. 14. Specific funds and collection accounts. — A fund or collection account which by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful demands upon the fund or collection account and shall be expended according to the provisions of Article 3, Chapter 12 of the Code.

Sec. 15. Appropriations for refunding erroneous payment. — Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid, for refund to the proper person.

When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of the proper amount. The Auditor shall issue his or her warrant to the Treasurer and the Treasurer shall pay the warrant out of the fund into which the amount was originally paid.

Sec. 16. Sinking fund deficiencies. — There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance fund of the West Virginia housing development fund which is under the supervision and control of the municipal bond commission as provided by W.Va. Code §31-18-20b, or in the funds of the municipal bond commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the municipal bond commission as may be necessary for these purposes.

The municipal bond commission shall reimburse the state of West Virginia through the Governor from the first remittance collected from the West Virginia housing development fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

Sec. 17. Appropriations for local governments. — There are hereby appropriated for payment to counties, districts and municipal corporations such amounts as will be necessary to pay taxes due counties, districts and municipal corporations and which have been paid into the treasury:

- (a) For redemption of lands;
- (b) By public service corporations;
- (c) For tax forfeitures.

Sec. 18. Total appropriations. — Where only a total sum is appropriated to a spending unit, the total sum shall include personal services and employee benefits, annual increment, current expenses, repairs and alterations, buildings, equipment, other assets, land, and capital outlay, where not otherwise specifically provided and except as otherwise provided in TITLE I – GENERAL PROVISIONS, Sec. 3.

Sec. 19. General school fund. — The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.Va. Code §18-9A-16.

TITLE III – ADMINISTRATION

Sec. 1. Appropriations conditional. — The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state government, are conditioned upon the compliance by the spending unit with the requirements of Article 2, Chapter 11B of the Code.

Where spending units or parts of spending units have been absorbed by or combined with other spending units, it is the intent of this act that appropriations and reappropriations shall be to the succeeding or later spending unit created, unless otherwise indicated.

Sec. 2. Constitutionality. — If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.

Following discussion,

The question being on the adoption of Senator Hall's amendment to the bill, the same was put and prevailed.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2018), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—22.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—12.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2018) passed with its title.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. House Bill 3022, Relating to the reporting of fraud, misappropriation of moneys, and other violations of law to the commission on special investigations.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. House Bill 3022—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-16; to amend said code by adding thereto a new section, designated §8-9-4; and to amend said code by adding thereto a new section, designated §30-1-5a, all relating to the reporting of fraud, misappropriation of moneys, and other violations of law relating to the public trust to the commission on special investigations; requiring reporting when a county commission, or any of a county's boards, committees, or certain other county entities obtain certain information regarding misappropriation, fraud or violations of law relating to the public trust; requiring reporting when a municipality, or any of a municipality's boards, committees, or certain other municipal entities obtain certain information regarding misappropriation, fraud or violations of law relating to the public trust; requiring reporting when certain professional and occupational boards of the state obtain certain information regarding misappropriation, fraud or violations of law relating to the public trust; and clarifying that the reporting requirements do not prevent, relieve or replace a report to law-enforcement where appropriate or warranted.

On motion of Senator Ferns, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed House Bill 3022, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: Prezioso and Unger—2.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3022) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill 2711, Abolishing regional educational service agencies and providing for the transfer of property and records.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 2711—A Bill to repeal §18-2-26a of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2-26 of said code; to amend and reenact §18-2E-1a and §18-2E-5 of said code; to amend and reenact §18-5-13 and §18-5-45 of said code; to further amend said code by adding thereto two new sections designated §18-5-13b and §18-5-13c; to amend and reenact §18-5A-5 of said code; to amend and reenact §18-9A-8a of said code; and to amend and reenact §18A-4-14 of said code, all relating generally to education; repealing requirement for biennial meetings of county boards by region; providing for dissolving regional educational service agencies by certain date; allowing for modification and dissolving by cooperative agreement before said date; providing for the transfer, liquidation or disbursement of property and records; requiring state board to constructively engage with the legislative oversight commission on education accountability prior to adopting certain standards and prior to adoption of a new statewide summative assessment; requiring certain state board actions before full implementation of a new accountability system; modifying state board prohibitions and duties as part of its on-going responsibility for developing and implementing a program of standards, assessments and a program of accountability; clarifying responsibilities and authority of Legislature and state board with respect to process for improving education and purposes and intent of system of accountability; modifying areas for which the state board is required to adopt high-quality education standards; modifying statewide assessment program; modifying annual performance measures for accreditation; requiring county board use of statewide electronic information system; modifying process for assessing school and school system performance; eliminating office of education performance audits and authorizing employment of experienced education professionals with certain duties; modifying school accreditation and removing authorization for state board intervention in school operations; modifying school system approval and processes for state board intervention; modifying processes for improving capacity; modifying process for building leadership capacity of system during intervention; expanding county board authority for entering into cooperative agreements; establishing the County Superintendents' Advisory Council; setting forth the council's authority and responsibilities, including the formation of four geographic quadrants to carry out the work of the council; requiring certain meetings and reports; authorizing county board agreements to establish educational services cooperatives; providing references to regional education service agencies mean cooperatives; providing priorities for transfer, liquidation and disbursement of regional education service agency property, equipment and records upon dissolution; providing for governing council of educational services cooperatives; providing for powers and duties; providing for cooperative annual plan and optional programs and services; providing for selection of fiscal agent county board and annual audit; providing for staff and member expenses; providing for member compensation; defining minimum length of instructional day; defining instruction delivered through alternative methods; allowing equivalent instructional time alternative to one hundred eighty separate instructional days; authorizing county board to increase length of instructional day by certain amount and use instructional time gained for certain purposes; authorizing delivery of instruction through alternative methods upon plan approved by state board and counting as instructional and employment days; designating one noninstructional day for teachers as a preparation day for opening school and another for teachers as a preparation day for closing school; allowing teacher preparation days to be used for certain other purposes at teacher's discretion; increasing number of two-hour blocks for faculty senate meetings from four to six; removing requirement that faculty senate meetings be held once every forty-five days; modifying requirement for rescheduling days to be used for instruction to reflect instructional time gained by lengthening instructional day; exempting certain days from rescheduling when instructional day lengthened; authorizing decrease of instructional term in county subject to emergency or disaster declaration by Governor; reducing foundation allowance for regional education service agencies; removing requirement for

planning period to be within instructional day; requiring educators to receive uninterrupted time for planning periods each day; prohibiting administrators from requiring a teacher to use the planning period time to complete duties beyond instructional planning; and making technical improvements and removing obsolete provisions.

On motion of Senator Ferns, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 2711, as amended, was then put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2711 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Beach, Facemire, Jeffries, Ojeda, Romano and Stollings—6.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2711) passed with its House of Delegates amended title.

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

The midnight hour having arrived, the President stated all unfinished legislative business, with the exception of the budget bill, had expired due to the time element.

A series of messages from the House of Delegates having been received at his desk, the following communications were reported by the Clerk:

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for Senate Bill 76, Creating WV Second Chance for Employment Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

Eng. Com. Sub. for Senate Bill 116, Authorizing MAPS promulgate legislative rules.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

Eng. Com. Sub. for Senate Bill 134, Authorizing Bureau of Commerce to promulgate legislative rules.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, to take effect July 1, 2017, as to

Eng. Senate Bill 172, Eliminating salary for Water Development Authority board members.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, of

Eng. Com. Sub. for Senate Bill 204, Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for Senate Bill 220, Relating to offenses and penalties under Uniform Controlled Substances Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, of

Eng. Com. Sub. for Senate Bill 224, Repealing requirement for employer's bond for wages and benefits.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended, with its House of Delegates amended title, of

Eng. Com. Sub. for Senate Bill 240, Creating crime of nonconsensual distribution of sexual images.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for Com. Sub. for Senate Bill 333, Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendment to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for Senate Bill 441, Establishing Municipal Home Rule Pilot Program. -

A message from the Clerk of the House of Delegates announced that that body had receded from its amendments to, and the passage as amended by deletion, of

Eng. Senate Bill 444, Establishing Court Advanced Technology Subscription Fund.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report, as to

Eng. Senate Bill 554, Relating to false swearing in legislative proceeding.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for Senate Bill 606, Relating to minimum wage and maximum hours for employees.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

Eng. Com. Sub. for Senate Bill 630, Establishing Accessibility and Equity in Public Education Enhancement Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendment to, and the adoption as amended, of

Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 6, Roads to Prosperity Amendment of 2017.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 33, US Army Ranger SGT Richard E. Arden Memorial Bridge.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 42, Five Champ Brothers Bridge.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 49, Erecting signs in Kanawha County declaring Home of Ralph Maddox 1980 NHPA Hall of Fame.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2001, Relating to ethics and transparency in government.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2002, Relating to parental notification of abortions performed on unemancipated minors.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2109, Relating to the West Virginia Land Reuse Agency Authorization Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, to take effect from passage, of

Eng. Com. Sub. for House Bill 2219, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2303, Increasing criminal penalties for littering.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2359, Relating to offenses and penalties for practicing osteopathic medicine without a license.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. Com. Sub. for House Bill 2402, Relating to abandoned antique vehicles.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2428, Establishing additional substance abuse treatment facilities.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2479, Uniform Deployed Parents Custody and Visitation Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. Com. Sub. for House Bill 2552, Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2620, West Virginia Drug Overdose Monitoring Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2637, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. Com. Sub. for House Bill 2674, Relating to access to and receipt of certain information regarding a protected person.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. House Bill 2684, Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2781, Requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2801, Expiring funds to the unappropriated balance in the State Fund from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. Com. Sub. for House Bill 2804, Removing chiropractors from the list of medical professions required to obtain continuing education on mental health conditions common to veterans and family members.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, of

Eng. Com. Sub. for House Bill 2805, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2851, Updating fee structure provisions for broker-dealers.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2935, Relating to state flood protection planning.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 3080, Requiring instruction in the Declaration of Independence and the United States Constitution.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 3096, Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, of

Eng. House Bill 3103, Making a supplementary appropriation to the Department of Health and Human Resources.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution 21, 1SG Carl J. Crabtree Memorial Road.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution 35, Arnold Miller Memorial Bridge.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution 58, William C. Campbell Memorial Highway.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution 62, Webster County Veterans Highway.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution 63, William B. Burgess Memorial Road.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution 65, Hobert G. 'Hobie' Underwood Memorial Bridge.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution 68, James Earl Gibson Memorial Road.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution 73, U S Army Air Corps PVT William James Irwin, Memorial Bridge.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

House Concurrent Resolution 118, Craddock Brothers Bridge.

On motion of Senator Ferns, the Senate adjourned until tomorrow, Sunday, April 9, 2017, at 6 p.m. for an extended session to complete action on the annual state budget, under authority of the Governor's proclamation issued April 5, 2017, extending the first annual session of the eighty-third Legislature until and including the ninth day of April, two thousand seventeen, solely for that purpose, as being the only permissive legislation within constitutional purview.
