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March 4, 2020  
FIFTY-SEVENTH DAY





Wednesday, March 4, 2020

**FIFTY-SEVENTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Tuesday, March 3, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Finance has had under consideration:

**Com. Sub. for S. B. 517**, Creating State Parks and Recreation Endowment Fund,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for S. B. 517) was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration:

**Com. Sub. for S. B. 472**, Providing alternative sentencing program for work release,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for S.B. 472) was taken up for immediate consideration, read a first time and ordered to second reading.

**Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**H. B. 4039**, Providing limitations on nuisance actions against fire department and emergency medical services.

On motion of Delegate Summers, the House refused to concur in the following amendment of the bill by the Senate, and requested the Senate to recede therefrom.

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

**“ARTICLE 7. ACTIONS FOR INJURIES.**

**§55-7-32. Fire department and emergency medical services fixed sirens; limitations on nuisance actions.**

(a) As used in this section, ‘fire department or emergency medical services fixed siren’ means a siren of a fire department or emergency medical services station that is installed at a fixed location in close proximity to the station or is necessary for the effective operation of the fire department or emergency medical services station.

(b) A person may not maintain a nuisance action for noise against a fire department or emergency medical services station located in the vicinity of that person’s property for noise generated by a fixed siren.”

And,

By amending the title of the bill to read as follows:

**H. B. 4039** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to providing limitations on nuisance actions against fire department or emergency medical services fixed sirens.”

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**H. B. 4146**, Relating to credit for reinsurance.

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the bill by the Senate:

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

**“ARTICLE 4. GENERAL PROVISIONS.**

**§33-4-15a. Credit for reinsurance.**

(a) The purpose of this section is to protect the interest of insureds, claimants, ceding insurers, assuming insurers, and the public generally. The Legislature hereby declares its intent is to ensure

adequate regulation of insurers and reinsurers, and the adequate protection for those to whom they owe obligations. In furtherance of that stated interest, it is hereby mandated that upon the insolvency of a non-United States insurer or reinsurer that provides security to fund its United States obligations in accordance with this section, the assets representing the security shall be maintained in the United States and claims shall be filed with and valued by the state Insurance Commissioner with regulatory oversight, and the assets shall be distributed, in accordance with the insurance laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic United States insurance companies. The Legislature further declares that the matters contained in this section are fundamental to the business of insurance in accordance with 15 U.S.C. §§1011-1012.

(b) (1) Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a reduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of §33-4-15a(b)(2)(A), §33-4-15a(b)(2)(B), §33-4-15a(b)(2)(C), §33-4-15a(b)(2)(D), §33-4-15a(b)(2)(E), or §33-4-15a(b)(2)(F), or §33-4-15a(b)(2)(G) of this code; ~~provided further, that~~ Provided, That the commissioner may adopt by rule pursuant to §33-4-15a(e)(2) of this code additional requirements relating to or setting forth:

(A) The valuation of assets or reserve credits;

(B) The amount and forms of security supporting reinsurance arrangements described in §33-4-15a(e)(2) of this code; and/or

(C) The circumstances pursuant to which credit will be reduced or eliminated.

(2) Credit shall be allowed under §33-4-15a(b)(2)(A), §33-4-15a(b)(2)(B), or §33-4-15a(b)(2)(C) of this code only with respect to cessions of those kinds or classes of business which the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile or, in the case of a United States branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance. Credit shall be allowed under §33-4-15a(b)(2)(C) or §33-4-15a(b)(2)(D) of this code only if the applicable requirements of ~~§33-4-15a(b)(2)(G)~~ §33-4-15a(b)(2)(H) of this code have been satisfied.

(A) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is licensed to transact insurance or reinsurance in this state.

(B) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is accredited by the commissioner as a reinsurer in this state. To be eligible for accreditation, a reinsurer must:

(i) File with the commissioner evidence of its submission to this state's jurisdiction;

(ii) Submit to this state's authority to examine its books and records;

(iii) Be licensed to transact insurance or reinsurance in at least one state, or in the case of a United States branch of an alien assuming insurer, be entered through and licensed to transact insurance or reinsurance in at least one state;

(iv) File annually with the commissioner a copy of its annual statement filed with the insurance department of its state of domicile and a copy of its most recent audited financial statement; and

(v) Demonstrate to the satisfaction of the commissioner that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic

insurers. An assuming insurer is ~~deemed~~ considered to meet this requirement as of the time of its application if it maintains a surplus as regards policyholders in an amount not less than \$20 million and its accreditation has not been denied by the commissioner within 90 days after submission of its application.

(C)(i) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is domiciled in, or in the case of a United States branch of an alien assuming insurer is entered through, a state that employs standards regarding credit for reinsurance substantially similar to those applicable under this statute and the assuming insurer or United States branch of an alien assuming insurer:

(I) Maintains a surplus as regards policyholders in an amount not less than \$20 million; and

(II) Submits to the authority of this state to examine its books and records.

(ii) The requirement of §33-4-15a(b)(2)(C)(i)(I) of this code does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.

(D)(i) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that maintains a trust fund in a qualified United States financial institution, as defined in §33-4-15a(d)(2) of this code, for the payment of the valid claims of its United States ceding insurers, their assigns and successors in interest. To enable the commissioner to determine the sufficiency of the trust fund, the assuming insurer shall report annually to the commissioner information substantially the same as that required to be reported on the National Association of Insurance Commissioners' Annual Statement form by licensed insurers. The assuming insurer shall submit to examination of its books and records by the commissioner and bear the expense of examination.

(ii)(I) Credit for reinsurance ~~shall~~ may not be granted under this ~~subsection~~ paragraph unless the form of the trust and any amendments to the trust have been approved by the commissioner of the state where the trust is domiciled or the commissioner of another state who, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust.

(II) The form of the trust and any trust amendments also shall be filed with the commissioner of every state in which the ceding insurer beneficiaries of the trust are domiciled. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in its trustees for the benefit of the assuming insurer's United States ceding insurers, their assigns, and successors in interest. The trust and the assuming insurer ~~shall be~~ are subject to examination as determined by the commissioner.

(III) The trust shall remain in effect for as long as the assuming insurer has outstanding obligations due under the reinsurance agreements subject to the trust. No later than February 28 of each year the trustee of the trust shall report to the commissioner in writing the balance of the trust and listing the trust's investments at the preceding year-end and shall certify the date of termination of the trust, if so planned, or certify that the trust will not expire prior to the following December 31.

(iii) The following requirements apply to the following categories of assuming insurer:

(I) The trust fund for a single assuming insurer shall consist of funds in trust in an amount not less than the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding

insurers, and, in addition, the assuming insurer shall maintain a trusted surplus of not less than \$20 million, except as provided in §33-4-15a(b)(2)(D)(iii)(II) of this code.

(II) At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three full years, the commissioner with principal regulatory oversight of the trust may authorize a reduction in the required trusted surplus, but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including when applicable the lines of business involved, the stability of the incurred loss estimates, and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trusted surplus may not be reduced to an amount less than 30 percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust.

(III)(a) ~~In the case of~~ When there is a group, including incorporated and individual unincorporated underwriters for reinsurance ceded under reinsurance agreements with an inception, amendment, or renewal date on or after January 1, 1993, the trust shall consist of a trusted account in an amount not less than the respective underwriters' several liabilities attributable to business ceded by United States domiciled ceding insurers to any underwriter of the group.

(b) ~~In the case of~~ When there is a group, including incorporated and individual unincorporated underwriters for reinsurance ceded under reinsurance agreements with an inception date on or before December 31, 1992, and not amended or renewed after that date, notwithstanding the other provisions of this section, the trust shall consist of a trusted account in an amount not less than the respective underwriters' several insurance and reinsurance liabilities attributable to business written in the United States.

(c) In addition to the trusts described in §33-4-15a(b)(2)(D)(iii)(III)(a) and §33-4-15a(b)(2)(D)(iii)(III)(b) of this code, the group shall maintain in trust a trusted surplus of which \$100 million shall be held jointly for the benefit of the United States domiciled ceding insurers of any member of the group for all years of account.

(d) The incorporated members of the group shall may not be engaged in any business other than underwriting as a member of the group and shall be are subject to the same level of regulation and solvency control by the group's domiciliary regulator as are the unincorporated members.

(e) Within 90 days after its financial statements are due to be filed with the group's domiciliary regulator, the group shall provide to the commissioner an annual certification by the group's domiciliary regulator of the solvency of each underwriter member; or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the group.

(IV) ~~In the case of~~ When there is a group of incorporated underwriters under common administration, the group shall:

(a) Have continuously transacted an insurance business outside the United States for at least three years immediately prior to making application for accreditation;

(b) Maintain aggregate policyholders' surplus of at least \$10 billion;

(c) Maintain a trust fund in an amount not less than the group's several liabilities attributable to business ceded by United States domiciled ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of the group;

(d) In addition, maintain a joint trusteed surplus of which \$100 million shall be held jointly for the benefit of United States domiciled ceding insurers of any member of the group as additional security for these liabilities; and

(e) Within 90 days after its financial statements are due to be filed with the group's domiciliary regulator, make available to the commissioner an annual certification of each underwriter member's solvency by the member's domiciliary regulator and financial statements of each underwriter member of the group prepared by its independent public accountant.

(E) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the commissioner as a reinsurer in this state and secures its obligations in accordance with the requirements of this paragraph.

(i) In order to be eligible for certification, the assuming insurer shall meet the following requirements:

(I) The assuming insurer ~~must~~ shall be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the commissioner pursuant to §33-4-15a(b)(2)(E)(iii) of this code;

(II) The assuming insurer ~~must~~ shall maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the commissioner pursuant to a rule ~~promulgated under~~ proposed pursuant to §33-4-15a(e) of this code;

(III) The assuming insurer ~~must~~ shall maintain financial strength ratings from two or more rating agencies deemed acceptable by the commissioner pursuant to a rule ~~promulgated under~~ proposed pursuant to §33-4-15a(e) of this code;

(IV) The assuming insurer ~~must~~ shall agree to submit to the jurisdiction of this state, appoint the commissioner as its agent for service of process in this state, and agree to provide security for 100 percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment;

(V) The assuming insurer ~~must~~ shall agree to meet applicable information filing requirements as determined by the commissioner, both with respect to an initial application for certification and on an ongoing basis; and

(VI) The assuming insurer ~~must~~ shall satisfy any other requirements for certification deemed relevant by the commissioner.

(ii) An association including incorporated and individual unincorporated underwriters may be a certified reinsurer. In order to be eligible for certification, in addition to satisfying requirements of §33-4-15a(b)(2)(E)(i) of this code:

(I) The association shall satisfy its minimum capital and surplus requirements through the capital and surplus equivalents (net of liabilities) of the association and its members, which shall include a



joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the commissioner to provide adequate protection;

(II) The incorporated members of the association ~~shall~~ may not be engaged in any business other than underwriting as a member of the association and shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and

(III) Within 90 days after its financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the commissioner an annual certification by the association's domiciliary regulator of the solvency of each underwriter member; or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the association.

(iii) The commissioner shall create and publish a list of qualified jurisdictions, under which an assuming insurer licensed and domiciled in such jurisdiction is eligible to be considered for certification by the commissioner as a certified reinsurer.

(I) In order to determine whether the domiciliary jurisdiction of a non-United States assuming insurer is eligible to be recognized as a qualified jurisdiction, the commissioner shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits, and the extent of reciprocal recognition afforded by the non-United States jurisdiction to reinsurers licensed and domiciled in the United States. A qualified jurisdiction ~~must~~ shall agree to share information and cooperate with the commissioner with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction may not be recognized as a qualified jurisdiction if the commissioner has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered in the discretion of the commissioner.

(II) A list of qualified jurisdictions shall be published through the National Association of Insurance Commissioners' Committee Process. The commissioner shall consider this list in determining qualified jurisdictions. If the commissioner approves a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the commissioner shall provide thoroughly documented justification in accordance with criteria to be developed by rules ~~promulgated~~ proposed pursuant to §33-4-15a(e) of this code.

(III) United States jurisdictions that meet the requirement for accreditation under the National Association of Insurance Commissioners' financial standards and accreditation program shall be recognized as qualified jurisdictions.

(IV) If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the commissioner ~~has the discretion to~~ may suspend the reinsurer's certification indefinitely, in lieu of revocation.

(iv) The commissioner shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies ~~deemed~~ considered acceptable to the commissioner as developed by rules ~~promulgated~~ proposed pursuant to §33-4-15a(e) of this code. The commissioner shall publish a list of all certified reinsurers and their ratings.

(v) A certified reinsurer shall secure obligations assumed from United States ceding insurers under this ~~subsection paragraph~~ at a level consistent with its rating, as specified in rules ~~promulgated~~ proposed pursuant to §33-4-15a(e) of this code.

(I) In order for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the commissioner and consistent with the provisions of §33-4-15a(c) of this code, or in a multibeneficiary trust in accordance with §33-4-15a(b)(2)(D) of this code, except as otherwise provided in this paragraph.

(II) If a certified reinsurer maintains a trust to fully secure its obligations subject to §33-4-15a(b)(2)(D) of this code, and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this ~~subsection paragraph~~ or comparable laws of other United States jurisdictions and for its obligations subject to §33-4-15a(b)(2)(D) of this code. It shall be a condition to the grant of certification under this paragraph that the certified reinsurer shall have bound itself, by the language of the trust and agreement with the commissioner with principal regulatory oversight of each such trust account, to fund, upon termination of any such trust account, out of the remaining surplus of such trust any deficiency of any other such trust account.

(III) The minimum trusted surplus requirements provided in §33-4-15a(b)(2)(D) of this code are not applicable with respect to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred under this paragraph, except that such trust shall maintain a minimum trusted surplus of \$10 million.

(IV) With respect to obligations incurred by a certified reinsurer under this paragraph, if the security is insufficient, the commissioner shall reduce the allowable credit by an amount proportionate to the deficiency, and has the discretion to impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations ~~will~~ may not be paid in full when due.

(V) For purposes of this paragraph, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure 100 percent of its obligations. If the commissioner continues to assign a higher rating as permitted by other provisions of this section, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended. As used in this paragraph, the term 'terminated' refers to revocation, suspension, voluntary surrender, and inactive status.

(vi) If an applicant for certification has been certified as a reinsurer in a National Association of Insurance Commissioners' accredited jurisdiction, the commissioner ~~has the discretion to~~ may defer to that jurisdiction's certification, and ~~has the discretion to~~ may defer to the rating assigned by that jurisdiction, and such assuming insurer shall be considered to be a certified reinsurer in this state.

(vii) A certified reinsurer that ceases to assume new business in this state may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this paragraph, and the commissioner shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.

(F)(i) Credit shall be allowed when the reinsurance is ceded to an assuming insurer meeting each of the conditions set forth in this paragraph.

(I) The assuming insurer shall have its head office or be domiciled in, as applicable, and be licensed in a reciprocal jurisdiction. A 'reciprocal jurisdiction' is a jurisdiction that meets one of the following:

(a) A non-United States jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, where there is a covered agreement between the United States and European Union, is a member state of the European Union. For purposes of this paragraph, a 'covered agreement' is an agreement entered into pursuant to Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. §§313 and 314, that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit for reinsurance;

(b) A United States jurisdiction that meets the requirements for accreditation under the National Association of Insurance Commissioners' financial standards and accreditation program; or

(c) A qualified jurisdiction, as determined by the commissioner pursuant to §33-4-15a(b)(2)(E)(iii) of this code, which is not otherwise described in §33-4-15a(b)(2)(F)(i)(I)(a) or §33-4-15a(b)(2)(F)(i)(I)(b) of this code and which meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified in rules proposed pursuant to §33-4-15a(e) of this code.

(II) The assuming insurer shall have and maintain, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth in rules proposed pursuant to §33-4-15a(e) of this code. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it must have and maintain, on an ongoing basis, minimum capital and surplus equivalents (net of liabilities), calculated according to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance in amounts to be set forth in rules proposed pursuant to §33-4-15a(e) of this code.

(III) The assuming insurer shall have and maintain, on an ongoing basis, a minimum solvency or capital ratio, as applicable, which will be set forth in rules proposed pursuant to §33-4-15a(e) of this code. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it must have and maintain, on an ongoing basis, a minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed.

(IV) The assuming insurer shall agree and provide adequate assurance to the commissioner, in a form specified by the commissioner and as set forth in rules proposed pursuant to §33-4-15a(e) of this code, as follows:

(a) The assuming insurer shall provide prompt written notice and explanation to the commissioner if it falls below the minimum requirements set forth in §33-4-15a(b)(2)(F)(i)(II) or §33-4-15a(b)(2)(F)(i)(III) of this code, or if any regulatory action is taken against it for serious noncompliance with applicable law;

(b) The assuming insurer shall consent in writing to the jurisdiction of the courts of this state and to the appointment of the commissioner as agent for service of process. The commissioner may require that consent for service of process be provided to the commissioner and included in each reinsurance agreement. Nothing in this provision may limit, or in any way alter, the capacity of parties

to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws;

(c) The assuming insurer shall consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained;

(d) Each reinsurance agreement shall include a provision requiring the assuming insurer to provide security in an amount equal to 100 percent of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate; and

(e) The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement which involves this state's ceding insurers, and agree to notify the ceding insurer and the commissioner and to provide security in an amount equal to 100 percent of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter into such a solvent scheme of arrangement. The security shall be in a form consistent with the provisions of §33-4-15a(b)(2)(E) and §33-4-15a(c) of this code and as specified by the commissioner in rules proposed pursuant to §33-4-15a(e) of this code.

(V) The assuming insurer or its legal successor shall provide, if requested by the commissioner, on behalf of itself and any legal predecessors, certain documentation to the commissioner, as specified by the commissioner in rules proposed pursuant to §33-4-15a(e) of this code.

(VI) The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth by the commissioner in rules proposed pursuant to §33-4-15a(e) of this code.

(VII) The assuming insurer's supervisory authority shall confirm to the commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, that the assuming insurer complies with the requirements set forth in §33-4-15a(b)(2)(F)(i)(II) and §33-4-15a(b)(2)(F)(i)(III) of this code.

(VIII) Nothing in this subparagraph precludes an assuming insurer from providing the commissioner with information on a voluntary basis.

(ii) In addition to the list of reciprocal jurisdictions published through the National Association of Insurance Commissioners' committee process, the commissioner shall timely create and publish a list of reciprocal jurisdictions.

(I) The commissioner's list shall include any reciprocal jurisdiction as defined under §33-4-15a(b)(2)(F)(i)(I)(a) and §33-4-15a(b)(2)(F)(i)(I)(b) of this code and shall consider any other reciprocal jurisdiction included on the National Association of Insurance Commissioners' list. The commissioner may approve a jurisdiction that does not appear on the National Association of Insurance Commissioners' list of reciprocal jurisdictions in accordance with criteria to be developed by the commissioner in rules proposed pursuant to §33-4-15a(e) of this code.

(II) The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in

accordance with a process set forth by the commissioner in rules proposed pursuant to §33-4-15a(e) of this code, except that the commissioner may not remove from the list a reciprocal jurisdiction as defined under §33-4-15a(b)(2)(F)(i)(I)(a) and §33-4-15a(b)(2)(F)(i)(I)(b) of this code. Upon removal of a reciprocal jurisdiction from the list, credit for reinsurance ceded to an assuming insurer which has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise allowed pursuant to this section.

(iii) The commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in this paragraph and to which cessions shall be granted credit in accordance with this paragraph. The commissioner may add an assuming insurer to the list if a National Association of Insurance Commissioners accredited jurisdiction has added the assuming insurer to a list of such assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to the commissioner as required under §33-4-15a(b)(2)(F)(i)(IV) of this code and complies with any additional requirements that the commissioner may impose by rules proposed pursuant to §33-4-15a(e) of this code, except to the extent that they conflict with an applicable covered agreement.

(iv) If the commissioner determines that an assuming insurer no longer meets one or more of the requirements under this paragraph, the commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this paragraph in accordance with procedures set forth by the commissioner in rules proposed pursuant to §33-4-15a(e) of this code.

(I) While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the effective date of the suspension qualifies for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with §33-4-15a(c) of this code.

(II) If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the commissioner and consistent with the provisions of §33-4-15a(c) of this code.

(v) If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

(vi) Nothing in this paragraph may limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by this section or other applicable law or regulation.

(vii) Credit may be taken under this paragraph only for reinsurance agreements entered into, amended, or renewed on or after the effective date of the statute adding this paragraph, and only with respect to losses incurred and reserves reported on or after the later of:

(I) The date on which the assuming insurer has met all eligibility requirements pursuant to §33-4-15a(b)(2)(F)(i) of this code; and

(II) The effective date of the new reinsurance agreement, amendment, or renewal.

(a) This subparagraph does not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under this paragraph, as long as the reinsurance qualifies for credit under any other applicable provision of this section.

(b) Nothing in this paragraph may authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement.

(c) Nothing in this paragraph may limit, or in any way alter, the capacity of parties to any reinsurance agreement to renegotiate the agreement.

~~(F)~~ (G) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of §33-4-15a(b)(2)(A), §33-4-15a(b)(2)(B), §33-4-15a(b)(2)(C), §33-4-15a(b)(2)(D), or §33-4-15a(b)(2)(E), or §33-4-15a(b)(2)(F) of this code, but only as to the insurance of risks located in jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction.

~~(G)(i)~~ (H)(i) If the assuming insurer is not licensed, accredited, or certified to transact insurance or reinsurance in this state, the credit permitted by §33-4-15a(b)(2)(C) and §33-4-15a(b)(2)(D) of this code shall may not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(I) That in the event of the if there is a failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, will comply with all requirements necessary to give the court jurisdiction, and will abide by the final decision of the court or of any appellate court ~~in the event of~~ upon an appeal; and

(II) To designate the Secretary of State as its true and lawful attorney upon whom may be served any lawful process in any action, suit, or proceeding instituted by or on behalf of the ceding insurer.

(ii) This paragraph is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if this obligation is created in the agreement.

~~(H)~~ (I) If the assuming insurer does not meet the requirements of §33-4-15a(b)(2)(A), §33-4-15a(b)(2)(B), or §33-4-15a(b)(2)(C), or §33-4-15a(b)(2)(F) of this code, the credit permitted by §33-4-15a(b)(2)(D) or §33-4-15a(b)(2)(E) of this code shall may not be allowed unless the assuming insurer agrees in the trust agreements to the following conditions:

(i) Notwithstanding any other provisions in the trust instrument, if the trust fund is inadequate because it contains an amount less than the amount required by §33-4-15a(b)(2)(D)(iii) of this code, or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the commissioner with regulatory oversight all of the assets of the trust fund.

(ii) The assets shall be distributed by and claims shall be filed with and valued by the commissioner with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies.

(iii) If the commissioner with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the United States ceding insurers of the

grantor of the trust, the assets, or part thereof shall be returned by the commissioner with regulatory oversight to the trustee for distribution in accordance with the trust agreement.

(iv) The grantor shall waive any right otherwise available to it under United States law that is inconsistent with this provision.

(~~H~~) (J) If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the commissioner may suspend or revoke the reinsurer's accreditation or certification.

(i) The commissioner ~~must~~ shall give the reinsurer notice and opportunity for hearing. The suspension or revocation may not take effect until after the commissioner's order on hearing, unless:

(I) The reinsurer waives its right to hearing;

(II) The commissioner's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under §33-4-15a(b)(2)(E)(vi) of this code; or

(III) The commissioner finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the commissioner's action.

(ii) While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with §33-4-15a(c) of this code. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance may be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with §33-4-15a(b)(2)(E)(v) or §33-4-15a(c) of this code.

(~~J~~) (K) Concentration Risk.

(i) A ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the commissioner within 30 days after reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, exceeds 50 percent of the domestic ceding insurer's last reported surplus to policyholders, or after it is determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(ii) A ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the commissioner within 30 days after ceding to any single assuming insurer, or group of affiliated assuming insurers, more than 20 percent of the ceding insurer's gross written premium in the prior calendar year, or after it has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(c) (1) An asset or a reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of §33-4-15a(b) of this code shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer; *Provided*, That the commissioner may adopt by rule pursuant to §33-4-15a(e)(2) of this code specific additional requirements relating to or setting forth:

(A) The valuation of assets or reserve credits;

(B) The amount and forms of security supporting reinsurance arrangements described in §33-4-15a(e)(2) of this code; and/or

(C) The circumstances pursuant to which credit will be reduced or eliminated.

(2) The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations thereunder, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified United States financial institution, as defined in §33-4-15a(d)(2) of this code. This security may be in the form of:

(A) Cash;

(B) Securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners, including those deemed exempt from filing as defined by the Purposes and Procedures Manual of the Securities Valuation Office, and qualifying as admitted assets;

(C)(i) Clean, irrevocable, unconditional letters of credit, issued or confirmed by a qualified United States financial institution, as defined in §33-4-15a(d)(1) of this code, effective no later than December 31 of the year for which the filing is being made, and in the possession of, or in trust for, the ceding insurer on or before the filing date of its annual statement;

(ii) Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance (or confirmation) shall, notwithstanding the issuing (or confirming) institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification, or amendment, whichever first occurs; or

(D) Any other form of security acceptable to the commissioner.

(d)(1) For purposes of §33-4-15a(c)(2)(C) of this code, a 'qualified United States financial institution' means an institution that:

(A) Is organized or, in the case of a United States office of a foreign banking organization, licensed, under the laws of the United States or any state thereof;

(B) Is regulated, supervised, and examined by United States federal or state authorities having regulatory authority over banks and trust companies; and

(C) Has been determined by either the commissioner or the Securities Valuation Office of the National Association of Insurance Commissioners to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner.

(2) A 'qualified United States financial institution' means, for purposes of those provisions of this section specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that:



(A) Is organized, or, in the case of a United States branch or agency office of a foreign banking organization, licensed, under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and

(B) Is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies.

(e)(1) The commissioner may, to implement the provisions of this section, ~~promulgate emergency rules and propose legislative rules for adoption by the Legislature pursuant to~~ propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code.

(2) The commissioner ~~is further authorized to promulgate rules~~ may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code applicable to reinsurance arrangements as described in §33-4-15a(e)(2)(A) of this code.

(A) A rule adopted pursuant to §33-4-15a(e)(2) of this code may apply only to reinsurance relating to:

(i) Life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits;

(ii) Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;

(iii) Variable annuities with guaranteed death or living benefits;

(iv) Long-term care insurance policies; or

(v) Such other life and health insurance and annuity products as to which the National Association of Insurance Commissioners adopts model regulatory requirements with respect to credit for reinsurance.

(B) A rule adopted pursuant to §33-4-15a(e)(2)(A)(i) or §33-4-15a(e)(2)(A)(ii) of this code, may apply to any treaty containing:

(i) Policies issued on or after January 1, 2015; and/or

(ii) Policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with the treaty, in whole or in part, on or after January 1, 2015.

(C) A rule adopted pursuant to §33-4-15a(e)(2) of this code may require the ceding insurer, in calculating the amounts or forms of security required to be held under rules ~~promulgated~~ proposed under this authority, to use the Valuation Manual adopted by the National Association of Insurance Commissioners under Section 11B(1) of the National Association of Insurance Commissioners' Standard Valuation Law, including all amendments adopted by the National Association of Insurance Commissioners and in effect on the date as of which the calculation is made, to the extent applicable.

(D) A rule adopted pursuant to this §33-4-15a(e)(2) of this code shall not apply to cessions to an assuming insurer that:

(i) Meets the conditions set forth in Section 2F of the National Association of Insurance Commissioners' Credit for Reinsurance Model Law in this state or, if this state has not adopted provisions substantially equivalent to Section 2F of the National Association of Insurance Commissioners' Credit for Reinsurance Model Law, the assuming insurer is operating in accordance with provisions substantially equivalent to Section 2F of the National Association of Insurance Commissioners' Credit for Reinsurance Model Law in a minimum of five other states; or

(ii) Is certified in this state or, if this state has not adopted provisions substantially equivalent to Section 2E of the National Association of Insurance Commissioners' Credit for Reinsurance Model Law, certified in a minimum of five (5) other states; or

(iii) Maintains at least \$250 million in capital and surplus when determined in accordance with the National Association of Insurance Commissioners' Accounting Practices and Procedures Manual, including all amendments thereto adopted by the National Association of Insurance Commissioners, excluding the impact of any permitted or prescribed practices; and is

(I) Licensed in at least 26 states; or

(II) Licensed in at least 10 states, and licensed or accredited in a total of at least 35 states.

(E) The authority to adopt rules pursuant to §33-4-15a(e)(2) of this code does not limit the commissioner's general authority to adopt rules pursuant to §33-4-15a(e)(1) of this code.

(f) This section shall become effective on January 1, 2019, and shall apply to all cessions under reinsurance agreements that have an inception, anniversary, or renewal date on or after January 1, 2019. The amendments to this section enacted during the regular session of the Legislature in the year 2020 shall apply to all cessions under reinsurance agreements that have an inception, anniversary, or renewal date on or after January 1, 2021."

And,

By amending the title of the bill to read as follows:

**H. B. 4146** – "A Bill to amend and reenact §33-4-15a of the Code of West Virginia, 1931, as amended, relating to credit for reinsurance; allowing a credit on an insurer's annual statement when reinsurance is ceded to an assuming insurer and the assuming insurer is licensed in a reciprocal jurisdiction; defining terms; setting forth the criteria required regarding the credit for reinsurance; removing emergency rulemaking authority; providing rulemaking authority; imposing requirements and obligations on assuming insurer; imposing requirements for reinsurance agreements; imposing requirements on Insurance Commissioner; providing Insurance Commissioner authority concerning reciprocal jurisdictions and assuming insurers; requiring the Insurance Commissioner to create and publish a list of reciprocal jurisdictions and assuming insurers; and adding effective date."

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 479**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Waxman.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4146) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4438**, Relating to the licensing of advance deposit wagering.

On motion of Delegate Summers, the House concurred in the following amendment of the bill by the Senate, with further amendment:

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

**“ARTICLE 23. HORSE AND DOG RACING.**

**§19-23-12e. Licensing of advance deposit account wagering.**

(a) As used in this section:

‘Account’ means an advance deposit wagering (ADW) account owned by an account holder and managed by an ADW licensee that the Racing Commission has determined will maintain a specific identifiable record of account deposits, wagers, credits, debits, and withdrawals, and protect the account holder’s confidential information.

‘Account holder’ means a resident individual, at least 18 years of age who applies for and successfully opens an account with an ADW licensee.

‘Advance deposit account wagering’ means a method of pari-mutuel wagering that is permissible under the Interstate Horseracing Act, 15 U.S.C. §3001 *et seq.*, in which an individual may establish an account with a person or entity, licensed by the Racing Commission, to place pari-mutuel wagers on horse or greyhound racing with the ADW licensee via electronic media or by telephone, but not including account wagering conducted through a licensee under §19-23-9(a) of this code, and the Racing Commission’s rules thereunder with respect to wagering conducted pursuant to Racing Commission Rule §178-5-5.

‘Advance deposit account wagering licensee’ means an entity licensed by the Racing Commission to conduct advance deposit account wagering that accepts deposits and wagers, issues a receipt or other confirmation to the account holder evidencing the deposits and wagers, and transfers credits and debits to and from an account.

‘ADW’ means advance deposit account wagering.

‘Confidential information’ means: (A) The amount of money credited to, debited from, withdrawn from, or present in an account; (B) the amount of money wagered by an account holder on any race or series of races, or the identities of racing associations on which the account holder is wagering or has wagered; (C) the account number and secure personal identification information of an account

holder; and (D) unless authorized by the account holder, the name, address, or other information that would identify the account holder to any person or entity other than the Racing Commission or the ADW licensee that manages the account.

'Electronic media' means any electronic communication device or combination of devices, including, but not limited to, personal computers, the Internet, private networks, interactive televisions, and wireless communication technologies or other technologies approved by the Racing Commission.

'Licensee' means any racing association holding a license as defined by §19-23-3 of this code;

'Located' means, in regard to a resident account holder, where his or her principal residence is located.

'Principal residence' means the street address identified by a resident account holder as that individual's residential address, as the address may be verified by the ADW licensee to the satisfaction of the Racing Commission.

'Resident' is an individual who: (A) Is domiciled in West Virginia; (B) maintains a place of abode and spends at least 183 days within a calendar year in West Virginia; or (C) lists an address in West Virginia as his or her principal residence when opening an account.

'Source market fee' means a fee paid by the ADW licensee which may be mutually agreed upon and set forth in an agreement between the ADW licensee and each individual racetrack licensed in this state who desires to offer ADW. A fully executed agreement shall be submitted to the Racing Commission. The Racing Commission is prohibited from disclosure of any information in the agreement. The information in the agreement shall remain confidential and shall not form part of any public record and is exempt from disclosure under the provisions of chapter 29B of this code. Such information may be publicly disclosed only for the purposes of an official law enforcement investigation, or when its production is required in a court proceeding. In the absence of such an agreement, if an ADW licensee offers ADW at a racetrack licensed in this state, the source market fee shall be four percent of the total amount wagered through the ADW licensee by residents under this section, excluding refunds and cancellations, payable on a monthly basis to the Racing Commission and distributed as set forth in subsection (b) of this section.

'Total handle' means the total annual dollar sales amount of all pari-mutuel wagering on horse and greyhound races conducted at, or generated from, imports or exports of simulcast horse and greyhound races to or from a licensee, including all moneys from wagering conducted under §19-23-9, §19-23-12a, §19-23-12b, and §19-23-12c of this code, but excluding refunds, cancellations, and advance deposit account wagering under this section.

(b) The source market fee shall be paid by the ADW licensee on a monthly basis to the Racing Commission and distributed as provided in this subsection. The Racing Commission shall prorate all source market fees derived from wagers of account holders between the licensees by dividing each licensee's total handle by the total handle of all West Virginia licensees in the prior calendar year, and distribute the prorated amounts as follows:

(1) Ten percent of each horse racing licensee's prorated amount to the West Virginia Thoroughbred Development Fund or 10 percent of each dog racing licensee's prorated amount to the West Virginia Racing Commission Special Account-West Virginia Greyhound Breeding Development Fund;

(2) Forty-five percent to the purse fund of each prorated licensee; and

(3) Forty-five percent to each prorated licensee.

(c) The advance deposit account wagers placed by account holders with an ADW licensee licensed by the Racing Commission in accordance with this section are authorized, and the provisions of §61-10-1 et seq. of this code relating to gaming do not apply to advance deposit account wagering conducted in accordance with this section.

(d) The Racing Commission is vested with jurisdiction over any person or entity that solicits account holders or offers advance deposit account wagering in West Virginia. Any person or entity that solicits account holders or offers advance deposit account wagering in West Virginia shall be licensed and the Racing Commission may impose a nonrefundable initial and annual renewal licensing application fee not to exceed \$5,000. The Racing Commission may also require any applicant for an initial or renewal ADW license to bear the costs involved in conducting background checks and reviews. If a licensee or an affiliate of a licensee applies for an ADW license under this section, all fees under this subsection shall be deemed paid and an ADW license issued as part of a licensee's annual licensing, or, if the license application is submitted apart from annual licensing, an ADW license shall be issued at the time the application is submitted.

(e) A person or entity may not conduct advance deposit account wagering in West Virginia unless the person or entity has applied for and been granted an ADW license by the Racing Commission. The Racing Commission shall also ensure that, except for advance deposit account wagering authorized under this section, all pari-mutuel wagering on racing is conducted within the confines of a licensee's racetrack or licensed contiguous hotel, as permitted under §19-23-9(a) and §19-23-12a(1) of this code and implementing rules thereunder, including Racing Commission Rule §178-5-5, or within an authorized gaming facility in a historic resort hotel, as permitted under §19-23-12d of this code and implementing rules thereunder.

(f) Any person who is not licensed as an advance deposit account wagering licensee by the Racing Commission who accepts an advance deposit account wager from a resident is guilty of a felony and, upon conviction thereof, shall be fined not more than \$50,000 or imprisoned in a state correctional facility not more than five years, or both fined and imprisoned. Further, the court shall order any convicted person to pay restitution to recover all amounts that would have been payable to the Racing Commission under this section.

(g) The Racing Commission may seek injunctive relief against any person who is not licensed as an advance deposit account wagering licensee by the Racing Commission who accepts or attempts to accept an advance deposit account wager from a resident. The Racing Commission may also seek recovery of all amounts that would have been payable to the Racing Commission under this section, damages equal to three times the amount of recovery, and reasonable costs and attorney fees. Damages recovered by the Racing Commission shall be distributed as source market fees under this section.

(h) There is hereby assessed a regulatory fee paid by the ADW licensee, which shall be one-half percent of the total amount wagered through the ADW licensee by residents under this section, excluding refunds and cancellations, payable on a monthly basis to the Racing Commission for deposit into the Racing Commission's general administrative account.

(i) There is further assessed an additional fee paid by the ADW licensee, which shall be one and one-half percent of the total amount wagered through the ADW licensee by residents under this

section, excluding refunds and cancellations, payable on a monthly basis to the Racing Commission for deposit into a special revenue account in the State Treasury to be known as the 'Advance Deposit Wagering Account' to be expended pursuant to appropriation of the Legislature.

(j) Advance deposit account wagers placed by residents are considered to be wagering conducted in this state and subject to the laws of this state and the rules of the Racing Commission.

(k) The Racing Commission shall submit a report by December 31, 2020, and annually thereafter to the Joint Committee on Government and Finance detailing the operation of ADW in this state. The report shall include, but is limited to, the following:

(1) The number of racetracks in this state participating in ADW;

(2) The number of privately negotiated source market fee agreements;

(3) The total amount of funds paid to the Racing Commission pursuant to subsection (h) of this section;

(4) The total amount deposited in the preceding 12-month period in the special revenue account set forth in subsection (i) of this section;

(5) The amounts distributed as set forth in subdivision (b) of this section;

(6) A complete list of ADW licensees offering ADW services in this state;

(7) Beginning with the report due December 31, 2021, a statistical comparison of ADW services to the preceding year; and

(8) The total amount of wagering in this state directly attributable to ADW.

(l) The Racing Commission may propose legislative rules for promulgation, pursuant to §29A-3-1 et seq. of this code, to implement this section and may propose emergency rules to provide conditions for the licensing of advance deposit account wagering. Those rules may include, but are not limited to: (1) standards, qualifications, and procedures for the issuance of an advance deposit account wagering license in West Virginia; (2) rules establishing initial and renewal license fees and payment of same to the Racing Commission to cover the costs of licensing ADW licensees; (3) provisions regarding the collection and distribution of those fees; (4) provisions regarding access to books and records and submission to investigations and audits by the Racing Commission; (5) standards and procedures for opening, maintaining, operating, and securing ADW accounts, as well as protecting confidential information therein; and (6) any other conditions to ensure an orderly process of accepting ADW wagers in acting in the best interests of the West Virginia horse and dog racing industries.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4438-** “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; defining terms; providing for source market fees; providing for privately negotiated source market fees; providing for a statutory source market fee in the absence of an agreement; providing for certain distribution of source market fees derived from wagers of account holders; providing that

advance deposit account wagers are authorized; providing exception from certain provisions of code; conferring jurisdiction to the Racing Commission; providing for the assessment and imposition of licensing and annual renewal fees; providing that applicants may bear certain costs; providing for a special revenue account; providing for a fee to be paid by advance deposit wagering licensees and deposited into the special revenue account; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee; exempting advance deposit wagering from certain provisions of code and implementing rules; providing for criminal penalties for accepting advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing for a regulatory fee; providing that all advance deposit wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; providing for an investigation as to whether nonresident account holders of a licensee placed wagers while physically located in West Virginia; providing for an annual report of the Racing Commission; setting forth elements of the report; and authorizing rulemaking and emergency rulemaking.”

With the further amendment, sponsored by Delegates Householder and Summers, being as follows:

On page two, section twelve-e, beginning on line forty-one, following the words “by the ADW licensee which”, by striking out the words “may be mutually agreed upon and set forth in an agreement between the ADW licensee and each individual racetrack licensed in this state who desires to offer ADW. A fully executed agreement shall be submitted to the Racing Commission. The Racing Commission is prohibited from disclosure of any information in the agreement. The information in the agreement shall remain confidential and shall not form part of any public record and is exempt from disclosure under the provisions of chapter 29B of this code. Such information may be publicly disclosed only for the purposes of an official law enforcement investigation, or when its production is required in a court proceeding. In the absence of such an agreement, if an ADW licensee offers ADW at a racetrack licensed in this state, the source market fee”.

On page five, section twelve-e, beginning on line one hundred nineteen, by striking out subsection (k) in its entirety and inserting in lieu thereof a new subsection (k) to read as follows:

“(k) The Racing Commission shall submit a report by December 31, 2020, and annually thereafter to the Joint Committee on Government and Finance detailing the operation of ADW in this state. The report shall include, but is not limited to, the following:

(1) A complete list of ADW licensees offering ADW services;

(2) The total amount of funds paid to the Racing Commission pursuant to subsection (h) of this section;

(3) The total amount deposited in the preceding 12-month period in the special revenue account set forth in subsection (i) of this section;

(4) The amounts distributed as set forth in subdivision (b) of this section;

(5) Beginning with the report due December 31, 2021, a statistical comparison of ADW services to the preceding year; and

(6) The total amount of wagering by West Virginia residents through ADW Licensees.”

And,

The further title amendment sponsored by Delegates Summers and Householder amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4438** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; defining terms; providing for source market fees; providing for certain distribution of source market fees derived from wagers of account holders; providing that advance deposit account wagers are authorized; providing exception from certain provisions of code; conferring jurisdiction to the Racing Commission; providing for the assessment and imposition of licensing and annual renewal fees; providing that applicants may bear certain costs; providing for a special revenue account; providing for a fee to be paid by advance deposit wagering licensees and deposited into the special revenue account; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee; exempting advance deposit wagering from certain provisions of code and implementing rules; providing for criminal penalties for accepting advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing for a regulatory fee; providing that all advance deposit wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; providing for an investigation as to whether nonresident account holders of a licensee placed wagers while physically located in West Virginia; providing for an annual report of the Racing Commission; setting forth elements of the report; and authorizing rulemaking and emergency rulemaking.”

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 480**), and there were—yeas 72, nays 27, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Cooper, Fast, Hott, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Mandt, C. Martin, P. Martin, Pack, Paynter, Porterfield, Rowan, Steele, Sypolt, Toney, Wilson and Worrell.

Absent and Not Voting: Waxman.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4438) passed.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment and changed effective date, to take effect July 1, 2020, a bill of the House of Delegates, as follows:

**H. B. 4466**, Certificates of Insurance Act.

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, section two, line three, after the word “evidence”, by inserting the words “or confirmation of the existence”.



On page one, section two, line four, after the word “a”, by inserting the words “statement of declaration,”.

On page two, section six, line one, after the word “issued”, by inserting the words “in connection with a property or casualty insurance policy issued or renewed on or after July 1, 2020, and”.

On page three, section seven, lines four through six, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

“(b) The commissioner may enforce the provisions of this article by any means permissible in this chapter, including by issuing orders to cease and desist. Any person who violates a provision of this article may, after notice and hearing pursuant to §33-2-13 of this code, be fined by the commissioner a sum not to exceed \$1,000 per violation.”

And,

On page three, section seven, line eight, by striking out “§29-3-1” and inserting in lieu thereof “§29A-3-1”.

And,

By amending the title of the bill to read as follows:

**H. B. 4466** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6 and §33-53-7, all relating to certificates of insurance for property or casualty insurance; specifying short title; defining terms; establishing form requirements; providing limitations for certificates of service; setting forth limitations on use; addressing notice requirements; setting forth applicability and internal effective date; and providing for enforcement by Commissioner of Insurance, for penalties, and for rulemaking.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 481**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: J. Jeffries and Paynter.

Absent and Not Voting: Waxman.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4466) passed.

Delegate Kessinger moved that the bill take effect July 1, 2020.

On this question, the yeas and nays were taken (**Roll No. 482**), and there were—yeas 92, nays 5, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Butler, Cadle, J. Jeffries, P. Martin and McGeehan.

Absent and Not Voting: Hicks, Summers and Waxman.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4466) takes effect July 1, 2020.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4522**, Allowing division to accept documents compliant with Real ID Act for proof of identity.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

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

**“ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION, AND RENEWAL.**

**§17B-2-8. Issuance and contents of licenses; fees.**

(a) The division shall, upon payment of the required fee, issue to every applicant qualifying therefor a driver’s license, which shall indicate the type or general class or classes of vehicle or vehicles the licensee may operate in accordance with this chapter or chapter 17E of this code, or motorcycle-only license. Each license shall contain a coded number assigned to the licensee, the full legal name, to be displayed in a manner selected by the applicant when supported by appropriate documentation and consistent with federal law, this code, and existing system capabilities of the division, date of birth, residence address, a brief description and a color photograph of the licensee, and either a facsimile of the signature of the licensee or a space upon which the signature of the licensee is written with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

(b) A driver’s license which is valid for operation of a motorcycle shall contain a motorcycle endorsement. A driver’s license which is valid for the operation of a commercial motor vehicle shall be issued in accordance with chapter 17E of this code.

(c) The division shall use such process or processes in the issuance of licenses that will, insofar as possible, prevent any identity theft, alteration, counterfeiting, duplication, reproduction, forging or modification of, or the superimposition of a photograph on, the license.

(d) The fee for the issuance of a Class E driver’s license is \$5 per year for each year the license is valid. The Division of Motor Vehicles may adjust this fee every five years on September 1, based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index: *Provided*, That an increase in such fee may not exceed 10 percent of the total fee amount in a single year. The fee for issuance of a Class D driver’s license is \$6.25 per year for each year the license is valid. An additional fee of 50 cents shall be collected from the applicant at the time of original issuance or each renewal, and the additional fee shall be deposited in the Combined Voter Registration and Driver’s Licensing Fund established pursuant to the provisions of §3-2-12 of this code. The additional

fee for adding a motorcycle endorsement to a driver's license is \$1 per year for each year the license is issued.

(e) The fee for issuance of a motorcycle-only license is \$2.50 for each year for which the motorcycle license is valid. The fees for the motorcycle endorsement or motorcycle-only license shall be paid into a special fund in the State Treasury known as the Motorcycle Safety Fund as established in §17B-1D-7 of this code.

(f) The fee for the issuance of either the level one or level two graduated driver's license as prescribed in §17B-2-3a of this code is \$5.

(g) The fee for issuance of a federally compliant driver's license or identification card for federal use is \$10 in addition to any other fee required by this chapter. Any fees collected under the provisions of this subsection shall be deposited into the Motor Vehicle Fees Fund established in accordance with §17A-2-21 of this code.

(h) The division may use an address on the face of the license other than the applicant's address of residence if:

(1) The applicant has a physical address or location that is not recognized by the post office for the purpose of receiving mail;

(2) The applicant is enrolled in a state address confidentiality program or the alcohol test and lock program;

(3) The applicant's address is entitled to be suppressed under a state or federal law or suppressed by a court order; or

(4) At the discretion of the commissioner, the applicant's address may be suppressed to provide security for classes of applicants such as law-enforcement officials, protected witnesses, and members of the state and federal judicial systems.

(i) Notwithstanding any provision in this article to the contrary, a valid military identification card with an expiration date issued by the United States Department of Defense for active duty, reserve, or retired military personnel containing a digitized photo and the holder's full legal name may be used to establish current full legal name and legal presence. The commissioner may at his or her discretion expand the use of military identification cards for other uses as permitted under this code or federal rule.

(j) The division may accept any document as proof of identity, residency, and lawful presence that is acceptable under the Real ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 302 (May 11, 2005), 49 U.S.C. §30301 et seq."

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4522** – "A Bill to amend and reenact §17B-2-8 of the Code of West Virginia, 1931, as amended, relating to the issuance and content of driver's licenses; providing for display of name in manner selected by applicant when supported by appropriate documentation; and allowing

Division of Motor Vehicles to accept documents compliant with federal Real ID Act as proof of identity, residency, and lawful presence.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 483**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Waxman.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4522) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**H. B. 4760**, Modifying video lottery retailer licensing eligibility requirements.

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page two, section one thousand two hundred and two, line seventeen, after the word ‘section’, by changing the period to a colon and inserting the following proviso: “*Provided*, That a fraternal organization for which a private club license to dispense alcoholic liquors, under the provisions of §60-7-1 *et seq.* of this code, or a Class A nonintoxicating beer license, under the provisions of §11-16-1 *et seq.* of this code, which was granted prior to January 1, 2001, and which has remained in continuous operation since January 1, 2001, may, for good cause shown, obtain approval to be exempt from subsections (a) and (c) of this section, upon approval of the Commission.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 484**), and there were—yeas 84, nays 15, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Azinger, Bartlett, Butler, Cadle, Fast, D. Jeffries, Jennings, J. Kelly, Kump, Mandt, Paynter, Porterfield, Toney, Wilson and Worrell.

Absent and Not Voting: Waxman.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4760) passed.

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

Delegate Summers obtained unanimous consent to return to further consideration of **Com. Sub. for H. B. 4438**.

Delegate Summers moved that the bill take effect July 1, 2020.

On this question, the yeas and nays were taken (**Roll No. 485**), and there were—yeas 78, nays 21, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Fast, Hott, D. Jeffries, J. Jeffries, Jennings, J. Kelly, Mandt, C. Martin, P. Martin, Paynter, Porterfield, Rowan, Steele, Toney and Worrell.

Absent and Not Voting: Waxman.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4438) takes effect July 1, 2020.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4773**, Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

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

**“ARTICLE 5AA. SCREENING PROTOCOLS FOR ADVERSE CHILDHOOD EXPERIENCES.**

**§16-5AA-1. Development of Screening Protocols for Adverse Childhood Experiences.**

(a) The Commissioner of the Bureau for Public Health may form a workgroup to conduct a study of adverse childhood experiences and their impact on the people of West Virginia. The workgroup may be comprised of the following members:

(1) The Commissioner of the Bureau of Children and Families, or his or her designee;

(2) The Dean of the West Virginia University School of Medicine, or his or her designee;

(3) The Dean of the Marshall University Joan C. Edwards School of Medicine, or his or her designee;

(4) The Dean of the West Virginia School of Osteopathic Medicine, or his or her designee;

(5) The Executive Director of the West Virginia Herbert Henderson Office of Minority Affairs, or his or her designee;

(6) The Director of the Office of Maternal, Child and Family Health, or his or her designee;

(7) Up to three representatives of primary care providers chosen by the West Virginia Primary Care Association;

(8) Up to three representatives of behavioral healthcare providers chosen by the West Virginia Behavioral Healthcare Providers Association;

(9) Up to two members chosen by the Adverse Childhood Experiences Coalition of West Virginia;

(10) One member chosen by the West Virginia Rural Health Association;

(11) One member chosen by the West Virginia Hospital Association;

(12) One member chosen by the West Virginia Nurses Association;

(13) One member chosen by the West Virginia Chapter of the American Academy of Pediatrics;

(14) One member chosen by the West Virginia State Medical Association;

(15) One member chosen by the West Virginia Osteopathic Medical Association;

(16) One member chosen by the West Virginia Academy of Family Physicians;

(17) One member chosen by the West Virginia Association of Physician Assistants;

(18) One member chosen by the West Virginia Association of School Nurses;

(19) One member representing parents chosen by the West Virginia Circle of Parents Network;

(20) One member chosen by the West Virginia Foster, Adoptive and Kinship Network;

(21) The Commissioner of the Bureau for Behavioral Health, or his or her designee;

(22) One representative of the West Virginia Defending Childhood Initiative, commonly referred to as 'Handle With Care,' chosen by the West Virginia Children's Justice Task Force;

(23) One member chosen by the West Virginia Chapter of the National Association for the Advancement of Colored People; and

(24) The West Virginia State Superintendent of Schools, or his or her designee.

(b) The Commissioner of the Bureau for Public Health may designate additional persons who may participate in the meetings of the workgroup; *Provided*, That any such person must be the administrative head of the office or division whose functions necessitate his or her inclusion in this process.

(c) The workgroup may develop recommended guidance, tools, and protocols for primary health care practitioners to undertake the following:

(1) Provide information to patients regarding the impact of adverse and positive childhood experiences on physical and mental health, and the risks and benefits of screening patients for adverse child experiences;

(2) Screen patients for adverse child experiences, childhood trauma, and positive childhood experiences that may impact a patient's physical or mental health or the provision of health care services to the patient; and

(3) Within the context of a comprehensive systems approach, provide clinical response that medical providers should follow after screening, such as:

(A) Applying principles of trauma-informed care;

(B) Identification and treatment of adverse childhood experiences and associated health conditions;

(C) Patient education about toxic stress and buffering interventions, including supportive relationships, mental health treatment, exercise, sleep hygiene, healthy nutrition, and mindfulness and meditation practices;

(D) Validation of existing strengths and protective factors;

(E) Referral to patient resources which may include, but are not limited to, counseling and treatment programs, community-based medical and non-medical resources, and family support programs; and

(F) Follow-up as necessary.

(d) The workgroup may develop recommendations for education and training requirements to be completed for administering the screening process, trauma-informed care, and clinical response as described in this section.

(e) The Bureau for Public Health may provide staff for the workgroup. The workgroup may schedule one public hearing in each of the congressional districts in West Virginia as it relates to the screening protocols for adverse childhood experiences. The workgroup may develop and approve a final report by June 30, 2021, and a copy may be submitted to the Joint Committee on Government and Finance of the Legislature and the Governor. The workgroup will sunset on March 31, 2022.

(f) The Bureau for Public Health may develop screening protocols for adverse childhood experiences and make recommendations in a report to be submitted to the Governor no later than December 31, 2021: *Provided*, That prior to submission, the bureau may present its proposed screening protocols for adverse childhood experiences to the Legislative Oversight Committee on Health and Human Resources within 90 days after development of the drafts and prior to submission of the final protocols to the Governor. The Legislative Oversight Committee on Health and Human Resources shall have 90 days to review the standards and provide input to the bureau, which shall consider such input when developing the final standards for submission to the Governor. Upon submission to the Governor, the report may be distributed to all health care provider organizations in the state for consideration for adoption.

(g) Any screening protocols for adverse childhood experiences drafted pursuant to this section shall not become effective until on or after March 31, 2021."

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4773** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5AA-1, relating to creating a workgroup; designating members; authorizing workgroup to develop recommended protocols; authorizing workgroup to develop recommended education and training requirements; authorizing staff; providing for public hearings; providing for report; providing for sunset; authorizing screening protocols; and providing for effective date for screening protocols.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 486**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bibby.

Absent and Not Voting: Waxman.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4773) passed.

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

At 11:01 a.m., the House of Delegates began to evacuate the Chamber due to a fire alarm.

The House of Delegates was called back to order by the Honorable Roger Hanshaw, Speaker at 12:15 p.m.

### Messages from the Senate

-continued-

A message from the Senate, by  
The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**H. B. 4790**, Relating to Career Technical Education for middle school students.

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page two, section seven-d, line twenty-three, by striking out the words “home economics” and inserting in lieu thereof the words “family and consumer sciences”.

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 487**), and there were—yeas 92, nays 1, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Robinson.

Absent and Not Voting: Anderson, J. Kelly, Longstreth, McGeehan, Miley, Walker and Waxman.



So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4790) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, with changed effective date, to take effect from passage, of

**H. B. 4882**, Authorizing limited sampling and limited sale of wine for off-premises consumption to wineries not licensed in the state.

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

On this question, the yeas and nays were taken (**Roll No. 488**), and there were—yeas 79, nays 16, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bartlett, Butler, Fast, Hanna, Hicks, D. Jeffries, Jennings, Kump, C. Martin, P. Martin, Pack, Porterfield, Rowan, Toney and Worrell.

Absent and Not Voting: Anderson, J. Kelly, Longstreth, McGeehan and Waxman.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4882) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4925**, Requiring the Secondary Schools Athletic Commission to recognize preparatory athletic programs.

On motion of Delegate Kessinger, the House of Delegates concurred in the following amendment of the bill by the Senate:

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

## **“ARTICLE 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.**

(a) 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~~

(b) 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 29A of this code, but shall, 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 31 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~~ commission, as well as moneys derived from any contest or other event sponsored by ~~said the~~ commission, ~~shall be are~~ quasi-public funds as ~~the same~~ are defined in §18-5-1 *et seq.* of this code, and ~~such the~~ funds of the commission ~~shall be are~~ subject to an annual audit by the State Tax Commissioner.

(c) 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 elect to delegate to ~~such the~~ commission ~~such~~ control, supervision, and regulation, upon the same terms and conditions, subject to the same ~~regulations~~ rules 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.

(d) Notwithstanding any other provision of this section, or the commission's rules, the commission shall consider eligible for participation in interscholastic athletic events and other extracurricular activities of secondary schools a student who is receiving home instruction pursuant to §18-8-1(c) of this code and who:

(1) Has demonstrated satisfactory evidence of academic progress for one year 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) Is enrolled in at least one virtual instructional course per semester, consistent with the applicable virtual instruction policy of the county board in which the home-schooled student lives and the State Board;

(3) Has not reached the age of 19 by August 1 of the current school year;

(4) Is an amateur who receives no compensation but participates solely for the educational, physical, mental and social benefits of the activity;

(5) Agrees to comply with all disciplinary rules of the West Virginia Secondary School Activities Commission and the county board in which the home-schooled student lives; and

(6) Agrees to obey all rules of the West Virginia Secondary School 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 athletic events and other extracurricular activities at the public secondary school serving the attendance zone in which the student lives: *Provided*, That home-schooled students who leave a member school during the school year are 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 athletic events and other extracurricular activities.

(e) The West Virginia Secondary School Activities Commission shall recognize preparatory athletic programs, whose participants attend a secondary school in West Virginia for academic instruction, as nonparticipating members of the commission solely for the purpose of competing on the national level: *Provided*, That the preparatory athletic program shall pay the same fees as member schools. Such recognition does not entitle the preparatory athletic program to compete against a member school during the regular season or in any commission state championship events. The commission may promulgate an emergency rule pursuant to subsection (b) of this section, if necessary, to carry out the intent of this subsection.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4925** – “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Secondary School Activities Commission; providing for participation by home schooled students in extracurricular activities; setting forth eligibility requirements for home schooled students to participate in extracurricular activities at member schools under certain circumstances; providing that member-to-member transfer protocols apply and providing that reasonable fees may be charged; and requiring the West Virginia Secondary School Activities Commission to recognize certain preparatory athletic programs as nonparticipating members of the commission solely for the purpose of competing on the national level.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 489**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Hansen and Walker.

Absent and Not Voting: Anderson, Longstreth, McGeehan and Waxman.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4925) passed.

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

A message from the Senate, by  
The Clerk of the Senate, announced that the Senate had passed, without amendment, with changed effective date, to take effect from passage, of

**H. B. 4959**, Relating to clarifying the ability of the Economic Development Authority Board of Directors to enter into any contracts necessary to carry out its duties.

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

On this question, the yeas and nays were taken (**Roll No. 490**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Anderson, Longstreth, McGeehan and Waxman.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4959) passed.

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

A message from the Senate, by  
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 4**, U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge.

A message from the Senate, by  
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**Com. Sub. for H. C. R. 13**, Watts Brothers Memorial Road.

A message from the Senate, by  
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 14**, U. S. Army, Staff Sargent Wendell Otho Casto Memorial Bridge.

A message from the Senate, by  
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 19**, Gold Star Families Highway.

A message from the Senate, by  
The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**Com. Sub. for H. C. R. 32**, Wolfe Brothers, Edward, William, Paul, George and Fred, WW II Veterans Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 34**, Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 38**, U. S. Army PFC Nile C. Ballard Memorial Road.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

**S. C. R. 9** - "Requesting the Division of Highways name bridge number 05-2/2-0.35 (05A071), locally known as Zeidler Bridge, carrying CR 2/2 over Short Creek in Brooke County, the "U.S. Army SSG Nick P. Markos Memorial Bridge".

Whereas, Nick P. Markos was born on May 9, 1923, the child of Paul S. Markos and Diamanto Markos of Short Creek, West Virginia. He had three siblings: Manuel, Stella, and Goldie; and

Whereas, Nick P. Markos attended school in Brooke County, West Virginia, at Beech Bottom Elementary and Junior High, and graduated from Wellsburg High School in 1941. Following high school, he worked at Markos Grocery Store while attending West Virginia University. During his fourth semester of college, he left school to enlist in the United States Army; and

Whereas, SSG Nick P. Markos entered the active service on May 12, 1943, and he became a member of the Company I, 242nd Infantry, which was known as the 42nd Rainbow Division. His unit arrived in France on December 8, 1944, and participated in G033WD45: Rhineland Central Europe. SSG Nick P. Markos fought on the front lines until his unit commander was notified of his brother Manuel's death in Iwo Jima on February 19, 1945. After leaving Europe, he arrived in Fort George Meade, Maryland, and was honorably discharged on April 4, 1946; and

Whereas, SSG Nick P. Markos attained the following military qualifications: Combat Infantryman Badge, Expert M-3 SMG, Expert Rifle M-1, and Expert M-1 Carbine; and

Whereas, For his service, SSG Nick P. Markos received the Good Conduct Medal, American Theater Ribbon, European-African-Middle Eastern Ribbon, and World War II Victory Ribbon; and

Whereas, After returning home from the war, SSG Nick P. Markos worked in the family grocery store. Shortly thereafter, he went to the National School of Meat Cutting in Toledo, Ohio. After graduation, SSG Nick P. Markos worked for the Thorofare, Bi-rite, and Foodland supermarket chains as a professional meat cutter. In 1967, he was appointed the postmaster for Short Creek. He held that position until his retirement in 1990. In 1972, SSG Nick P. Markos founded Nick's W-2 1099 Income Tax Service, and operated it until 2002; and

Whereas, In 1948, SSG Nick P. Markos married Gertrude Frey. They had three children: Manuel, Paul, and Deborah. All three children attended West Virginia colleges and obtained degrees in education; and

Whereas, SSG Nick P. Markos played a part in establishing various little league sports programs within his community, including the NSS Town and Country Little League Baseball Organization with teams from Short Creek, Bethany, Windsor Heights, Hammond, West Liberty, Clinton, Warwood, and Park View. He later helped establish a pony league baseball and little league basketball; and

Whereas, SSG Nick P. Markos attended Saint John the Divine Greek Orthodox Church in Wheeling his entire life, and he and his family were deeply involved with the church; and

Whereas, SSG Nick P. Markos loved sports, and played baseball and basketball in his youth. As an adult, he regularly participated in bowling and golf; and

Whereas, Staff Sergeant Markos passed on July 17, 2002; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army SSG Nick P. Markos and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 05-2/2-0.35 (05A071), known as Zeidler Bridge, carrying CR 2/2 over Short Creek in Brooke County, the "U.S. Army SSG Nick P. Markos Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army SSG Nick P. Markos Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

**S. C. R. 42** - "Requesting the Division of Highways name bridge number 32-025/00-005.38 (32A098), locally known as Hans Creek Bridge, carrying CR 25 over Hans Creek in Monroe County, the "U.S. Army CPL Richard 'Warren' Ellison Memorial Bridge".

Whereas, Richard "Warren" Ellison was born December 29, 1924, at home in the "Big House" on the family farm at Hans Creek, West Virginia, the son of the late Addison Dunlap and Emma Catherine Kyle Ellison. In his early days, Warren attended a one room schoolhouse on Hans Creek, then when the family moved to Morgantown, he attended Elementary and Junior High Schools there. From Morgantown, he moved with his sister, Catherine, to the Roanoke- Salem, Virginia area and graduated in 1942 from Andrew Lewis High School in Salem, Virginia. In 1943 he married the love of his life, Juliet "Judy" Ellen Kuhn of Huntington, West Virginia; and

Whereas, Warren was inducted into the U.S. Army in September of 1944. Warren served in the Pacific Theatre during World War II on Okinawa and in the Philippines until he was Honorably Discharged in November of 1946, the rank of corporal; and

Whereas, Warren furthered his education in 1947 in agriculture at West Virginia University. He was a member of the WV Farm Bureau since 1959, serving as secretary and treasurer. He was a member and elder of the Centerville Presbyterian Church at Greenville, West Virginia. He was a director and Chairman of the Board of the Bank of Greenville and served as a supervisor for the Greenbrier Valley Soil Conservation District for eight years and for one term as county committeeman for the Farmer's Home Administration. Part of his involvement with the Extension was as a 4-H Leader for the Handy Hans 4-H Club for many years, and his other community involvement was extensive. Warren had dedicated his entire life to farming, his family, and helping others. He, along with his son Bert, has owned and operated the family farm on Hans Creek, West Virginia, that was designated a "Bicentennial Farm" in 1988 with emphasis on beef cattle production and Holstein heifer calves as dairy herd replacements. Warren was the sixth-generation farm owner. A long time ago, as a third grader in a city school, Warren's teacher asked the class, "what do you want to be when you grow up?" Warren's answer then without a moment's hesitation was, "A Farmer!", and the rest was history; and

Whereas, Richard "Warren" Ellison, age 94, of "Hans Creek", Greenville, West Virginia, passed away on Tuesday, March 12, 2019 at Springfield Center at Lindsie, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army CPL Richard "Warren" Ellison and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 32-025/00-005.38 (32A098), locally known as Hans Creek Bridge, carrying CR 25 over Hans Creek in Monroe county the "U.S. Army CPL Richard 'Warren' Ellison Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army CPL Richard 'Warren' Ellison Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

### **Resolutions Introduced**

Delegates Caputo, Anderson, Angelucci, Atkinson, Azinger, Barnhart, Barrett, Bartlett, Bates, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Capito, Cooper, Criss, Dean, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Graves, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Hartman, Hicks, Higginbotham, Hill, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Lavender-Bowe, Linville, Little, Longstreth, Lovejoy, C. Martin, P. Martin, Maynard, McGeehan, Miley, Miller, Pack, Paynter, Pethtel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Skaff, Sponaule, Staggers, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Westfall, Williams, Worrell and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. R. 18** - "Urging the Congress of the United States to pass the RECLAIM Act, which would assist communities negatively impacted by changes to the country's energy industry."

Whereas, The number of coal mining jobs in this country has fallen over 90 percent since the coal mining industry's peak. This number is likely to decrease further as the nature of the United States' energy production continues to evolve. Many communities in West Virginia have lost coal mining jobs and have struggled to recover from the economic turmoil caused by mine closures; and

Whereas, Reclamation of the many abandoned coal mines will provide long-term economic opportunities, including in areas such as energy, industry, and infrastructure development. Numerous former mining communities throughout the nation have successfully utilized reclaimed mines for substantial, long-term, economic benefits; and

Whereas, If left alone, abandoned coal mines will continue to negatively impact the environment, including contaminating water resources; and

Whereas, The Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More Act of 2017 ("RECLAIM Act") would distribute an estimates \$200 million dollars in West Virginia over five years for mine reclamation and bring immediate and necessary relief to communities that have been devastated by the decline of the coal industry; and

Whereas, The RECLAIM Act would not raise fees or taxes on any individual or business, but would only distribute existing federal funds; and

Whereas, The members of the West Virginia Legislature find that the United States has an obligation to assist communities negatively impacted by changes to the country's energy industry; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature urges the Congress of the United States to pass the RECLAIM Act, which would assist communities negatively impacted by changes to the country's energy industry; and, be it

*Further Resolved*, That the Clerk of the House of Representatives transmit certified copies of this resolution to the Speaker and Clerk of the United States House of Representatives, the President *Pro Tempore*, and Secretary of the United States Senate, and to each member of West Virginia's congressional delegation.

And,

Delegates Dean, Anderson, Angelucci, Barrett, Boggs, N. Brown, Canestraro, Caputo, Cooper, Diserio, Estep-Burton, Evans, Hansen, Hartman, Lavender-Bowe, Longstreth, Lovejoy, C. Martin, P. Martin, Maynard, Paynter, Pethtel, Pyles, Rodighiero, Rohrbach, Rowe, Skaff, Sponaugle, Staggers, Steele, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Toney, Walker, Worrell and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 140** - "Urging the Congress of the United States to pass the RECLAIM Act, which would assist communities negatively impacted by changes to the country's energy industry."



Whereas, The number of coal mining jobs in this country has fallen over 90 percent since the coal mining industry's peak. This number is likely to decrease further as the nature of the United States' energy production continues to evolve. Many communities in West Virginia have lost coal mining jobs and have struggled to recover from the economic turmoil caused by mine closures; and

Whereas, Reclamation of the many abandoned coal mines will provide long-term economic opportunities, including in areas such as energy, industry, and infrastructure development. Numerous former mining communities throughout the nation have successfully utilized reclaimed mines for substantial, long-term, economic benefits; and

Whereas, If left alone, abandoned coal mines will continue to negatively impact the environment, including contaminating water resources; and

Whereas, The Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More Act of 2017 ("RECLAIM Act") would distribute an estimates \$200 million dollars in West Virginia over five years for mine reclamation and bring immediate and necessary relief to communities that have been devastated by the decline of the coal industry; and

Whereas, The RECLAIM Act would not raise fees or taxes on any individual or business, but would only distribute existing federal funds; and

Whereas, The members of the West Virginia Legislature find that the United States has an obligation to assist communities negatively impacted by changes to the country's energy industry; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature urges the Congress of the United States to pass the RECLAIM Act, which would assist communities negatively impacted by changes to the country's energy industry; and, be it

*Further Resolved*, That the Clerk of the House of Representatives transmit certified copies of this resolution to the Speaker and Clerk of the United States House of Representatives, the President *Pro Tempore*, and Secretary of the United States Senate, and to each member of West Virginia's congressional delegation.

### **Motions**

Delegate Hornbuckle moved, under the provisions of House Rule 82, to discharge **S. B. 850**, Prohibiting racial discrimination based on certain hair textures and hairstyles, from the Committee on the Judiciary.

Delegate Summers moved that the motion to discharge be laid upon the table.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 491**), and there were—yeas 55, nays 42, absent and not voting 3, with the yeas and absent and not voting being as follows:

Nays: Angelucci, Azinger, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Queen, Robinson,

Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Longstreth, McGeehan and Waxman.

So, a majority of the members present and voting having voted in the affirmative, the motion to discharge was laid upon the table.

### **Bills Introduced**

On motion for leave, a bill was introduced, read by its title, and referred as follows:

**By Delegates Hanshaw (Mr. Speaker) and Miley  
[By Request of the Executive]:**

**H. B. 4979** - "A Bill expiring funds to the balance of the Department of Commerce, West Virginia Development Office, Marketing and Communications Operating Fund, fund 3002, fiscal year 2020, organization 0307, in the amount of \$222,563, from the Department of Commerce, West Virginia Development Office, Synthetic Fuel – Producing County Fund, fund 3165, fiscal year 2020, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020"; to the Committee on Finance.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for S. B. 136**, Prohibiting certain misleading lawsuit advertising practices; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 492**), and there were—yeas 57, nays 41, absent and not voting 2, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: McGeehan and Waxman.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 136) passed.

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

**S. B. 136** – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-28-1, §47-28-2, §47-28-3, §47-28-4, and §47-28-5, all relating to prohibiting certain deceptive legal advertising practices; defining terms; setting forth prohibited legal advertising practices; requiring disclosures and warnings pertaining to prescription drugs and medical devices; providing that engaging in prohibited legal advertising practices or failure to provide required disclosures and warnings constitute unfair and deceptive acts under the West Virginia Consumer and

Credit Protection Act; prohibiting the use or disclosure of protected health information for solicitation of legal services; providing that the use or disclosure of protected health information constitutes a violation of West Virginia health privacy laws or the West Virginia Consumer and Credit Protection Act; providing criminal penalties for unauthorized use or disclosure of protected health information; and clarifying that the West Virginia Supreme Court of Appeals retains authority to regulate the practice of law.”

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

**Com. Sub. for S. B. 150**, Budget Bill; on third reading, coming up in regular order, with amendments pending and the general right to amend, was reported by the Clerk.

Delegate Householder moved to amend the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

#### 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 2021.

**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 2021” shall mean the period from July 1, 2020, through June 30, 2021.

“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 consolidates, reorganizes or terminates agencies, boards or functions, within any fiscal year the secretary or other appropriate agency head, or in the case of the termination of a spending unit of the state, the Director of the State Budget Office, in the absence of general law providing otherwise, may transfer the funds formerly appropriated to such agency, board or function, allocating items of appropriation as may be necessary if only part of the item may be allocated, in order to implement such consolidation, reorganization or termination. 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 2021.

**LEGISLATIVE***1 - Senate*Fund 0165 FY 2021 Org 2100

	<b>Appro-</b>	<b>General</b>
	<b>priation</b>	<b>Revenue</b>
		<b>Fund</b>
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 2020 are to remain in full force and effect and are hereby reappropriated to June 30, 2021. Any balances so reappropriated may be transferred and credited to the fiscal year 2020 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 2021 Org 2200

Compensation of Members (R) .....	00300	\$	3,000,000
Compensation and Per Diem of Officers and Employees (R).....	00500		575,000
Current Expenses and Contingent Fund (R) .....	02100		4,399,031
Expenses of Members (R) .....	39900		1,350,000
BRIM Premium (R).....	91300		<u>80,000</u>
Total.....		\$	9,404,031

The appropriations for the House of Delegates for the fiscal year 2020 are to remain in full force and effect and are hereby reappropriated to June 30, 2021. Any balances so reappropriated may be transferred and credited to the fiscal year 2020 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 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 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 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 2021 Org 2300

Joint Committee on Government and Finance (R) .....	10400	\$	6,725,138
Legislative Printing (R).....	10500		260,000
Legislative Rule-Making Review Committee (R).....	10600		147,250
Legislative Computer System (R).....	10700		1,447,500
Legislative Fees & Dues (R).....	10701		600,000
Office of Regulatory and Fiscal Affairs .....	#####		761,440
BRIM Premium (R).....	91300		<u>60,569</u>
Total .....		\$	10,001,897

The appropriations for the Joint Expenses for the fiscal year 2020 are to remain in full force and effect and are hereby reappropriated to June 30, 2021. Any balances reappropriated may be transferred and credited to the fiscal year 2020 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 2021 Org 2400

Personal Services and Employee Benefits (R).....	00100	\$ 111,440,000
Military Service Members Court (R) .....	09002	300,000
Current Expenses (R) .....	13000	19,911,000
Repairs and Alterations (R).....	06400	40,000
Equipment (R).....	07000	1,950,000
Judges' Retirement System (R) .....	11000	838,000
Buildings (R) .....	25800	10,000
Other Assets (R).....	69000	200,000
BRIM Premium (R).....	91300	<u>810,000</u>
Total.....		\$ 135,499,000

The appropriations to the Supreme Court of Appeals for the fiscal years 2018, 2019 and 2020 are to remain in full force and effect and are hereby reappropriated to June 30, 2021. Any balances so reappropriated may be transferred and credited to the fiscal year 2021 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 2021 Org 0100

Personal Services and Employee Benefits.....	00100	\$ 3,250,758
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2020]	HOUSE OF DELEGATES	1165
Current Expenses (R) .....	13000	800,000
Repairs and Alterations.....	06400	25,000
National Governors Association .....	12300	60,700
Herbert Henderson Office of Minority Affairs .....	13400	396,726
Community Food Program .....	18500	0
Office of Resiliency .....	18600	596,157
BRIM Premium.....	91300	<u>183,645</u>
Total.....		\$ 5,312,986

Any unexpended balances remaining in the appropriations for Unclassified (fund 0101, appropriation 09900), and Current Expenses (fund 0101, appropriation 13000) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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 2021 Org 0100

Personal Services and Employee Benefits.....	00100	\$ 381,293
Current Expenses (R) .....	13000	183,158
Repairs and Alterations.....	06400	<u>5,000</u>
Total.....		\$ 569,451

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

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 2021 Org 0100

Milton Flood Wall (R).....	75701	\$	6,000,000
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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), Milton Flood Wall (fund 0105, appropriation 75701), and Natural Disasters – Surplus (fund 0105, appropriation 76400) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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 2021 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,797,589
Current Expenses (R) .....	13000		13,429
BRIM Premium.....	91300		<u>12,077</u>
Total .....		\$	2,823,095

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

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 2021 Org 1300

Personal Services and Employee Benefits.....	00100	\$	2,570,242
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2020]	HOUSE OF DELEGATES	1167
Unclassified .....	09900	31,463
Current Expenses (R) .....	13000	772,684
Abandoned Property Program.....	11800	41,794
Other Assets .....	69000	10,000
ABLE Program.....	69201	150,000
BRIM Premium.....	91300	<u>59,169</u>
Total.....		\$ 3,635,352

Any unexpended balances remaining in the appropriation for Current Expenses (fund 0126, appropriation 13000) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 6,298,229
Animal Identification Program .....	03900	131,942
State Farm Museum.....	05500	87,759
Current Expenses (R) .....	13000	848,115
Gypsy Moth Program (R) .....	11900	1,003,440
WV Farmers Market.....	12801	150,467
Black Fly Control.....	13700	453,698
HEMP Program.....	13701	350,000
Donated Foods Program.....	36300	45,000
Veterans to Agriculture Program (R) .....	36301	255,624
Predator Control (R).....	47000	176,400
Bee Research .....	69100	70,634
Microbiology Program .....	78500	99,828

Moorefield Agriculture Center.....	78600	975,284
Chesapeake Bay Watershed.....	83000	112,427
Livestock Care Standards Board.....	84300	8,820
BRIM Premium.....	91300	138,905
State FFA-FHA Camp and Conference Center .....	94101	638,554
Threat Preparedness .....	94200	73,122
WV Food Banks .....	96900	426,000
Senior's Farmers' Market Nutrition Coupon Program .....	97000	<u>55,835</u>
Total.....		\$ 12,400,083

Any unexpended balances remaining in the appropriations for Gypsy Moth Program (fund 0131, appropriation 11900), Current Expenses (fund 0131, appropriation 13000), Veterans to Agriculture Program (fund 0131, appropriation 36301), Predator Control (fund 0131, appropriation 47000), and Agricultural Disaster and Mitigation Needs – Surplus (fund 0131, appropriation 85000) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 794,191
Unclassified .....	09900	77,059
Current Expenses (R) .....	13000	317,848
Soil Conservation Projects (R) .....	12000	9,799,709

BRIM Premium.....	91300	<u>34,428</u>
Total .....		\$ 11,023,235

Any unexpended balances remaining in the appropriations for Soil Conservation Projects (fund 0132, appropriation 12000), and Current Expenses (fund 0132, appropriation 13000) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

12 - Department of Agriculture –

*Meat Inspection Fund*

(WV Code Chapter 19)

Fund 0135 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 668,030
Unclassified .....	09900	7,090
Current Expenses .....	13000	<u>82,605</u>
Total .....		\$ 757,725

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 2021 Org 1400

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

14 - Department of Agriculture –

*West Virginia Agricultural Land Protection Authority*

(WV Code Chapter 8A)

Fund 0607 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 99,547
Unclassified .....	09900	<u>950</u>

Total .....		\$	100,497
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*15 - Attorney General*

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

Fund 0150 FY 2021 Org 1500

Personal Services and Employee Benefits (R).....	00100	\$	2,818,788
Unclassified (R).....	09900		24,428
Current Expenses (R) .....	13000		762,097
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		1,000
Criminal Convictions and Habeas Corpus Appeals (R) .....	26000		946,078
Better Government Bureau .....	74000		279,412
BRIM Premium.....	91300		<u>120,654</u>
Total .....		\$	4,953,457

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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 2021 Org 1600

Personal Services and Employee Benefits.....	00100	\$	118,794
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2020]	HOUSE OF DELEGATES	1171
Unclassified (R).....	09900	8,352
Current Expenses (R) .....	13000	795,948
BRIM Premium.....	91300	<u>34,500</u>
Total .....		\$ 957,594

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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 2021 Org 1601

Personal Services and Employee Benefits.....	00100	\$ 2,477
Unclassified .....	09900	75
Current Expenses .....	13000	<u>4,956</u>
Total .....		\$ 7,508

**DEPARTMENT OF ADMINISTRATION**

*18 - Department of Administration –*

*Office of the Secretary*

(WV Code Chapter 5F)

Fund 0186 FY 2021 Org 0201

Personal Services and Employee Benefits.....	00100	\$ 606,584
Unclassified .....	09900	9,177
Current Expenses .....	13000	85,009
Repairs and Alterations.....	06400	100
Equipment.....	07000	1,000
Financial Advisor (R).....	30400	27,546
Lease Rental Payments .....	51600	15,000,000

Design-Build Board .....	54000	4,000
Other Assets .....	69000	100
BRIM Premium.....	91300	<u>6,736</u>
Total .....		\$ 15,740,252

Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

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 2021 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 2021 Org 0209

Personal Services and Employee Benefits.....	00100	\$ 64,696
Unclassified .....	09900	1,400
Current Expenses .....	13000	66,721
GAAP Project (R).....	12500	612,666
BRIM Premium.....	91300	<u>7,517</u>
Total .....		\$ 753,000

Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*21 - Division of General Services*

(WV Code Chapter 5A)

Fund 0230 FY 2021 Org 0211

Personal Services and Employee Benefits.....	00100	\$	2,722,499
Unclassified .....	09900		20,000
Current Expenses .....	13000		1,148,349
Repairs and Alterations.....	06400		500
Equipment.....	07000		5,000
Fire Service Fee.....	12600		14,000
Preservation and Maintenance of Statues and Monuments			
on Capitol Grounds .....	37100		68,000
Capital Outlay, Repairs and Equipment (R).....	58900		23,660,888
BRIM Premium.....	91300		<u>129,983</u>
Total .....		\$	27,769,219

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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 2021 Org 0213

Personal Services and Employee Benefits.....	00100	\$	1,055,926
Unclassified .....	09900		144
Current Expenses .....	13000		1,285
Repairs and Alterations.....	06400		200

BRIM Premium.....	91300	<u>6,922</u>
Total .....		\$ 1,064,477

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 2021 Org 0215

Personal Services and Employee Benefits.....	00100	\$ 802,363
Unclassified .....	09900	12,032
Current Expenses .....	13000	440,247
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	5,000
Buildings (R) .....	25800	100
Other Assets .....	69000	<u>100</u>
Total .....		\$ 1,260,842

Any unexpended balance remaining in the appropriation for Buildings (fund 0615, appropriation 25800) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*24 - Commission on Uniform State Laws*

(WV Code Chapter 29)

Fund 0214 FY 2021 Org 0217

Current Expenses .....	13000	\$ 45,550
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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 2021 Org 0219

Personal Services and Employee Benefits.....	00100	\$ 969,627
Unclassified .....	09900	1,000

2020]	HOUSE OF DELEGATES	1175
Current Expenses .....	13000	145,295
Equipment.....	07000	50
BRIM Premium.....	91300	<u>8,740</u>
Total .....		\$ 1,124,712

*26 - Ethics Commission*

(WV Code Chapter 6B)

Fund 0223 FY 2021 Org 0220

Personal Services and Employee Benefits.....	00100	\$ 606,969
Unclassified .....	09900	2,200
Current Expenses .....	13000	104,501
Repairs and Alterations.....	06400	500
Other Assets .....	69000	100
BRIM Premium.....	91300	<u>5,574</u>
Total .....		\$ 719,844

*27 - Public Defender Services*

(WV Code Chapter 29)

Fund 0226 FY 2021 Org 0221

Personal Services and Employee Benefits.....	00100	\$ 1,711,081
Unclassified .....	09900	314,700
Current Expenses .....	13000	12,740
Public Defender Corporations .....	35200	19,538,435
Appointed Counsel Fees (R).....	78800	12,898,115
BRIM Premium.....	91300	<u>10,575</u>
Total .....		\$ 34,485,646

Any unexpended balance remaining in the above appropriation for Appointed Counsel Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

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 2021 Org 0224

Personal Services and Employee Benefits.....	00100	\$	3,187
Current Expenses .....	13000		868
Total .....		\$	4,055

*29 - Public Employees Insurance Agency  
(WV Code Chapter 5)*

Fund 0200 FY 2021 Org 0225

PEIA Subsidy .....	80100	\$	21,000,000
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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.

The above appropriation for PEIA Subsidy (fund 0200, appropriation 80100) may be transferred to a special revenue fund and shall be utilized by the West Virginia Public Employees Insurance Agency for the purposes of offsetting benefit changes to offset the aggregate premium cost-sharing percentage requirements between employers and employees. Such amount shall not be included in the calculation of the plan year aggregate premium cost-sharing percentages between employers and employees.

*30 - West Virginia Prosecuting Attorneys Institute  
(WV Code Chapter 7)*

Fund 0557 FY 2021 Org 0228

Forensic Medical Examinations (R).....	68300	\$	141,579
Federal Funds/Grant Match (R) .....	74900		105,074
Total .....		\$	246,653

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*31 - Real Estate Division*

(WV Code Chapter 5A)

Fund 0610 FY 2021 Org 0233

Personal Services and Employee Benefits.....	00100	\$	681,101
Unclassified .....	09900		1,000
Current Expenses .....	13000		137,381
Repairs and Alterations.....	06400		100
Equipment.....	07000		2,500
BRIM Premium.....	91300		<u>9,784</u>
Total .....		\$	831,866

**DEPARTMENT OF COMMERCE**

*32 - West Virginia Tourism Office*

(WV Code Chapter 5B)

Fund 0246 FY 2021 Org 0304

Tourism – Brand Promotion (R) .....	61803	\$	5,000,000
Tourism – Public Relations (R).....	61804		1,500,000
Tourism – Events and Sponsorships (R).....	61805		500,000
Tourism – Industry Development (R).....	61806		500,000
State Parks and Recreation Advertising (R).....	61900		<u>1,500,000</u>
Total .....		\$	9,000,000

Any unexpended balances remaining in the appropriations for Tourism – Brand Promotion (fund 0246, appropriation 61803), Tourism – Public Relations (fund 0246, appropriation 61804), Tourism – Events and Sponsorships (fund 0246, appropriation 61805), Tourism – Industry Development (fund 0246, appropriation 61806), and State Parks and Recreation Advertising (fund 0246, appropriation 61900) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

The Executive Director of the West Virginia Tourism Office, with approval from the Secretary of Commerce, shall have the authority to transfer between the above items of appropriation.

*33 - Division of Forestry*

(WV Code Chapter 19)

Fund 0250 FY 2021 Org 0305

Personal Services and Employee Benefits.....	00100	\$	2,881,455
Unclassified .....	09900		21,435
Current Expenses .....	13000		338,953
Repairs and Alterations.....	06400		80,000
Equipment (R).....	07000		2,061
BRIM Premium.....	91300		<u>98,754</u>
Total .....		\$	3,422,658

Any unexpended balance remaining in the appropriation for Equipment (fund 0250, appropriation 07000) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

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

*34 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 0253 FY 2021 Org 0306

Personal Services and Employee Benefits.....	00100	\$	1,678,448
Unclassified .....	09900		27,678
Current Expenses .....	13000		51,524
Repairs and Alterations.....	06400		968
Mineral Mapping System (R).....	20700		1,134,143
BRIM Premium.....	91300		<u>24,486</u>
Total .....		\$	2,917,247



Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

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.

*35 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 0256 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$	4,500,420
Unclassified .....	09900		108,055
Current Expenses .....	13000		5,615,277
National Youth Science Camp .....	13200		241,570
Local Economic Development Partnerships (R).....	13300		1,250,000
ARC Assessment.....	13600		152,585
Guaranteed Work Force Grant (R).....	24200		976,579
Mainstreet Program .....	79400		167,467
Local Economic Development Assistance (R).....	18900		750,000
BRIM Premium.....	91300		3,157
Hatfield McCoy Recreational Trail .....	96000		<u>198,415</u>
Total .....		\$	13,963,525

Any unexpended balances remaining in the appropriations for Sales and Marketing Enhancement – Surplus (fund 0256, appropriation 05099), 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), and Local Economic Development Assistance (fund 0256, appropriation 81900) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

From the above appropriation for Current Expenses (fund 0256, appropriation 13000), \$1,800,000 shall be used for the Eastern West Virginia Regional Airport and \$50,000 shall be used for the Western Potomac Economic Partnership.

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.

*36 - Division of Labor*

(WV Code Chapters 21, and 47)

Fund 0260 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$	1,564,676
Current Expenses .....	13000		227,000
Repairs and Alterations.....	06400		28,000
Equipment.....	07000		15,000
BRIM Premium.....	91300		<u>8,500</u>
Total .....		\$	1,843,176

*37 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 0265 FY 2021 Org 0310

Personal Services and Employee Benefits.....	00100	\$	16,956,925
Unclassified .....	09900		184,711
Current Expenses .....	13000		196,302
Repairs and Alterations.....	06400		100
Equipment.....	07000		100
Buildings (R) .....	25800		100
Capital Outlay – Parks (R) .....	28800		3,000,000
Litter Control Conservation Officers .....	56400		146,986
Upper Mud River Flood Control.....	65400		164,791
Other Assets .....	69000		100
Land (R).....	73000		100

Law Enforcement.....	80600	2,552,994
BRIM Premium.....	91300	<u>45,141</u>
Total.....		\$ 23,248,350

Any unexpended balances remaining in the appropriations for Buildings (fund 0265, appropriation 25800), Capital Outlay – Parks (fund 0265, appropriation 28800), Land (fund 0265, appropriation 73000), and State Park Improvements – Surplus (fund 0265, appropriation 76300) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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.

*38 - Division of Miners' Health, Safety and Training*

(WV Code Chapter 22)

Fund 0277 FY 2021 Org 0314

Personal Services and Employee Benefits.....	00100	\$ 9,450,243
Unclassified .....	09900	111,016
Current Expenses .....	13000	1,396,141
Coal Dust and Rock Dust Sampling.....	27000	487,752
BRIM Premium.....	91300	<u>80,668</u>
Total.....		\$ 11,525,820

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.

*39 - Board of Coal Mine Health and Safety*

(WV Code Chapter 22)

Fund 0280 FY 2021 Org 0319

Personal Services and Employee Benefits.....	00100	\$ 233,981
Unclassified .....	09900	3,480
Current Expenses .....	13000	<u>118,138</u>
Total.....		\$ 355,599

Included in the above appropriation for Current Expenses (fund 0280, appropriation 13000) up to \$29,000 shall be used for the Coal Mine Safety and Technical Review Committee.

*40 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 0572 FY 2021 Org 0323

Personal Services and Employee Benefits.....	00100	\$	51,433
Unclassified .....	09900		593
Current Expenses .....	13000		<u>7,337</u>
Total.....		\$	59,363

*41 - Department of Commerce –*

*Office of the Secretary*

(WV Code Chapter 19)

Fund 0606 FY 2021 Org 0327

Personal Services and Employee Benefits.....	00100	\$	588,872
Unclassified .....	09900		1,490
Current Expenses .....	13000		17,099
Directed Transfer .....	70000		<u>500,000</u>
Total.....		\$	1,107,461

The above appropriation for Directed Transfer (fund 0606, appropriation 70000) shall be transferred to the Broadband Enhancement Fund (fund 3013).

*42 - Office of Energy*

(WV Code Chapter 5B)

Fund 0612 FY 2021 Org 0328

Personal Services and Employee Benefits.....	00100	\$	198,299
Unclassified .....	09900		12,395
Current Expenses .....	13000		1,029,679
BRIM Premium.....	91300		<u>3,894</u>

Total ..... \$ 1,244,267

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

*43 - State Board of Rehabilitation –*

*Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 0310 FY 2021 Org 0932

Personal Services and Employee Benefits.....	00100	\$ 11,459,977
Independent Living Services .....	00900	429,418
Current Expenses .....	13000	558,815
Workshop Development.....	16300	1,817,427
Supported Employment Extended Services .....	20600	77,960
Ron Yost Personal Assistance Fund .....	40700	333,828
Employment Attendant Care Program.....	59800	131,575
BRIM Premium.....	91300	<u>77,464</u>
Total .....		\$ 14,886,464

From the above appropriation for Workshop Development (fund 0310, appropriation 16300), fund 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 EDUCATION**

*44 - State Board of Education –*

*School Lunch Program*

(WV Code Chapters 18, and 18A)

Fund 0303 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 348,042
Current Expenses .....	13000	<u>2,118,865</u>

Total ..... \$ 2,466,907

*45 - State Board of Education –*

*State Department of Education*

(WV Code Chapters 18, and 18A)

Fund 0313 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 4,598,523
Teachers' Retirement Savings Realized.....	09500	33,028,000
Unclassified (R).....	09900	420,000
Current Expenses (R) .....	13000	5,410,000
Center for Professional Development (R).....	11500	150,000
Increased Enrollment .....	14000	5,090,000
Safe Schools.....	14300	4,704,544
Attendance Incentive Bonus.....	15001	2,056,717
National Teacher Certification (R) .....	16100	300,000
Jobs & Hope – Childhood Drug Prevention Education .....	21901	2,500,000
Allowance for County Transfer .....	26400	238,174
Technology Repair and Modernization.....	29800	951,003
HVAC Technicians.....	35500	516,791
Early Retirement Notification Incentive.....	36600	300,000
MATH Program.....	36800	336,532
Assessment Programs .....	39600	1,339,588
Benedum Professional Development Collaborative (R).....	42700	429,775
Governor's Honors Academy (R) .....	47800	1,059,270
21 <sup>st</sup> Century Fellows.....	50700	274,899
English as a Second Language.....	52800	96,000
Teacher Reimbursement.....	57300	297,188

2020]	HOUSE OF DELEGATES	1185
Hospitality Training .....	60000	272,775
Hi-Y Youth in Government .....	61600	100,000
High Acuity Special Needs (R) .....	63400	1,500,000
Foreign Student Education.....	63600	100,294
State Board of Education Administrative Costs .....	68400	277,403
IT Academy (R).....	72100	500,000
Early Literacy Program.....	75600	5,705,624
School Based Truancy Prevention (R) .....	78101	2,032,238
Mastery Based Education .....	78104	125,000
Communities in Schools (R).....	78103	4,900,000
21 <sup>st</sup> Century Learners (R).....	88600	1,756,470
BRIM Premium.....	91300	342,859
21 <sup>st</sup> Century Assessment and Professional Development .....	93100	2,006,978
21 <sup>st</sup> Century Technology Infrastructure Network		
Tools and Support.....	93300	7,636,586
Special Olympic Games.....	96600	25,000
Educational Program Allowance .....	99600	<u>566,250</u>
Total.....		\$ 91,944,481

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

From the above appropriation for Current Expenses (fund 0313, appropriation 13000), \$2,000,000 shall be used for the Department of Education Child Nutrition Program – Non-traditional Child Hunger Solutions, \$750,000 shall be used for Local Education Projects, and \$80,000 shall be used for creating a career exploration school for students

Any unexpended balances remaining in the appropriations for Unclassified (fund 0313, appropriation 09900), Current Expenses (fund 0313, appropriation 13000), Center for Professional Development (fund 0313, appropriation 11500), National Teacher Certification (fund 0313, appropriation 16100), Benedum Professional Development Collaborative (fund 0313, appropriation 42700), Governor’s Honors Academy (fund 0313, appropriation 47800), High Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation 72100), School Based Truancy Prevention (fund 0313, appropriation 78101), Communities in Schools (fund 0313, appropriation 78103), and 21<sup>st</sup> Century Learners (fund 0313, appropriation 88600) at

the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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).

From the above appropriation for Unclassified (fund 0313, appropriation 09900), \$120,000 shall be for assisting low income students with AP exam fees.

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; \$50,000 shall be for Morgan County Board for Paw Paw Schools; and \$66,250 is for Project Based Learning in STEM fields.

*46 - State Board of Education –*

*Aid for Exceptional Children*

(WV Code Chapters 18, and 18A)

Fund 0314 FY 2021 Org 0402

Special Education – Counties .....	15900	\$	7,271,757
Special Education – Institutions .....	16000		3,968,631
Education of Juveniles Held in Predispositional			
Juvenile Detention Centers.....	30200		657,858
Education of Institutionalized Juveniles and Adults (R) .....	47200		<u>20,325,353</u>
Total.....		\$	32,223,599

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 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

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.

*47 - State Board of Education –*



*State Aid to Schools*

(WV Code Chapters 18, and 18A)

Fund 0317 FY 2021 Org 0402

Other Current Expenses .....	02200	\$ 170,216,073
Advanced Placement .....	05300	734,729
Professional Educators .....	15100	897,576,715
Service Personnel.....	15200	301,789,240
Fixed Charges.....	15300	106,219,537
Transportation.....	15400	78,177,730
Professional Student Support Services .....	65500	62,148,699
Improved Instructional Programs .....	15600	51,851,736
21 <sup>st</sup> Century Strategic Technology Learning Growth .....	93600	26,198,236
Teacher and Leader Induction .....	93601	<u>5,233,355</u>
Basic Foundation Allowances .....		1,700,146,050
Less Local Share .....		(475,033,135)
Adjustments .....		<u>(2,716,826)</u>
Total Basic State Aid.....		1,222,396,089
Public Employees' Insurance Matching.....	01200	222,461,499
Teachers' Retirement System .....	01900	67,663,000
School Building Authority .....	45300	24,000,000
Retirement Systems – Unfunded Liability.....	77500	<u>323,576,000</u>
Total .....		\$ 1,860,096,588

48 - *State Board of Education –**Vocational Division*

(WV Code Chapters 18, and 18A)

Fund 0390 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,339,713
Unclassified .....	09900		268,800
Current Expenses .....	13000		883,106
Wood Products – Forestry Vocational Program.....	14600		79,873
Albert Yanni Vocational Program .....	14700		132,123
Vocational Aid .....	14800		24,229,691
Adult Basic Education .....	14900		5,271,228
Jobs & Hope .....	14902		3,500,000
Program Modernization.....	30500		884,313
High School Equivalency Diploma Testing (R).....	72600		803,397
FFA Grant Awards .....	83900		11,496
Pre-Engineering Academy Program.....	84000		<u>265,294</u>
Total .....		\$	37,669,034

Any unexpended balances remaining in the appropriations for Jim's Dream (fund 0390, appropriation 14901) and High School Equivalency Diploma Testing (fund 0390, appropriation 72600) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*49 - State Board of Education –*

*West Virginia Schools for the Deaf and the Blind*

(WV Code Chapters 18, and 18A)

Fund 0320 FY 2021 Org 0403

Personal Services and Employee Benefits.....	00100	\$	11,379,675
Unclassified .....	09900		110,000
Current Expenses .....	13000		2,250,696
Repairs and Alterations.....	06400		164,675
Equipment.....	07000		77,000
Buildings (R) .....	25800		45,000
Capital Outlay and Maintenance (R) .....	75500		520,000

BRIM Premium.....	91300	<u>130,842</u>
Total .....		\$ 14,677,888

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

## DEPARTMENT OF ARTS, CULTURE, AND HISTORY

### *50 - Division of Culture and History*

(WV Code Chapter 29)

Fund 0293 FY 2021 Org 0432

Personal Services and Employee Benefits.....	00100	\$ 3,463,493
Current Expenses .....	13000	610,843
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	1
Unclassified (R).....	09900	28,483
WV Humanities Council .....	16800	250,000
Buildings (R) .....	25800	1
Other Assets .....	69000	1
Educational Enhancements.....	69500	573,500
Land (R).....	73000	1
Culture and History Programming .....	73200	231,573
Capital Outlay and Maintenance (R) .....	75500	19,600
Historical Highway Marker Program.....	84400	57,548
BRIM Premium.....	91300	<u>39,337</u>
Total .....		\$ 5,275,381

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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.

From the above appropriation for Educational Enhancements (fund 0293, appropriation 69500), \$500,000 shall be used for Save the Children and \$73,500 shall be used for the Clay Center.

*51 - Library Commission*

(WV Code Chapter 10)

Fund 0296 FY 2021 Org 0433

Personal Services and Employee Benefits.....	00100	\$	1,314,744
Current Expenses .....	13000		139,624
Repairs and Alterations.....	06400		6,500
Services to Blind & Handicapped .....	18100		161,717
BRIM Premium.....	91300		<u>18,205</u>
Total.....		\$	1,640,790

*52 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 0300 FY 2021 Org 0439

Personal Services and Employee Benefits.....	00100	\$	3,312,092
Current Expenses .....	13000		120,146
Mountain Stage.....	24900		300,000
Capital Outlay and Maintenance (R) .....	75500		50,000
BRIM Premium.....	91300		<u>48,453</u>
Total.....		\$	3,830,691

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION***53 - Environmental Quality Board*

(WV Code Chapter 20)

Fund 0270 FY 2021 Org 0311

Personal Services and Employee Benefits.....	00100	\$	82,539
Current Expenses .....	13000		28,453
Repairs and Alterations.....	06400		800
Equipment.....	07000		500
Other Assets .....	69000		400
BRIM Premium.....	91300		<u>791</u>
Total .....		\$	113,483

*54 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 0273 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	4,207,200
Water Resources Protection and Management.....	06800		576,278
Current Expenses .....	13000		86,116
Repairs and Alterations.....	06400		1,500
Unclassified .....	09900		14,825
Dam Safety .....	60700		237,824
West Virginia Stream Partners Program.....	63700		77,396
Meth Lab Cleanup.....	65600		139,000
WV Contributions to River Commissions.....	77600		148,485
Office of Water Resources Non-Enforcement Activity .....	85500		<u>1,009,855</u>
Total .....		\$	6,498,479

*55 - Air Quality Board*

(WV Code Chapter 16)

Fund 0550 FY 2021 Org 0325

Personal Services and Employee Benefits.....	00100	\$	60,737
Current Expenses .....	13000		11,612
Repairs and Alterations.....	06400		800
Equipment.....	07000		400
Other Assets .....	69000		200
BRIM Premium.....	91300		<u>2,304</u>
Total.....		\$	76,053

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES***56 - Department of Health and Human Resources –**Office of the Secretary*

(WV Code Chapter 5F)

Fund 0400 FY 2021 Org 0501

Personal Services and Employee Benefits.....	00100	\$	384,638
Unclassified .....	09900		6,459
Current Expenses .....	13000		50,613
Commission for the Deaf and Hard of Hearing.....	70400		<u>225,534</u>
Total.....		\$	667,244

Any unexpended balance remaining in the appropriation for the Women's Commission (fund 0400, appropriation 19100) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*57 - Division of Health –**Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	12,544,773
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2020]	HOUSE OF DELEGATES	1193
Chief Medical Examiner .....	04500	8,714,647
Unclassified .....	09900	671,795
Current Expenses .....	13000	4,588,459
State Aid for Local and Basic Public Health Services .....	18400	14,160,490
Safe Drinking Water Program (R).....	18700	1,891,323
Women, Infants and Children.....	21000	38,621
Early Intervention .....	22300	8,134,060
Cancer Registry .....	22500	206,306
Office of Drug Control Policy (R).....	35401	545,153
Statewide EMS Program Support (R).....	38300	1,695,271
Office of Medical Cannabis (R) .....	42001	1,459,989
Black Lung Clinics.....	46700	170,885
Vaccine for Children.....	55100	338,235
Tuberculosis Control .....	55300	329,256
Maternal and Child Health Clinics, Clinicians		
Medical Contracts and Fees (R).....	57500	5,892,707
Epidemiology Support.....	62600	1,497,192
Primary Care Support .....	62800	4,263,706
Sexual Assault Intervention and Prevention .....	72300	125,000
Health Right Free Clinics .....	72700	3,750,000
Capital Outlay and Maintenance (R) .....	75500	70,000
Healthy Lifestyles.....	77800	890,000
Maternal Mortality Review .....	83400	49,933
Diabetes Education and Prevention .....	87300	97,125
BRIM Premium.....	91300	169,791
State Trauma and Emergency Care System .....	91800	1,921,322

WVU Charleston Poison Control Hotline .....	94400	<u>712,942</u>
Total .....	\$	74,928,981

Any unexpended balances remaining in the appropriations for Safe Drinking Water Program (fund 0407, appropriation 18700), Office of Drug Control Policy (fund 0407, appropriation 35401), Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402), Statewide EMS Program Support (fund 0407, appropriation 38300), Office of Medical Cannabis (fund 0407, appropriation 42001), 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), and Tobacco Education Program (fund 0407, appropriation 90600) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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; \$50,000 is for Hospital Hospitality House of Huntington; and \$200,000 is for Potomac Center Inc. of Romney, West Virginia.

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 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,632,588
Current Expenses .....	13000		14,113
Behavioral Health Program (R) .....	21900		68,613,953
Jobs & Hope .....	14902		4,500,000
Family Support Act.....	22100		251,226
Institutional Facilities Operations (R).....	33500		147,729,180
Substance Abuse Continuum of Care (R) .....	35400		1,840,000
Capital Outlay and Maintenance (R) .....	75500		2,875,000
Renaissance Program.....	80400		165,996
BRIM Premium.....	91300		<u>1,296,098</u>



Total..... \$ 228,918,154

Any unexpended balances remaining in the appropriations for Jim’s Dream (fund 0525, appropriation 14901), Behavioral Health Program (fund 0525, appropriation 21900), Institutional Facilities Operations (fund 0525, appropriation 33500), Substance Abuse Continuum of Care (fund 0525, appropriation 35400), and Capital Outlay and Maintenance (fund 0525, appropriation 75500) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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.

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 2021, 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 2021 Org 0506

West Virginia Drinking Water Treatment

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 2021 Org 0510

Personal Services and Employee Benefits.....	00100	\$	1,073,553
Unclassified .....	09900		4,024
Current Expenses .....	13000		331,304
BRIM Premium.....	91300		<u>10,764</u>
Total.....		\$	1,419,645

*61 - Division of Human Services*

(WV Code Chapters 9, 48, and 49)

Fund 0403 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$	48,929,356
Unclassified .....	09900		5,688,944
Current Expenses .....	13000		12,866,637
Child Care Development.....	14400		3,102,718
Medical Services.....	18900		297,855,264
Social Services .....	19500		226,376,781
Family Preservation Program.....	19600		1,565,000
Family Resource Networks .....	27400		1,762,464
Domestic Violence Legal Services Fund .....	38400		400,000
James "Tiger" Morton Catastrophic Illness Fund.....	45500		105,695
I/DD Waiver .....	46600		108,541,736
Child Protective Services Case Workers.....	46800		27,843,073
Title XIX Waiver for Seniors .....	53300		13,593,620
WV Teaching Hospitals Tertiary/Safety Net .....	54700		6,356,000
In-Home Family Education.....	68800		1,000,000

2020]	HOUSE OF DELEGATES	1197
WV Works Separate State Program.....	69800	135,000
Child Support Enforcement .....	70500	6,458,806
Temporary Assistance for Needy Families/ Maintenance of Effort .....	70700	25,819,096
Child Care – Maintenance of Effort Match.....	70800	5,693,743
Grants for Licensed Domestic Violence Programs and Statewide Prevention .....	75000	2,500,000
Capital Outlay and Maintenance (R) .....	75500	11,875
Community Based Services and Pilot Programs for Youth.....	75900	1,000,000
Medical Services Administrative Costs.....	78900	38,234,761
Traumatic Brain Injury Waiver .....	83500	800,000
Indigent Burials (R) .....	85100	1,550,000
CHIP Administrative Costs .....	85601	700,000
CHIP Services.....	85602	6,390,665
BRIM Premium.....	91300	892,642
Rural Hospitals Under 150 Beds .....	94000	2,596,000
Children’s Trust Fund – Transfer.....	95100	220,000
PATH .....	95400	<u>7,162,452</u>
Total.....		\$ 856,152,328

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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 2021 Org 0601

Personal Services and Employee Benefits.....	00100	\$	684,426
Unclassified (R).....	09900		16,386
Current Expenses .....	13000		168,968
Repairs and Alterations.....	06400		1,500
Equipment.....	07000		1,500

2020]	HOUSE OF DELEGATES	1199
Fusion Center (R) .....	46900	824,000
Other Assets .....	69000	2,500
Directed Transfer .....	70000	32,000
BRIM Premium.....	91300	22,563
WV Fire and EMS Survivor Benefit (R) .....	93900	<u>200,000</u>
Total .....		\$ 1,953,843

Any unexpended balances remaining in the appropriations for Unclassified (fund 0430, appropriation 09900), Fusion Center (fund 0430, appropriation 46900), 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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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 2021 Org 0603

Unclassified (R).....	09900	\$ 106,798
College Education Fund .....	23200	4,000,000
Civil Air Patrol .....	23400	249,664
Mountaineer ChalleNGe Academy .....	70900	1,500,000
Armory Board Transfer.....	70015	2,317,555
Military Authority (R).....	74800	6,260,251
Drug Enforcement and Support.....	74801	<u>1,500,000</u>
Total .....		\$ 15,934,268

Any unexpended balances remaining in the appropriations for Unclassified (fund 0433, appropriation 09900), Military Authority (fund 0433, appropriation 74800), and Military Authority – Surplus (fund 0433, appropriation 74899) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

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 \$1,500,000 to the Mountaineer Challenge Academy to meet anticipated program demand.

*64 - Adjutant General –*

*Military Fund*

(WV Code Chapter 15)

Fund 0605 FY 2021 Org 0603

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

*65 - West Virginia Parole Board*

(WV Code Chapter 62)

Fund 0440 FY 2021 Org 0605

Personal Services and Employee Benefits.....	00100	\$	405,066
Current Expenses .....	13000		355,234
Unclassified .....	09900		10,000
Salaries of Members of West Virginia Parole Board.....	22700		609,833
BRIM Premium.....	91300		<u>6,149</u>
Total .....		\$	1,386,282

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 2021 Org 0606

Personal Services and Employee Benefits.....	00100	\$	2,189,894
Unclassified .....	09900		25,022
Current Expenses .....	13000		57,314
Repairs and Alterations.....	06400		600
Radiological Emergency Preparedness .....	55400		17,052
SIRN.....	55401		600,000
Federal Funds/Grant Match (R) .....	74900		1,409,145
Mine and Industrial Accident Rapid			
Response Call Center .....	78100		469,911
Early Warning Flood System (R).....	87700		1,284,448
BRIM Premium.....	91300		<u>96,529</u>
Total .....		\$	6,149,915

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*67 - Division of Corrections and Rehabilitation –*

*Central Office*

(WV Code Chapter 15A)

Fund 0446 FY 2021 Org 0608

Personal Services and Employee Benefits.....	00100	\$	576,577
Current Expenses .....	13000		<u>2,400</u>
Total .....		\$	578,977

*68 - Division of Corrections and Rehabilitation –*

*Correctional Units*

(WV Code Chapter 15A)

Fund 0450 FY 2021 Org 0608

Employee Benefits .....	01000	\$	1,258,136
Children's Protection Act (R) .....	09000		838,437
Unclassified .....	09900		1,578,800
Current Expenses (R) .....	13000		52,016,936
Facilities Planning and Administration (R) .....	38600		1,274,200
Charleston Correctional Center .....	45600		3,400,402
Beckley Correctional Center .....	49000		2,518,874
Anthony Correctional Center .....	50400		6,096,779
Huttonsville Correctional Center .....	51400		21,920,001
Northern Correctional Center .....	53400		8,018,685
Inmate Medical Expenses (R) .....	53500		21,226,064
Pruntytown Correctional Center .....	54300		8,597,911
Corrections Academy .....	56900		1,925,980
Information Technology Services .....	59901		2,759,052
Martinsburg Correctional Center .....	66300		4,348,990
Parole Services .....	68600		5,850,564
Special Services .....	68700		6,477,777
Investigative Services .....	71600		3,394,070
Capital Outlay and Maintenance (R) .....	75500		2,000,000
Salem Correctional Center .....	77400		11,455,381
McDowell County Correctional Center .....	79000		2,542,590
Stevens Correctional Center .....	79100		7,863,195
Parkersburg Correctional Center .....	82800		3,927,845
St. Mary's Correctional Center .....	88100		14,497,534
Denmar Correctional Center .....	88200		5,189,043
Ohio County Correctional Center .....	88300		2,147,492



2020]	HOUSE OF DELEGATES	1203
Mt. Olive Correctional Complex.....	88800	22,357,432
Lakin Correctional Center .....	89600	10,711,864
BRIM Premium.....	91300	<u>2,527,657</u>
Total .....		\$ 238,721,691

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 Roof Repairs and Mechanical System Upgrades (fund 0450, appropriation 75502) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

The Commissioner of Corrections and Rehabilitation shall have the authority to transfer between individual correctional unit appropriations as specified above and may transfer funds from the individual correctional unit appropriations as specified above to Current Expenses (fund 0450, appropriation 13000) or Inmate Medical Expenses (fund 0450, appropriation 53500).

From the above appropriation to Current Expenses (fund 0450, appropriation 13000) payment shall be made to house Division of Corrections and Rehabilitation 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 - Division of Corrections and Rehabilitation –*

*Bureau of Juvenile Services*

(WV Code Chapter 15A)

Fund 0570 FY 2021 Org 0608

Statewide Reporting Centers .....	26200	\$	7,358,529
Robert L. Shell Juvenile Center.....	26700		2,519,068
Resident Medical Expenses (R).....	53501		3,604,999
Central Office .....	70100		2,167,320
Capital Outlay and Maintenance (R) .....	75500		250,000
Gene Spadaro Juvenile Center .....	79300		2,692,984
BRIM Premium.....	91300		115,967

Kenneth Honey Rubenstein Juvenile Center (R).....	98000	5,808,523
Vicki Douglas Juvenile Center.....	98100	2,389,494
Northern Regional Juvenile Center .....	98200	2,876,302
Lorrie Yeager Jr. Juvenile Center.....	98300	2,422,880
Sam Perdue Juvenile Center .....	98400	2,614,497
Tiger Morton Center.....	98500	2,633,060
Donald R. Kuhn Juvenile Center .....	98600	5,060,657
J.M. "Chick" Buckbee Juvenile Center .....	98700	<u>2,527,617</u>
Total.....		\$ 45,041,897

Any unexpended balances remaining in the appropriations for Resident Medical Expenses (fund 0570, appropriation 53501), Capital Outlay and Maintenance (fund 0570, appropriation 75500), Roof Repairs and Mechanical System Upgrades (fund 0570, appropriation 75502), and Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

*70 - West Virginia State Police*

(WV Code Chapter 15)

Fund 0453 FY 2021 Org 0612

Personal Services and Employee Benefits.....	00100	\$ 62,255,235
Children's Protection Act.....	09000	1,009,529
Current Expenses .....	13000	10,384,394
Repairs and Alterations.....	06400	450,523
Trooper Class .....	52100	3,207,832
Barracks Lease Payments .....	55600	237,898
Communications and Other Equipment (R).....	55800	1,070,968
Trooper Retirement Fund.....	60500	11,487,590
Handgun Administration Expense .....	74700	77,892

2020]	HOUSE OF DELEGATES	1205
Capital Outlay and Maintenance (R) .....	75500	250,000
Retirement Systems – Unfunded Liability.....	77500	16,648,000
Automated Fingerprint Identification System .....	89800	2,211,693
BRIM Premium.....	91300	<u>5,743,921</u>
Total .....		\$ 115,035,475

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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.

*71 - Fire Commission*

(WV Code Chapter 29)

Fund 0436 FY 2021 Org 0619

Current Expenses .....	13000	\$ 64,021
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*72 - Division of Protective Services*

(WV Code Chapter 5F)

Fund 0585 FY 2021 Org 0622

Personal Services and Employee Benefits.....	00100	\$ 3,029,459
Unclassified (R).....	09900	21,991
Current Expenses .....	13000	422,981
Repairs and Alterations.....	06400	8,500
Equipment (R).....	07000	64,171
BRIM Premium.....	91300	<u>32,602</u>
Total .....		\$ 3,579,704

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*73 - Division of Administrative Services*

## (WV Code Chapter 15A)

Fund 0619 FY 2021 Org 0623

Personal Services and Employee Benefits.....	00100	\$	2,306,255
Current Expenses .....	13000		<u>305,000</u>
Total.....		\$	2,611,255

*74 - Division of Justice and Community Services*

## (WV Code Chapter 15)

Fund 0546 FY 2021 Org 0623

Personal Services and Employee Benefits.....	00100	\$	570,979
Current Expenses .....	13000		133,360
Repairs and Alterations.....	06400		1,804
Child Advocacy Centers (R).....	45800		2,206,954
Community Corrections (R).....	56100		6,927,323
Statistical Analysis Program.....	59700		49,819
Sexual Assault Forensic Examination Commission (R).....	71400		77,525
Qualitative Analysis and Training for Youth Services (R) .....	76200		332,446
Law Enforcement Professional Standards.....	83800		164,272
BRIM Premium.....	91300		<u>2,123</u>
Total.....		\$	10,466,605

Any unexpended balances remaining in the appropriations for Child Advocacy Centers (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100), Sexual Assault Forensic Examination Commission (fund 0546 appropriation 71400), Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200), and Law Enforcement Professional Standards – Surplus (fund 0546, appropriation 83899) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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.

**DEPARTMENT OF REVENUE***75 - Office of the Secretary*

(WV Code Chapter 11)

Fund 0465 FY 2021 Org 0701

Personal Services and Employee Benefits.....	00100	\$	516,906
Unclassified .....	09900		5,837
Current Expenses .....	13000		81,594
Repairs and Alterations.....	06400		1,262
Equipment.....	07000		8,000
Other Assets .....	69000		<u>500</u>
Total.....		\$	614,099

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09600) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*76 - Tax Division*

(WV Code Chapter 11)

Fund 0470 FY 2021 Org 0702

Personal Services and Employee Benefits (R).....	00100	\$	19,272,541
Unclassified (R).....	09900		224,578
Current Expenses (R) .....	13000		5,873,635
Repairs and Alterations.....	06400		10,150
Equipment.....	07000		54,850
Tax Technology Upgrade .....	09400		3,700,000
Integrated Tax Assessment System (R).....	29200		1,100,000
Multi State Tax Commission.....	65300		77,958
Other Assets .....	69000		10,000
BRIM Premium.....	91300		<u>15,579</u>
Total.....		\$	30,339,291

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 Integrated Tax Assessment System (fund 0470, appropriation 29200) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*77 - State Budget Office*

(WV Code Chapter 11B)

Fund 0595 FY 2021 Org 0703

Personal Services and Employee Benefits.....	00100	\$	794,942
Unclassified (R).....	09900		1,199
Current Expenses .....	13000		<u>127,450</u>
Total .....		\$	923,591

Any unexpended balance remaining in the appropriation for Unclassified (fund 0595, appropriation 09900) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*78 - West Virginia Office of Tax Appeals*

(WV Code Chapter 11)

Fund 0593 FY 2021 Org 0709

Personal Services and Employee Benefits.....	00100	\$	452,106
Current Expenses (R) .....	13000		97,622
Unclassified .....	09900		5,255
BRIM Premium.....	91300		<u>3,062</u>
Total .....		\$	558,045

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*79 - Division of Professional and Occupational Licenses –*

*State Athletic Commission*

(WV Code Chapter 29)

Fund 0523 FY 2021 Org 0933

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

**DEPARTMENT OF TRANSPORTATION**

*80 - State Rail Authority*

(WV Code Chapter 29)

Fund 0506 FY 2021 Org 0804

Personal Services and Employee Benefits.....	00100	\$ 361,627
Current Expenses .....	13000	1,287,707
Other Assets (R) .....	69000	1,270,019
BRIM Premium.....	91300	<u>201,541</u>
Total .....		\$ 3,120,894

From the above appropriation for Current Expenses (fund 0506, appropriation 13000), \$1,000,000 shall be transferred to the State Rail Authority – Commuter Rail Access Fund (fund 8402).

Any unexpended balance remaining in the appropriation Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*81 - Division of Public Transit*

(WV Code Chapter 17)

Fund 0510 FY 2021 Org 0805

Equipment (R).....	07000	\$ 25,000
Current Expenses (R) .....	13000	<u>2,237,989</u>
Total .....		\$ 2,262,989

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*82 - Aeronautics Commission*

(WV Code Chapter 29)

Fund 0582 FY 2021 Org 0807

Personal Services and Employee Benefits.....	00100	\$	178,740
Current Expenses (R) .....	13000		591,839
Repairs and Alterations.....	06400		100
BRIM Premium.....	91300		<u>4,438</u>
Total.....		\$	775,117

Any unexpended balances remaining in the appropriations for Unclassified (fund 0582, appropriation 09900) and Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

**DEPARTMENT OF VETERANS' ASSISTANCE**

*83 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 0456 FY 2021 Org 0613

Personal Services and Employee Benefits.....	00100	\$	1,987,212
Unclassified .....	09900		20,000
Current Expenses .....	13000		161,450
Repairs and Alterations.....	06400		5,000
Veterans' Field Offices.....	22800		405,550
Veterans' Nursing Home (R).....	28600		6,916,912
Veterans' Toll Free Assistance Line.....	32800		2,015
Veterans' Reeducation Assistance (R).....	32900		40,000
Veterans' Grant Program (R) .....	34200		560,000
Veterans' Grave Markers .....	47300		10,000
Veterans Outreach Programs.....	61700		200,740
Veterans Cemetery .....	80800		389,215
BRIM Premium.....	91300		<u>50,000</u>
Total.....		\$	10,748,094

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*84 - Department of Veterans' Assistance –*

*Veterans' Home*

(WV Code Chapter 9A)

Fund 0460 FY 2021 Org 0618

Personal Services and Employee Benefits.....	00100	\$	1,217,096
Current Expenses .....	13000		<u>46,759</u>
Total .....		\$	1,263,855

**BUREAU OF SENIOR SERVICES**

*85 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 0420 FY 2021 Org 0508

Current Expenses .....	13000	\$	500,000
Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens .....	53900		<u>29,950,955</u>
Total .....		\$	30,450,955

From the above appropriation for Current Expenses (fund 0420, appropriation 13000), \$500,000 shall be used for Local Senior Citizens Projects.

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**

*86 - West Virginia Council for*

*Community and Technical College Education –*

*Control Account*

(WV Code Chapter 18B)

Fund 0596 FY 2021 Org 0420

## West Virginia Council for Community

and Technical Education (R) .....	39200	\$	738,955
Transit Training Partnership .....	78300		34,293
Community College Workforce Development (R) .....	87800		2,786,925
College Transition Program.....	88700		278,222
West Virginia Advance Workforce Development (R) .....	89300		3,118,960
Technical Program Development (R) .....	89400		1,800,735
WV Invests Grant Program .....	89401		<u>7,034,748</u>
Total .....		\$	15,792,838

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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.

*87 - Mountwest Community and Technical College*

(WV Code Chapter 18B)

Fund 0599 FY 2021 Org 0444

Mountwest Community and Technical College.....	48700	\$	6,489,307
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*88 - New River Community and Technical College*

(WV Code Chapter 18B)

Fund 0600 FY 2021 Org 0445

New River Community and Technical College.....	35800	\$	5,864,886
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*89 - Pierpont Community and Technical College*

(WV Code Chapter 18B)

Fund 0597 FY 2021 Org 0446

Pierpont Community and Technical College.....	93000	\$	7,820,129
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*90 - Blue Ridge Community and Technical College*

(WV Code Chapter 18B)

Fund 0601 FY 2021 Org 0447

Blue Ridge Community and Technical College.....	88500	\$	7,830,842
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*91 - West Virginia University at Parkersburg*

(WV Code Chapter 18B)

Fund 0351 FY 2021 Org 0464

West Virginia University – Parkersburg .....	47100	\$	10,319,284
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*92 - Southern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0380 FY 2021 Org 0487

Southern West Virginia Community and Technical College.....	44600	\$	8,241,823
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*93 - West Virginia Northern Community and Technical College*

(WV Code Chapter 18B)

Fund 0383 FY 2021 Org 0489

West Virginia Northern Community and Technical College .....	44700	\$	7,285,825
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*94 - Eastern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0587 FY 2021 Org 0492

Eastern West Virginia Community and Technical College.....	41200	\$	2,179,912
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## 95 - BridgeValley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2021 Org 0493

BridgeValley Community and Technical College .....	71700	\$	8,098,811
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**HIGHER EDUCATION POLICY COMMISSION**

96 - Higher Education Policy Commission –

*Administration –**Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2021 Org 0441

Personal Services and Employee Benefits .....	00100	\$	2,710,154
Current Expenses .....	13000		1,113,606
Higher Education Grant Program .....	16400		40,619,864
Tuition Contract Program (R) .....	16500		1,225,120
Underwood-Smith Scholarship Program-Student Awards .....	16700		628,349
Facilities Planning and Administration .....	38600		1,760,254
Higher Education System Initiatives .....	48801		1,630,000
PROMISE Scholarship – Transfer .....	80000		18,500,000
HEAPS Grant Program (R) .....	86700		5,014,728
Health Professionals' Student Loan Program .....	86701		364,000
BRIM Premium .....	91300		<u>17,817</u>
Total .....		\$	73,583,892

Any unexpended balances remaining in the appropriations for Tuition Contract Program (fund 0589, appropriation 16500), Capital Improvements – Surplus (fund 0589, appropriation 66100), and HEAPS Grant Program (fund 0589, appropriation 86700) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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.

*97 - Higher Education Policy Commission –*

*Administration -*

*West Virginia Network for Educational Telecomputing (WVNET)*

(WV Code Chapter 18B9)

Fund 0551 FY 2021 Org 0495

WVNET.....	16900	\$	1,747,826
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*98 - West Virginia University –*

*School of Medicine*

*Medical School Fund*

(WV Code Chapter 18B)

Fund 0343 FY 2021 Org 0463

WVU School of Health Science – Eastern Division .....	05600	\$	2,235,352
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WVU – School of Health Sciences .....	17400		15,056,370
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WVU – School of Health Sciences – Charleston Division .....	17500		2,286,711
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Rural Health Outreach Programs .....	37700		164,517
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West Virginia University School of Medicine

BRIM Subsidy .....	46000		<u>1,203,087</u>
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Total .....		\$	20,946,037
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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.

*99 - West Virginia University –*

*General Administrative Fund*

(WV Code Chapter 18B)

Fund 0344 FY 2021 Org 0463

West Virginia University .....	45900	\$	97,017,960
Jackson's Mill.....	46100		491,458
West Virginia University Institute of Technology.....	47900		8,020,938
State Priorities – Brownfield Professional Development.....	53100		316,556
Energy Express.....	86100		382,935
West Virginia University – Potomac State .....	99400		<u>4,512,711</u>
Total.....		\$	110,742,558

From the above appropriation for Jackson's Mill (fund 0344, appropriation 46100) \$250,000 shall be used for the West Virginia State Fire Training Academy.

*100 - Marshall University –*

*School of Medicine*

(WV Code Chapter 18B)

Fund 0347 FY 2021 Org 0471

Marshall Medical School .....	17300	\$	12,235,068
Rural Health Outreach Programs (R).....	37700		156,022
Forensic Lab .....	37701		227,415
Center for Rural Health .....	37702		157,096
Marshall University Medical School BRIM Subsidy .....	44900		<u>872,612</u>
Total.....		\$	13,648,213

Any unexpended balance remaining in the appropriation for Rural Health Outreach Program (fund 0347, appropriation 37700) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

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.

*101 - Marshall University –*

*General Administration Fund*

(WV Code Chapter 18B)

Fund 0348 FY 2021 Org 0471

Marshall University.....	44800	\$	46,761,199
Luke Lee Listening Language and Learning Lab.....	44801		99,015
Vista E-Learning (R).....	51900		229,019
State Priorities – Brownfield Professional Development (R) ....	53100		309,606
Marshall University Graduate College Writing Project (R) .....	80700		25,412
WV Autism Training Center (R).....	93200		<u>1,808,381</u>
Total .....		\$	49,232,632

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*102 - West Virginia School of Osteopathic Medicine*

(WV Code Chapter 18B)

Fund 0336 FY 2021 Org 0476

West Virginia School of Osteopathic Medicine .....	17200	\$	8,879,296
Rural Health Outreach Programs (R) .....	37700		166,111

West Virginia School of Osteopathic Medicine

BRIM Subsidy .....	40300	153,405
Rural Health Initiative – Medical Schools Support.....	58100	<u>397,592</u>
Total .....		\$ 9,596,404

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) at the close of fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

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.

*103 - Bluefield State College*

(WV Code Chapter 18B)

Fund 0354 FY 2021 Org 0482

Bluefield State College.....	40800	\$ 6,383,221
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*104 - Concord University*

(WV Code Chapter 18B)

Fund 0357 FY 2021 Org 0483

Concord University.....	41000	\$ 10,476,415
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*105 - Fairmont State University*

(WV Code Chapter 18B)

Fund 0360 FY 2021 Org 0484

Fairmont State University.....	41400	\$ 18,600,341
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*106 - Glenville State College*

(WV Code Chapter 18B)

Fund 0363 FY 2021 Org 0485

Glenville State College.....	42800	\$ 6,446,942
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*107 - Shepherd University*



(WV Code Chapter 18B)

Fund 0366 FY 2021 Org 0486

Shepherd University.....	43200	\$	12,683,829
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*108 - West Liberty University*

(WV Code Chapter 18B)

Fund 0370 FY 2021 Org 0488

West Liberty University .....	43900	\$	9,102,662
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*109 - West Virginia State University*

(WV Code Chapter 18B)

Fund 0373 FY 2021 Org 0490

West Virginia State University .....	44100	\$	11,342,512
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West Virginia State University Land Grant Match.....	95600		<u>2,950,192</u>
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Total .....		\$	14,292,704
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From the above appropriation for West Virginia State University (fund 0373, appropriation 44100), \$300,000 shall be for the Healthy Grandfamilies program.

Total TITLE II, Section 1 – General Revenue

(Including claims against the state).....		\$	<u>4,578,900,000</u>
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**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 2021.

**DEPARTMENT OF TRANSPORTATION**

*110 - Division of Motor Vehicles*

(WV Code Chapters 17, 17A, 17B, 17C, 17D, 20, and 24A)

Fund 9007 FY 2021 Org 0802

		<b>State</b>	
<b>Appro-</b>		<b>Road</b>	
<b>priation</b>		<b>Fund</b>	

Personal Services and Employee Benefits.....	00100	\$ 25,977,939
Current Expenses .....	13000	16,175,840
Repairs and Alterations.....	06400	144,000
Equipment.....	07000	1,080,000
Buildings .....	25800	10,000
Other Assets .....	69000	2,600,000
BRIM Premium.....	91300	<u>89,940</u>
Total.....		\$ 46,077,719

*111 - Division of Highways*

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2021 Org 0803

Debt Service .....	04000	\$ 150,000,000
Maintenance .....	23700	489,932,854
Inventory Revolving .....	27500	4,000,000
Equipment Revolving .....	27600	18,000,000
General Operations.....	27700	80,000,000
Interstate Construction.....	27800	90,000,000
Other Federal Aid Programs .....	27900	370,000,000
Appalachian Programs.....	28000	100,000,000
Highway Litter Control.....	28200	1,650,000
Courtesy Patrol .....	28201	<u>5,000,000</u>
Total.....		\$ 1,308,582,854

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.

*112 - Office of Administrative Hearings*

(WV Code Chapter 17C)

Fund 9027 FY 2021 Org 0808

Personal Services and Employee Benefits.....	00100	\$	1,698,752
Current Expenses .....	13000		338,278
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		15,500
BRIM Premium.....	91300		<u>10,000</u>
Total .....		\$	2,065,530

Total TITLE II, Section 2 – State Road Fund

(Including claims against the state)..... \$ 1,357,570,267

**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 2021.

**LEGISLATIVE**

*113 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 1731 FY 2021 Org 2300

		<b>Appro-</b>	<b>Other</b>
		<b>priation</b>	<b>Funds</b>
Personal Services and Employee Benefits.....	00100	\$	498,020

Current Expenses .....	13000	133,903
Repairs and Alterations.....	06400	1,000
Economic Loss Claim Payment Fund.....	33400	2,000,000
Other Assets .....	69000	<u>3,700</u>
Total .....		\$ 2,636,623

**JUDICIAL**

*114 - Supreme Court –*

*Family Court Fund*

(WV Code Chapter 51)

Fund 1763 FY 2021 Org 2400

Current Expenses .....	13000	\$ 1,150,000
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From the above appropriation for Current Expenses (fund 1763, appropriation 13000), \$100,000 shall be used for the West Virginia CASA Association.

*115 - Supreme Court –*

*Court Advanced Technology Subscription Fund*

(WV Code Chapter 51)

Fund 1704 FY 2021 Org 2400

Current Expenses .....	13000	\$ 100,000
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*116 - Supreme Court –*

*Adult Drug Court Participation Fund*

(WV Code Chapter 62)

Fund 1705 FY 2021 Org 2400

Current Expenses .....	13000	\$ 200,000
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**EXECUTIVE**

*117 - Governor's Office –*

*Minority Affairs Fund*

(WV Code Chapter 5)

Fund 1058 FY 2021 Org 0100

Personal Services and Employee Benefits.....	00100	\$	177,737
Current Expenses .....	13000		503,200
Martin Luther King, Jr. Holiday Celebration .....	03100		<u>8,926</u>
Total .....		\$	689,863

*118 - Auditor's Office –*

*Land Operating Fund*

(WV Code Chapters 11A, 12, and 36)

Fund 1206 FY 2021 Org 1200

Personal Services and Employee Benefits.....	00100	\$	799,211
Unclassified .....	09900		15,139
Current Expenses .....	13000		715,291
Repairs and Alterations.....	06400		2,600
Equipment.....	07000		426,741
Cost of Delinquent Land Sales.....	76800		<u>1,841,168</u>
Total .....		\$	3,800,150

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.

*119 - Auditor's Office –*

*Local Government Purchasing Card Expenditure Fund*

(WV Code Chapter 6)

Fund 1224 FY 2021 Org 1200

Personal Services and Employee Benefits.....	00100	\$	627,779
Current Expenses .....	13000		282,030

Repairs and Alterations.....	06400	6,000
Equipment.....	07000	10,805
Other Assets.....	69000	50,000
Statutory Revenue Distribution.....	74100	<u>3,500,000</u>
Total.....		\$ 4,476,614

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.

*120 - Auditor's Office –*

*Securities Regulation Fund*

(WV Code Chapter 32)

Fund 1225 FY 2021 Org 1200

Personal Services and Employee Benefits.....	00100	\$ 2,487,017
Unclassified.....	09900	31,866
Current Expenses.....	13000	1,463,830
Repairs and Alterations.....	06400	12,400
Equipment.....	07000	394,700
Other Assets.....	69000	<u>900,000</u>
Total.....		\$ 5,289,813

*121 - Auditor's Office – Technology Support and Acquisition Fund*

(WV Code Chapter 12)

Fund 1233 FY 2021 Org 1200

Current Expenses.....	13000	\$ 10,000
Other Assets.....	69000	<u>5,000</u>
Total.....		\$ 15,000

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.

*122 - Auditor's Office –**Purchasing Card Administration Fund*

(WV Code Chapter 12)

Fund 1234 FY 2021 Org 1200

Personal Services and Employee Benefits.....	00100	\$	2,824,837
Current Expenses .....	13000		2,303,622
Repairs and Alterations.....	06400		5,500
Equipment.....	07000		650,000
Other Assets .....	69000		308,886
Statutory Revenue Distribution.....	74100		<u>8,000,000</u>
Total .....		\$	14,092,845

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.

*123 - Auditor's Office –**Chief Inspector's Fund*

(WV Code Chapter 6)

Fund 1235 FY 2021 Org 1200

Personal Services and Employee Benefits.....	00100	\$	3,583,096
Current Expenses .....	13000		765,915
Equipment.....	07000		<u>50,000</u>
Total .....		\$	4,399,011

*124 - Auditor's Office –**Volunteer Fire Department Workers'**Compensation Premium Subsidy Fund*

(WV Code Chapters 12 and 33)

Fund 1239 FY 2021 Org 1200

## Volunteer Fire Department

Workers' Compensation Subsidy.....	83200	\$	2,500,000
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*125 - Treasurer's Office**College Prepaid Tuition and Savings Program**Administrative Account*

(WV Code Chapter 18)

Fund 1301 FY 2021 Org 1300

Personal Services and Employee Benefits.....	00100	\$	810,372
Unclassified .....	09900		14,000
Current Expenses .....	13000		<u>619,559</u>
Total .....		\$	1,443,931

*126 - Department of Agriculture –**Agriculture Fees Fund*

(WV Code Chapter 19)

Fund 1401 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	2,425,446
Unclassified .....	09900		37,425
Current Expenses .....	13000		1,856,184
Repairs and Alterations.....	06400		158,500
Equipment.....	07000		436,209
Other Assets .....	69000		<u>10,000</u>
Total .....		\$	4,923,764

*127 - Department of Agriculture –**West Virginia Rural Rehabilitation Program*

(WV Code Chapter 19)

Fund 1408 FY 2021 Org 1400



2020]	HOUSE OF DELEGATES		1227
Personal Services and Employee Benefits.....	00100	\$	78,251
Unclassified .....	09900		10,476
Current Expenses .....	13000		<u>963,404</u>
Total .....		\$	1,052,131

*128 - Department of Agriculture –  
General John McCausland Memorial Farm Fund  
(WV Code Chapter 19)*

Fund 1409 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	71,937
Unclassified .....	09900		2,100
Current Expenses .....	13000		89,500
Repairs and Alterations.....	06400		36,400
Equipment.....	07000		<u>15,000</u>
Total .....		\$	214,937

The above appropriations shall be expended in accordance with Article 26, Chapter 19 of the Code.

*129 - Department of Agriculture –  
Farm Operating Fund  
(WV Code Chapter 19)*

Fund 1412 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	868,492
Unclassified .....	09900		15,173
Current Expenses .....	13000		1,367,464
Repairs and Alterations.....	06400		388,722
Equipment.....	07000		399,393
Other Assets .....	69000		<u>20,000</u>
Total .....		\$	3,059,244

*130 - Department of Agriculture –**Capital Improvements Fund*

(WV Code Chapter 19)

Fund 1413 FY 2021 Org 1400

Unclassified .....	09900	10,000
Current Expenses .....	13000	10,000
Repairs and Alterations.....	06400	250,000
Equipment.....	07000	350,000
Building Improvements.....	25800	370,000
Other Assets .....	69000	<u>10,000</u>
Total .....		\$ 1,000,000

*131 - Department of Agriculture –**Donated Food Fund*

(WV Code Chapter 19)

Fund 1446 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 1,030,451
Unclassified .....	09900	45,807
Current Expenses .....	13000	3,410,542
Repairs and Alterations.....	06400	128,500
Equipment.....	07000	10,000
Other Assets .....	69000	27,000
Land .....	73000	<u>250,000</u>
Total .....		\$ 4,902,300

*132 - Department of Agriculture –**Integrated Predation Management Fund*

(WV Code Chapter 7)

Fund 1465 FY 2021 Org 1400

Current Expenses .....	13000	\$	112,500
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*133 - Department of Agriculture –  
West Virginia Spay Neuter Assistance Fund  
(WV Code Chapter 19)*

Fund 1481 FY 2021 Org 1400

Current Expenses .....	13000	\$	500,000
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*134 - Department of Agriculture –  
Veterans and Warriors to Agriculture Fund  
(WV Code Chapter 19)*

Fund 1483 FY 2021 Org 1400

Current Expenses .....	13000	\$	7,500
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*135 - Department of Agriculture –  
State FFA-FHA Camp and Conference Center  
(WV Code Chapters 18 and 18A)*

Fund 1484 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	1,218,564
Unclassified .....	09900		17,000
Current Expenses .....	13000		1,143,306
Repairs and Alterations.....	06400		82,500
Equipment.....	07000		76,000
Buildings .....	25800		1,000
Other Assets .....	69000		10,000
Land .....	73000		<u>1,000</u>
Total .....		\$	2,549,370

*136 - Attorney General –*

*Antitrust Enforcement Fund*

(WV Code Chapter 47)

Fund 1507 FY 2021 Org 1500

Personal Services and Employee Benefits.....	00100	\$	363,466
Current Expenses .....	13000		148,803
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		<u>1,000</u>
Total.....		\$	514,269

*137 - Attorney General –**Preneed Burial Contract Regulation Fund*

(WV Code Chapter 47)

Fund 1513 FY 2021 Org 1500

Personal Services and Employee Benefits.....	00100	\$	222,569
Current Expenses .....	13000		54,615
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		<u>1,000</u>
Total.....		\$	279,184

*138 - Attorney General –**Preneed Funeral Guarantee Fund*

(WV Code Chapter 47)

Fund 1514 FY 2021 Org 1500

Current Expenses .....	13000	\$	901,135
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*139 - Secretary of State –**Service Fees and Collection Account*

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2021 Org 1600

2020]	HOUSE OF DELEGATES		1231
Personal Services and Employee Benefits.....	00100	\$	1,065,106
Unclassified .....	09900		4,524
Current Expenses .....	13000		<u>8,036</u>
Total .....		\$	1,077,666

*140 - Secretary of State –*

*General Administrative Fees Account*

*(WV Code Chapters 3, 5, and 59)*

*Fund 1617 FY 2021 Org 1600*

Personal Services and Employee Benefits.....	00100	\$	2,947,630
Unclassified .....	09900		25,529
Current Expenses .....	13000		976,716
Technology Improvements.....	59900		<u>570,000</u>
Total .....		\$	4,519,875

**DEPARTMENT OF ADMINISTRATION**

*141 - Department of Administration –*

*Office of the Secretary –*

*Tobacco Settlement Fund*

*(WV Code Chapter 4)*

*Fund 2041 FY 2021 Org 0201*

Tobacco Settlement Securitization Trustee Pass Thru.....	65000	\$	80,000,000
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*142 - Department of Administration –*

*Office of the Secretary –*

*Employee Pension and Health Care Benefit Fund*

*(WV Code Chapter 18)*

*Fund 2044 FY 2021 Org 0201*

Current Expenses .....	13000	\$	42,143,000
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The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – Teachers' Accumulation Fund (fund 2600).

*143 - Department of Administration –*

*Division of Finance –*

*Shared Services Section Fund*

(WV Code Chapter 5A)

Fund 2020 FY 2021 Org 0209

Personal Services and Employee Benefits.....	00100	\$	1,500,000
Current Expenses .....	13000		<u>500,000</u>
Total .....		\$	2,000,000

*144 - Division of Information Services and Communications*

(WV Code Chapter 5A)

Fund 2220 FY 2021 Org 0210

Personal Services and Employee Benefits.....	00100	\$	22,464,463
Unclassified .....	09900		382,354
Current Expenses .....	13000		13,378,766
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		2,050,000
Other Assets .....	69000		<u>1,045,000</u>
Total .....		\$	39,321,583

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.

*145 - Division of Purchasing –*

*Vendor Fee Fund*

2020]

HOUSE OF DELEGATES

1233

(WV Code Chapter 5A)

Fund 2263 FY 2021 Org 0213

Personal Services and Employee Benefits.....	00100	\$	741,589
Unclassified .....	09900		2,382
Current Expenses .....	13000		208,115
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		2,500
Other Assets .....	69000		2,500
BRIM Premium.....	91300		<u>810</u>
Total .....		\$	962,896

*146 - Division of Purchasing –*

*Purchasing Improvement Fund*

(WV Code Chapter 5A)

Fund 2264 FY 2021 Org 0213

Personal Services and Employee Benefits.....	00100	\$	778,176
Unclassified .....	09900		5,562
Current Expenses .....	13000		393,066
Repairs and Alterations.....	06400		500
Equipment.....	07000		500
Other Assets .....	69000		500
BRIM Premium.....	91300		<u>850</u>
Total .....		\$	1,179,154

*147 - Travel Management –*

*Aviation Fund*

(WV Code Chapter 5A)

Fund 2302 FY 2021 Org 0215

Unclassified .....	09900	\$	1,000
Current Expenses .....	13000		149,700
Repairs and Alterations.....	06400		1,175,237
Equipment.....	07000		1,000
Buildings .....	25800		100
Other Assets .....	69000		100
Land .....	73000		<u>100</u>
Total.....		\$	1,327,237

*148 - Fleet Management Division Fund*

(WV Code Chapter 5A)

Fund 2301 FY 2021 Org 0216

Personal Services and Employee Benefits.....	00100	\$	757,145
Unclassified .....	09900		4,000
Current Expenses .....	13000		8,130,614
Repairs and Alterations.....	06400		12,000
Equipment.....	07000		800,000
Other Assets .....	69000		<u>2,000</u>
Total.....		\$	9,705,759

*149 - Division of Personnel*

(WV Code Chapter 29)

Fund 2440 FY 2021 Org 0222

Personal Services and Employee Benefits.....	00100	\$	4,760,683
Unclassified .....	09900		51,418
Current Expenses .....	13000		1,262,813
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		20,000



Other Assets .....	69000	<u>60,000</u>
Total .....		\$ 6,159,914

The total amount of these appropriations shall be paid from a special revenue fund out of fees collected by the Division of Personnel.

*150 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 2521 FY 2021 Org 0228

Personal Services and Employee Benefits.....	00100	\$ 251,663
Unclassified .....	09900	4,023
Current Expenses .....	13000	297,528
Repairs and Alterations.....	06400	600
Equipment.....	07000	500
Other Assets .....	69000	<u>500</u>
Total .....		\$ 554,814

*151 - Office of Technology –*

*Chief Technology Officer Administration Fund*

(WV Code Chapter 5A)

Fund 2531 FY 2021 Org 0231

Personal Services and Employee Benefits.....	00100	\$ 414,722
Unclassified .....	09900	6,949
Current Expenses .....	13000	227,116
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	50,000
Other Assets .....	69000	<u>10,000</u>
Total .....		\$ 709,787

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***152 - Division of Forestry*

(WV Code Chapter 19)

Fund 3081 FY 2021 Org 0305

Personal Services and Employee Benefits.....	00100	\$	1,574,177
Current Expenses .....	13000		282,202
Repairs and Alterations.....	06400		53,000
Equipment.....	07000		<u>300,000</u>
Total.....		\$	2,209,379

*153 - Division of Forestry –**Timbering Operations Enforcement Fund*

(WV Code Chapter 19)

Fund 3082 FY 2021 Org 0305

Personal Services and Employee Benefits.....	00100	\$	239,244
Current Expenses .....	13000		87,036
Repairs and Alterations.....	06400		<u>11,250</u>
Total.....		\$	337,530

*154 - Division of Forestry –**Severance Tax Operations*

(WV Code Chapter 11)

Fund 3084 FY 2021 Org 0305

Personal Services and Employee Benefits.....	00100	\$	859,626
Current Expenses .....	13000		<u>435,339</u>
Total.....		\$	1,294,965

*155 - Geological and Economic Survey –**Geological and Analytical Services Fund*

2020]

HOUSE OF DELEGATES

1237

(WV Code Chapter 29)

Fund 3100 FY 2021 Org 0306

Personal Services and Employee Benefits.....	00100	\$	37,966
Unclassified .....	09900		2,182
Current Expenses .....	13000		141,631
Repairs and Alterations.....	06400		50,000
Equipment.....	07000		20,000
Other Assets .....	69000		<u>10,000</u>
Total.....		\$	261,779

The above appropriations shall be used in accordance with W.Va. Code §29-2-4.

*156 - West Virginia Development Office –*

*Department of Commerce –*

*Marketing and Communications Operating Fund*

(WV Code Chapter 5B)

Fund 3002 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$	1,592,400
Equipment.....	07000		36,000
Unclassified .....	09900		30,000
Current Expenses .....	13000		<u>1,446,760</u>
Total.....		\$	3,105,160

*157 - West Virginia Development Office –*

*Office of Coalfield Community Development*

(WV Code Chapter 5B)

Fund 3162 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$	435,661
Unclassified .....	09900		8,300

Current Expenses .....	13000	<u>399,191</u>
Total .....		\$ 843,152

*158 - West Virginia Development Office*

*Entrepreneurship and Innovation Investment Fund*

(WV Code Chapter 5B)

Fund 3014 FY 2021 Org 0307

Entrepreneurship and Innovation Investment Fund .....	70301	\$ 500,000
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*159 - Division of Labor –*

*HVAC Fund*

(WV Code Chapter 21)

Fund 3186 FY 2021 Org 0308

Personal Services and Employee Benefits .....	00100	\$ 300,000
Unclassified .....	09900	4,000
Current Expenses .....	13000	85,000
Repairs and Alterations .....	06400	1,500
Buildings .....	25800	1,000
BRIM Premium .....	91300	<u>8,500</u>
Total .....		\$ 400,000

*160 - Division of Labor –*

*Contractor Licensing Board Fund*

(WV Code Chapter 21)

Fund 3187 FY 2021 Org 0308

Personal Services and Employee Benefits .....	00100	\$ 2,532,000
Unclassified .....	09900	21,000
Current Expenses .....	13000	500,000
Repairs and Alterations .....	06400	5,000

2020]	HOUSE OF DELEGATES		1239
Buildings .....	25800		5,000
BRIM Premium.....	91300		<u>8,500</u>
Total .....		\$	3,071,500

*161 - Division of Labor –*

*Elevator Safety Fund*

(WV Code Chapter 21)

Fund 3188 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$	397,862
Unclassified .....	09900		2,261
Current Expenses .....	13000		44,112
Repairs and Alterations.....	06400		2,000
Buildings .....	25800		1,000
BRIM Premium.....	91300		<u>8,500</u>
Total .....		\$	455,735

*162 - Division of Labor –*

*Steam Boiler Fund*

(WV Code Chapter 21)

Fund 3189 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$	82,716
Unclassified .....	09900		1,000
Current Expenses .....	13000		15,000
Repairs and Alterations.....	06400		2,000
Buildings .....	25800		1,000
BRIM Premium.....	91300		<u>1,000</u>
Total .....		\$	102,716

*163 - Division of Labor –*

*Crane Operator Certification Fund*

(WV Code Chapter 21)

Fund 3191 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$	191,899
Unclassified .....	09900		1,380
Current Expenses .....	13000		49,765
Repairs and Alterations.....	06400		1,500
Buildings .....	25800		1,000
BRIM Premium.....	91300		<u>8,500</u>
Total .....		\$	254,044

*164 - Division of Labor –**Amusement Rides and Amusement Attraction Safety Fund*

(WV Code Chapter 21)

Fund 3192 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$	187,462
Unclassified .....	09900		1,281
Current Expenses .....	13000		44,520
Repairs and Alterations.....	06400		2,000
Buildings .....	25800		1,000
BRIM Premium.....	91300		<u>8,500</u>
Total .....		\$	244,763

*165 - Division of Labor –**State Manufactured Housing Administration Fund*

(WV Code Chapter 21)

Fund 3195 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$	289,199
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2020]	HOUSE OF DELEGATES		1241
Unclassified .....	09900		1,847
Current Expenses .....	13000		43,700
Repairs and Alterations.....	06400		1,000
Buildings .....	25800		1,000
BRIM Premium.....	91300		<u>3,404</u>
Total .....		\$	340,150

*166 - Division of Labor –*

*Weights and Measures Fund*

(WV Code Chapter 47)

Fund 3196 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$	1,500,000
Current Expenses .....	13000		227,000
Repairs and Alterations.....	06400		28,000
Equipment.....	07000		15,000
BRIM Premium.....	91300		<u>8,500</u>
Total .....		\$	1,778,500

*167 - Division of Labor –*

*Bedding and Upholstery Fund*

(WV Code Chapter 21)

Fund 3198 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$	150,000
Unclassified .....	09900		2,000
Current Expenses .....	13000		43,000
Repairs and Alterations.....	06400		2,000
Buildings .....	25800		1,000
BRIM Premium.....	91300		<u>2,000</u>

Total .....		\$	200,000
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*168 - Division of Labor –*

*Psychophysiological Examiners Fund*

(WV Code Chapter 21)

Fund 3199 FY 2021 Org 0308

Current Expenses .....	13000	\$	4,000
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*169 - Division of Natural Resources –*

*License Fund – Wildlife Resources*

(WV Code Chapter 20)

Fund 3200 FY 2021 Org 0310

Wildlife Resources .....	02300	\$	5,200,996
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Administration .....	15500		1,300,249
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Capital Improvements and Land Purchase (R).....	24800		1,300,248
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Law Enforcement.....	80600		<u>5,200,996</u>
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Total .....		\$	13,002,489
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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 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*170 - Division of Natural Resources –*

*Natural Resources Game Fish and Aquatic Life Fund*

(WV Code Chapter 22)

Fund 3202 FY 2021 Org 0310

Current Expenses .....	13000	\$	125,000
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*171 - Division of Natural Resources –*

*Nongame Fund*

(WV Code Chapter 20)



Fund 3203 FY 2021 Org 0310

Personal Services and Employee Benefits.....	00100	\$	688,103
Current Expenses .....	13000		201,810
Equipment.....	07000		<u>106,615</u>
Total .....		\$	996,528

*172 - Division of Natural Resources –*

*Planning and Development Division*

(WV Code Chapter 20)

Fund 3205 FY 2021 Org 0310

Personal Services and Employee Benefits.....	00100	\$	457,738
Current Expenses .....	13000		257,864
Repairs and Alterations.....	06400		15,016
Equipment.....	07000		8,300
Buildings .....	25800		8,300
Other Assets .....	69000		1,900,000
Land .....	73000		<u>31,700</u>
Total .....		\$	2,678,918

*173 - Division of Natural Resources –*

*Whitewater Study and Improvement Fund*

(WV Code Chapter 20)

Fund 3253 FY 2021 Org 0310

Personal Services and Employee Benefits.....	00100	\$	67,641
Current Expenses .....	13000		64,778
Equipment.....	07000		1,297
Buildings .....	25800		<u>6,969</u>
Total .....		\$	140,685

*174 - Division of Natural Resources –  
Whitewater Advertising and Promotion Fund*

(WV Code Chapter 20)

Fund 3256 FY 2021 Org 0310

Unclassified .....	09900	\$	200
Current Expenses .....	13000		19,800
Total .....		\$	20,000

*175 - Division of Miners' Health, Safety and Training –*

*Special Health, Safety and Training Fund*

(WV Code Chapter 22A)

Fund 3355 FY 2021 Org 0314

Personal Services and Employee Benefits.....	00100	\$	501,228
WV Mining Extension Service .....	02600		150,000
Unclassified .....	09900		40,985
Current Expenses .....	13000		1,954,557
Buildings .....	25800		481,358
Land .....	73000		1,000,000
Total .....		\$	4,128,128

*176 - Department of Commerce –*

*Office of the Secretary –*

*Broadband Enhancement Fund*

Fund 3013 FY 2021 Org 0327

Current Expenses .....	13000	\$	1,780,000
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*177 - Office of Energy –*

*Energy Assistance*

(WV Code Chapter 5B)

2020] HOUSE OF DELEGATES 1245

Fund 3010 FY 2021 Org 0328

Energy Assistance – Total ..... 64700 \$ 7,211

*178 - State Board of Rehabilitation –*

*Division of Rehabilitation Services –*

*West Virginia Rehabilitation Center Special Account*

*(WV Code Chapter 18)*

Fund 8664 FY 2021 Org 0932

Personal Services and Employee Benefits..... 00100 \$ 119,738

Current Expenses ..... 13000 1,180,122

Repairs and Alterations..... 06400 85,500

Equipment..... 07000 220,000

Buildings ..... 25800 150,000

Other Assets ..... 69000 150,000

Total ..... \$ 1,905,360

**DEPARTMENT OF EDUCATION**

*179 - State Board of Education –*

*Strategic Staff Development*

*(WV Code Chapter 18)*

Fund 3937 FY 2021 Org 0402

Personal Services and Employee Benefits..... 00100 \$ 134,000

Unclassified ..... 09900 1,000

Current Expenses ..... 13000 765,000

Total ..... \$ 900,000

*180 - State Board of Education –*

*School Construction Fund*

*(WV Code Chapters 18 and 18A)*

Fund 3951 FY 2021 Org 0402

SBA Construction Grants .....	24000	\$	35,845,818
Directed Transfer .....	70000		<u>1,371,182</u>
Total .....		\$	37,217,000

The above appropriation for Directed Transfer (fund 3951, appropriation 70000) shall be transferred to the School Building Authority Fund (fund 3959) for the administrative expenses of the School Building Authority.

*181 - School Building Authority*

(WV Code Chapter 18)

Fund 3959 FY 2021 Org 0404

Personal Services and Employee Benefits.....	00100	\$	1,134,522
Current Expenses .....	13000		244,100
Repairs and Alterations.....	06400		13,150
Equipment.....	07000		<u>26,000</u>
Total .....		\$	1,417,772

**DEPARTMENT OF ARTS, CULTURE, AND HISTORY***182 - Division of Culture and History –**Public Records and Preservation Revenue Account*

(WV Code Chapter 5A)

Fund 3542 FY 2021 Org 0432

Personal Services and Employee Benefits.....	00100	\$	226,624
Current Expenses .....	13000		862,241
Equipment.....	07000		75,000
Buildings .....	25800		1,000
Other Assets .....	69000		52,328
Land .....	73000		<u>1,000</u>
Total .....		\$	1,218,193

**DEPARTMENT OF ENVIRONMENTAL PROTECTION***183 - Solid Waste Management Board*

(WV Code Chapter 22C)

Fund 3288 FY 2021 Org 0312

Personal Services and Employee Benefits.....	00100	\$	842,305
Current Expenses .....	13000		2,060,457
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		5,000
Other Assets .....	69000		<u>4,403</u>
Total .....		\$	2,913,165

*184 - Division of Environmental Protection –**Hazardous Waste Management Fund*

(WV Code Chapter 22)

Fund 3023 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	779,766
Current Expenses .....	13000		155,969
Repairs and Alterations.....	06400		500
Equipment.....	07000		1,505
Unclassified .....	09900		8,072
Other Assets .....	69000		<u>2,000</u>
Total .....		\$	947,812

*185 - Division of Environmental Protection –**Air Pollution Education and Environment Fund*

(WV Code Chapter 22)

Fund 3024 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	950,135
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Current Expenses .....	13000	1,026,863
Repairs and Alterations.....	06400	13,000
Equipment.....	07000	53,105
Unclassified .....	09900	14,647
Other Assets .....	69000	<u>20,000</u>
Total .....		\$ 2,077,750

*186 - Division of Environmental Protection –*

*Special Reclamation Fund*

(WV Code Chapter 22)

Fund 3321 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 1,627,573
Current Expenses .....	13000	16,185,006
Repairs and Alterations.....	06400	79,950
Equipment.....	07000	130,192
Other Assets .....	69000	<u>32,000</u>
Total .....		\$ 18,054,721

*187 - Division of Environmental Protection –*

*Oil and Gas Reclamation Fund*

(WV Code Chapter 22)

Fund 3322 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 143,906
Current Expenses .....	13000	<u>356,094</u>
Total .....		\$ 500,000

*188 - Division of Environmental Protection –*

*Oil and Gas Operating Permit and Processing Fund*

(WV Code Chapter 22)

Fund 3323 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,486,896
Current Expenses .....	13000		1,249,758
Repairs and Alterations.....	06400		40,600
Equipment.....	07000		8,000
Unclassified .....	09900		44,700
Other Assets .....	69000		<u>15,000</u>
Total.....		\$	4,844,954

*189 - Division of Environmental Protection –**Mining and Reclamation Operations Fund*

(WV Code Chapter 22)

Fund 3324 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,566,280
Current Expenses .....	13000		2,202,231
Repairs and Alterations.....	06400		60,260
Equipment.....	07000		83,000
Unclassified .....	09900		920
Other Assets .....	69000		<u>57,500</u>
Total.....		\$	5,970,191

*190 - Division of Environmental Protection –**Underground Storage Tank**Administrative Fund*

(WV Code Chapter 22)

Fund 3325 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	476,417
Current Expenses .....	13000		318,420

Repairs and Alterations.....	06400	5,350
Equipment.....	07000	3,610
Unclassified .....	09900	7,520
Other Assets .....	69000	<u>3,500</u>
Total .....		\$ 814,817

*191 - Division of Environmental Protection –*

*Hazardous Waste Emergency Response Fund*

(WV Code Chapter 22)

Fund 3331 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 598,154
Current Expenses .....	13000	767,905
Repairs and Alterations.....	06400	7,014
Equipment.....	07000	9,000
Unclassified .....	09900	10,616
Other Assets .....	69000	<u>3,500</u>
Total .....		\$ 1,396,189

*192 - Division of Environmental Protection –*

*Solid Waste Reclamation and*

*Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 825,811
Current Expenses .....	13000	3,604,737
Repairs and Alterations.....	06400	25,000
Equipment.....	07000	31,500
Unclassified .....	09900	22,900



2020]	HOUSE OF DELEGATES		1251
Buildings.....	25800		500
Other Assets .....	69000		<u>1,000</u>
Total .....		\$	4,511,448

*193 - Division of Environmental Protection –*

*Solid Waste Enforcement Fund*

(WV Code Chapter 22)

Fund 3333 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,274,054
Current Expenses .....	13000		940,229
Repairs and Alterations.....	06400		30,930
Equipment.....	07000		23,356
Unclassified .....	09900		31,145
Other Assets .....	69000		<u>25,554</u>
Total .....		\$	4,325,268

*194 - Division of Environmental Protection –*

*Air Pollution Control Fund*

(WV Code Chapter 22)

Fund 3336 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	5,934,859
Current Expenses .....	13000		1,469,467
Repairs and Alterations.....	06400		84,045
Equipment.....	07000		103,601
Unclassified .....	09900		70,572
Other Assets .....	69000		<u>52,951</u>
Total .....		\$	7,715,495

*195 - Division of Environmental Protection –*

*Environmental Laboratory**Certification Fund*

(WV Code Chapter 22)

Fund 3340 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	352,834
Current Expenses .....	13000		201,146
Repairs and Alterations.....	06400		1,000
Unclassified .....	09900		1,120
Other Assets .....	69000		<u>163,000</u>
Total .....		\$	719,100

*196 - Division of Environmental Protection –**Stream Restoration Fund*

(WV Code Chapter 22)

Fund 3349 FY 2021 Org 0313

Current Expenses .....	13000	\$	5,182,076
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*197 - Division of Environmental Protection –**Litter Control Fund*

(WV Code Chapter 22)

Fund 3486 FY 2021 Org 0313

Current Expenses .....	13000	\$	60,000
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*198 - Division of Environmental Protection –**Recycling Assistance Fund*

(WV Code Chapter 22)

Fund 3487 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	660,575
Current Expenses .....	13000		2,754,258

2020]	HOUSE OF DELEGATES		1253
Repairs and Alterations.....	06400		800
Equipment.....	07000		500
Unclassified .....	09900		400
Other Assets .....	69000		<u>2,500</u>
Total .....		\$	3,419,033

*199 - Division of Environmental Protection –*

*Mountaintop Removal Fund*

(WV Code Chapter 22)

Fund 3490 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	1,250,562
Current Expenses .....	13000		642,934
Repairs and Alterations.....	06400		30,112
Equipment.....	07000		23,500
Unclassified .....	09900		1,180
Other Assets .....	69000		<u>11,520</u>
Total .....		\$	1,959,808

*200 - Oil and Gas Conservation Commission –*

*Special Oil and Gas Conservation Fund*

(WV Code Chapter 22C)

Fund 3371 FY 2021 Org 0315

Personal Services and Employee Benefits.....	00100	\$	162,161
Current Expenses .....	13000		161,225
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		9,481
Other Assets .....	69000		<u>1,500</u>
Total .....		\$	335,367

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES***201 - Division of Health –**Ryan Brown Addiction Prevention and Recovery Fund*

(WV Code Chapter 19)

Fund 5111 FY 2021 Org 0506

Current Expenses .....	13000	\$	10,667,392
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*202 - Division of Health –**The Vital Statistics Account*

(WV Code Chapter 16)

Fund 5144 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	938,484
Unclassified .....	09900		15,500
Current Expenses .....	13000		<u>2,757,788</u>
Total .....		\$	3,711,772

*203 - Division of Health –**Hospital Services Revenue Account**Special Fund**Capital Improvement, Renovation and Operations*

(WV Code Chapter 16)

Fund 5156 FY 2021 Org 0506

Institutional Facilities Operations.....	33500	\$	35,555,221
Medical Services Trust Fund – Transfer.....	51200		<u>27,800,000</u>
Total .....		\$	63,355,221

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 2021, 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).

*204 - Division of Health –*

*Laboratory Services Fund*

(WV Code Chapter 16)

Fund 5163 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	936,712
Unclassified .....	09900		18,114
Current Expenses .....	13000		<u>1,803,327</u>
Total .....		\$	2,758,153

*205 - Division of Health –*

*The Health Facility Licensing Account*

(WV Code Chapter 16)

Fund 5172 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	645,446
Unclassified .....	09900		7,113
Current Expenses .....	13000		<u>98,247</u>
Total .....		\$	750,806

*206 - Division of Health –*

*Hepatitis B Vaccine*

(WV Code Chapter 16)

Fund 5183 FY 2021 Org 0506

Current Expenses .....	13000	\$	9,740
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*207 - Division of Health –*

*Lead Abatement Account*

(WV Code Chapter 16)

Fund 5204 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	19,100
Unclassified .....	09900		373
Current Expenses .....	13000		<u>17,875</u>
Total .....		\$	37,348

*208 - Division of Health –**West Virginia Birth-to-Three Fund*

(WV Code Chapter 16)

Fund 5214 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	691,978
Unclassified .....	09900		223,999
Current Expenses .....	13000		<u>28,053,549</u>
Total .....		\$	28,969,526

*209 - Division of Health –**Tobacco Control Special Fund*

(WV Code Chapter 16)

Fund 5218 FY 2021 Org 0506

Current Expenses .....	13000	\$	7,579
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*210 - Division of Health –**Medical Cannabis Program Fund*

(WV Code Chapter 16A)

Fund 5420 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	509,658
Current Expenses .....	13000		<u>2,046,040</u>

Total .....		\$	2,555,698
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*211 - West Virginia Health Care Authority –*

*Health Care Cost Review Fund*

(WV Code Chapter 16)

Fund 5375 FY 2021 Org 0507

Personal Services and Employee Benefits.....	00100	\$	1,345,380
Unclassified .....	09900		20,100
Current Expenses .....	13000		<u>785,445</u>
Total .....		\$	2,150,925

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.

*212 - West Virginia Health Care Authority –*

*Certificate of Need Program Fund*

(WV Code Chapter 16)

Fund 5377 FY 2021 Org 0507

Personal Services and Employee Benefits.....	00100	\$	829,798
Current Expenses .....	13000		<u>474,967</u>
Total .....		\$	1,304,765

*213 - Division of Human Services –*

*Health Care Provider Tax –*

*Medicaid State Share Fund*

(WV Code Chapter 11)

Fund 5090 FY 2021 Org 0511

Medical Services.....	18900	\$	213,594,315
Medical Services Administrative Costs.....	78900		<u>242,287</u>
Total .....		\$	213,836,602

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 Medical Services Program Fund (fund 5084).

*214 - Division of Human Services –*

*Child Support Enforcement Fund*

(WV Code Chapter 48A)

Fund 5094 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$	24,809,509
Unclassified .....	09900		380,000
Current Expenses .....	13000		<u>12,810,491</u>
Total .....		\$	38,000,000

*215 - Division of Human Services –*

*Medical Services Trust Fund*

(WV Code Chapter 9)

Fund 5185 FY 2021 Org 0511

Medical Services.....	18900	\$	82,227,707
Medical Services Administrative Costs.....	78900		<u>602,486</u>
Total .....		\$	82,830,193

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.

*216 - Division of Human Services –*

*James “Tiger” Morton Catastrophic Illness Fund*

(WV Code Chapter 16)

Fund 5454 FY 2021 Org 0511

Unclassified .....	09900	\$	7,000
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2020] HOUSE OF DELEGATES 1259

Current Expenses .....	13000	<u>393,000</u>
Total .....		\$ 400,000

*217 - Division of Human Services –  
Domestic Violence Legal Services Fund  
(WV Code Chapter 48)  
Fund 5455 FY 2021 Org 0511*

Current Expenses .....	13000	\$ 900,000
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*218 - Division of Human Services –  
West Virginia Works Separate State College Program Fund  
(WV Code Chapter 9)  
Fund 5467 FY 2021 Org 0511*

Current Expenses .....	13000	\$ 500,000
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*219 - Division of Human Services –  
West Virginia Works Separate State Two-Parent Program Fund  
(WV Code Chapter 9)  
Fund 5468 FY 2021 Org 0511*

Current Expenses .....	13000	\$ 1,500,000
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*220 - Division of Human Services –  
Marriage Education Fund  
(WV Code Chapter 9)  
Fund 5490 FY 2021 Org 0511*

Personal Services and Employee Benefits.....	00100	\$ 10,000
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Current Expenses .....	13000	<u>25,000</u>
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Total .....		\$ 35,000
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**DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY**

*221 - 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 2021 Org 0601*

Current Expenses .....	13000	\$	32,000
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*222 - State Armory Board –  
General Armory Fund  
(WV Code Chapter 15)  
Fund 6057 FY 2021 Org 0603*

Personal Services and Employee Benefits.....	00100	\$	1,681,247
Current Expenses .....	13000		650,000
Repairs and Alterations.....	06400		385,652
Equipment.....	07000		250,000
Buildings .....	25800		770,820
Other Assets .....	69000		100,000
Land .....	73000		<u>200,000</u>
Total.....		\$	4,037,719

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).

*223 - Division of Homeland Security  
And Emergency Management –  
Statewide Interoperable Radio Network Account  
(WV Code Chapter 15)  
Fund 6208 FY 2021 Org 0606*

Current Expenses .....	13000	\$	80,000
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*224 - Division of Homeland Security and  
Emergency Management –  
West Virginia Interoperable Radio Project  
(WV Code Chapter 24)  
Fund 6295 FY 2021 Org 0606*

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 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*225 - Division of Corrections and Rehabilitation –  
Parolee Supervision Fees  
(WV Code Chapter 15A)  
Fund 6362 FY 2021 Org 0608*

Personal Services and Employee Benefits .....	00100	\$	1,118,697
Unclassified .....	09900		9,804
Current Expenses .....	13000		758,480
Equipment .....	07000		30,000
Other Assets .....	69000		<u>40,129</u>
Total .....		\$	1,957,110

*226 - Division of Corrections and Rehabilitation –  
Regional Jail and Correctional Facility Authority  
(WV Code Chapter 15A)  
Fund 6675 FY 2021 Org 0608*

Personal Services and Employee Benefits .....	00100	\$	544,798
Debt Service .....	04000		9,000,000
Current Expenses .....	13000		<u>245,472</u>
Total .....		\$	9,790,270

*227 - West Virginia State Police –**Motor Vehicle Inspection Fund*

(WV Code Chapter 17C)

Fund 6501 FY 2021 Org 0612

Personal Services and Employee Benefits.....	00100	\$	1,907,726
Current Expenses .....	13000		1,488,211
Repairs and Alterations.....	06400		204,500
Equipment.....	07000		3,770,751
Buildings .....	25800		534,000
Other Assets .....	69000		5,000
BRIM Premium.....	91300		<u>302,432</u>
Total .....		\$	8,212,620

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.

*228 - West Virginia State Police –**Forensic Laboratory Fund*

(WV Code Chapter 15)

Fund 6511 FY 2021 Org 0612

Personal Services and Employee Benefits.....	00100	\$	1,600,000
Current Expenses .....	13000		90,000
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		<u>545,000</u>
Total .....		\$	2,240,000

*229 - West Virginia State Police –**Drunk Driving Prevention Fund*

(WV Code Chapter 15)

Fund 6513 FY 2021 Org 0612

2020]	HOUSE OF DELEGATES		1263
Current Expenses .....	13000	\$	1,327,000
Equipment.....	07000		3,491,895
BRIM Premium.....	91300		<u>154,452</u>
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.

*230 - West Virginia State Police –*

*Surplus Real Property Proceeds Fund*

(WV Code Chapter 15)

Fund 6516 FY 2021 Org 0612

Buildings .....	25800	\$	1,022,778
Land .....	73000		1,000
BRIM Premium.....	91300		<u>77,222</u>
Total .....		\$	1,101,000

*231 - West Virginia State Police –*

*Surplus Transfer Account*

(WV Code Chapter 15)

Fund 6519 FY 2021 Org 0612

Current Expenses .....	13000	\$	225,000
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		250,000
Buildings .....	25800		40,000
Other Assets .....	69000		45,000
BRIM Premium.....	91300		<u>5,000</u>
Total .....		\$	585,000

*232 - West Virginia State Police –*

*Central Abuse Registry Fund*

(WV Code Chapter 15)

Fund 6527 FY 2021 Org 0612

Personal Services and Employee Benefits.....	00100	\$	256,629
Current Expenses .....	13000		51,443
Repairs and Alterations.....	06400		500
Equipment.....	07000		300,500
Other Assets .....	69000		300,500
BRIM Premium.....	91300		<u>18,524</u>
Total .....		\$	928,096

*233 - West Virginia State Police –**Bail Bond Enforcer Account*

(WV Code Chapter 15)

Fund 6532 FY 2021 Org 0612

Current Expenses .....	13000	\$	8,300
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*234 - West Virginia State Police –**State Police Academy Post Exchange*

(WV Code Chapter 15)

Fund 6544 FY 2021 Org 0612

Current Expenses .....	13000	\$	160,000
Repairs and Alterations.....	06400		<u>40,000</u>
Total .....		\$	200,000

*235 - Fire Commission –**Fire Marshal Fees*

(WV Code Chapter 29)

Fund 6152 FY 2021 Org 0619

2020] HOUSE OF DELEGATES 1265

Personal Services and Employee Benefits.....	00100	\$	3,480,533
Unclassified .....	09900		3,800
Current Expenses .....	13000		1,246,550
Repairs and Alterations.....	06400		58,500
Equipment.....	07000		140,800
BRIM Premium.....	91300		<u>65,000</u>
Total .....		\$	4,995,183

*236 - Division of Administrative Services –*

*WV Community Corrections Fund*

(WV Code Chapter 62)

Fund 6386 FY 2021 Org 0623

Personal Services and Employee Benefits.....	00100	\$	161,923
Unclassified .....	09900		750
Current Expenses .....	13000		1,846,250
Repairs and Alterations.....	06400		<u>1,000</u>
Total .....		\$	2,009,923

*237 - Division of Administrative Services –*

*Court Security Fund*

(WV Code Chapter 51)

Fund 6804 FY 2021 Org 0623

Personal Services and Employee Benefits.....	00100	\$	23,840
Current Expenses .....	13000		<u>1,478,135</u>
Total .....		\$	1,501,975

*238 - Division of Administrative Services –*

*Second Chance Driver's License Program Account*

(WV Code Chapter 17B)

Fund 6810 FY 2021 Org 0623

Current Expenses .....	13000	\$	25,000
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**DEPARTMENT OF REVENUE***239 - Division of Financial Institutions*

(WV Code Chapter 31A)

Fund 3041 FY 2021 Org 0303

Personal Services and Employee Benefits.....	00100	\$	2,703,057
Current Expenses .....	13000		650,475
Equipment.....	07000		<u>8,500</u>
Total .....		\$	3,362,032

*240 - Office of the Secretary –**State Debt Reduction Fund*

(WV Code Chapter 29)

Fund 7007 FY 2021 Org 0701

Retirement Systems – Unfunded Liability.....	77500	\$	20,000,000
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The above appropriation for Retirement System – Unfunded Liability shall be transferred to the Consolidated Public Retirement Board – West Virginia Teachers Retirement System Employers School Aid Formula Funds Holding Account Fund (fund 2606).

*241 - Home Rule Board Operations*

(WV Code Chapter 8)

Fund 7010 FY 2021 Org 0701

Personal Services and Employee Benefits.....	00100	\$	25,000
Unclassified .....	09900		680
Current Expenses .....	13000		42,000
Repairs and Alterations.....	06400		120
Equipment.....	07000		<u>200</u>
Total .....		\$	68,000



*242 - Tax Division –**Cemetery Company Account*

(WV Code Chapter 35)

Fund 7071 FY 2021 Org 0702

Personal Services and Employee Benefits.....	00100	\$	25,928
Current Expenses .....	13000		<u>7,717</u>
Total .....		\$	33,645

*243 - Tax Division –**Special Audit and Investigative Unit*

(WV Code Chapter 11)

Fund 7073 FY 2021 Org 0702

Personal Services and Employee Benefits.....	00100	\$	696,428
Unclassified .....	09900		8,500
Current Expenses .....	13000		273,297
Repairs and Alterations.....	06400		7,000
Equipment.....	07000		<u>5,000</u>
Total .....		\$	990,225

*244 - Tax Division –**Wine Tax Administration Fund*

(WV Code Chapter 60)

Fund 7087 FY 2021 Org 0702

Personal Services and Employee Benefits.....	00100	\$	268,973
Current Expenses .....	13000		<u>5,406</u>
Total .....		\$	274,379

*245 - Tax Division –**Reduced Cigarette Ignition Propensity*

*Standard and Fire Prevention Act Fund*

(WV Code Chapter 47)

Fund 7092 FY 2021 Org 0702

Current Expenses .....	13000	\$	35,000
Equipment.....	07000		<u>15,000</u>
Total .....		\$	50,000

*246 - Tax Division –*

*Local Sales Tax and Excise Tax*

*Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2021 Org 0702

Personal Services and Employee Benefits.....	00100	\$	1,543,527
Unclassified .....	09900		10,000
Current Expenses .....	13000		784,563
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		<u>5,000</u>
Total .....		\$	2,344,090

*247 - State Budget Office –*

*Public Employees Insurance Reserve Fund*

(WV Code Chapter 11B)

Fund 7400 FY 2021 Org 0703

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.

*248 - State Budget Office –*

*Public Employees Insurance Agency Financial Stability Fund*

(WV Code Chapter 11B)

Fund 7401 FY 2021 Org 0703

Retiree Premium Offset.....	80101	\$	5,000,000
PEIA Reserve .....	80102		<u>10,000,000</u>
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.

*249 - Insurance Commissioner –**Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2021 Org 0704

Personal Services and Employee Benefits.....	00100	\$	748,764
Current Expenses .....	13000		1,357,201
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		81,374
Buildings .....	25800		8,289
Other Assets .....	69000		<u>11,426</u>
Total .....		\$	2,210,054

*250 - Insurance Commissioner –**Consumer Advocate*

(WV Code Chapter 33)

Fund 7151 FY 2021 Org 0704

Personal Services and Employee Benefits.....	00100	\$	571,976
Current Expenses .....	13000		202,152
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		34,225

Buildings .....	25800	4,865
Other Assets .....	69000	<u>19,460</u>
Total .....		\$ 837,678

*251 - Insurance Commissioner –  
Insurance Commission Fund  
(WV Code Chapter 33)*

*Fund 7152 FY 2021 Org 0704*

Personal Services and Employee Benefits.....	00100	\$ 24,169,021
Current Expenses .....	13000	8,797,758
Repairs and Alterations.....	06400	68,614
Equipment.....	07000	1,728,240
Buildings .....	25800	25,000
Other Assets .....	69000	<u>340,661</u>
Total .....		\$ 35,129,294

*252 - Insurance Commissioner –  
Workers' Compensation Old Fund  
(WV Code Chapter 23)*

*Fund 7162 FY 2021 Org 0704*

Employee Benefits .....	01000	\$ 50,000
Current Expenses .....	13000	<u>250,500,000</u>
Total .....		\$ 250,550,000

*253 - Insurance Commissioner –  
Workers' Compensation Uninsured Employers' Fund  
(WV Code Chapter 23)*

*Fund 7163 FY 2021 Org 0704*

Current Expenses .....	13000	\$ 15,000,000
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*254 - Insurance Commissioner –  
Self-Insured Employer Guaranty Risk Pool  
(WV Code Chapter 23)*

Fund 7164 FY 2021 Org 0704

Current Expenses .....	13000	\$	9,000,000
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*255 - Insurance Commissioner –  
Self-Insured Employer Security Risk Pool  
(WV Code Chapter 23)*

Fund 7165 FY 2021 Org 0704

Current Expenses .....	13000	\$	14,000,000
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*256 - Municipal Bond Commission  
(WV Code Chapter 13)*

Fund 7253 FY 2021 Org 0706

Personal Services and Employee Benefits .....	00100	\$	282,589
Current Expenses .....	13000		144,844
Equipment.....	07000		100
Total .....		\$	427,533

*257 - Racing Commission –  
Relief Fund*

(WV Code Chapter 19)

Fund 7300 FY 2021 Org 0707

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.

*258 - Racing Commission –*

*Administration and Promotion Account*

(WV Code Chapter 19)

Fund 7304 FY 2021 Org 0707

Personal Services and Employee Benefits.....	00100	\$	264,564
Current Expenses .....	13000		85,433
Other Assets .....	69000		<u>5,000</u>
Total .....		\$	354,997

*259 - Racing Commission –**General Administration*

(WV Code Chapter 19)

Fund 7305 FY 2021 Org 0707

Personal Services and Employee Benefits.....	00100	\$	2,352,306
Current Expenses .....	13000		497,284
Repairs and Alterations.....	06400		5,000
Other Assets .....	69000		<u>40,000</u>
Total .....		\$	2,894,590

*260 - Racing Commission –**Administration, Promotion, Education, Capital Improvement  
and Greyhound Adoption Programs**to include Spaying and Neutering Account*

(WV Code Chapter 19)

Fund 7307 FY 2021 Org 0707

Personal Services and Employee Benefits.....	00100	\$	918,781
Current Expenses .....	13000		160,099
Other Assets .....	69000		<u>200,000</u>
Total .....		\$	1,278,880

*261 - Alcohol Beverage Control Administration –**Wine License Special Fund*

(WV Code Chapter 60)

Fund 7351 FY 2021 Org 0708

Personal Services and Employee Benefits.....	00100	\$	147,213
Unclassified .....	09900		30,750
Current Expenses .....	13000		54,186
Repairs and Alterations.....	06400		7,263
Equipment.....	07000		10,000
Buildings .....	25800		100,000
Other Assets .....	69000		<u>100</u>
Total .....		\$	349,512

To the extent permitted by law, four classified exempt positions shall be provided from Personal Services and Employee Benefits appropriation for field auditors.

*262 - Alcohol Beverage Control Administration*

(WV Code Chapter 60)

Fund 7352 FY 2021 Org 0708

Personal Services and Employee Benefits.....	00100	\$	5,790,574
Current Expenses .....	13000		2,890,577
Repairs and Alterations.....	06400		91,000
Equipment.....	07000		108,000
Buildings .....	25800		375,100
Purchase of Supplies for Resale .....	41900		76,500,000
Transfer Liquor Profits and Taxes .....	42500		21,200,000
Other Assets .....	69000		125,100
Land .....	73000		<u>100</u>
Total .....		\$	107,080,451

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.

*263 - State Athletic Commission Fund*

(WV Code Chapter 29)

Fund 7009 FY 2021 Org 0933

Personal Services and Employee Benefits.....	00100	\$	10,500
Current Expenses .....	13000		<u>29,500</u>
Total .....		\$	40,000

**DEPARTMENT OF TRANSPORTATION**

*264 - Division of Motor Vehicles –*

*Dealer Recovery Fund*

(WV Code Chapter 17)

Fund 8220 FY 2021 Org 0802

Current Expenses .....	13000	\$	189,000
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*265 - Division of Motor Vehicles –*

*Motor Vehicle Fees Fund*

(WV Code Chapter 17B)

Fund 8223 FY 2021 Org 0802

Personal Services and Employee Benefits.....	00100	\$	3,733,074
Current Expenses .....	13000		4,357,773
Repairs and Alterations.....	06400		16,000
Equipment.....	07000		75,000



2020]	HOUSE OF DELEGATES	1275
Other Assets .....	69000	10,000
BRIM Premium.....	91300	<u>89,939</u>
Total .....		\$ 8,281,786

*266 - Division of Highways –*

*A. James Manchin Fund*

*(WV Code Chapter 22)*

*Fund 8319 FY 2021 Org 0803*

Current Expenses .....	13000	\$ 1,650,000
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**DEPARTMENT OF VETERANS' ASSISTANCE**

*267 - Veterans' Facilities Support Fund*

*(WV Code Chapter 9A)*

*Fund 6703 FY 2021 Org 0613*

Current Expenses .....	13000	\$ 1,654,234
Other Assets .....	69000	<u>10,000</u>
Total .....		\$ 1,664,234

*268 - Department of Veterans' Assistance –*

*WV Veterans' Home –*

*Special Revenue Operating Fund*

*(WV Code Chapter 9A)*

*Fund 6754 FY 2021 Org 0618*

Current Expenses .....	13000	\$ 289,400
Repairs and Alterations.....	06400	<u>10,600</u>
Total .....		\$ 300,000

**BUREAU OF SENIOR SERVICES**

*269 - Bureau of Senior Services –*

*Community Based Service Fund*

(WV Code Chapter 29)

Fund 5409 FY 2021 Org 0508

Personal Services and Employee Benefits.....	00100	\$	160,883
Current Expenses .....	13000		<u>10,348,710</u>
Total .....		\$	10,509,593

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***270 - 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 2021 Org 0442

Debt Service .....	04000	\$	27,713,123
General Capital Expenditures .....	30600		5,000,000
Facilities Planning and Administration.....	38600		<u>441,111</u>
Total .....		\$	33,154,234

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.

*271 - Tuition Fee Revenue Bond Construction Fund*

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2021 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

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.

*272 - Community and Technical College –*

*Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2021 Org 0442

Any unexpended balance remaining in the appropriation for Capital Improvements – Total (fund 4908, appropriation 95800) at the close of fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

The total amount of this appropriation shall be paid from the sale of the Series 2017 Community and Technical College Capital Improvement Refunding Revenue Bonds and anticipated interest earnings.

*273 - West Virginia University –*

*West Virginia University Health Sciences Center*

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2021 Org 0463

Personal Services and Employee Benefits.....	00100	\$	10,764,347
Current Expenses .....	13000		4,524,300
Repairs and Alterations.....	06400		425,000
Equipment.....	07000		512,000
Buildings .....	25800		150,000
Other Assets .....	69000		<u>50,000</u>
Total .....		\$	16,425,647

**MISCELLANEOUS BOARDS AND COMMISSIONS**

*274 - Board of Barbers and Cosmetologists –**Barbers and Beauticians Special Fund*

(WV Code Chapters 16 and 30)

Fund 5425 FY 2021 Org 0505

Personal Services and Employee Benefits.....	00100	\$	543,993
Current Expenses .....	13000		<u>239,969</u>
Total .....		\$	783,962

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.

*275 - Hospital Finance Authority –**Hospital Finance Authority Fund*

(WV Code Chapter 16)

Fund 5475 FY 2021 Org 0509

Personal Services and Employee Benefits.....	00100	\$	93,279
Unclassified .....	09900		1,501
Current Expenses .....	13000		<u>55,328</u>
Total .....		\$	150,108

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.

*276 - WV State Board of Examiners for Licensed Practical Nurses –**Licensed Practical Nurses*

(WV Code Chapter 30)

Fund 8517 FY 2021 Org 0906

Personal Services and Employee Benefits.....	00100	\$	495,505
Current Expenses .....	13000		<u>107,700</u>
Total .....		\$	603,205

*277 - WV Board of Examiners for Registered Professional Nurses –*

*Registered Professional Nurses*

(WV Code Chapter 30)

Fund 8520 FY 2021 Org 0907

Personal Services and Employee Benefits.....	00100	\$	1,300,612
Current Expenses .....	13000		312,655
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		25,000
Other Assets .....	69000		<u>4,500</u>
Total.....		\$	1,645,767

*278 - Public Service Commission*

(WV Code Chapter 24)

Fund 8623 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	12,481,921
Unclassified .....	09900		147,643
Current Expenses .....	13000		2,572,202
Repairs and Alterations.....	06400		55,000
Equipment.....	07000		160,000
Buildings .....	25800		10
PSC Weight Enforcement .....	34500		4,605,652
Debt Payment/Capital Outlay .....	52000		350,000
Land .....	73000		10
BRIM Premium.....	91300		<u>172,216</u>
Total.....		\$	20,544,654

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.

*279 - Public Service Commission –*

*Gas Pipeline Division –*

*Public Service Commission Pipeline Safety Fund*

(WV Code Chapter 24B)

Fund 8624 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	294,658
Unclassified .....	09900		3,851
Current Expenses .....	13000		93,115
Repairs and Alterations.....	06400		<u>4,000</u>
Total .....		\$	395,624

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.

*280 - Public Service Commission –*

*Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8625 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	2,377,514
Unclassified .....	09900		29,233
Current Expenses .....	13000		577,557
Repairs and Alterations.....	06400		23,000
Equipment.....	07000		<u>50,000</u>
Total .....		\$	3,057,304

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.

*281 - Public Service Commission –*

*Consumer Advocate Fund*

(WV Code Chapter 24)

Fund 8627 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	772,994
Current Expenses .....	13000		276,472
Equipment.....	07000		9,872
BRIM Premium.....	91300		<u>4,660</u>
Total.....		\$	1,063,998

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.

*282 - Real Estate Commission –**Real Estate License Fund*

(WV Code Chapter 30)

Fund 8635 FY 2021 Org 0927

Personal Services and Employee Benefits.....	00100	\$	607,098
Current Expenses .....	13000		293,122
Repairs and Alterations.....	06400		2,500
Equipment.....	07000		<u>5,000</u>
Total.....		\$	907,720

The total amount of these appropriations shall be paid out of collections of license fees as provided by law.

*283 - WV Board of Examiners for Speech-Language**Pathology and Audiology –**Speech-Language Pathology and Audiology Operating Fund*

(WV Code Chapter 30)

Fund 8646 FY 2021 Org 0930

Personal Services and Employee Benefits.....	00100	\$	91,513
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Current Expenses .....	13000	<u>63,499</u>
Total .....		\$ 155,012

*284 - WV Board of Respiratory Care –*

*Board of Respiratory Care Fund*

(WV Code Chapter 30)

Fund 8676 FY 2021 Org 0935

Personal Services and Employee Benefits.....	00100	\$ 94,050
Current Expenses .....	13000	54,137
Repairs and Alterations.....	06400	<u>400</u>
Total .....		\$ 148,587

*285 - WV Board of Licensed Dietitians –*

*Dietitians Licensure Board Fund*

(WV Code Chapter 30)

Fund 8680 FY 2021 Org 0936

Personal Services and Employee Benefits.....	00100	\$ 20,219
Current Expenses .....	13000	<u>20,250</u>
Total .....		\$ 40,469

*286 - Massage Therapy Licensure Board –*

*Massage Therapist Board Fund*

(WV Code Chapter 30)

Fund 8671 FY 2021 Org 0938

Personal Services and Employee Benefits.....	00100	\$ 109,555
Current Expenses .....	13000	<u>42,448</u>
Total .....		\$ 152,003

*287 - Board of Medicine –*

*Medical Licensing Board Fund*



2020]

HOUSE OF DELEGATES

1283

(WV Code Chapter 30)

Fund 9070 FY 2021 Org 0945

Personal Services and Employee Benefits.....	00100	\$	1,378,807
Current Expenses .....	13000		1,108,789
Repairs and Alterations.....	06400		<u>8,000</u>
Total .....		\$	2,495,596

*288 - West Virginia Enterprise Resource Planning Board –*

*Enterprise Resource Planning System Fund*

(WV Code Chapter 12)

Fund 9080 FY 2021 Org 0947

Personal Services and Employee Benefits.....	00100	\$	6,856,239
Unclassified .....	09900		232,000
Current Expenses .....	13000		13,662,210
Repairs and Alterations.....	06400		300
Equipment.....	07000		302,000
Buildings .....	25800		2,000
Other Assets .....	69000		<u>203,500</u>
Total .....		\$	21,258,249

*289 - Board of Treasury Investments –*

*Board of Treasury Investments Fee Fund*

(WV Code Chapter 12)

Fund 9152 FY 2021 Org 0950

Personal Services and Employee Benefits.....	00100	\$	832,889
Unclassified .....	09900		14,850
Current Expenses .....	13000		605,714
BRIM Premium.....	91300		31,547

Fees of Custodians, Fund Advisors and Fund Managers .....	93800	3,500,000
Total .....		\$ 4,985,000

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)..... \$ 1,514,818,528

**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, Fund 3514, Fund 9067, and Fund 9068 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 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.

*290 - Education, Arts, Sciences and Tourism –*

*Debt Service Fund*

(WV Code Chapter 5)

Fund 2252 FY 2021 Org 0211

	<b>Appro-</b>		<b>Lottery</b>
	<b>priation</b>		<b>Funds</b>
Debt Service – Total .....	31000	\$	10,000,000

*291 - West Virginia Development Office –*

*West Virginia Tourism Office*

(WV Code Chapter 5B)

Fund 3067 FY 2021 Org 0304

2020]	HOUSE OF DELEGATES		1285
Tourism – Telemarketing Center .....	46300	\$	82,080
Tourism – Advertising (R) .....	61800		2,422,407
Tourism – Operations (R).....	66200		<u>4,227,938</u>
Total .....		\$	6,732,425

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*292 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 3267 FY 2021 Org 0310

Personal Services and Employee Benefits.....	00100	\$	2,428,178
Current Expenses .....	13000		26,900
Pricketts Fort State Park .....	32400		106,560
Non-Game Wildlife (R).....	52700		386,935
State Parks and Recreation Advertising (R).....	61900		<u>494,578</u>
Total .....		\$	3,443,151

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*293 - State Board of Education*

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2021 Org 0402

FBI Checks .....	37200	\$	116,548
Vocational Education Equipment Replacement.....	39300		800,000
Assessment Program (R).....	39600		3,016,444
Literacy Project .....	89900		350,000

21<sup>st</sup> Century Technology Infrastructure

Network Tools and Support (R) .....	93300	<u>14,600,383</u>
Total .....		\$ 18,883,375

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 21<sup>st</sup> Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*294 - State Department of Education –*

*School Building Authority –*

*Debt Service Fund*

(WV Code Chapter 18)

Fund 3963 FY 2021 Org 0404

Debt Service – Total .....	31000	\$ 15,320,363
Directed Transfer .....	70000	<u>2,679,637</u>
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.

*295 - Division of Culture and History –*

*Lottery Education Fund*

(WV Code Chapter 29)

Fund 3534 FY 2021 Org 0432

Huntington Symphony.....	02700	\$ 59,058
Preservation WV (R).....	09200	491,921
Fairs and Festivals (R).....	12200	1,346,814
Commission for National and Community Service (R).....	19300	374,980
Archeological Curation/Capital Improvements (R).....	24600	36,276
Historic Preservation Grants (R) .....	31100	368,428
West Virginia Public Theater .....	31200	120,019
Greenbrier Valley Theater .....	42300	115,000

2020]	HOUSE OF DELEGATES	1287
Theater Arts of West Virginia .....	46400	90,000
Marshall Artists Series .....	51800	36,005
Grants for Competitive Arts Program (R).....	62400	726,000
West Virginia State Fair .....	65700	31,241
Save the Music .....	68000	24,000
Contemporary American Theater Festival.....	81100	57,281
Independence Hall .....	81200	27,277
Mountain State Forest Festival.....	86400	38,187
WV Symphony .....	90700	59,058
Wheeling Symphony .....	90800	59,058
Appalachian Children's Chorus .....	91600	<u>54,554</u>
Total .....		\$ 4,115,157

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, 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) \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188, 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) \$5,941, Country Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company \$1,188, Flannigan Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen Memorial Foundation (Berkeley) \$11,006, Grafton Mother's Day Shrine Committee (Taylor) \$8,749, 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 \$4,753, Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society \$5,049, McCoy Theater (Hardy) \$11,881, Memorial Day Patriotic Exercise (Taylor) \$20,000, Morgantown Theater Company (Monongalia) \$11,881, Mountaineer Boys' State (Lewis) \$5,941, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum (Berkeley) \$5,941, Old Opera House Theater Company (Jefferson) \$8,911, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House \$3,564, Raleigh County All Wars Museum \$5,941, Rhododendron Girl's State (Ohio) \$5,941, Roane County 4-H and FFA Youth Livestock Program \$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) \$5,311, Veterans Committee for Civic Improvement of Huntington (Wayne) \$2,970, West Virginia Museum of Glass (Lewis) \$2,970, West Virginia Music Hall of

Fame (Kanawha) \$20,792, YMCA Camp Horseshoe (Tucker) \$59,406, Youth Museum of Southern West Virginia (Raleigh) \$7,129, Z.D. Ramsdell House (Wayne) \$720.

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to the 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 Don Redman Heritage Concert & Awards (Jefferson) \$938, Annual Ruddle Park Jamboree (Pendleton) \$4,690, Antique Market Fair (Lewis) \$1,188, Apple Butter Festival (Morgan) \$3,564, Arkansas 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, 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 Freedom 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 of America (Monongalia) \$3,564, 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, 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, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Fairview 4th of July Celebration (Marion) \$684, Farm Safety Day (Preston) \$1,188, Farmer's Day Festival (Monroe) \$2,330, Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$11,881, Flemington Day Fair and Festival (Taylor) \$2,379, 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, 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 Spring Fling (Mingo) \$3,595, Gilmer County Farm Show \$2,376, Grant County Arts Council \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, Greater Quinwood Days (Greenbrier) \$781, Guyandotte Civil War Days (Cabell) \$5,941, 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, 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, Hurricane 4th of July Celebration (Putnam) \$2,970, Jaeger 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, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival \$4,752, Lincoln County Winterfest \$2,970, Lindsie Veterans' Day Parade (Monroe) \$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, Mason County Fair \$2,970, , Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County \$11,881, 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, Milton Christmas in the Park (Cabell) \$1,485, Milton Old Timey Days (Cabell) \$1,485, 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, 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, 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 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 \$4,159, 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) \$6,240, 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 (Boone) \$1,944, Tacy Fair (Barbour) \$684, Taste of Parkersburg (Wood) \$2,970, Taylor County Fair \$3,567, The Gathering at Sweet Creek (Wood) \$1,782, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$7,300, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town of Fayetteville Heritage Festival (Fayette) \$4,456, 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, Turkey Festival (Hardy) \$1,782, Tyler County Fair \$3,088, Union Community Irish Festival (Barbour) \$648, Upper Kanawha Valley Oktoberfest (Kanawha) \$1,485, Upper Ohio Valley Italian Festival (Ohio) \$7,128, 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 (Webster) \$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 Pumpkin Festival (Cabell) \$5,940, 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, Wine Festival and Mountain Music Event (Harrison) \$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 Commission for National and Community Service (fund 3534, appropriation 19300), 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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*296 - Library Commission –*

*Lottery Education Fund*

(WV Code Chapter 10)

Fund 3559 FY 2021 Org 0433

Books and Films .....	17900	\$	360,784
Services to Libraries.....	18000		550,000
Grants to Public Libraries .....	18200		9,439,571
Digital Resources.....	30900		219,992
Infomine Network .....	88400		<u>943,353</u>
Total .....		\$	11,513,700

Any unexpended balance remaining in the appropriation for Libraries – Special Projects (fund 3559, appropriation 62500) at the close of fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*297 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 3587 FY 2021 Org 0439

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 3587, appropriation 75500) at the close of fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*298 - Bureau of Senior Services –*

*Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2021 Org 0508

Personal Services and Employee Benefits.....	00100	\$	209,640
Current Expenses .....	13000		332,284
Repairs and Alterations.....	06400		1,000
Local Programs Service Delivery Costs .....	20000		2,435,250
Silver Haired Legislature .....	20200		18,500
Transfer to Division of Human Services for Health Care			
and Title XIX Waiver for Senior Citizens .....	53900		4,615,503
Roger Tompkins Alzheimer's Respite Care.....	64300		2,302,016
WV Alzheimer's Hotline.....	72400		45,000
Regional Aged and Disabled Resource Center .....	76700		425,000
Senior Services Medicaid Transfer.....	87100		16,400,070
Legislative Initiatives for the Elderly .....	90400		9,671,239
Long Term Care Ombudsman.....	90500		297,226
BRIM Premium.....	91300		7,718
In-Home Services and Nutrition for Senior Citizens.....	91700		<u>6,095,941</u>
Total .....		\$	42,856,387

Any unexpended balance remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

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.

*299 - Higher Education Policy Commission –*

*Lottery Education –*

*Higher Education Policy Commission –*

*Control Account*

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2021 Org 0441

RHI Program and Site Support (R).....	03600	\$	1,912,491
RHI Program and Site Support –			
RHEP Program Administration .....	03700		146,653
RHI Program and Site Support – Grad Med			
Ed and Fiscal Oversight (R).....	03800		88,913
Minority Doctoral Fellowship (R) .....	16600		129,604
Health Sciences Scholarship (R).....	17600		225,527
Vice Chancellor for Health Sciences –			
Rural Health Residency Program (R) .....	60100		62,725
WV Engineering, Science, and			
Technology Scholarship Program.....	86800		<u>452,831</u>
Total .....		\$	3,018,744

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

The above appropriation for WV Engineering, Science, and Technology Scholarship Program (fund 4925, 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.

*300 - Community and Technical College –*

*Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2021 Org 0442

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 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*301 - Higher Education Policy Commission –*

*Lottery Education –*

*West Virginia University – School of Medicine*

(WV Code Chapter 18B)

Fund 4185 FY 2021 Org 0463

WVU Health Sciences –

RHI Program and Site Support (R) .....	03500	\$	1,181,728
MA Public Health Program and			
Health Science Technology (R) .....	62300		52,445
Health Sciences Career Opportunities Program (R) .....	86900		336,987
HSTA Program (R) .....	87000		1,761,948
Center for Excellence in Disabilities (R) .....	96700		<u>313,517</u>
Total .....		\$	3,646,625

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*302 - Higher Education Policy Commission –*

*Lottery Education –*

*Marshall University – School of Medicine*

(WV Code Chapter 18B)

Fund 4896 FY 2021 Org 0471

Marshall Medical School –

RHI Program and Site Support (R) .....	03300	\$	427,075
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Vice Chancellor for Health Sciences –

Rural Health Residency Program (R) .....	60100		<u>171,361</u>
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Total .....		\$	598,436
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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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

Total TITLE II, Section 4 – Lottery Revenue.....		\$	<u>127,808,000</u>
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**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.

*303 - Lottery Commission –*

*Refundable Credit*

Fund 7207 FY 2021 Org 0705

			<b>Excess</b>
	<b>Appro-</b>		<b>Lottery</b>
	<b>priation</b>		<b>Funds</b>
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.

*304 - Lottery Commission –*

*General Purpose Account*

Fund 7206 FY 2021 Org 0705

General Revenue Fund – Transfer..... 70011 \$ 65,000,000

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.

*305 - Higher Education Policy Commission –*

*Education Improvement Fund*

Fund 4295 FY 2021 Org 0441

PROMISE Scholarship – Transfer..... 80000 \$ 29,000,000

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.

*306 - Economic Development Authority –*

*Economic Development Project Fund*

Fund 9065 FY 2021 Org 0944

Debt Service – Total ..... 31000 \$ 19,000,000

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).

*307 - Department of Education –*

*School Building Authority*

Fund 3514 FY 2021 Org 0404

Debt Service – Total ..... 31000 \$ 19,000,000

*308 - West Virginia Infrastructure Council –*

*West Virginia Infrastructure Transfer Fund*Fund 3390 FY 2021 Org 0316

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.

*309 - Higher Education Policy Commission –**Higher Education Improvement Fund*Fund 4297 FY 2021 Org 0441

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.

*310 - Division of Natural Resources –**State Park Improvement Fund*Fund 3277 FY 2021 Org 0310

Current Expenses (R) .....	13000	\$	23,300
Repairs and Alterations (R) .....	06400		161,200
Equipment (R) .....	07000		200,000
Buildings (R) .....	25800		100,000
Other Assets (R) .....	69000		<u>1,020,500</u>
Total .....		\$	1,505,000

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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*311 - Economic Development Authority –**Cacapon and Beech Fork State Parks –**Lottery Revenue Debt Service*Fund 9067 FY 2021 Org 0944

Debt Service .....	04000	\$	2,032,000
<i>312 - Economic Development Authority –</i>			
<i>State Parks Lottery Revenue Debt Service Fund</i>			
<i>Fund <u>9068</u> FY <u>2021</u> Org <u>0944</u></i>			
Debt Service .....	04000	\$	4,395,000
<i>313 - Racing Commission –</i>			
<i>Fund <u>7308</u> FY <u>2021</u> Org <u>0707</u></i>			
Special Breeders Compensation			
(WVC §29-22-18a, subsection (l)) .....	21800	\$	2,000,000
<i>314 - Lottery Commission –</i>			
<i>Distributions to Statutory Funds and Purposes</i>			
<i>Fund <u>7213</u> FY <u>2021</u> Org <u>0705</u></i>			
Parking Garage Fund – Transfer.....	70001	\$	500,000
2004 Capitol Complex Parking Garage Fund – Transfer .....	70002		216,478
Capitol Dome and Improvements Fund – Transfer.....	70003		1,796,256
Capitol Renovation and Improvement Fund – Transfer .....	70004		2,381,252
Development Office Promotion Fund – Transfer .....	70005		1,298,864
Research Challenge Fund – Transfer .....	70006		1,731,820
Tourism Promotion Fund – Transfer.....	70007		4,808,142
Cultural Facilities and Capitol Resources Matching			
Grant Program Fund – Transfer .....	70008		1,250,535
State Debt Reduction Fund – Transfer.....	70010		20,000,000
General Revenue Fund – Transfer.....	70011		1,167,799
West Virginia Racing Commission Racetrack			
Video Lottery Account .....	70012		3,463,637
Historic Resort Hotel Fund .....	70013		24,010



Licensed Racetrack Regular Purse Fund .....	70014	<u>22,383,247</u>
Total .....		\$ 61,022,040

*315 - Governor's Office*

(WV Code Chapter 5)

Fund 1046 FY 2021 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 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*316 - Office of Technology*

(WV Code Chapter 5A)

Fund 2532 FY 2021 Org 0231

Any unexpended balances remaining in the appropriations for Cyber Security (fund 2532, appropriation 99001), Enterprise Data Center (fund 2532, appropriation 99002), and Enterprise Telephony Modernization (fund 2532, appropriation 99003) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*317 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 3170 FY 2021 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 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*318 - Higher Education Policy Commission –*

*Administration –*

*Control Account*

(WV Code Chapter 18B)

Fund 4932 FY 2021 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*319 - Division of Human Services*

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2021 Org 0511

Medical Services.....	18900	\$	66,302,960
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*320 - Division of Corrections and Rehabilitation –*

*Correctional Units*

(WV Code Chapters 15A)

Fund 6283 FY 2021 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 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

Total TITLE II, Section 5 – Excess Lottery Funds.....		\$	<u>340,257,000</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 2021.

**LEGISLATIVE**

*321 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 8738 FY 2021 Org 2300

	<b>Appro-</b>		<b>Federal</b>
	<b>priation</b>		<b>Funds</b>
Economic Loss Claim Payment Fund.....	33400	\$	1,400,000

**JUDICIAL**

*322 - Supreme Court*

Fund 8867 FY 2021 Org 2400

Personal Services and Employee Benefits.....	00100	\$	1,813,000
Current Expenses .....	13000		1,557,000
Repairs and Alterations.....	06400		100,000
Equipment.....	07000		250,000

2020]	HOUSE OF DELEGATES	1301
Other Assets .....	69000	<u>280,000</u>
Total .....		\$ 4,000,000

**EXECUTIVE**

*323 - Department of Agriculture*

(WV Code Chapter 19)

Fund 8736 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 2,628,780
Unclassified .....	09900	50,534
Current Expenses .....	13000	3,828,661
Repairs and Alterations.....	06400	650,000
Equipment.....	07000	910,500
Buildings.....	25800	1,000,000
Other Assets .....	69000	50,000
Land .....	73000	<u>500,000</u>
Total .....		\$ 9,618,475

*324 - Department of Agriculture –*

*Meat Inspection Fund*

(WV Code Chapter 19)

Fund 8737 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 658,571
Unclassified .....	09900	8,755
Current Expenses .....	13000	136,012
Repairs and Alterations.....	06400	5,500
Equipment.....	07000	<u>114,478</u>
Total .....		\$ 923,316

*325 - Department of Agriculture –*

*State Conservation Committee*

(WV Code Chapter 19)

Fund 8783 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	97,250
Current Expenses .....	13000		<u>15,599,974</u>
Total .....		\$	15,697,224

*326 - Department of Agriculture –**Land Protection Authority*Fund 8896 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	46,526
Unclassified .....	09900		5,004
Current Expenses .....	13000		<u>448,920</u>
Total .....		\$	500,450

*327 - Attorney General –**Medicaid Fraud Unit*Fund 8882 FY 2021 Org 1500

Personal Services and Employee Benefits.....	00100	\$	1,038,458
Unclassified .....	09900		15,336
Current Expenses .....	13000		456,638
Repairs and Alterations.....	06400		4,313
Equipment.....	07000		7,500
Other Assets .....	69000		<u>11,336</u>
Total .....		\$	1,533,581

*328 - Secretary of State –**State Election Fund*

(WV Code Chapter 3)

2020]

HOUSE OF DELEGATES

1303

Fund 8854 FY 2021 Org 1600

Personal Services and Employee Benefits.....	00100	\$	210,240
Unclassified .....	09900		7,484
Current Expenses .....	13000		415,727
Repairs and Alterations.....	06400		15,000
Other Assets .....	69000		<u>100,000</u>
Total.....		\$	748,451

**DEPARTMENT OF COMMERCE**

*329 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2021 Org 0305

Personal Services and Employee Benefits.....	00100	\$	1,640,060
Unclassified .....	09900		51,050
Current Expenses .....	13000		5,232,560
Repairs and Alterations.....	06400		155,795
Equipment.....	07000		100,000
Other Assets .....	69000		<u>1,808,300</u>
Total.....		\$	8,987,765

*330 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 8704 FY 2021 Org 0306

Personal Services and Employee Benefits.....	00100	\$	54,432
Unclassified .....	09900		2,803
Current Expenses .....	13000		195,639
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		7,500

Other Assets .....	69000	<u>15,000</u>
Total .....		\$ 280,374

*331 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 8705 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$ 789,921
Unclassified .....	09900	50,000
Current Expenses .....	13000	<u>4,504,019</u>
Total .....		\$ 5,343,940

*332 - West Virginia Development Office –*

*Office of Economic Opportunity*

(WV Code Chapter 5)

Fund 8901 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$ 497,289
Repairs and Alterations.....	06400	250
Equipment.....	07000	6,000
Unclassified .....	09900	106,795
Current Expenses .....	13000	<u>10,069,166</u>
Total .....		\$ 10,679,500

*333 - Division of Labor*

(WV Code Chapters 21 and 47)

Fund 8706 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$ 409,251
Unclassified .....	09900	5,572
Current Expenses .....	13000	167,098
Repairs and Alterations.....	06400	<u>500</u>

2020] HOUSE OF DELEGATES 1305

Total ..... \$ 582,421

*334 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 8707 FY 2021 Org 0310

Personal Services and Employee Benefits.....	00100	\$ 8,237,073
Unclassified .....	09900	107,693
Current Expenses .....	13000	7,887,660
Repairs and Alterations.....	06400	566,250
Equipment.....	07000	2,126,141
Administration .....	15500	50,325
Buildings .....	25800	951,000
Other Assets .....	69000	7,088,880
Land .....	73000	<u>2,893,920</u>
Total .....		\$ 29,908,942

*335 - Division of Miners' Health,*

*Safety and Training*

(WV Code Chapter 22)

Fund 8709 FY 2021 Org 0314

Personal Services and Employee Benefits.....	00100	\$ 642,799
Current Expenses .....	13000	<u>150,000</u>
Total .....		\$ 792,799

*336 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 8835 FY 2021 Org 0323

Unclassified .....	09900	\$ 5,127
Current Expenses .....	13000	507,530

Reed Act 2002 – Unemployment Compensation.....	62200	2,850,000
Reed Act 2002 – Employment Services .....	63000	<u>1,650,000</u>
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.

*337 - Office of Energy*

(WV Code Chapter 5B)

Fund 8892 FY 2021 Org 0328

Personal Services and Employee Benefits.....	00100	\$ 426,385
Unclassified .....	09900	7,350
Current Expenses .....	13000	<u>2,816,076</u>
Total .....		\$ 3,249,811

*338 - State Board of Rehabilitation –*

*Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 8734 FY 2021 Org 0932

Personal Services and Employee Benefits.....	00100	\$ 11,863,244
Current Expenses .....	13000	34,440,940
Repairs and Alterations.....	06400	350,400
Equipment.....	07000	<u>1,275,870</u>
Total .....		\$ 47,930,454

*339 - State Board of Rehabilitation –*

*Division of Rehabilitation Services –*

*Disability Determination Services*

(WV Code Chapter 18)



Fund 8890 FY 2021 Org 0932

Personal Services and Employee Benefits.....	00100	\$	12,476,122
Current Expenses .....	13000		13,383,206
Repairs and Alterations.....	06400		1,100
Equipment.....	07000		<u>83,350</u>
Total.....		\$	25,943,778

**DEPARTMENT OF EDUCATION***340 - State Board of Education –**State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$	5,785,359
Unclassified .....	09900		2,000,000
Current Expenses .....	13000		222,367,820
Repairs and Alterations.....	06400		10,000
Equipment.....	07000		10,000
Other Assets .....	69000		<u>10,000</u>
Total.....		\$	230,183,179

*341 - State Board of Education –**School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,881,766
Unclassified .....	09900		1,150,500
Current Expenses .....	13000		148,281,265
Repairs and Alterations.....	06400		20,000

Equipment.....	07000	100,000
Other Assets .....	69000	<u>25,000</u>
Total .....		\$ 151,458,531

*342 - State Board of Education –*

*Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 1,896,249
Unclassified .....	09900	155,000
Current Expenses .....	13000	14,820,081
Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
Other Assets .....	69000	<u>10,000</u>
Total .....		\$ 16,901,330

*343 - State Board of Education –*

*Aid for Exceptional Children*

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 3,477,006
Unclassified .....	09900	1,000,000
Current Expenses .....	13000	113,346,390
Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
Other Assets .....	69000	<u>10,000</u>
Total .....		\$ 117,853,396

**DEPARTMENT OF ARTS, CULTURE, AND HISTORY**

*344 - Commission for National and Community Service*

(WV Code Chapter 5F)

Fund 8841 FY 2021 Org 0432

Personal Services and Employee Benefits.....	00100	\$	437,040
Current Expenses .....	13000		5,587,325
Repairs and Alterations.....	06400		<u>1,000</u>
Total.....		\$	6,025,365

*345 - Division of Culture and History*

(WV Code Chapter 29)

Fund 8718 FY 2021 Org 0432

Personal Services and Employee Benefits.....	00100	\$	810,436
Current Expenses .....	13000		1,947,372
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		1,000
Buildings .....	25800		1,000
Other Assets .....	69000		1,000
Land .....	73000		<u>360</u>
Total.....		\$	2,762,168

*346 - Library Commission*

(WV Code Chapter 10)

Fund 8720 FY 2021 Org 0433

Personal Services and Employee Benefits.....	00100	\$	353,396
Current Expenses .....	13000		1,076,162
Equipment.....	07000		<u>543,406</u>
Total.....		\$	1,972,964

*347 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 8721 FY 2021 Org 0439

Equipment.....	07000	\$	200,000
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION***348 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 8708 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	31,406,529
Current Expenses .....	13000		153,850,118
Repairs and Alterations.....	06400		739,783
Equipment.....	07000		1,712,238
Unclassified .....	09900		1,923,580
Other Assets .....	69000		2,177,261
Land .....	73000		<u>80,000</u>
Total .....		\$	191,889,509

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES***349 - Consolidated Medical Service Fund*

(WV Code Chapter 16)

Fund 8723 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,532,219
Unclassified .....	09900		73,307
Current Expenses .....	13000		<u>36,583,302</u>
Total .....		\$	38,188,828

*350 - Division of Health –**Central Office*

(WV Code Chapter 16)

Fund 8802 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	14,610,947
Unclassified .....	09900		856,614
Current Expenses .....	13000		69,201,885
Equipment.....	07000		456,972
Buildings .....	25800		155,000
Other Assets .....	69000		<u>380,000</u>
Total.....		\$	85,661,418

*351 - Division of Health –**West Virginia Safe Drinking Water Treatment*

(WV Code Chapter 16)

Fund 8824 FY 2021 Org 0506

## West Virginia Drinking Water Treatment

Revolving Fund – Transfer .....	68900	\$	16,000,000
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*352 - Human Rights Commission*

(WV Code Chapter 5)

Fund 8725 FY 2021 Org 0510

Personal Services and Employee Benefits.....	00100	\$	449,874
Unclassified .....	09900		5,050
Current Expenses .....	13000		<u>64,950</u>
Total.....		\$	519,874

*353 - Division of Human Services*

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$	76,486,842
Unclassified .....	09900		22,855,833

Current Expenses .....	13000	112,110,500
Medical Services.....	18900	3,598,409,155
Medical Services Administrative Costs.....	78900	132,247,536
CHIP Administrative Costs.....	85601	4,539,496
CHIP Services.....	85602	47,422,974
Federal Economic Stimulus.....	89100	<u>5,000,000</u>
Total.....		\$ 3,999,072,336

**DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY**

*354 - Office of the Secretary*

(WV Code Chapter 5F)

Fund 8876 FY 2021 Org 0601

Unclassified .....	09900	\$ 5,000
Current Expenses .....	13000	<u>495,000</u>
Total.....		\$ 500,000

*355 - Adjutant General –*

*State Militia*

(WV Code Chapter 15)

Fund 8726 FY 2021 Org 0603

Unclassified .....	09900	\$ 982,705
Mountaineer ChalleNGe Academy.....	70900	4,978,680
Martinsburg Starbase.....	74200	439,622
Charleston Starbase .....	74300	424,685
Military Authority .....	74800	<u>93,601,594</u>
Total.....		\$ 100,427,286

The Adjutant General shall have the authority to transfer between appropriations.

*356 - Adjutant General –*

*West Virginia National Guard Counterdrug Forfeiture Fund*

(WV Code Chapter 15)

Fund 8785 FY 2021 Org 0603

Personal Services and Employee Benefits.....	00100	\$	1,350,000
Current Expenses .....	13000		300,000
Equipment.....	07000		<u>350,000</u>
Total .....		\$	2,000,000

*357 - Division of Homeland Security and**Emergency Management*

(WV Code Chapter 15)

Fund 8727 FY 2021 Org 0606

Personal Services and Employee Benefits.....	00100	\$	1,260,422
Current Expenses .....	13000		20,429,281
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		<u>100,000</u>
Total .....		\$	21,794,703

*358 - Division of Corrections and Rehabilitation*

(WV Code Chapters 15A)

Fund 8836 FY 2021 Org 0608

Unclassified .....	09900	\$	1,100
Current Expenses .....	13000		<u>108,900</u>
Total .....		\$	110,000

*359 - West Virginia State Police*

(WV Code Chapter 15)

Fund 8741 FY 2021 Org 0612

Personal Services and Employee Benefits.....	00100	\$	2,480,877
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Current Expenses .....	13000	2,125,971
Repairs and Alterations.....	06400	42,000
Equipment.....	07000	2,502,285
Buildings .....	25800	750,500
Other Assets .....	69000	144,500
Land .....	73000	<u>500</u>
Total.....		\$ 8,046,633

*360 - Fire Commission*

(WV Code Chapter 29)

Fund 8819 FY 2021 Org 0619

Current Expenses .....	13000	\$ 80,000
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*361 - Division of Administrative Services*

(WV Code Chapter 15)

Fund 8803 FY 2021 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 1,222,258
Unclassified .....	09900	25,381,973
Current Expenses .....	13000	1,750
Repairs and Alterations.....	06400	<u>25,185</u>
Total.....		\$ 26,631,166

**DEPARTMENT OF REVENUE**

*362 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2021 Org 0704

Current Expenses .....	13000	\$ 3,000,000
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**DEPARTMENT OF TRANSPORTATION**

*363 - Division of Motor Vehicles*



(WV Code Chapter 17B)

Fund 8787 FY 2021 Org 0802

Personal Services and Employee Benefits.....	00100	\$	501,394
Current Expenses .....	13000		5,498,106
Repairs and Alterations.....	06400		<u>500</u>
Total .....		\$	6,000,000

*364 - Division of Public Transit*

(WV Code Chapter 17)

Fund 8745 FY 2021 Org 0805

Personal Services and Employee Benefits.....	00100	\$	922,070
Current Expenses .....	13000		8,663,149
Repairs and Alterations.....	06400		2,500
Equipment.....	07000		2,801,714
Buildings .....	25800		1,250,000
Other Assets .....	69000		<u>100,000</u>
Total .....		\$	13,739,433

**DEPARTMENT OF VETERANS' ASSISTANCE**

*365 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2021 Org 0613

Personal Services and Employee Benefits.....	00100	\$	2,947,485
Current Expenses .....	13000		2,840,300
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		25,000
Buildings .....	25800		250,000
Land .....	73000		500

Veterans' Cemetary .....	80800	<u>175,000</u>
Total .....		\$ 6,258,285

*366 - Department of Veterans' Assistance –*

*Veterans' Home*

(WV Code Chapter 9A)

Fund 8728 FY 2021 Org 0618

Personal Services and Employee Benefits.....	00100	\$ 906,850
Current Expenses .....	13000	601,700
Repairs and Alterations.....	06400	60,500
Equipment.....	07000	10,500
Buildings .....	25800	500
Other Assets .....	69000	500
Land .....	73000	<u>100</u>
Total .....		\$ 1,580,650

**BUREAU OF SENIOR SERVICES**

*367 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 8724 FY 2021 Org 0508

Personal Services and Employee Benefits.....	00100	\$ 767,364
Current Expenses .....	13000	13,811,853
Repairs and Alterations.....	06400	<u>3,000</u>
Total .....		\$ 14,582,217

**MISCELLANEOUS BOARDS AND COMMISSIONS**

*368 - Public Service Commission –*

*Motor Carrier Division*

(WV Code Chapter 24A)

2020] HOUSE OF DELEGATES 1317

Fund 8743 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	1,352,576
Current Expenses .....	13000		368,953
Repairs and Alterations.....	06400		39,000
Equipment.....	07000		<u>1,000</u>
Total .....		\$	1,761,529

*369 - Public Service Commission –*

*Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	621,039
Current Expenses .....	13000		124,628
Equipment.....	07000		3,000
Unclassified .....	09900		<u>4,072</u>
Total .....		\$	752,739

*370 - National Coal Heritage Area Authority*

(WV Code Chapter 29)

Fund 8869 FY 2021 Org 0941

Personal Services and Employee Benefits.....	00100	\$	163,405
Current Expenses .....	13000		633,417
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		3,000
Other Assets .....	69000		<u>2,000</u>
Total .....		\$	<u>806,822</u>

Total TITLE II, Section 6 - Federal Funds

(Including claims against the state)..... \$ 5,240,174,645

**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 2021.

*371 - West Virginia Development Office –*

*Community Development*

Fund 8746 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$	10,658,978
Unclassified .....	09900		2,375,000
Current Expenses .....	13000		<u>224,476,883</u>
Total.....		\$	237,510,861

*372 - Department of Commerce*

*West Virginia Development Office –*

*Office of Economic Opportunity –*

*Community Services*

Fund 8902 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$	362,389
Unclassified .....	09900		125,000
Current Expenses .....	13000		12,002,111
Repairs and Alterations.....	06400		1,500
Equipment.....	07000		<u>9,000</u>
Total.....		\$	12,500,000

*373 - WorkForce West Virginia –*

*Workforce Investment Act*

Fund 8749 FY 2021 Org 0323

Personal Services and Employee Benefits.....	00100	\$	2,999,497
Unclassified .....	09900		23,023
Current Expenses .....	13000		39,263,511
Repairs and Alterations.....	06400		1,600

2020]	HOUSE OF DELEGATES	1319
Equipment.....	07000	500
Buildings .....	25800	<u>1,100</u>
Total .....		\$ 42,289,231

*374 - Division of Health –*

*Maternal and Child Health*

Fund 8750 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 2,268,209
Unclassified .....	09900	81,439
Current Expenses .....	13000	<u>5,794,267</u>
Total .....		\$ 8,143,915

*375 - Division of Health –*

*Preventive Health*

Fund 8753 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 268,337
Unclassified .....	09900	22,457
Current Expenses .....	13000	1,895,366
Equipment.....	07000	<u>165,642</u>
Total .....		\$ 2,351,802

*376 - Division of Health –*

*Substance Abuse Prevention and Treatment*

Fund 8793 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 657,325
Unclassified .....	09900	115,924
Current Expenses .....	13000	<u>10,853,740</u>
Total .....		\$ 11,626,989

*377 - Division of Health –*

*Community Mental Health Services*Fund 8794 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	551,368
Unclassified .....	09900		33,533
Current Expenses .....	13000		<u>4,883,307</u>
Total .....		\$	5,468,208

*378 - Division of Human Services –**Energy Assistance*Fund 8755 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$	1,860,574
Unclassified .....	09900		350,000
Current Expenses .....	13000		<u>33,182,151</u>
Total .....		\$	35,392,725

*379 - Division of Human Services –**Social Services*Fund 8757 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$	8,806,005
Unclassified .....	09900		171,982
Current Expenses .....	13000		<u>8,870,508</u>
Total .....		\$	17,848,495

*380 - Division of Human Services –**Temporary Assistance for Needy Families*Fund 8816 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$	20,559,397
Unclassified .....	09900		1,250,000
Current Expenses .....	13000		<u>105,851,386</u>

Total ..... \$ 127,660,783

*381 - Division of Human Services –*

*Child Care and Development*

Fund 8817 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 2,797,226
Unclassified .....	09900	350,000
Current Expenses .....	13000	<u>47,000,307</u>
Total.....		\$ 50,147,533
Total TITLE II, Section 7 – Federal Block Grants .....		<u>\$ 550,940,542</u>

**Sec. 8. Awards for claims against the state.** — There are hereby appropriated for fiscal year 2021, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$1,397,579, special revenue funds in the amount of \$6,433, state road funds in the amount of \$844,164, and federal revenue funds in the amount of \$280,346 for payment of claims against the state.

**Sec. 9. Appropriations from general revenue fund 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 2021 out of surplus funds only, accrued from the fiscal year ending June 30, 2020, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus as of July 31, 2020 from the fiscal year ending June 30, 2020, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2020, 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 and shall be allocated first to provide the necessary funds to meet the first appropriation of this section and each subsequent appropriation in the order listed in this section.

*382 - West Virginia Tourism Office*

(WV Code Chapter 5B)

Fund 0246 FY 2021 Org 0304

Tourism – Brand Promotion – Surplus ..... ##### \$ 5,000,000

*383 - Governor's Office*

(WV Code Chapter 5)

Fund 0101 FY 2021 Org 010

Community Food Program – Surplus .....	#####	\$	1,000,000
<i>384 - State Board of Education – Vocational Division (WV Code Chapters 18, and 18A) Fund <u>0390</u> FY <u>2021</u> Org <u>0402</u></i>			
Jobs & Hope - Surplus .....	#####	\$	3,500,000
<i>385 - State Board of Education – State Department of Education (WV Code Chapters 18, and 18A) Fund <u>0313</u> FY <u>2021</u> Org <u>0402</u></i>			
Jobs & Hope – Childhood Drug Prevention			
Education - Surplus .....	#####	\$	<u>2,500,000</u>
<i>386 - Consolidated Medical Services Fund (WV Code Chapter 16) Fund <u>0525</u> FY <u>2021</u> Org <u>0506</u></i>			
Jobs & Hope - Surplus .....	#####	\$	4,500,000
<i>387 - Adjutant General – State Militia (WV Code Chapter 15) Fund <u>0433</u> FY <u>2021</u> Org <u>0603</u></i>			
Mountaineer ChalleNGe Academy - Surplus .....	#####	\$	3,300,000
Total TITLE II, Section 9 – Surplus Accrued.....		\$	<u>19,800,00</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 2021 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2020, 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, 2020.



In the event that surplus revenues available from the fiscal year ending June 30, 2020, 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.

*388 - Bureau of Senior Services –*

*Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2021 Org 0508

In-Home Services and Nutrition for

Senior Citizens – Lottery Surplus .....	76699	\$	750,000
Senior Services Medicaid Transfer – Lottery Surplus .....	68199		<u>16,000,000</u>
Total .....		\$	16,750,000
Total TITLE II, Section 10 – Surplus Accrued .....		\$	<u>16,750,000</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 2021 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2020, 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, 2020.

In the event that surplus revenues available from the fiscal year ending June 30, 2020, 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.

*389 - Division of Human Services*

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2021 Org 0511

Medical Services – Lottery Surplus .....	68100	\$	17,000,000
Total TITLE II, Section 11 – Surplus Accrued .....		\$	<u>17,000,000</u>

**Sec. 12. Special revenue appropriations.** — There are hereby appropriated for expenditure during the fiscal year 2021 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 2021, the following funds are hereby available and are to be transferred to the appropriate funds as specified from available balances per the following:

*390 -Attorney General  
Consumer Protection Recovery Fund  
(WV Code Chapter 46A)  
Fund 1509 FY 2021 Org 1500*

Directed Transfer .....	70000	\$	6,100,000
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From the above appropriation for Directed Transfer (Fund 1509, appropriation 70000), \$100,000 shall be transferred to the Supreme Court – Family Court Fund (Fund 1763), \$1,000,000 shall be transferred to the West Virginia State Police – Forensic Laboratory Fund (Fund 6511) and \$5,000,000 shall be transferred to the Department of Health and Human Resources, Division of Health – Ryan Brown Addiction Prevention and Recovery Fund (Fund 5111).

Total TITLE II, Section 12 – Appropriations for Special Revenue

Appropriations .....		\$	<u>6,100,000</u>
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**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 2021, 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 2021 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.

On motion of Delegates Householder, Criss, Anderson, Butler, Cowles, Ellington, Espinosa, Graves, Hardy, Hill, Linville, Maynard, Pack, Rowan, and Storch the amendment was amended on page 11, Item 4, line 3 by striking out “\$19,911,000” and inserting in lieu thereof “\$16,611,000”;

On page 11, Item 4, line 10, by reconciling the fund total accordingly;

On page 52, Item 63, line 4, by striking out “\$1,500,000” and inserting in lieu thereof “\$4,800,000”;

On page 52, Item 63, line 8, by reconciling the fund total accordingly;

On page 53, Item 63, line 18, by striking out “\$1,500,000” and inserting in lieu thereof “\$4,800,000”;

On page 187, by striking out Item 387 in its entirety;

And,

On page 187, by reconciling the Section 9 total accordingly.

Delegates Lavender-Bowe, Zukoff, Estep-Burton, Fleischauer, Longstreth, Staggers, Walker, Angelucci, Barrett, Bates, Boggs, N Brown, S Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Evans, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Swartzmiller, C Thompson, R Thompson, Tomblin and Williams moved to amend the amendment on page 44, under “57 – Division of Health – Central Office,” on line 7, by striking out the number “\$38,621” and inserting in lieu thereof, the number “\$138,621”;

And,

On page 45, under “57 – Division of Health – Central Office,” on line 29, by reconciling the total on line 29 accordingly;

And,

On page 45, following line 44, by inserting the following appropriation designation: “From the above appropriation for Women, Infants, and Children (fund 0407, appropriation 21000), an amount not less than \$100,000 shall be expended for a Drug Free Mothers and Babies Program.”

And,

On page 46, under “58 – Consolidated Medical Services Fund,” on line 3, by striking out the number “\$68,613,953” and inserting in lieu thereof, the number “\$68,713,953”;

And,

On page 46, under “58 – Consolidated Medical Services Fund,” on line 11, by reconciling the total on line 29 accordingly;

And,

On page 47, by editing the appropriation designation on line 24 to read: “Included in the above appropriation for Behavioral Health Program (fund 0525, appropriation 21900) is \$100,000 for the Healing Place of Huntington and \$100,000 for a Drug Free Mothers and Babies Program.”

And,

On page 48, under “61 – Division of Human Services,” on line 5, by reducing appropriation 18900 by \$200,000 and reconciling line 34 on page 49 accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 493**), and there were— yeas 43, nays 56, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: McGeehan.

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

Delegates Angelucci, Barrett, Bates, Boggs, N. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C Thompson, R Thompson, Tomblin, Walker, Williams and Zukoff moved to amend on page 48, under “61 – Division of Human Services,” on line 9, by striking out the number “\$400,000” and inserting in lieu thereof, “\$900,000”;

And,

On page 48, under “61 – Division of Human Services,” on line 5, by reducing appropriation 18900 by \$500,000 and reconciling line 34 on page 49 accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 494**), and there were— yeas 42, nays 57, absent and not voting 1, with the yeas and absent and not voting being as follows:



Thompson, Tomblin, Walker, Williams and Zukoff moved to amend the amendment, on page 12, under "5- Governor's Office" on line 6, by striking the number "0" and inserting in lieu thereof, "\$1,000,000" and reconciling the total on line 6;

And,

On page 48, under "61 – Division of Human Services," on line 5, by reducing appropriation 18900 by \$1,000,000 and reconciling line 34 on page 49 accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 496**), and there were— yeas 44, nays 56, absent and not voting none, with the yeas being as follows:

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

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

Delegates Bates, Angelucci, Barrett, Boggs, N Brown, S Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, C Thompson, R Thompson, Tomblin, Walker, Williams and Zukoff moved to amend the amendment on page 11, under "4 – Supreme Court – General Judicial," on line 3, by striking out the number "\$16,611,000" and inserting in lieu thereof, the number "\$9,911,000";

And,

On page 11, line 10, reconciling the total accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 497**), and there were— yeas 38, nays 61, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Cadle, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Skaff, Staggers, Swartzmiller, C. Thompson, Tomblin, Walker, Williams, Wilson and Zukoff.

Absent and Not Voting: Linville.

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

Delegates Bates Angelucci, Barrett, Boggs, N Brown, S Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, C Thompson, R Thompson, Tomblin, Walker, Williams and Zukoff moved to amend the amendment on page 154, under “298 – Bureau of Senior Services – Lottery Senior Citizens Fund,” on line 1, by striking out the number “\$209,640” and inserting in lieu thereof, the number “\$159,640”;

And,

On page 155, under “298 – Bureau of Senior Services – Lottery Senior Citizens Fund,” inserting after line 13 a new line item 14, “Senior Nutrition Vehicle Replacement.....Fund XXX.....\$50,000”;

And,

Following the period at the end of page 155, line 24, insert the following language:

“From the above appropriation, Senior Nutrition Vehicle Replacement, to be divided among the Senior Programs that did not receive a vehicle for their Nutrition Program.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 498**), and there were— yeas 41, nays 58, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Skaff.

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

Delegates Bates, Longstreth, Angelucci, Barrett, Boggs, N Brown, S Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, C Thompson, R Thompson, Tomblin, Walker, Williams and Zukoff moved the amend the amendment on page 188, by adding a new item as follows under **Sec. 11. Appropriations from state excess lottery revenue surplus accrued:**



“390 – Department of Veterans’ Assistance

(WV Code Chapter 9A)

Fund XXX FY 2021 Org 0613

Hershel “Woody” Williams Beckley Nursing Facility – Lottery Surplus.....\$14,000,000”

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

The yeas and nays having been ordered, they were taken (**Roll No. 499**), and there were— yeas 41, nays 58, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Staggers.

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

Delegates Hornbuckle, Pushkin, S. Brown, Angelucci, Barrett, Bates, Boggs, N Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C Thompson, R Thompson, Tomblin, Walker, Williams and Zukoff moved to amend the amendment on page 32, under “40 – WorkForce West Virginia,” by adding an appropriation on line 3 that reads:

“WV Summer Employment Program for At-Risk Youth..... XXXXX           \$2,648,000”,  
and reconciling line 4 accordingly.

And,

On page 48, under “61 – Division of Human Services,” on line 5, by reducing appropriation 18900 by \$2,648,000 and reconciling line 34 on page 49 accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 500**), and there were— yeas 42, nays 58, absent and not voting none, with the yeas being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Cadle, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel,

Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

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

Delegates C. Thompson, Angelucci, Barrett, Bates, Boggs, N Brown, S Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, R Thompson, Tomblin, Walker, Williams moved to amend the amendment on page 58, under “70 – West Virginia State Police,” on line 7, by striking out the number “\$1,070,968” and inserting in lieu thereof, the number “\$1,170,968”;

And,

On page 59, by inserting the following appropriation designation: “From the above appropriation for Communications and Other Equipment (R) (fund 0453, appropriation 55800), an amount not less than \$100,000 shall be expended for bulletproof vests.”

And,

On page 48, under “61 – Division of Human Services,” on line 5, by reducing appropriation 18900 by \$100,000 and reconciling line 34 on page 49 accordingly.

Delegate Hott requested to be excused from voting under the provisions of House Rule 49.

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

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

The yeas and nays having been ordered, they were taken (**Roll No. 501**), and there were— yeas 44, nays 56, absent and not voting none, with the yeas being as follows:

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

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

Delegates Zukoff, Canestraro, Williams, Angelucci, Barrett, Bates, Boggs, N Brown, S Brown, Byrd, Campbell, , Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C Thompson, R Thompson, Tomblin and Walker moved to amend the amendment on page 188, by

adding a new item following line 10, as follows under **Sec. 11. Appropriations from state excess lottery revenue surplus accrued:**

“389 – Division of Highways –  
Intermediate Road Repair Fund  
(WV Code Chapter 17)  
Fund XXX FY 2021 Org 0803”

Division of Highways - Surplus..... ##### \$2,000,000

The above appropriation for Intermediate Road Repair Fund (fund XXX, appropriation 21900) is to be allocated in equal payments of \$200,000 to each of the 10 Division of Highways’ Districts.”

Delegate Foster requested to be excused from voting under the provisions of House Rule 49.

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

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

The yeas and nays having been ordered, they were taken (**Roll No. 502**), and there were—yeas 43, nays 54, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: J. Kelly, Miller and Sypolt.

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

An amendment offered by Delegate Rowe, was reported by the Clerk.

Whereupon,

Delegate Rowe obtained unanimous consent to withdraw the amendment.

Delegates Doyle, Angelucci, Barrett, Bates, Boggs, N Brown, S Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C Thompson, R Thompson, Tomblin, Walker, Williams and Zukoff moved to amend the amendment on page 63, under “80 – State Rail Authority,” line 2 by striking out the number “\$1,287,707” and inserting, in lieu thereof, the number “\$3,687,707”;

And,

On page 63, under “80 – State Rail Authority,” line 5 by striking the number “\$3,120,894” and inserting, in lieu thereof, the number “\$5,520,894”;

And,

On page 63, line 7, striking the number “\$1,000,000” and inserting, in lieu thereof, the number “\$3,400,000”;

And,

On page 48, under “61 – Division of Human Services,” on line 5, by reducing appropriation 18900 by \$2,400,000 and reconciling line 34 on page 49 accordingly.

Delegate Wilson requested to be excused from voting under the provisions of House Rule 49.

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

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

The yeas and nays having been ordered, they were taken (**Roll No. 503**), and there were—yeas 41, nays 59, absent and not voting none, with the yeas being as follows:

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

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

Delegates Sponaugle, Angelucci, Barrett, Bates, Boggs, N Brown, S Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Staggers, Swartzmiller, C Thompson, R Thompson, Tomblin, Walker, Williams and Zukoff moved to amend the amendment on page 24, under “27 – Public Defender Services,” on line 1, by striking out the number “\$1,711,081” and inserting in lieu thereof, the number “\$3,361,081”;

And,

On page 48, under “61 – Division of Human Services,” on line 5, by reducing appropriation 18900 by \$1,650,000 and reconciling line 34 on page 49 accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 504**), and there were— yeas 41, nays 59, absent and not voting none, with the yeas being as follows:

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

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

Delegates Rowe, Estep-Burton, Robinson, Angelucci, Bates, Boggs, N Brown, S Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Rodighiero, Skaff, Sponaugle, Staggers, Swartzmiller, C Thompson, R Thompson, Tomblin, Walker, Williams and Zukoff moved to amend the amendment on line 1, by striking the number "\$12,481,921" and inserting, in lieu thereof "\$12,000,000" and reconcile line 11 on page 138 accordingly;

And,

On page 139, under 281 – Public Service Commission – Consumer Advocate Fund," on line 1 by striking the number "\$722,994" and inserting, in lieu thereof "\$1,254,915."

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

The yeas and nays having been ordered, they were taken (**Roll No. 505**), and there were— yeas 42, nays 57, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Kessinger.

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

Delegates Fleischauer, Angelucci, Barrett, Bates, Boggs, N Brown, S Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C Thompson, R Thompson, Tomblin, Walker, Williams and Zukoff moved to amend the amendment on page 49, under "61 – Division of Human Services," on line 22, by striking out the number "\$2,500,000" and inserting in lieu thereof, "\$3,000,000";

And,

On page 48, under “61 – Division of Human Services,” on line 5, by reducing appropriation 18900 by \$500,000 and reconciling line 34 on page 49 accordingly.

Delegate Porterfield moved the previous question, which demand was not sustained.

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

The yeas and nays having been ordered, they were taken (**Roll No. 506**), and there were—yeas 41, nays 56, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Byrd, Cadle and Graves.

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

The strike and insert amendment offered by Delegate Householder, as amended, was then adopted.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 507**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: S. Brown, Butler, Doyle, McGeehan and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 150) passed.

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

On this question, the yeas and nays were taken (**Roll No. 508**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Butler and McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 150) takes effect from its passage.

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

At 4:20 p.m., the House of Delegates recessed until 4:50 p.m.

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### Evening Session

\* \* \* \* \*

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

### Special Calendar

#### Third Reading

-continued-

**Com. Sub. for S. B. 490**, Relating to criminal offenses against agricultural facilities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 509**), and there were—yeas 83, nays 13, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Caputo, Doyle, Fleischauer, Fluharty, Longstreth, Miley, Pushkin, Rowe and Walker.

Absent and Not Voting: Hicks, Kump, Steele and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 490) passed.

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

**Com. Sub. for S. B. 490** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3B-7, relating to creating the offenses of trespass upon an animal or crop facility and conspiracy to trespass upon an animal or crop facility; defining terms; establishing criminal penalties; creating an enhanced felony offense for second and subsequent violations; authorizing double damages for injuries to animal and crop facilities; and allowing injunctive relief."

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

**Com. Sub. for S. B. 578**, Recalculating tax on generating, producing, or selling electricity from solar energy facilities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 510**), and there were—yeas 76, nays 20, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bibby, N. Brown, Cadle, Dean, Fast, Hicks, J. Jeffries, C. Martin, P. Martin, Maynard, McGeehan, Miller, Paynter, Phillips, Rodighiero, R. Thompson, Tomblin, Toney and Wilson.

Absent and Not Voting: Kessinger, Kump, Steele and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 578) passed.

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

**Com. Sub. for S. B. 578** – “A Bill to amend and reenact §11-13-2o of the Code of West Virginia, 1931, as amended, relating to adjusting the calculation of business and occupation tax on the business of generating, producing, or selling electricity from solar energy facilities; defining terms and establishing the taxable generating capacity for certain generating units utilizing solar photovoltaic methods.”

Delegate Summers moved that the bill take effect July 1, 2020.

On this question, the yeas and nays were taken (**Roll No. 511**), and there were—yeas 81, nays 15, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bibby, N. Brown, Cadle, Fast, Hicks, Howell, J. Jeffries, P. Martin, Maynard, McGeehan, Paynter, Rodighiero, R. Thompson and Tomblin.

Absent and Not Voting: Kessinger, Kump, Steele and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 578) takes effect July 1, 2020.

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

**S. B. 600**, Creating special revenue account designated Military Authority Fund; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 512**), and there were—yeas 59, nays 38, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, Bartlett, Bates, N. Brown, S. Brown, Cadle, Canestraro, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Hicks, Hornbuckle, Jennings, J. Kelly, Lovejoy, C. Martin, P. Martin, McGeehan, Miller, Pack, Paynter, Phillips, Porterfield, Pyles, Rodighiero, Skaff, Sponaugle, Stagers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Walker and Wilson.

Absent and Not Voting: Kump, Steele and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 600) passed.

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

**Com. Sub. for S. B. 614**, Changing method of allocating funding from Safe School Funds; on third reading, coming up in regular order, was read a third time.



The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 513**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Criss, Kump, Steele and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 614) passed.

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

On this question, the yeas and nays were taken (**Roll No. 514**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: S. Brown, Criss, Householder, Kump, Linville, Steele and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 614) takes effect from its passage.

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

**Com. Sub. for S. B. 662**, Removing restrictions on fiduciary commissioners; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 515**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: S. Brown, Cooper, Criss, Householder, Kump, Linville, Steele and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 662) passed.

Delegate Summers moved that the bill take effect July 1, 2020.

On this question, the yeas and nays were taken (**Roll No. 516**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: S. Brown, Cooper, Criss, Householder, Kump, Linville, Steele and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 662) takes effect July 1, 2020.

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

**Com. Sub. for S. B. 668**, Enacting Uniform Trust Decanting Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 517**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Criss, Kump, Linville, Steele and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 668) passed.

Delegate Summers moved that the bill take effect July 1, 2020.

On this question, the yeas and nays were taken (**Roll No. 518**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Cooper, Criss, Kump, Linville, Steele and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 668) takes effect July 1, 2020.

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

**Com. Sub. for S. B. 802**, Relating to public utilities generally; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 519**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Criss, Kump, Linville, Steele and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 802) passed.

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

**Com. Sub. for S. B. 802** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-20, relating generally to the regulation of public utilities; providing legislative findings; providing that certain large volume end users may receive natural gas service without the permission, consent, control, review, or input of the West Virginia Public Service Commission; requiring the end user pay for the minimum amount of gas required for the exception; providing that the end user shall make certain certifications to the commission; providing that the commission shall receive, file, and retain all end user certifications; providing that no person, entity, or body shall be a public utility, intrastate pipeline, common carrier, or otherwise subject to the jurisdiction of the commission as a result of supplying such end users; and providing that provisions shall not prevent or impede the commission’s safety regulation of pipelines.”

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

**Com. Sub. for S. B. 810**, Implementing federal Affordable Clean Energy rule; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 520**), and there were—yeas 89, nays 4, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Doyle, Estep-Burton, Hornbuckle and Pushkin.

Absent and Not Voting: Cooper, Criss, Kump, Linville, Rowe, Steele and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 810) passed.

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

### **Second Reading**

**S. B. 42**, Permitting faith-based electives in classroom drug prevention programs; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Education, was reported by the Clerk and adopted, amending the bill on page two, section seven-b, line thirty-nine, after the word “electives”, by inserting a comma and the following: “along with non-faith-based electives,”.

The bill was then ordered to third reading.

**Com. Sub. for S. B. 130**, Relating to procedure for driver’s license suspension and revocation for DUI; on second reading, coming up in regular order, was read a second time

On motion of Delegate Shott, the bill was amended on page thirteen, section two-a, lines one through seven, by striking out all of subsection (a) and inserting in lieu thereof a new subsection (a), to read as follows:

**“§17C-5-2a. Definition of phrase ‘in this state’; phrases synonymous with driving under the influence of alcohol; validation of warrants and indictments.**

(a) For purposes of this article and §17C-5A-1 *et seq.* of this code, the phrase “in this state” shall mean anywhere within the physical boundaries of this state, including, but not limited to, publicly maintained streets and highways, and subdivision streets or other areas not publicly maintained but nonetheless open to the use of the public for purposes of vehicular travel, but as used in §17C-5-2(e), §17C-5-2(f), §17C-5-2(g), §17C-5-2(h), §17C-5-2(i), §17C-5-2(j), and §17C-5-2(k) of this code, the term does not mean or include driving or operating a vehicle solely and exclusively on one’s own property in an area not open to the use of the public for purposes of vehicular travel.”

The bill was then ordered to third reading.

**Com. Sub. for S. B. 175**, Requiring certain agencies maintain website which contains specific information; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, section seven, line two, after the word "information", by inserting the words "in a searchable form by the public".

On page one, section seven, line six, after the word "each" by striking out the words "staff member" and inserting in lieu thereof the words "administrative agency officials".

On page one, section seven, line eight, after the word "information" by striking the words "of its staff members".

On page two, section seven, on line twelve, by striking out subdivision (4) in its entirety, and renumbering the remaining subdivisions thereof.

On page two, section seven, on line sixteen, by striking out subdivision (8) in its entirety, and renumbering the remaining subdivisions thereof.

On page two, section three rr, line one, after the words "county commission" by striking out the word "may" and inserting in lieu thereof the word "shall".

On page two, section three rr, line five, after the word "address" by inserting a colon and the following proviso to read as follows: "Provided, That the county commission may withhold contact information from disclosure that it deems necessary to protect their safety, the safety of their coworkers, and the integrity of law-enforcement operations".

And,

On page three, section one, line five, after the word "address" by inserting a colon and the following proviso to read as follows: "Provided, That the municipality may withhold contact information from disclosure that it deems necessary to protect their safety, the safety of their coworkers, and the integrity of law-enforcement operations".

Delegate Fleischauer moved to amend the bill, at the end of section one, on page four, following the period on line twelve, by inserting the following:

**"CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

**ARTICLE 2. DIVISION OF MOTOR VEHICLES.**

**§17A-2-26. Enrollment of persons with communication disability.**

(a) As used in this section:

(1) 'Communication disability' has the same meaning as in §17A-2-27 of this code.

(2) 'Disability that can impair communication' has the same meaning as in §17A-2-27 of this code.

(3) 'Legal guardian' has the same meaning as in §49-1-205 of this code.

(4) 'Ward' means a person for whom a legal guardian has been appointed.

(b) The Division of Motor Vehicles shall establish and maintain an enrollment list of persons who enroll under this section as being diagnosed with a communication disability or a disability that can impair communication.

(c) Any person diagnosed with a communication disability or a disability that can impair communication who is 18 years of age or older may enroll with the division for inclusion in the enrollment list by submitting a completed verification form to the division.

(d) Any parent or guardian of a minor child or a ward diagnosed with a communication disability or a disability that can impair communication may enroll the minor child or the ward with the division for inclusion in the enrollment list by submitting a completed verification form to the division.

(e) (1) The division shall include in the enrollment list information provided on a completed verification form that the division determines is necessary for a law-enforcement officer to identify a person as diagnosed with a communication disability or a disability that can impair communication. The division shall make the enrollment list available to state and local law-enforcement officers through a law-enforcement automated data system.

(2) Information in the enrollment list is not a public record subject to inspection or copying under Chapter 29B of this code.

(f) A person diagnosed with a communication disability or a disability that can impair communication who is included in the enrollment list, or the parent or guardian of a minor child or a ward diagnosed with a communication disability or a disability that can impair communication who is included in the enrollment list, may request removal of the person, minor or ward, as applicable, from the enrollment list. The person, parent or guardian shall do so by completing the verification form with only the information required under subsection (c), subdivisions (1), (2), (3), (8) and (9) of §17A-2-27 of this code, as applicable, and submitting the form to the division. Upon receipt of a properly completed verification form requesting the removal of a person with a communication disability or a disability that can impair communication from the enrollment list, the division shall immediately remove that person from the enrollment list.

(g) The division may propose rules for promulgation in accordance with the provisions of §29A-3-1 et seq. of this code to carry out the requirements of this section.

#### **§17A-2-27. Form for inclusion in enrollment list with a communication disability.**

(a) As used in this section:

(1) 'Communication disability' means a human condition involving an impairment in the human's ability to receive, send, process or comprehend concepts or verbal, nonverbal or graphic symbol systems that may result in a primary disability or may be secondary to other disabilities.

(2) 'Disability that can impair communication' means a human condition with symptoms that can impair the human's ability to receive, send, process or comprehend concepts or verbal, nonverbal or graphic symbol systems.

(3) 'Legal guardian' has the same meaning as in §49-1-205 of this code.

(4) 'Health care provider' means a person as defined in §16-30-3 of this code.

(5) 'Psychiatrist' means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the residency review committee of the American Medical Association, the committee on post-graduate education of the American Osteopathic Association, or the American Osteopathic Board of Neurology and Psychiatry.

(6) 'Psychologist' means a person licensed under the provisions of §30-21-1 et seq. of this code.

(b) The form shall include the following information:

(1) The name of the person diagnosed with a communication disability or a disability that can impair communication;

(2) The name of the person completing the form on behalf of the person diagnosed with a communication disability or a disability that can impair communication, if applicable;

(3) The relationship between the person completing the form and the person diagnosed with a communication disability or a disability that can impair communication, if applicable;

(4) The driver's license number or state identification card number issued to the person diagnosed with a communication disability or a disability that can impair communication, if that person has such a number;

(5) The license plate number of each vehicle owned, operated or regularly occupied by the person diagnosed with a communication disability or a disability that can impair communication, or enrolled in that person's name;

(6) A physician's, psychiatrist's, or psychologist's signed certification that the person has been diagnosed with a communication disability or a disability that can impair communication;

(7) The name, business address, business telephone number and medical license number of the physician, psychiatrist or psychologist making the certification;

(8) The signature of the person diagnosed with a communication disability or a disability that can impair communication, or the signature of the person completing the form on behalf of such a person, that may indicate the desire to be removed from the date base; and

(9) Option to explain – A place where the person or persons may include a short explanation of the type of disability, possible symptoms, and measures which could alleviate or lessen the symptoms.

(c) Any of the following persons may complete the verification form:

(1) Any person diagnosed with a communication disability or a disability that can impair communication who is 18 years of age or older;

(2) The parent or parents of a minor child diagnosed with a communication disability or a disability that can impair communication;

(3) The guardian of a person diagnosed with a communication disability or a disability that can impair communication, regardless of the age of the person.

(d) The Division of Motor Vehicles shall make the verification form electronically available on each of their respective websites.”

Delegate Householder arose to a point of order as to the germaneness of the amendment.

The Speaker ruled that the amendment was germane to the purpose of the bill.

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

The yeas and nays having been ordered, they were taken (**Roll No. 521**), and there were— yeas 71, nays 22, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Speaker Hanshaw, Azinger, Bibby, Cowles, Espinosa, Foster, Hardy, Hill, Hott, Householder, D. Jeffries, J. Jeffries, Jennings, Maynard, McGeehan, Phillips, Porterfield, Summers, Waxman, Westfall, Wilson and Worrell.

Absent and Not Voting: Cooper, Criss, Kump, Linville, Rowan, Steele and Storch.

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

The bill was then ordered to third reading.

**Com. Sub. for S. B. 230**, Requiring State Board of Education provide routine education in suicide prevention; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Education, was reported by the Clerk and adopted, amending the bill on page two, section §18-2-40, after line thirty, by inserting a new subsection, designated subsection (d) to read as follows:

“(d) The provisions of this section shall be known as ‘Jamie’s Law’.”

Delegate Wilson moved to amend the bill, on page two, section eight-e, line thirty by inserting the following language: “(e) Beginning with the 2020-2021 school year, comprehensive drug awareness and suicide prevention programs for students in grades K through 12 may include faith-based electives for drug awareness in classrooms. The state board shall promulgate a rule on how the faith-based electives can be offered in a way that is consistent with constitutional requirements.”

Delegate Wilson then asked and obtained unanimous consent that the amendment be reformed, as follows:

On page two, section eight-e, line thirty by inserting the following language: “(e) Beginning with the 2020-2021 school year, comprehensive suicide prevention programs for students in grades K through 12 may include faith-based electives for suicide prevention in classrooms. The

state board shall promulgate a rule on how the faith-based electives can be offered in a way that is consistent with constitutional requirements.”

Whereupon,

In the absence of objection, the amendment was withdrawn.

The bill was then ordered to third reading.

**Com. Sub. for S. B. 261**, Creating criminal penalties for introducing ransomware into computer with intent to extort; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page five, section 61-3C-4(a), line six, after the word “for”, by inserting the phrase “a determinate sentence of”.

On page five, section 61-3C-4(b), line 10, after the word “for”, by inserting the phrase “a determinate sentence of”.

And,

On page five, section 61-3C-4(d), line 19, after the word “for”, by inserting the phrase “a determinate sentence of”.

The bill was then ordered to third reading.

**Com. Sub. for S. B. 269**, Establishing advisory council on rare diseases; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the bill on page two, line sixteen, after the word “years”, by inserting a period and striking the remainder of the subsection.

And,

On page two, line twenty-four, by striking out subsection (c) in its entirety and re-lettering the remaining subsections accordingly.

And,

On page four, section three, line twenty-seven, after the period, by inserting the following:

“The advisory council shall terminate on January 1, 2023.”

The bill was then ordered to third reading.

**Com. Sub. for S. B. 275**, Creating Intermediate Court of Appeals; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.



**Com. Sub. for S. B. 288**, Relating to family planning and child spacing; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the bill on page one, section one, line nine, after the period by inserting, "The Bureau for Medical Services shall update the managed care contract to include language that the contracted managed care company may not present barriers that delay or prevent access, such as prior authorizations or step-therapy failure requirements; and should receive patient centered education and counseling on all FDA approved birth control methods."

And,

On page one, line thirteen, by striking out "unborn children" and inserting in lieu thereof, "a fetus".

The bill was then ordered to third reading.

**S. B. 289**, Creating Green Alert Plan; on second reading, coming up in regular order, was read a second time.

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

**"ARTICLE 3E. CREATION OF A STATEWIDE GREEN ALERT PLAN.**

**§15-3E-1. Short title.**

This article shall be known and may be cited as the Green Alert Plan.

**§15-3E-2. Findings and declarations relative to Green Alert Plan.**

(a) The Legislature finds that:

(1) According to the U.S. Department of Veterans Affairs, 20 veterans commit suicide each day across the country;

(2) While veterans make up less than nine percent of the total U.S. population, tragically, they account for 19 percent of all suicides in America;

(3) By establishing the Green Alert Plan, law enforcement will be provided with additional tools that will help them in responding to an at-risk veteran's disappearance and place an emphasis on the risk of suicide for veterans with a service-related condition;

(4) The Green Alert Plan would also allow for a more rapid dissemination of information on the missing at-risk veteran to the public, who, having been alerted to the situation, now become an extensive network of eyes and ears serving to assist law enforcement in quickly locating and safely recovering a missing at-risk veteran, and potentially saving them serious injury or suicide;  
and

(5) Given the success of both the Amber and Silver Alert systems, expanding the program to include at-risk veterans is imperative to help those who have served.

(b) The Legislature declares that creating a Green Alert is a way to prevent more tragedies and help ensure our veterans get back home safely.

### **§15-3E-3. Establishment of Green Alert Plan.**

(a) The Superintendent of the West Virginia State Police shall establish the Green Alert Plan authorizing the broadcast media, upon notice from the West Virginia State Police, to broadcast an alert to inform the public of a missing at-risk veteran, subject to the criteria established in §15-3E-4 of this code. The program shall be a voluntary, cooperative effort between state law enforcement and the broadcast media.

(b) As used in this article, 'at-risk veteran' means a person who is currently serving in the armed forces on active duty, reserve status, or in the National Guard, or a person who served in the active military, or who was discharged or released under conditions other than dishonorable who is known, based on the information provided by the person making the report, to have a physical or mental health condition that is related to his or her service.

(c) The Superintendent shall notify the broadcast media serving the State of West Virginia of the establishment the Green Alert Plan and invite their voluntary participation.

(d) The Superintendent shall submit a plan to the Joint Committee on Government and Finance no later than December 1, 2020. The plan shall include Green Alert activation protocols, evaluation of first responder training requirements and needs as related to at-risk veterans, coordination and use of established programs, and analysis of any costs. The Superintendent shall also make recommendations for any additional legislation or actions necessary to further facilitate the implementation of the Green Alert Plan.

### **§15-3E-4. Activation of Green Alert.**

The following criteria shall be met before the West Virginia State Police activate the Green Alert:

(1) An individual who has knowledge that the at-risk veteran is missing has submitted a missing person's report to the West Virginia State Police or other appropriate law-enforcement agency;

(2) The at-risk veteran is believed to be missing, regardless of circumstance;

(3) Based upon information provided by the individual who has submitted the missing person's report, law enforcement has reason to believe that the at-risk veteran has a physical or mental health condition that is related to his or her service;

(4) The missing at-risk veteran may be in danger of death or serious bodily injury;

(5) The missing at-risk veteran is domiciled or believed to be located in the state of West Virginia;

(6) The missing at-risk veteran is, or is believed to be, at a location that cannot be determined by an individual familiar with the missing at-risk veteran, and the missing at-risk veteran is incapable of returning to his or her residence without assistance; and

(7) There is sufficient information available to indicate that a Green Alert would assist in locating the missing at-risk veteran.

**§15-3E-5. Notice to participating media; broadcast of alert.**

(a) To participate, the media may agree, upon notice from the West Virginia State Police via email or facsimile, to transmit information to the public about a missing at-risk veteran that has occurred within their broadcast service region.

(b) The alerts shall include a description of the missing at-risk veteran, such details of the circumstance surrounding him or her becoming missing, as may be known, and such other information as the West Virginia State Police may deem pertinent and appropriate. The West Virginia State Police shall, in a timely manner, update the broadcast media with new information when appropriate concerning the missing at-risk veteran.

(c) The alerts also shall provide information concerning how those members of the public who have information relating to the missing at-risk veteran may contact the West Virginia State Police or other appropriate law-enforcement agency.

(d) Concurrent with the notice provided to the broadcast media, the West Virginia State Police shall also notify the Department of Transportation, the Division of Highways, and the West Virginia Turnpike Commission of the Green Alert so that the department and the affected authorities may, if possible, through the use of their variable message signs, inform the motoring public that a Green Alert is in progress and may provide information relating to the missing at-risk veteran and how motorists may report any information they have to the West Virginia State Police or other appropriate law-enforcement agency.

(e) The alerts shall terminate upon notice from the West Virginia State Police.

(f) The Superintendent shall develop and undertake a campaign to inform law-enforcement agencies about the Green Alert Plan established under this article.

**§15-3E-6. Aid to missing at-risk veteran; immunity from civil or criminal liability.**

No person or entity who, in good faith, follows and abides by the provisions of this article is liable for any civil or criminal penalty as the result of any act or omission in the furtherance thereof unless it is alleged and proven that the information disclosed was false and disclosed with the knowledge that the information was false.

**§15-3E-7. Guidelines; procedural rules.**

The Superintendent may adopt guidelines and procedural rules to effectuate the purposes of this article.”

The bill was then ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 522**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bartlett, Cooper, Hartman, Kump, Pushkin, Rodighiero, Rowan and Steele.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 523**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bartlett, Cooper, Kump, Linville, Pushkin, Rowan and Steele.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 289) passed.

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

**S. B. 289** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-3E-1, §15-3E-2, §15-3E-3, §15-3E-4, §15-3E-5, §15-3E-6 and §15-3E-7 of said code, all relating to the establishment of an alert system for missing at-risk veterans by Superintendent of West Virginia State Police; providing legislative findings and declarations relative to the Green Alert plan; establishment of a Green Alert Plan; defining term; activation of a Green Alert; notice to participating media; broadcasting of a Green Alert; notification to the Department of Transportation, the Division of Highways and the West Virginia Turnpike Commission of the Green Alert; termination of the Green Alert; immunity from criminal or civil liability; and authorizing Superintendent to promulgate guidelines and procedural rules."

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

**Com. Sub. for S. B. 303**, Enacting Students' Right to Know Act; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Education, was reported by the Clerk and adopted, amending the bill on page three, section §18-10P-4, following line thirty-four, by striking out section §18-10P-4 from the bill and inserting a new section §18-10P-4 to read as follows:

**§18-10P-4. Information distribution.**

No later than October 15 of each year, the State Superintendent shall distribute the information collected by the State Board of Education in §18-10P-3 of this code:

(1) To every public high school in the state for distribution to students by school guidance counselors; and

(2) To the public by making it readily available through publishing on the Department of Education's website."

On motion of Delegate D. Jeffries, the bill was amended on page two, section three, line twenty-eight, following the word "enlistments", by inserting "and each branch's starting salary".

And,

On page two, section three, line thirty, following the word "state", by inserting ", and each branch of the US Armed Forces, National Guard and Reserves".

The bill was then ordered to third reading.

**Com. Sub. for S. B. 308**, Creating criminal penalties for violation of orders issued for protection of victims of financial exploitation; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 312**, Relating to provisional licensure of social workers; on second reading, coming up in regular order, was read a second time.

Delegate C. Thompson moved to amend the bill, on page four, section thirty, line eleven, by striking out the number "20" and inserting in lieu thereof, the number "60".

The question being on the adoption of the amendment, the same was put and the amendment was rejected.

Delegate C. Thompson moved to amend the bill, on page three, section sixteen, line 51, following the period, by inserting the following subsection:

"(f) The Bureau for Children and Families service workers hired as adult protective service workers shall be compensated utilizing the pay scale used for child protective services workers."

Delegate Hill arose to an inquiry of the Chair regarding the germaneness of the amendment.

The Speaker ruled that the amendment was not germane to the purpose of the bill.

The bill was then ordered to third reading.

**Com. Sub. for S. B. 491**, Relating to Seed Certification Program; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 510**, Making permanent land reuse agency or municipal land bank's right of first refusal on certain tax sale properties; on second reading, coming up in regular order, was read a second time.

Delegates Cowles and Rohrbach moved to amend the bill on page 3, subsection 2, line 55, by striking the number "\$100,000" and inserting in lieu the following: "\$50,000"

And,

On page 4, line 80, following subsection 3, by inserting the following language:

“(4) Effective July 1, 2025, the provisions of subdivisions (2) and (3) of this subsection shall sunset and have no further force and effect.

“(5) Prior to January 1, 2025, any land reuse agency or municipal land bank which exercises the authority granted by this subsection shall submit to the Joint Committee on Government and Finance a report on the entity’s activities related to the purchase of tax-delinquent properties and any benefits realized from the authority granted by this subsection.”

Delegate Porterfield moved to amend the amendment on page three, subsection two, line fifty-five, by striking out the number “\$50,000” and inserting in lieu the following: “\$25,000”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 524**), and there were— yeas 20, nays 71, absent and not voting 9, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Atkinson, Azinger, Bibby, Butler, Cadle, Fast, Foster, D. Jeffries, Kessinger, McGeehan, Phillips, Porterfield, Summers, Sypolt, Toney, Waxman, Wilson, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Angelucci, Bartlett, Campbell, Cooper, Householder, J. Kelly, Kump, Lovejoy and Steele.

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

The question being on the adoption of the amendment offered by Delegates Cowles and Rohrbach, the same was put and the amendment was adopted.

Delegate Porterfield moved to amend the bill on page three, subsection two, line fifty-four, after the word “meets”, by striking the words “one or more” and inserting in lieu thereof the word “all”.

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

The yeas and nays having been ordered, they were taken (**Roll No. 525**), and there were— yeas 15, nays 77, absent and not voting 8, with the yeas and absent and not voting being as follows:

Yeas: Bibby, Butler, Cadle, Fast, Foster, Graves, Hanna, D. Jeffries, C. Martin, P. Martin, McGeehan, Porterfield, Summers, Waxman and Wilson.

Absent and Not Voting: Angelucci, Bartlett, Canestraro, Cooper, Householder, J. Kelly, Kump and Steele.

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

An amendment offered by Delegate Porterfield was reported by the Clerk.

Whereupon,

Delegate Porterfield obtained unanimous consent to withdraw the amendment.

The bill was then ordered to third reading.

**Com. Sub. for S. B. 530**, Relating to taxation of aircraft; on second reading, coming up in regular order, was read a second time.

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

On page 14, section 9, line 346, following the word state, by inserting "on or after July 1, 2020";

On page 14, section 9, line 346, following the word "Aviation", by striking "Authority" and inserting in lieu thereof "Administration";

On page 14, section 9, line 348, by striking "Authority" and inserting in lieu thereof "Administration"; and

On page 16, section 9, line 382, following the word "to" by inserting "former".

The bill was then ordered to third reading.

**Com. Sub. for S. B. 547**, Relating to employer testing, notice, termination, and forfeiture of unemployment compensation; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

**Com. Sub. for S. B. 575**, Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 641**, Allowing WVCHIP flexibility in rate setting; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the bill on page two, section six-d, line twenty-five, by striking new subsection (e) in its entirety.

The bill was then ordered to third reading.

**S. B. 647**, Permitting physician's assistants and advanced practice registered nurses issue do-not-resuscitate orders; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the bill on page three, section six, line sixty, after the word, “physician”, by inserting the words, “physician’s assistant or advanced practice registered nurse”.

The bill was then ordered to third reading.

**S. B. 654**, Allowing certain sheriffs transfer from PERS to Deputy Sheriff Retirement System; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 678**, Waiving fines and fees for completing Getting Over Addicted Lifestyles Successfully Program; on second reading, coming up in regular order, was read a second time.

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

**“ARTICLE 5. BUREAU OF PRISONS AND JAILS.**

**§15A-5-10. Completing the GOALS Program satisfies the requirements for the DUI Safety and Treatment Program.**

Notwithstanding any provision of this code to the contrary, any individual committed to the custody of the Commissioner of the Division of Corrections and Rehabilitation who successfully completes the Getting Over Addictive Lifestyles Successfully Program shall be deemed to have also completed the West Virginia DUI Safety and Treatment Program discussed in §17C-5A-3 of this code for purposes of reinstatement of driving privileges.

The Commissioner of the Division of Corrections and Rehabilitation shall provide each individual that completes the Getting Over Addictive Lifestyles Successfully Program with a certificate of completion. Upon completion of the Getting Over Addictive Lifestyles Successfully Program, the individual shall provide the certificate of completion to the Division of Motor Vehicles. The Division of Motor Vehicles shall accept the certificate as evidence of completion of the DUI Safety and Treatment Program.”

The bill was then ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 526**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bartlett, Cooper, Householder, Kump, Pushkin, Rodighiero, Steele, Westfall and Worrell.

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



The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 527**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bartlett, Cooper, Householder, Kump, Rodighiero, Steele, Westfall and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. 678) passed.

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

**S. B. 678** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-5-10, requiring that successful completion of the Getting Over Addicted Lifestyles Successfully Program be deemed as successful completion of the Division of Motor Vehicles' DUI Safety and Treatment Program; requiring the Division of Corrections and Rehabilitation to provide each individual that completes the Getting Over Addicted Lifestyles Successfully Program with a certificate of completion; and requiring the Division of Motor Vehicles to accept the certificate of completion as evidence of completion of the DUI Safety and Treatment Program."

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

**Com. Sub. for S. B. 689**, Enacting Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 691**, Limiting programs adopted by State Board of Education; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 692**, Clarifying persons indicted or charged jointly for felony offense can move to have separate trial; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Canestraro, the bill was amended on page one, section eight, line thirteen 13, following the word "determined" by striking out the period and inserting a colon and the following proviso:

"*Provided*, That in a trial of one or more felony offenses, the court may deny the motion if it finds that requiring the appearance at multiple trials will cause the victim of the violence or sexual assault undue mental or emotional distress."

The bill was then ordered to third reading.

**Com. Sub. for S. B. 707**, Relating to nursing career pathways; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Education, was adopted, amending the bill on pages 1-2, section 11a, lines 13-15, by striking out paragraph (b) in its entirety and inserting in lieu thereof the following:

“The State Superintendent of Schools, the Chancellor for the Higher Education Policy Commission, and the Chancellor for the Community and Technical College System shall convene the West Virginia Nursing Career Pathway Workgroup consisting of:”

On page 2, section 11a, line 36, after the word “completion.”, by striking out the remainder of the paragraph and inserting in lieu thereof the following:

“The career pathway shall align affordable, effective and sustainable secondary to post-secondary nursing programs to increase credential attainment for a broad and diverse student population.”

On page 3, section 11a, line 45, after the word “college” by striking out the period and adding “or career and technical education center.”

And,

On page 3, section 11a, lines 55-56, after the word “Accountability”, by striking out the words “every month that the commission meets” and inserting a comma and the words “as requested, but at least annually,”

The bill was then ordered to third reading.

**S. B. 723**, Requiring Department of Education develop plan based on analyzed data on school discipline; on second reading, coming up in regular order, was read a second time.

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

“(a) The Department of Education shall analyze statewide data collected on school disciplinary action and, based on the findings of this data, develop a statewide program intended to address the number of disciplinary actions taken by school personnel and county school boards against students enrolled in grades K-12. This program will include information by subgroup, including but not limited to, race, gender and disability.

(b ) County boards of education shall implement the program outlined in subsection (a) of this section with the ultimate goal of improving disciplinary outcomes.

(c) The Department of Education shall prepare a report on the findings of statewide disciplinary data and, in addition to these findings, provide a summary of the progress of the statewide program and individual county programs, evaluating the extent to which the programs have successfully led to making a positive impact in disciplinary actions in West Virginia school systems. The Department of Education shall present these findings to the Legislative Oversight Commission on Education Accountability every two years starting in the year 2022.”

The bill was then ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 528**), and there were—yeas 91, nays 1, absent and not voting 8, with the nays and absent and not voting being as follows:

Nays: Waxman.

Absent and Not Voting: Bartlett, Cooper, Householder, Kump, Rodighiero, Steele, Westfall and Worrell.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 529**), and there were—yeas 85, nays 7, absent and not voting 8, with the nays and absent and not voting being as follows:

Nays: Bibby, Butler, Cadle, C. Martin, P. Martin, Waxman and Wilson.

Absent and Not Voting: Bartlett, Cooper, Householder, Kump, Rodighiero, Steele, Westfall and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 723) passed.

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

Whereupon, in the absence of objection the motion was withdrawn.

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

**S. B. 723** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to requiring West Virginia Department of Education to analyze statewide data collected on school disciplinary action and, based on the findings of this data, develop a statewide program intended to address the number of disciplinary actions taken by school personnel and county boards; and requiring the West Virginia Department of Education to prepare a report on the findings and provide a summary of the progress of the statewide program to Legislative Oversight Commission on Education Accountability every two years.”

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

On this question, the yeas and nays were taken (**Roll No. 530**), and there were—yeas 88, nays 5, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Bibby, Butler, Cadle, Waxman and Wilson.

Absent and Not Voting: Bartlett, Cooper, Hicks, Householder, Kump, Steele and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 723) takes effect from its passage.

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

**Com. Sub. for S. B. 729**, Relating to awards and disability under Deputy Sheriff Retirement Act; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 739**, Authorizing PSC protect consumers of distressed and failing water and wastewater utilities; on second reading, coming up in regular order, was read a second time.

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

*“Be it enacted by the Legislature of West Virginia:*

#### **CHAPTER 8. MUNICIPAL CORPORATIONS.**

#### **ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.**

##### **§8-12-17. Sale or lease of municipal public utility.**

In any case where a municipality owns a gas system, an electric system, a waterworks system, a sewer system or other public utility and a majority of not less than 60 percent of the members of the governing body thereof ~~shall deem~~ determines it for the best interest of ~~such the~~ the municipality that ~~such the~~ the utility be sold or leased, the governing body may so sell or lease ~~such the~~ the gas system, electric system, waterworks system, sewer system or other public utility upon such terms and conditions as ~~said the~~ the governing body in its discretion considers in the best interest of the municipality: *Provided*, That ~~such the~~ the sale or lease may be made only upon: (1) The publication of notice of a hearing before the governing body of the municipality, as a Class I legal advertisement in compliance with ~~the provisions of~~ §59-3-1 *et seq.* of this code, in a newspaper published and of general circulation in the municipality, ~~such the~~ the publication to be made not earlier than 20 days and not later than seven days prior to the hearing; and (2) the approval by the Public Service Commission of West Virginia. The governing body, upon the approval of the sale or lease by a majority of its members of not less than 60 percent of the members of the governing body, shall have full power and authority to proceed to execute or effect ~~such the~~ the sale or lease in accordance with the terms and conditions prescribed in the ordinance approved as aforesaid, and shall have power to do any and all things necessary or incident thereto: *Provided, however*, That if at any time after ~~such the~~ the approval and before the execution of the authority under the ordinance, any person should present to the governing body an offer to buy ~~such the~~ the public utility at a price which exceeds by at least five percent the sale price which shall have been so approved and authorized or to lease the same upon terms which the governing body, in its discretion, shall consider more advantageous to the municipality than the terms of the lease which shall have been previously approved as aforesaid, the governing body shall have the power to accept ~~such the~~ the subsequent offer, and to make ~~such the~~ the sale or ~~such the~~ the lease to the person making the offer, upon approval of the offer by a majority of not less

than 60 percent of the members of the governing body; but, if a sale shall have been approved by the governing body as aforesaid, and the subsequent proposition be for a lease, or, if a lease shall have been approved by the governing body, and the subsequent proposition shall be for a sale, the governing body shall have the authority to accept the same upon approval of the offer by a majority of not less than 60 percent of the members of the governing body. The person making ~~such~~ the proposition shall furnish bond, with security to be approved by the governing body, in a penalty of not less than 25 percent of ~~such~~ the proposed bid, conditioned to carry ~~such~~ the proposition into execution, if the same shall be approved by the governing body. In any case where any such public utility shall be sold or leased by the governing body as hereinabove provided, no part of the moneys derived from ~~such~~ the sale or lease shall be applied to the payment of current expenses of the municipality, but the proceeds of ~~such~~ the sale or lease shall may be applied in payment and discharge of any indebtedness created in respect to ~~such~~ the public utility, and in case there be no indebtedness, the governing body, in its discretion, shall have the power and authority to expend all such moneys when received for the purchase or construction of fire fighting equipment and buildings for housing ~~such~~ the equipment, a municipal building or city hall, and the necessary land upon which to locate the same, for capital investments in public works projects, vehicles and equipment and law-enforcement vehicles and equipment, for the demolition of dilapidated and abandoned buildings, or for the construction of paved streets, avenues, roads, alleys, ways, sidewalks, sewers, storm water systems, floodwalls, and other like permanent improvements, for fulfilling municipal pension and other post-employment benefit obligations, or for reducing taxes, and for no other purposes. In case there be a surplus after the payment of ~~such~~ the indebtedness, the surplus shall be used as aforesaid.

The requirements of this section shall not apply to the sale or lease of any part of the properties of any such public utility determined by the governing body to be unnecessary for the efficient rendering of the service of ~~such~~ the utility.

## **ARTICLE 16. MUNICIPAL PUBLIC WORKS; REVENUE BOND FINANCING.**

### **PART VI. IMPOSITION OF RATES, FEES OR CHARGES.**

#### **§8-16-18. Rates, fees or charges for services rendered by works.**

The governing body shall have plenary power and authority and it shall be its duty, by ordinance, to establish and maintain just and equitable rates, fees or charges for the use and services rendered, or the improvement or protection of property, not to include highways, road and drainage easements, and/or stormwater facilities constructed, owned and/or operated by the West Virginia Division of Highways, provided or afforded, by such works, to be paid by the person using the same, receiving the services thereof, or owning the property improved or protected thereby, and may readjust rates, fees or charges from time to time.

When two or more municipalities take joint action under the provisions of this article, the rates, fees or charges shall be established by each participating municipality, with the concurrence of the other participating municipality or municipalities as to the amount of the rates, fees or charges, and such rates, fees or charges may be the same with respect to each municipality, or they may be different.

Rates, fees or charges heretofore or hereafter established and maintained for the improvement or protection of property, not to include highways, road and drainage easements, and/or stormwater facilities constructed, owned and/or operated by the West Virginia Division of Highways, provided or afforded by a municipal flood control system or flood walls, to be paid by

the person owning the property improved or protected thereby, shall be collectible and enforceable from the time provided in any such ordinance, any provision of this or any other law to the contrary notwithstanding, if, at such time, such works, though not yet fully completed, are nearing completion and the governing body is reasonably assured that the works will be completed and placed in operation without unreasonable delay.

All rates, fees or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of repair (including replacements), maintenance and operation of the works, and for the payment of the sums herein required to be paid into the sinking fund. Revenues collected pursuant to the provisions of this section are considered the revenues of the works. No such rates, fees or charges ~~shall~~ may be established until after a public hearing at which all the users of the works and owners of the property served, or to be served thereby, and others interested, shall have an opportunity to be heard concerning the proposed rates, fees or charges.

After introduction of the proposed ordinance fixing the rates, fees or charges and before the same is finally adopted, notice of such hearing, setting forth the proposed schedule of such rates, fees or charges, shall be given by publishing the same as a ~~Class I~~ Class I legal advertisement in compliance with ~~the provisions of §59-3-1 et seq.~~ of this code, and the publication area for the publication shall be such municipality or each such municipality, as the case may be. Said notice shall be published at least five days before the date fixed in such notice for the hearing, which hearing may be adjourned from time to time. No other or further notice to parties in interest ~~shall~~ be is required.

After such hearing the ordinance establishing rates, fees or charges, either as originally proposed or introduced, or as modified and amended, shall be adopted and put into effect. A copy of the schedule of such rates, fees and charges so established shall be kept on file in the office of the board having charge of such works, and also in the office of the governing body or bodies, and shall be open to inspection by all parties in interest.

The rates, fees or charges so established for any class of users or property served shall be extended to cover any additional class of users or property thereafter served which fall within the same class, without the necessity of any hearing or notice. Any change or adjustment of rates, fees or charges may be made in the same manner as such rates, fees or charges were originally established as provided in this section. The aggregate of the rates, fees or charges shall always be sufficient for the expenses of repair (including replacements), maintenance and operation, and for the sinking fund payments.

If any rate, fee or charge so established ~~shall not be~~ is not paid within 30 days after the same is due, the amount thereof, together with a penalty of 10 percent and reasonable attorney's fees, may be recovered by the board in a civil action in the name of the municipality or municipalities, and in the case of rates, fees or charges due for services rendered, such rates, fees or charges, if not paid when due, may, if the governing body so provide in the ordinance provided for under §8-16-7 of this code, constitute a lien upon the premises served by such works, which lien may be foreclosed against such lot, parcel of land or building so served, in accordance with the laws relating to the foreclosure of liens on real property. Upon failure of any person receiving any such service to pay for the same when due, the board may discontinue such service without notice.

## **ARTICLE 19. MUNICIPAL AND COUNTY WATERWORKS AND ELECTRIC POWER SYSTEMS.**

### **§8-19-4. Estimate of cost; ordinance or order for issuance of revenue bonds; interest on bonds; rates for services; exemption from taxation.**

Whenever a municipality or county commission, ~~shall~~ under the provisions of this article, ~~determine~~ decides to acquire, by purchase or otherwise, construct, establish, extend or equip a waterworks system or an electric power system, or to construct any additions, betterments or improvements to any waterworks or electric power system, it shall cause an estimate to be made of the cost thereof, and may, by ordinance or order, provide for the issuance of revenue bonds under the provisions of this article, which ordinance or order shall set forth a brief description of the contemplated undertaking, the estimated cost thereof, the amount, rate or rates of interest, the time and place of payment and other details in connection with the issuance of the bonds. The bonds shall be in such form and shall be negotiated and sold in such manner and upon such terms as the governing body of such municipality or county commission may, by ordinance or order, specify. All the bonds and the interest thereon shall be exempt from all taxation by this state, or any county, municipality or county commission, political subdivision or agency thereof. Notwithstanding any other provision of this code to the contrary, the real and personal property which a municipality or county has acquired and constructed according to the provisions of this article, and any leasehold interest therein held by other persons, shall be ~~deemed~~ considered public property and shall be exempt from taxation by the state, or any county, municipality or other levying body, so long as the same is owned by the municipality or county: *Provided*, That with respect to electric power systems, this exemption for real and personal property shall be applicable only for the real and personal property: (1) Physically situate within the municipal or county boundaries of the municipality or county which acquired or constructed the electric power system and there was in place prior to the effective date of the amendments to this section made in the year 1992 an agreement between the municipality and the county commission for payments in lieu of tax; or (2) acquired or constructed with the written agreement of the county school board, county commission and any municipal authority within whose jurisdiction the electric power system is or is to be physically situate. Notwithstanding anything contained in this statute to the contrary, this exemption shall be applicable to any leasehold or similar interest held by persons other than a municipality or county only if acquired or constructed with the written agreement of the county school board, county commission and any municipal authority within whose jurisdiction the electric power system is or is to be physically situate: *Provided, however*, That payments made to any county commission, county school board or municipality in lieu of tax pursuant to such an agreement shall be distributed as if the payments resulted from *ad valorem* property taxation. The bonds shall bear interest at a rate per annum set by the municipality or county commission, payable at such times, and shall be payable as to principal at such times, not exceeding 50 years from their date, and at such place or places, within or without the state, as shall be prescribed in the ordinance or order providing for their issuance. Unless the governing body of the municipality or county commission shall otherwise determine, the ordinance or order shall also declare that a statutory mortgage lien shall exist upon the property so to be acquired, constructed, established, extended or equipped, fix minimum rates or charges for water or electricity to be collected prior to the payment of all of said bonds and shall pledge the revenues derived from the waterworks or electric power system for the purpose of paying the bonds and interest thereon, which pledge shall definitely fix and determine the amount of revenues which shall be necessary to be set apart and applied to the payment of the principal of and interest upon the bonds and the proportion of the balance of the revenues, which are to be set aside as a proper and adequate depreciation account, and the remainder shall be set aside for the reasonable and proper maintenance and operation thereof. The rates or charges to be charged for the services from the waterworks or electric power system shall be sufficient at all times to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof as and when the same become due, and reasonable reserves therefor, and to provide for the repair, maintenance and operation of the waterworks or electric power system, and to provide an adequate depreciation fund, and to make any other payments which shall be required or provided for in the ordinance or order authorizing the issuance of said bonds: *Provided*, That the notice

given by the municipality or county commission for a change in rates or charges to be charged for the services from the waterworks or electric power system, shall be provided by Class I legal advertisement in a newspaper of general circulation in its service territory not less than one week prior to the public hearing of the governing body of the municipality or the county commission required for the approval of the change in rates or charges.

## ARTICLE 20. COMBINED SYSTEMS.

**§8-20-10. Power and authority of municipality to enact ordinances and make rules and fix rates, fees or charges; deposit required for new customers; change in rates, fees or charges; failure to cure delinquency; delinquent rates, discontinuance of service; reconnecting deposit; return of deposit; fees or charges as liens; civil action for recovery thereof; deferral of filing fees and costs in magistrate court action; limitations with respect to foreclosure.**

(a)(1) The governing body of a municipality availing itself of the provisions of this article shall have plenary power and authority to make, enact and enforce all necessary rules for the repair, maintenance, operation and management of the combined system of the municipality and for the use thereof. The governing body of a municipality also has the plenary power and authority to make, enact and enforce all necessary rules and ordinances for the care and protection of any such system for the health, comfort and convenience of the public, to provide a clean water supply, to provide properly treated sewage insofar as it is reasonably possible to do and, if applicable, to properly collecting and controlling the stormwater as is reasonably possible to do: *Provided*, That no municipality may make, enact or enforce any rule, regulation or ordinance regulating any highways, road or drainage easements or storm water facilities constructed, owned or operated by the West Virginia Division of Highways.

(2) A municipality has the plenary power and authority to charge the users for the use and service of a combined system and to establish required deposits, rates, fees or charges for such purpose. Separate deposits, rates, fees or charges may be fixed for the water and sewer services respectively and, if applicable, the stormwater services, or combined rates, fees or for the combined water and sewer services, and, if applicable, the storm water services. Such deposits, rates, fees or charges, whether separate or combined, shall be sufficient at all times to pay the cost of repair, maintenance and operation of the combined system, provide an adequate reserve fund, an adequate depreciation fund and pay the principal and interest upon all revenue bonds issued under this article. Deposits, rates, fees or charges shall be established, revised and maintained by ordinance and become payable as the governing body may determine by ordinance. The rates, fees or charges shall be changed, from time to time, as necessary, consistent with the provisions of this article: *Provided*, That the notice given by the municipality for a change in rates or charges to be charged for the services from the waterworks or electric power system, shall be provided by Class I legal advertisement in a newspaper of general circulation in its service territory not less than one week prior to the public hearing of the governing body of the municipality required for the approval of the change in rates or charges.

(3) All new applicants for service shall indicate to the municipality or governing body whether they are an owner or tenant with respect to the service location. An entity providing stormwater service shall provide a tenant a report of the stormwater fee charged for the entire property and, if appropriate, that portion of the fee to be assessed to the tenant.

(4) The municipality or governing body, but only one of them, may collect from all new applicants for service a deposit of \$100 or two twelfths of the average annual usage of the



applicant's specific customer class, whichever is greater, to secure the payment of water and sewage service rates, fees and charges in the event they become delinquent as provided in this section. In any case where a deposit is forfeited to pay service rates, fees and charges which were delinquent and the user's service is disconnected or terminated, service may not be reconnected or reinstated by the municipality or governing body until another deposit equal to \$100 or a sum equal to two twelfths of the average usage for the applicant's specific customer class, whichever is greater, is remitted to the municipality or governing body. After 12 months of prompt payment history, the municipality or governing body shall return the deposit to the customer or credit the customer's account with interest at a rate to be set by the Public Service Commission: *Provided*, That where the customer is a tenant, the municipality or governing body is not required to return the deposit until the time the tenant discontinues service with the municipality governing body. Whenever any rates, fees, rentals or charges for services or facilities furnished remain unpaid for a period of 20 days after they become due, the user of the services and facilities provided is delinquent and the user is liable at law until all rates, fees and charges are fully paid. The municipality or governing body may terminate water services to a delinquent user of either water or sewage facilities, or both, 10 days after the water or sewage services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments: *Provided further*, That any termination of water service must comply with all rules and orders of the Public Service Commission: *Provided, however*, That nothing contained within the rules of the Public Service Commission ~~shall be deemed to require any~~ requires agents or employees of the municipality or governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(b) Whenever any rates, fees or charges for services or facilities furnished remain unpaid for a period of 20 days after they become due, the user of the services and facilities provided shall be delinquent and the municipality or governing body may apply any deposit against any delinquent fee. The user is liable until such time as all rates, fees and charges are fully paid.

(c) All rates, fees or charges for water service, sewer service and, if applicable, stormwater service, whenever delinquent, as provided by ordinance of the municipality, shall be liens of equal dignity, rank and priority with the lien on such premises of state, county, school and municipal taxes for the amount thereof upon the real property served. The municipality has the plenary power and authority to enforce such lien in a civil action to recover the money due for services rendered plus court fees and costs and reasonable attorney's fees: *Provided*, That an owner of real property may not be held liable for the delinquent rates, fees or charges for services or facilities of a tenant, nor shall any lien attach to real property for the reason of delinquent rates, fees or charges for services or facilities of a tenant of the real property, unless the owner has contracted directly with the municipality to purchase such services or facilities.

(d) Municipalities are hereby granted a deferral of filing fees or other fees and costs incidental to filing an action in magistrate court for collection of the delinquent rates and charges. If the municipality collects the delinquent account, plus fees and costs, from its customer or other responsible party, the municipality shall pay to the magistrate court the filing fees or other fees and costs which were previously deferred.

(e) No municipality may foreclose upon the premises served by it for delinquent rates, fees or charges for which a lien is authorized by this section except through a civil action in the circuit court of the county wherein the municipality lies. In every such action, the court shall be required to make a finding based upon the evidence and facts presented that the municipality has exhausted all other remedies for collection of debts with respect to such delinquencies prior to bringing the action. In no event shall foreclosure procedures be instituted by any municipality or

on its behalf unless the delinquency has been in existence or continued for a period of two years from the date of the first delinquency for which foreclosure is being sought.

(f) Notwithstanding any other provision contained in this article, a municipality which has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community, as defined in 40 C.F.R. §122.26, has the authority to enact ordinances or regulations which allow for the issuance of orders, the right to enter properties and the right to impose reasonable fines and penalties regarding correction of violations of municipal stormwater ordinances or regulations within the municipal watershed served by the municipal stormwater system, as long as such rules, regulations, fines or acts are not contrary to any rules or orders of the Public Service Commission.

(g) Notice of a violation of a municipal stormwater ordinance or regulation shall be served in person to the alleged violator or by certified mail, return receipt requested. The notice shall state the nature of the violation, the potential penalty, the action required to correct the violation and the time limit for making the correction. Should a person, after receipt of proper notice, fail to correct violation of the municipal stormwater ordinance or regulation, the municipality may correct or have the corrections of the violation made and bring the party into compliance with the applicable stormwater ordinance or regulation. The municipality may collect the costs of correcting the violation from the person by instituting a civil action, as long as such actions are not contrary to any rules or orders of the Public Service Commission.

(h) A municipality which has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community shall prepare an annual report detailing the collection and expenditure of rates, fees or charges and make it available for public review at the place of business of the governing body and the stormwater utility main office.

## CHAPTER 16. PUBLIC HEALTH.

### ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.

#### **§16-13-16. Rates for service; deposit required for new customers; forfeiture of deposit; reconnecting deposit; tenant's deposit; change or readjustment; hearing; lien and recovery; discontinuance of services.**

A governing body has the power and duty, by ordinance, to establish and maintain just and equitable rates, fees or charges for the use of and the service rendered by:

(a) Sewerage works, to be paid by the owner of each ~~and every~~ lot, parcel of real estate or building that is connected with and uses ~~such~~ the works by or through any part of the sewerage system of the municipality or that in any way uses or is served by ~~such~~ the works; and

(b) Stormwater works, to be paid by the owner of each ~~and every~~ lot, parcel of real estate or building that in any way uses or is served by ~~such~~ the stormwater works or whose property is improved or protected by the stormwater works or any user of such stormwater works.

(c) The governing body may change and readjust ~~such~~ the rates, fees or charges from time to time. However, no rates, fees or charges for stormwater services may be assessed against highways, road and drainage easements or stormwater facilities constructed, owned or operated by the West Virginia Division of Highways.

(d) All new applicants for service shall indicate to the governing body whether they are an owner or tenant with respect to the service location. An entity providing stormwater service shall provide a tenant a report of the stormwater fee charged for the entire property and, if appropriate, that portion of the fee to be assessed to the tenant.

(e) The governing body may collect from all new applicants for service a deposit of \$50 or two twelfths of the average annual usage of the applicant's specific customer class, whichever is greater, to secure the payment of service rates, fees and charges in the event they become delinquent as provided in this section. In any case where a deposit is forfeited to pay service rates, fees and charges which were delinquent at the time of disconnection or termination of service, service may not be reconnected or reinstated by the governing body until another deposit equal to \$50 or a sum equal to two twelfths of the average usage for the applicant's specific customer class, whichever is greater, is remitted to the governing body. After 12 months of prompt payment history, the governing body shall return the deposit to the customer or credit the customer's account with interest at a rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a tenant, the governing body is not required to return the deposit until the time the tenant discontinues service with the governing body. Whenever any rates, fees, rentals or charges for services or facilities furnished remain unpaid for a period of 20 days after they become due, the user of the services and facilities provided is delinquent. The user is liable until all rates, fees and charges are fully paid. The governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of sewer facilities 10 days after the sewer services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments: *Provided, however*, That nothing contained within the rules of the Public Service Commission ~~shall be deemed to require any~~ may require agents or employees of the governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(f) ~~Such~~ The rates, fees or charges shall be sufficient in each year for the payment of the proper and reasonable expense of operation, repair, replacements and maintenance of the works and for the payment of the sums herein required to be paid into the sinking fund. Revenues collected pursuant to this section shall be considered the revenues of the works.

(g) No such rates, fees or charges ~~shall~~ may be established until after a public hearing, at which all the users of the works and owners of property served or to be served thereby and others interested shall have an opportunity to be heard concerning the proposed rates, fees or charges.

(h) After introduction of the ordinance fixing ~~such~~ the rates, fees or charges, and before the same is finally enacted, notice of ~~such~~ the hearing, setting forth the proposed schedule of rates, fees or charges, shall be given by publication as a ~~Class II-B~~ Class I legal advertisement in compliance with ~~the provisions of~~ §59-3-1 *et seq.* of this code and the publication area for ~~such~~ the publication shall be the municipality. The first publication shall be made at least ~~ten~~ five days before the date fixed in the notice for the hearing.

(i) After the hearing, which may be adjourned, from time to time, the ordinance establishing rates, fees or charges, either as originally introduced or as modified and amended, shall be passed and put into effect. A copy of the schedule of the rates, fees and charges shall be kept on file in the office of the board having charge of the operation of ~~such~~ the works, and also in the office of the clerk of the municipality, and shall be open to inspection by all parties interested. The rates, fees or charges established for any class of users or property served shall be extended to

cover any additional premises thereafter served which fall within the same class, without the necessity of any hearing or notice.

(j) Any change or readjustment of ~~such~~ the rates, fees or charges may be made in the same manner as the rates, fees or charges were originally established as hereinbefore provided: *Provided*, That if a change or readjustment be made substantially pro rata, as to all classes of service, no hearing or notice shall be required. The aggregate of the rates, fees or charges shall always be sufficient for the expense of operation, repair and maintenance and for the sinking fund payments.

(k) All rates, fees or charges, if not paid when due, shall constitute a lien upon the premises served by ~~such~~ the works. If any service rate, fees or charge is not paid within 20 days after it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the board in a civil action in the name of the municipality. The lien may be foreclosed against ~~such~~ the lot, parcel of land or building in accordance with the laws relating thereto. Where both water and sewer services are furnished by any municipality to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof.

(l) Whenever any rates, rentals, fees or charges for services or facilities furnished shall remain unpaid for a period of 20 days after they become due, the property and the owner thereof, as well as the user of the services and facilities shall be delinquent until such time as all rates, fees and charges are fully paid. When any payment for rates, rentals, fees or charges becomes delinquent, the governing body may use the security deposit to satisfy the delinquent payment.

(m) The board collecting the rates, fees or charges shall be obligated under reasonable rules to shut off and discontinue both water and sewer services to all delinquent users of water, sewer or stormwater facilities and shall not restore either water facilities or sewer facilities to any delinquent user of any such facilities until all delinquent rates, fees or charges for water, sewer and stormwater facilities, including reasonable interest and penalty charges, have been paid in full, as long as ~~such~~ the actions are not contrary to any rules or orders of the Public Service Commission: *Provided*, That nothing contained within the rules of the Public Service Commission ~~shall be deemed~~ may be considered to require any agents or employees of the municipality or governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

## **ARTICLE 13A. PUBLIC SERVICE DISTRICTS.**

### **§16-13A-9. Rules; service rates and charges; discontinuance of service; required water and sewer connections; lien for delinquent fees.**

(a)(1) The board may make, enact, and enforce all needful rules in connection with the acquisition, construction, improvement, extension, management, maintenance, operation, care, protection, and the use of any public service properties owned or controlled by the district. The board shall establish, in accordance with this article, rates, fees, and charges for the services and facilities it furnishes, which shall be sufficient at all times, notwithstanding the provisions of any other law or laws, to pay the cost of maintenance, operation, and depreciation of the public service properties and principal of and interest on all bonds issued, other obligations incurred under the provisions of this article, and all reserve or other payments provided for in the proceedings which authorized the issuance of any bonds under this article. The schedule of the rates, fees, and charges may be based upon:

(A) The consumption of water or gas on premises connected with the facilities, taking into consideration domestic, commercial, industrial, and public use of water and gas;

(B) The number and kind of fixtures connected with the facilities located on the various premises;

(C) The number of persons served by the facilities;

(D) Any combination of clauses (A), (B), and (C) of this paragraph; or

(E) Any other basis or classification which the board may determine to be fair and reasonable, taking into consideration the location of the premises served and the nature and extent of the services and facilities furnished. However, no rates, fees or charges for stormwater services may be assessed against highways, road, and drainage easements or stormwater facilities constructed, owned, or operated by the West Virginia Division of Highways.

(2) The board of a public service district with at least 4,500 customers and annual combined gross revenue of \$3 million ~~or more from its separate or combined water and sewer services providing water or sewer service separately or in combination~~ may make, enact, and enforce all needful rules in connection with the enactment or amendment of rates, fees, and charges of the district. At a minimum, these rules shall provide for:

(A) Adequate prior public notice of the contemplated rates, fees, and charges by causing a notice of intent to effect such a change to be provided to the customers of the district for the month immediately preceding the month in which the contemplated change is to be considered at a hearing by the board. ~~Such~~ The notice shall include a statement that a change in rates, fees, and charges is being considered, the time, date, and location of the hearing of the board at which the change will be considered and that the proposed rates, fees, and charges are on file at the office of the district for review during regular business hours. ~~Such~~ The notice shall be printed on, or mailed with, the monthly billing statement, or provided in a separate mailing.

(B) Adequate prior public notice of the contemplated rates, fees, and charges by causing to be published, after the first reading and approval of a resolution of the board considering ~~such~~ the revised rates, fees, and charges but not less than one week prior to the public hearing of the board on ~~such~~ the resolution, as a Class I legal advertisement, of the proposed action, in compliance with the provisions of §59-3-1 *et seq.* of this code. The publication area for publication shall be all territory served by the district. If the district provides service in more than one county, publication shall be made in a newspaper of general circulation in each county that the district provides service.

(C) The public notice of the proposed action shall summarize the current rates, fees, and charges and the proposed changes to said rates, fees and charges; the date, time, and place of the public hearing on the resolution approving ~~such~~ the revised rates, fees, and charges and the place or places within the district where the proposed resolution approving the revised rates, fees, and charges may be inspected by the public. A reasonable number of copies of the proposed resolution shall be kept at the place or places and be made available for public inspection. The notice shall also advise that interested parties may appear at the public hearing before the board and be heard with respect to the proposed revised rates, fees and charges.

(D) The resolution proposing the revised rates, fees, and charges shall be read at two meetings of the board with at least two weeks intervening between each meeting. The public

hearing may be conducted by the board prior to, or at, the meeting at which the resolution is considered for adoption on the second reading.

(E) Rates, fees, and charges approved by resolution of the board shall be forwarded in writing to the county commission with the authority to appoint the members of the board. The county commission shall publish notice of the proposed revised rates, fees, and charges by a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code. Within 45 days of receipt of the proposed rates, fees, and charges, the county commission shall take action to approve, modify, or reject the proposed rates, fees, and charges, in its sole discretion. If, after 45 days, the county commission has not taken final action to approve, modify, or reject the proposed rates, fees and charges, as presented to the county commission, shall be effective with no further action by the board or county commission. In any event, this 45-day period shall be mandatory unless extended by the official action of both the board proposing the rates, fees, and charges, and the appointing county commission.

(F) Enactment of the proposed or modified rates, fees, and charges shall follow an affirmative vote by the county commission and shall be effective no sooner than 45 days following action. The 45-day waiting period may be waived by public vote of the county commission only if the commission finds and declares the district to be in financial distress such that the 45-day waiting period would be detrimental to the ability of the district to deliver continued and compliant public services.

(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 25 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 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 30 days of the county commission's final action approving, modifying, or rejecting ~~such the~~ 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 the~~ rates, fees, and charges, and the circuit court shall resolve ~~said the~~ 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.

(3) Where water, sewer, stormwater, or gas services, or any combination thereof, are all furnished to any premises, the schedule of charges may be billed as a single amount for the aggregate of the charges. The board shall require all users of services and facilities furnished by the district to designate on every application for service whether the applicant is a tenant or an owner of the premises to be served. If the applicant is a tenant, he or she shall state the name and address of the owner or owners of the premises to be served by the district. Notwithstanding the provisions of §24-3-8 of this code to the contrary, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage of the applicant's specific customer class or \$50 with the district to secure the payment of service rates, fees, and charges in the event they become delinquent as provided in this section. If a district provides both water and sewer service, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage for water service or \$50 and the greater of a sum equal to

two twelfths of the average annual usage for wastewater service of the applicant's specific customer class or \$50. In any case where a deposit is forfeited to pay service rates, fees, and charges which were delinquent at the time of disconnection or termination of service, no reconnection or reinstatement of service may be made by the district until another deposit equal to the greater of a sum equal to two twelfths of the average usage for the applicant's specific customer class or \$50 has been remitted to the district. After 12 months of prompt payment history, the district shall return the deposit to the customer or credit the customer's account at a rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a tenant, the district is not required to return the deposit until the time the tenant discontinues service with the district. Whenever any rates, fees, rentals, or charges for services or facilities furnished remain unpaid for a period of 20 days after the same become due and payable, the user of the services and facilities provided is delinquent and the user is liable at law until all rates, fees, and charges are fully paid. The board may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water or gas services to all delinquent users of either water or gas facilities, or both, 10 days after the water or gas services become delinquent: *Provided, however*, That nothing contained within the rules of the Public Service Commission ~~shall be deemed~~ may be considered to require any agents or employees of the board to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(b) ~~In the event that~~ If any publicly or privately owned utility, city, incorporated town, other municipal corporation or other public service district included within the district owns and operates separate water facilities, sewer facilities, or stormwater facilities, and the district owns and operates another kind of facility, either water or sewer, or both, as the case may be, then the district and the publicly or privately owned utility, city, incorporated town or other municipal corporation or other public service district shall covenant and contract with each other to shut off and discontinue the supplying of water service for the nonpayment of sewer or stormwater service fees and charges: *Provided*, That any contracts entered into by a public service district pursuant to this section shall be submitted to the Public Service Commission for approval. Any public service district which provides water and sewer service, water and stormwater service or water, sewer and stormwater service has the right to terminate water service for delinquency in payment of water, sewer or stormwater bills. Where one public service district is providing sewer service and another public service district or a municipality included within the boundaries of the sewer or stormwater district is providing water service and the district providing sewer or stormwater service experiences a delinquency in payment, the district or the municipality included within the boundaries of the sewer or stormwater district that is providing water service, upon the request of the district providing sewer or stormwater service to the delinquent account, shall terminate its water service to the customer having the delinquent sewer or stormwater account: *Provided, however*, That any termination of water service must comply with all rules and orders of the Public Service Commission: *Provided further*, That nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the public service districts to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(c) Any district furnishing sewer facilities within the district may require or may, by petition to the circuit court of the county in which the property is located, compel or may require the Bureau for Public Health to compel all owners, tenants, or occupants of any houses, dwellings, and buildings located near any sewer facilities where sewage will flow by gravity or be transported by other methods approved by the Bureau for Public Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of §16-1-9 of this code, from the houses, dwellings, or buildings into the sewer facilities, to connect with and use the sewer facilities and to cease the use of all other means for the collection, treatment, and disposal of sewage and waste

matters from the houses, dwellings, and buildings where there is gravity flow or transportation by any other methods approved by the Bureau for Public Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of §16-1-9 of this code and the houses, dwellings, and buildings can be adequately served by the sewer facilities of the district and it is declared that the mandatory use of the sewer facilities provided for in this subsection is necessary and essential for the health and welfare of the inhabitants and residents of the districts and of the state. If the public service district requires the property owner to connect with the sewer facilities even when sewage from dwellings may not flow to the main line by gravity and the property owner incurs costs for any changes in the existing dwellings' exterior plumbing in order to connect to the main sewer line, the public service district board shall authorize the district to pay all reasonable costs for the changes in the exterior plumbing, including, but not limited to, installation, operation, maintenance, and purchase of a pump or any other method approved by the Bureau for Public Health. Maintenance and operation costs for the extra installation should be reflected in the users charge for approval of the Public Service Commission. The circuit court shall adjudicate the merits of the petition by summary hearing to be held not later than 30 days after service of petition to the appropriate owners, tenants, or occupants.

(d) Whenever any district has made available sewer facilities to any owner, tenant, or occupant of any house, dwelling, or building located near the sewer facility and the engineer for the district has certified that the sewer facilities are available to and are adequate to serve the owner, tenant, or occupant and sewage will flow by gravity or be transported by other methods approved by the Bureau for Public Health from the house, dwelling, or building into the sewer facilities, the district may charge, and the owner, tenant, or occupant shall pay, the rates and charges for services established under this article only after 30 days' notice of the availability of the facilities has been received by the owner, tenant, or occupant. Rates and charges for sewage services shall be based upon actual water consumption or the average monthly water consumption based upon the owner's, tenant's, or occupant's specific customer class.

(e) The owner, tenant, or occupant of any real property may be determined and declared to be served by a stormwater system only after each of the following conditions is met: (1) The district has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community, as defined in 40 C. F. R. §122.26; (2) the district's authority has been properly expanded to operate and maintain a stormwater system; (3) the district has made available a stormwater system where stormwater from the real property affects or drains into the stormwater system; and (4) the real property is located in the Municipal Separate Storm Sewer System's designated service area. It is further hereby found, determined, and declared that the mandatory use of the stormwater system is necessary and essential for the health and welfare of the inhabitants and residents of the district and of the state. The district may charge and the owner, tenant, or occupant shall pay the rates, fees, and charges for stormwater services established under this article only after 30 days' notice of the availability of the stormwater system has been received by the owner. An entity providing stormwater service shall provide a tenant a report of the stormwater fee charged for the entire property and, if appropriate, that portion of the fee to be assessed to the tenant.

(f) All delinquent fees, rates, and charges of the district for either water facilities, sewer facilities, gas facilities, or stormwater systems or stormwater management programs are liens on the premises served of equal dignity, rank, and priority with the lien on the premises of state, county, school, and municipal taxes. Nothing contained within the rules of the Public Service Commission ~~shall be deemed to may~~ require any agents or employees of the public service districts to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill. In addition to the other remedies provided in this section, public service districts



are granted a deferral of filing fees or other fees and costs incidental to the bringing and maintenance of an action in magistrate court for the collection of delinquent water, sewer, stormwater, or gas bills. If the district collects the delinquent account, plus reasonable costs, from its customer or other responsible party, the district shall pay to the magistrate the normal filing fee and reasonable costs which were previously deferred. In addition, each public service district may exchange with other public service districts a list of delinquent accounts: *Provided*, That an owner of real property may not be held liable for the delinquent rates or charges for services or facilities of a tenant, nor may any lien attach to real property for the reason of delinquent rates or charges for services or facilities of a tenant of the real property unless the owner has contracted directly with the public service district to purchase the services or facilities.

(g) Anything in this section to the contrary notwithstanding, any establishment, as defined in §22-11-3 of this code, now or hereafter operating its own sewage disposal system pursuant to a permit issued by the Department of Environmental Protection, as prescribed by §22-11-11 of this code, is exempt from the provisions of this section.

~~(h) A public service district which has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community shall prepare an annual report detailing the collection and expenditure of rates, fees, or charges and make it available for public review at the place of business of the governing body and the stormwater utility main office~~

(i) ~~(h)~~ Notwithstanding any code provision to the contrary, a public service district may accept payment for all fees and charges due, in the form of a payment by a credit or check card transaction or a direct withdrawal from a bank account. The public service district may set a fee to be added to each transaction equal to the charge paid by the public service district for use of the credit or check card or direct withdrawal by the payor. The amount of ~~such~~ the fee shall be disclosed to the payor prior to the transaction and no other fees for the use of a credit or check card or direct withdrawal may be imposed upon the payor and the whole of ~~such~~ the charge or convenience fee shall be borne by the payor: *Provided*, That to the extent a public service district desires to accept payments in the forms described in this subsection and does not have access to the equipment or receive the services necessary to do so, the public service district shall first obtain three bids for services and equipment necessary to affect the forms of transactions described in this subsection and use the lowest qualified bid received. Acceptance of a credit or check card or direct withdrawal as a form of payment shall comport with the rules and requirements set forth by the credit or check card provider or banking institution.

## **CHAPTER 24. PUBLIC SERVICE COMMISSION.**

### **ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.**

#### **§24-2-1. Jurisdiction of commission; waiver of jurisdiction.**

(a) The jurisdiction of the commission shall extend to all public utilities in this state and shall include any utility engaged in any of the following public services:

Common carriage of passengers or goods, whether by air, railroad, street railroad, motor, or otherwise, by express or otherwise, by land, water, or air, whether wholly or partly by land, water, or air; transportation of oil, gas, or water by pipeline; transportation of coal and its derivatives and all mixtures and combinations thereof with other substances by pipeline; sleeping car or parlor car services; transmission of messages by telephone, telegraph, or radio; generation and

transmission of electrical energy by hydroelectric or other utilities for service to the public, whether directly or through a distributing utility; supplying water, gas, or electricity by municipalities or others; sewer systems servicing 25 or more persons or firms other than the owner of the sewer systems: *Provided*, That if a public utility other than a political subdivision intends to provide sewer service by an innovative, alternative method, as defined by the federal Environmental Protection Agency, the innovative, alternative method is a public utility function and subject to the jurisdiction of the Public Service Commission regardless of the number of customers served by the innovative, alternative method; any public service district created under the provisions of §16-13A-1; *et seq.* of this code, except that the Public Service Commission will have no jurisdiction over the provision of stormwater services by a public service district; toll bridges, wharves, ferries; solid waste facilities; and any other public service: *Provided, however*, That natural gas producers who provide natural gas service to not more than 25 residential customers are exempt from the jurisdiction of the commission with regard to the provisions of ~~such~~ the residential service: *Provided further*, That upon request of any of the customers of ~~such~~ the natural gas producers, the commission may, upon good cause being shown, exercise such authority as the commission may deem appropriate over the operation, rates, and charges of ~~such~~ the producer and for such length of time as the commission may consider to be proper.

(b) The jurisdiction of the commission over political subdivisions of this state providing separate or combined water and/or sewer services and having at least 4,500 customers and annual combined gross revenues of \$3 million or more that are political subdivisions of the state is limited to:

- (1) General supervision of public utilities, as granted and described in §24-2-5 of this code;
- (2) Regulation of measurements, practices, acts, or services, as granted and described in §24-2-7 of this code;
- (3) Regulation of a system of accounts to be kept by a public utility that is a political subdivision of the state, as granted and described in §24-2-8 of this code;
- (4) Submission of information to the commission regarding rates, tolls, charges, or practices, as granted and described in §24-2-9 of this code;
- (5) Authority to subpoena witnesses, take testimony, and administer oaths to any witness in any proceeding before or conducted by the commission, as granted and described in §24-2-10 of this code; and
- (6) Investigation and resolution of disputes between a political subdivision of the state providing wholesale water and/or wastewater treatment or other services, whether by contract or through a tariff, and its customer or customers, including, but not limited to, rates, fees and charges, service areas and contested utility combinations: *Provided*, That any request for an investigation related to such a dispute that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission of the political subdivision and the commission shall resolve said dispute within 120 days of filing. The 120-day period for resolution of the dispute may be tolled by the commission until the necessary information showing the basis of the rates, fees, and charges or other information as the commission considers necessary is filed: *Provided, however*, That the disputed rates, fees, and charges so fixed by the political subdivision providing separate or combined water and/or sewer services shall remain in full force and effect until set aside, altered or, amended by the commission in an order to be followed in the future.

(7) Customers of water and sewer utilities operated by a political subdivision of the state may bring formal or informal complaints regarding the commission's exercise of the powers enumerated in this section and the commission shall resolve these complaints: Provided, That any formal complaint filed under this section that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission complained of and the commission shall resolve the complaint within 180 days of filing. The 180-day period for resolution of the dispute may be tolled by the commission until the necessary information showing the basis of the matter complained of is filed by the political subdivision: Provided, however, That whenever the commission finds any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient or unjustly discriminatory, or otherwise in violation of any provisions of this chapter, or finds that any service is inadequate, or that any service which is demanded cannot be reasonably obtained, the commission shall determine and declare, and by order fix reasonable measurement, regulations, acts, practices or services, to be furnished, imposed, observed and followed in lieu of those found to be unjust, unreasonable, insufficient, or unjustly discriminatory, inadequate or otherwise in violation of this chapter, and shall make such other order respecting the same as shall be just and reasonable: Provided further, That if the matter complained of would affect rates, fees and charges so fixed by the political subdivision providing separate or combined water and/or sewer services, the rates, fees, or charges shall remain in full force and effect until set aside, altered or amended by the commission in an order to be followed in the future.

(8) ~~In the event that~~ If a political subdivision has a deficiency in either its bond revenue or bond reserve accounts, or is otherwise in breach of a bond covenant, any bond holder may petition the Public Service Commission for such redress as will bring the accounts to current status or otherwise resolve the breached covenant, and the commission shall have jurisdiction to fully resolve the alleged deficiency or breach.

(c) The commission may, upon application, waive its jurisdiction and allow a utility operating in an adjoining state to provide service in West Virginia when:

(1) An area of West Virginia cannot be practicably and economically served by a utility licensed to operate within the State of West Virginia;

(2) ~~Said~~ The area can be provided with utility service by a utility which operates in a state adjoining West Virginia;

(3) The utility operating in the adjoining state is regulated by a regulatory agency or commission of the adjoining state; and

(4) The number of customers to be served is not substantial. The rates the out-of-state utility charges West Virginia customers shall be the same as the rate the utility is duly authorized to charge in the adjoining jurisdiction. The commission, in the case of any such utility, may revoke its waiver of jurisdiction for good cause.

(d) Any other provisions of this chapter to the contrary notwithstanding:

(1) An owner or operator of an electric generating facility located or to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which such facility the owner or operator holds a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, ~~shall be~~ is subject to §24-2-11c(e) through §24-2-11c(j) of this code as if the certificate of public convenience and necessity for ~~such~~ the facility were a siting certificate

issued under §24-2-11c of this code and ~~shall is~~ not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to ~~such the~~ facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(2) Any person, corporation, or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which facility the owner or operator does not hold a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity pursuant to the provisions of §24-2-11 of this code. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission ~~shall be is~~ subject to §24-2-11c(e) through §24-2-11c(j) of this code and ~~shall is~~ not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to ~~such the~~ facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(3) An owner or operator of an electric generating facility located in this state that had not been designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that generates electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both ~~such~~ sales at retail and ~~such~~ sales at wholesale and that had been constructed and had engaged in commercial operation on or before July 1, 2003, ~~shall is~~ not be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to ~~such the~~ facility, regardless of whether ~~such the~~ facility subsequent to its construction has been or will be designated as an exempt wholesale generator under applicable federal law: *Provided*, That ~~such the~~ owner or operator ~~shall be is~~ subject to §24-2-1(d)(5) of this code if a material modification of ~~such the~~ facility is made or constructed.

(4) Any person, corporation, or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has not been or will not be designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that will generate electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both ~~such~~ sales at retail and ~~such~~ sales at wholesale and that had not been constructed and had not been engaged in commercial operation on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity pursuant to the provisions of §24-2-11 of this code. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission ~~shall be is~~ subject to §24-2-11c(e) through §24-2-11c(j) of this code and ~~shall is~~ not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to ~~such the~~ facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(5) An owner or operator of an electric generating facility described in this subsection shall, before making or constructing a material modification of the facility that is not within the terms of any certificate of public convenience and necessity or siting certificate previously issued for the facility or an earlier material modification thereof, obtain a siting certificate for the modification from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of

public convenience and necessity for the modification pursuant to the provisions of §24-2-11 of this code and, except for the provisions of §24-2-11c of this code, ~~shall is~~ not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to ~~such the~~ modification.

(6) The commission shall consider an application for a certificate of public convenience and necessity filed pursuant to §24-2-11 of this code to construct an electric generating facility described in this subsection or to make or construct a material modification of ~~such the~~ electric generating facility as an application for a siting certificate pursuant to §24-2-11c of this code if the application for the certificate of public convenience and necessity was filed with the commission prior to July 1, 2003, and if the commission has not issued a final order thereon as of that date.

(7) The limitations on the jurisdiction of the commission over, and on the applicability of the provisions of this chapter to, the owner or operator of an electric generating facility as imposed by and described in this subsection ~~shall not be deemed to~~ do not affect or limit the commission's jurisdiction over contracts or arrangements between the owner or operator of ~~such the~~ facility and any affiliated public utility subject to the provisions of this chapter.

(e) The commission ~~shall~~ does 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 have~~ has jurisdiction to review or approve any transaction involving a telephone company otherwise subject to §24-2-12 and §24-2-12a of this code if all entities involved in the transaction are under common ownership.

(g) The Legislature finds that the rates, fees, charges, and ratemaking of municipal power systems are most fairly and effectively regulated by the local governing body. Therefore, notwithstanding any other provisions of this article, the commission ~~shall have~~ has jurisdiction over the setting or adjustment of rates, fees, and charges of municipal power systems. Further, the jurisdiction of the Public Service Commission over municipal power systems is limited to that granted specifically in this code.

**§24-2-4a. Procedure for changing rates after June 30, 1981.**

(a) After June 30, 1981, no public utility subject to this chapter, except for water and/or sewer utilities that are political subdivisions of the state providing separate or combined services and having at least 4,500 customers and annual gross revenue of \$3 million or more from its separate or combined services, shall change, suspend or annul any rate, joint rate, charge, rental or classification except after 30 days' notice to the commission and the public, which notice shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates or charges shall go into effect; but the commission may enter an order suspending the proposed rate as hereinafter provided. The proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time, and kept open to public inspection: *Provided*, That the commission may, in its discretion, and for good cause shown, allow changes upon less time than the notice herein specified, or may modify the requirements of this section in respect to publishing, posting and filing of tariffs, either by particular instructions or by general order.

(b) Whenever there ~~shall be~~ is filed with the commission any schedule stating a change in the rates or charges, or joint rates or charges, or stating a new individual or joint rate or charge or joint classification or any new individual or joint regulation or practice affecting any rate or charge, the commission may, either upon complaint or upon its own initiative without complaint, enter upon a hearing concerning the propriety of ~~such the~~ the rate, charge, classification, regulation or practice; and, if the commission so orders, it may proceed without answer or other form of pleading by the interested parties, but upon reasonable notice, and, pending ~~such the~~ the hearing and the decisions thereon, the commission, upon filing with ~~such the~~ the schedule and delivering to the public utility affected thereby a statement in writing of its reasons for ~~such the~~ the suspension, may suspend the operation of ~~such the~~ the schedule and defer the use of ~~such the~~ the rate, charge, classification, regulation or practice, but not for a longer period than 270 days beyond the time when ~~such the~~ the rate, charge, classification, regulation or practice would otherwise go into effect; and after full hearing, whether completed before or after the rate, charge, classification, regulation or practice goes into effect, the commission may make ~~such the~~ the order in reference to ~~such the~~ the rate, charge, classification, regulation or practice as would be proper in a proceeding initiated after the rate, charge, classification, regulation or practice had become effective: *Provided*, That in the case of a public utility having 2,500 customers or less and which is not a political subdivision and which is not principally owned by any other public utility corporation or public utility holding corporation, the commission may suspend the operation of ~~such the~~ the schedule and defer the use of ~~such the~~ the rate, charge, classification, regulation or practice, but not for a longer period than 120 days beyond the time when ~~such the~~ the rate, charge, classification, regulation or practice would otherwise go into effect; and in the case of a public utility having more than 2,500 customers, but not more than 5,000 customers, and which is not a political subdivision and which is not principally owned by any other public utility corporation or public utility holding corporation, the commission may suspend the operation of ~~such the~~ the schedule and defer the use of ~~such the~~ the rate, charge, classification, regulation or practice, but not for a longer period than 150 days beyond the time when ~~such the~~ the rate, charge, classification, regulation or practice would otherwise go into effect; and in the case of a public utility having more than 5,000 customers, but not more than 7,500 customers, and which is not a political subdivision and which is not principally owned by any other public utility corporation or public utility holding corporation, the commission may suspend the operation of ~~such the~~ the schedule and defer the use of ~~such the~~ the rate, charge, classification, regulation or practice, but not for a longer period than 180 days beyond the time when ~~such the~~ the rate, charge, classification, regulation or practice would otherwise go into effect; and after full hearing, whether completed before or after the rate, charge, classification, regulation or practice goes into effect, the commission may make ~~such the~~ the order in reference to ~~such the~~ the rate, charge,

classification, regulation or practice as would be proper in a proceeding initiated after the rate, charge, classification, regulation or practice had become effective: *Provided, however,* That, in the case of rates established or proposed that increase by less than 25 percent of the gross revenue of the regulated public service district, there shall be no suspension period in the case of rates established by a public service district pursuant to §16-13A-9 of this code and the proposed rates of public service districts shall go into effect upon the date of filing with the commission, subject to refund modification at the conclusion of the commission proceeding. In the case of rates established or proposed that increase by more than 25 percent of the gross revenue of the public service district, the district may apply for, and the commission may grant, a waiver of the suspension period and allow rates to be effective upon the date of filing with the commission. Notwithstanding the provisions of subsection (e) of this section, the public service district shall provide notice by Class 1 legal advertisement in a newspaper of general circulation in its service territory of the percentage increase in rates at least 14 days prior to the effective date of the increased rates. Any refund determined to be ~~determined to be~~ due and owing as a result of any difference between any final rates approved by the commission and the rates placed into effect subject to refund shall be refunded by the public service district as a credit against each customer's account for a period of up to six months after entry of the commission's final order. Any remaining balance which is not fully credited by credit within six months after entry of the commission's final order shall be directly refunded to the customer by check: *Provided further,* That if any such hearing and decision thereon is not concluded within the periods of suspension, as above stated, ~~such the~~ rate, charge, classification, regulation or practice shall go into effect at the end of ~~such the~~ period not subject to refund: *And provided further,* That if any such rate, charge, classification, regulation or practice goes into effect because of the failure of the commission to reach a decision, the same shall not preclude the commission from rendering a decision with respect thereto which would disapprove, reduce or modify any such proposed rate, charge, classification, regulation or practice, in whole or in part, but any such disapproval, reduction or modification shall not be deemed to require a refund to the customers of ~~such the~~ utility as to any rate, charge, classification, regulation or practice so disapproved, reduced or modified. The fact of any rate, charge, classification, regulation or practice going into effect by reason of the commission's failure to act thereon ~~shall~~ does not affect the commission's power and authority to subsequently act with respect to any such application or change in any rate, charge, classification, regulation or practice. Any rate, charge, classification, regulation or practice which shall be approved, disapproved, modified or changed, in whole or in part, by decision of the commission shall remain in effect as so approved, disapproved, modified or changed during the period or pendency of any subsequent hearing thereon or appeal therefrom. Orders of the commission affecting rates, charges, classifications, regulations or practices which have gone into effect automatically at the end of the of the suspension period are prospective in effect.

(c) At any hearing involving a rate sought to be increased or involving the change of any rate, charge, classification, regulation or practice, the burden of proof to show the justness and reasonableness of the increased rate or proposed increased rate, or the proposed change of rate, charge, classification, regulation or practice shall be upon the public utility making application for ~~such the~~ change. The commission shall, whenever practicable and within budgetary constraints, conduct one or more public hearings within the area served by the public utility making application for ~~such the~~ increase or change, for the purpose of obtaining comments and evidence on the matter from local ratepayers.

(d) Each public utility subject to the provisions of this section shall be required to establish, in a written report which shall be incorporated into each general rate case application, that it has thoroughly investigated and considered the emerging and state-of-the-art concepts in the utility management, rate design and conservation as reported by the commission under §24-1-1(c) of

this code as alternatives to, or in mitigation of, any rate increase. The utility report shall contain as to each concept considered the reasons for adoption or rejection of each. When in any case pending before the commission all evidence shall have been taken and the hearing completed, the commission shall render a decision in ~~such the~~ case. The failure of the commission to render a decision with respect to any such proposed change in any such rate, charge, classification, regulation or practice within the various time periods specified in this section after the application therefor shall constitute neglect of duty on the part of the commission and each member thereof.

(e) Other than as provided in subsection (b) of this section relating to public service districts, where more than 20 members of the public are affected by a proposed change in rates, it shall be a sufficient notice to the public within the meaning of this section if ~~such the~~ notice is published as a Class II legal advertisement in compliance with ~~the provisions of §59-3-1 et seq.~~ of this code and the publication area for ~~such the~~ publication shall be the community where the majority of the resident members of the public affected by ~~such the~~ change reside or, in case of nonresidents, have their principal place of business within this state.

(f) The commission may order rates into effect subject to refund, plus interest in the discretion of the commission, in cases in which the commission determines that a temporary or interim rate increase is necessary for the utility to avoid financial distress, or in which the costs upon which these rates are based are subject to modification by the commission or another regulatory commission and to refund to the public utility. In ~~such that~~ case the commission may require ~~such the~~ public utility to enter into a bond in an amount deemed by the commission to be reasonable and conditioned upon the refund to the persons or parties entitled thereto of the amount of the excess if ~~such the~~ rates so put into effect are subsequently determined to be higher than those finally fixed for ~~such the~~ utility.

(g) No utility regulated under the provisions of this section may make application for a general rate increase while another general rate application is pending before the commission and not finally acted upon, except pursuant to the provisions of subsection (f) of this section. The provisions of this subsection shall not be construed so as to prohibit any such rate application from being made while a previous application which has been finally acted upon by the commission is pending before or upon appeal to the West Virginia Supreme Court of Appeals.

#### **§24-2-11. Requirements for certificate of public convenience and necessity.**

(a) A public utility, person or corporation other than a political subdivision of the state providing water or sewer services and having at least 4,500 customers and annual gross combined revenues of \$3 million dollars or more may not begin the construction of any plant, equipment, property or facility for furnishing to the public any of the services enumerated in section one, article two of this chapter, nor apply for, nor obtain any franchise, license or permit from any municipality or other governmental agency, except ordinary extensions of existing systems in the usual course of business, unless and until it shall obtain from the Public Service Commission a certificate of public convenience and necessity authorizing ~~such the~~ construction franchise, license or permit.

(b) Upon the filing of any application for the certificate, and after hearing, the commission may, in its discretion, issue or refuse to issue, or issue in part and refuse in part, the certificate of convenience and necessity: *Provided*, That the commission, after it gives proper notice and if no substantial protest is received within 30 days after the notice is given, may waive formal hearing on the application. Notice shall be given by publication which shall state that a formal hearing may be waived in the absence of substantial protest, made within 30 days, to the application. The



notice shall be published as a Class I legal advertisement in compliance with ~~the provisions of~~ §59-3-1 *et seq.* of this code. The publication area shall be the proposed area of operation.

(c) Any public utility, person or corporation subject to the provisions of this section other than a political subdivision of the state providing water and/or sewer services having at least 4500 customers and combined annual gross revenue of \$3 million dollars or more shall give the commission at least 30 days' notice of the filing of any application for a certificate of public convenience and necessity under this section: *Provided*, That the commission may modify or waive the 30-day notice requirement and shall waive the 30-day notice requirement for projects approved by the Infrastructure and Jobs Development Council.

(d) The commission shall render its final decision on any application filed under the provisions of this section or §24-2-11a of this code within 270 days of the filing of the application and within 90 days after final submission of any such application for decision following a hearing: *Provided*, That if the application is for authority to construct a water and sewer project and the projected total cost is less than \$10 million, the commission shall render its final decision within 225 days of the filing of the application.

(e) The commission shall render its final decision on any application filed under the provisions of this section that has received the approval of the Infrastructure and Jobs Development Council pursuant to §31-15A-1 *et seq.* of this code within 180 days after filing of the application: *Provided*, That if a substantial protest is received within 30 days after the notice is provided pursuant to subsection (b) of this section, the commission shall render its final decision within 270 days or 225 days of the filing of the application, whichever is applicable as determined in subsection (d) of this section.

(f) If the projected total cost of a project which is the subject of an application filed pursuant to this section or §24-2-11a of this code is greater than \$50 million, the commission shall render its final decision on any such application filed under the provisions of this section or §24-2-11a of this code within 400 days of the filing of the application and within 90 days after final submission of any such application for decision after a hearing.

(g) If a decision is not rendered within the time frames established in this section, the commission shall issue a certificate of convenience and necessity as applied for in the application.

(h) The commission shall prescribe rules as it ~~may deem~~ considers proper for the enforcement of the provisions of this section; and, in establishing that public convenience and necessity do exist, the burden of proof shall be upon the applicant.

(i) Pursuant to the requirements of this section, the commission may issue a certificate of public convenience and necessity to any intrastate pipeline, interstate pipeline or local distribution company for the transportation in intrastate commerce of natural gas used by any person for one or more uses, as defined by rule, by the commission in the case of:

- (1) Natural gas sold by a producer, pipeline or other seller to the person; or
- (2) Natural gas produced by the person.

(j) A public utility, including a public service district, which has received a certificate of public convenience and necessity after July 8, 2005, from the commission and has been approved by the Infrastructure and Jobs Development Council is not required to, and cannot be compelled to,

reopen the proceeding if the cost of the project changes but the change does not affect the rates established for the project.

(k) Any public utility, person or corporation proposing any electric power project that requires a certificate under this section is not required to obtain ~~such the~~ certificate before applying for or obtaining any franchise, license or permit from any municipality or other governmental agency.

(l) Water or sewer utilities that are political subdivisions of the state and having at least 4,500 customers and combined gross revenues of \$3 million dollars or more desiring to pursue construction projects that are not in the ordinary course of business shall provide adequate prior public notice of the contemplated construction and proposed changes to rates, fees and charges, if any, as a result of ~~such the~~ construction to both current customers and those persons who will be affected by the proposed construction as follows:

(1) Adequate prior public notice of the contemplated construction by causing a notice of intent to pursue a project that is not in the ordinary course of business to be specified on the monthly billing statement of the customers of the utility for the month immediately preceding the month in which an ordinance or resolution approving the proposed construction and proposed changes to rates, fees and charges, if any, is to be before the governing body for the public hearing on the ordinance or resolution approving the proposed construction and proposed changes to rates, fees and charges, if any.

(2) Adequate prior public notice of the contemplated construction by causing to be published as a Class I legal advertisement of the proposed public hearing on the ordinance or resolution approving the proposed construction and proposed changes to rates, fees and charges, if any, in compliance with ~~the provisions of~~ §59-3-1 *et seq.* of this code. The publication area for publication shall be all territory served by the political subdivision. If the political subdivision provides service in more than one county, publication shall be made in a newspaper of general circulation in each county that the political subdivision provides service.

(3) The public notice of the proposed construction shall state the scope of the proposed construction; a summary of the current rates, fees and charges, and proposed changes to said rates, fees and charges, if any; the date, time and place of the public hearing on the ordinance or resolution approving the proposed construction and proposed changes to rates, fees and charges, if any; and the place or places within the political subdivision where the ordinance or resolution approving the proposed construction and proposed changes to rates, fees and charges, if any, may be inspected by the public. A reasonable number of copies of the ordinance or resolution shall be kept at the place or places and be made available for public inspection. The notice shall also advise that interested parties may appear at the public hearing before the political subdivision and be heard with respect to the proposed construction and the proposed rates, fees and charges, if any.

(4) The ordinance or resolution on the proposed construction and the proposed rates, fees and charges shall be read at two meetings of the governing body with at least two weeks intervening between each meeting. The public hearing may be conducted prior to, or at, the meeting of the governing body at which the ordinance or resolution approving the proposed construction is considered on second reading.

(5) Enactment or adoption of the ordinance or resolution approving the proposed construction and the proposed rates, fees and charges shall follow an affirmative vote of the governing body and the approved rates shall go into effect no sooner than 45 days following the action of the

governing body. If the political subdivision proposes rates that will go into effect prior to the completion of construction of the proposed project, the 45-day waiting period may be waived by public vote of the governing body only if the political subdivision finds and declares the political subdivision to be in financial distress such that the 45-day waiting period would be detrimental to the ability of the political subdivision to deliver continued and compliant public services: *Provided*, That, if the political subdivision is a public service district, in no event ~~shall~~ may the rate become effective prior to the date that the county commission has entered an order approving or modifying the action of the public service district board.

(6) Rates, fees and charges approved by an affirmative vote of the public service district board shall be forwarded in writing to the county commission with the authority to appoint the members of the public service board of the public service district. The county commission shall, within 45 days of receipt of the proposed rates, fees and charges, take action to approve, modify, or reject the proposed rates, fees and charges, in its sole discretion. If, after 45 days, the county commission has not taken final action to approve, modify, or reject the proposed rates, fees and charges, the proposed rates, fees and charges, as presented to the county commission, shall be effective with no further action by the board or county commission. In any event this 45-day period may be extended by official action of both the board proposing the rates, fees and charges and the appointing county commission.

(7) The county commission shall provide notice to the public by a Class I legal advertisement of the proposed action, in compliance with ~~the provisions of~~ §59-3-1 *et seq.* of this code, of the meeting where it shall consider the proposed increases in rates, fees and charges no later than one week prior to the meeting date.

(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~~ 25 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 30 days of the county commission's final action approving, modifying or rejecting ~~such the~~ 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 the~~ 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.

**ARTICLE 2H. POWER OF COMMISSION TO ORDER MEASURES UP TO AND INCLUDING THE ACQUISITION OF DISTRESSED AND FAILING WATER AND WASTEWATER UTILITIES.**

**§24-2H-1. Short title.**

This article shall be known and cited as the Distressed and Failing Utilities Improvement Act.

**§24-2H-2. Legislative Findings.**

(a) The provision of safe drinking water and the collection and treatment of wastewater has resulted in a drastic reduction in the incidence of disease, increase in life expectancy, and other major public health advancements.

(b) Development of water and wastewater infrastructure has advanced economic development through increased production and productivity within West Virginia's economic sectors and commercial expansion geographically throughout the state.

(c) A number of water and wastewater utilities face substantial capital investment needs to maintain and replace aging infrastructure with limited financial resources.

(d) For some water and wastewater utilities, adequately addressing infrastructure needs may adversely affect their ability to maintain reasonable rates and ability to borrow funds to address such needs.

(e) Many water and wastewater utilities have experienced a loss of customers resulting from decline in populations served which has created an additional rate burden on the remaining population.

(f) Failure to timely address infrastructure needs has resulted in the inability of water and wastewater utilities to adequately serve customers and maintain regulatory compliance, thereby threatening human health and hindering economic growth.

(g) West Virginia needs a comprehensive plan to confront the financial, organizational, and regulatory challenges faced by water and wastewater utilities in the state to ensure that all citizens of West Virginia have access to safe drinking water and adequate and safe wastewater treatment.

### **§24-2H-3. Definitions.**

A "distressed utility" is a water or wastewater utility, that for financial, operational or managerial reasons:

(1) (A) Is in continual violation of statutory or regulatory standards of the Bureau for Public Health, the Department of Environmental Protection or the commission, which affect the water quality, safety, adequacy, efficiency or reasonableness of the service provided by the water or wastewater utility;

(B) Fails to comply within a reasonable period of time with any final, nonappealable order of the Department of Environmental Protection, Bureau for Public Health or the commission concerning the safety, adequacy, efficiency or reasonableness of service, including, but not limited to, the availability of water, the potability of water, the palatability of water or the provision of water at adequate volume and pressure and the collection and treatment of wastewater;

(2) Is no longer able to provide adequate, efficient, safe and reasonable utility services; or

(3) Fails to timely pay some or all of its financial obligations, including, but not limited to, its federal and state tax obligations and its bond payments to the West Virginia Water Development Authority, the United States Department of Agriculture (USDA) or other bondholders; fails to maintain its debt service reserve; or fails to submit an audit as required by its bond or loan documents or state law.

“Failing water or wastewater utility” means a public utility that:

(1) Meets the definition of a distressed water or wastewater utility; and either:

(2) Has not, after a reasonable time period, been stabilized and improved by corrective measures put in place under §24-2H-4 of this code; or

(3) Has had the requirements of §24-2H-4 of this code suspended for good cause shown by an order of the commission.

“Capable proximate water or wastewater utility” means a public utility which regularly provides adequate, safe and reasonable service of the same type as the distressed utility and is situated close enough to the facilities of a distressed utility that operational management is reasonable, financially viable, and nonadverse to the interests of the current customers of the nondistressed utility.

#### **§24-2H-4. Preparation of List of potentially unstable water and wastewater utilities.**

Annually, the commission shall prepare a list of water and wastewater utilities that appear to be financially unstable by reviewing annual reports, rate case filings and other financial data available to it. Commission staff shall contact each utility placed on the list and provide advice and assistance in resolving any financial instability or managerial or operational issues that are contributing to the utility’s financial instability.

#### **§24-2H-5. Determination of whether a utility qualifies as a “distressed utility,” “failing utility,” or a “capable proximate utility”.**

(a) In determining whether a utility is distressed or failing, the commission shall consider the following factors:

(1) The financial, managerial and technical ability of the utility;

(2) The level of expenditures necessary to make improvements to the water or wastewater utility to assure compliance with applicable statutory and regulatory standards concerning the adequacy, efficiency, safety or reasonableness of utility service and the impact of those expenditures on customer rates;

(3) The opinion and advice, if any, of the Department of Environmental Protection and the Bureau for Public Health as to steps that may be necessary to assure compliance with applicable statutory or regulatory standards concerning the adequacy, efficiency, safety or reasonableness of utility service;

(4) The status of the utility’s bond payments and other financial obligations;

(5) The status and result of any corrective measures previously put into place under §24-2H-4 of this code; and

(6) Any other relevant matter.

(b) In determining whether a utility is a capable proximate utility, the commission shall consider the following factors:

(1) The financial, managerial and technical ability of all proximate public utilities providing the same type of service;

(2) Expansion of the franchise or operating area of the acquiring utility to include the service area of the distressed utility;

(3) The financial, managerial, operational and rate demands that may result from the current proceeding and the cumulative impact of other demands where the utility has been identified as a capable proximate utility; and

(4) Any other relevant matter.

**§24-2H-6. Notice to distressed or failing utility and formal proceeding.**

(a) A proceeding under this article may be initiated by the commission on its own motion, or by the staff of the commission, or any other person or entity having a legal interest in the financial, managerial or operational condition of the utility, by filing a petition with the commission. In any such petition, the utility shall be named as the respondent. The commission shall include as additional parties any capable proximate public and private utilities that may be able to acquire the utility.

(b) The commission shall hold an evidentiary and public hearing(s) in the utility's service area. The commission shall give notice of the time, place and subject matter of the hearing as follows:

(1) A Class I legal publication in a qualified newspaper pursuant to §59-3-2(a) of this code in the county or counties where the utility is located to take place no more than 10 days before the date of the hearing;

(2) Issuance of a press release;

(3) Written notice by certified mail or registered mail to:

(A) The utility;

(B) The Consumer Advocate Division;

(C) Capable proximate public or private utility(s) that were made parties to the proceeding;  
and

(D) The county commission if the utility is a public service district; or

(E) The municipality if the utility is owned and operated by the municipality.

(4) The utility shall give notice to its customers of the time, place and subject matter of the hearing either as a bill insert or printed on its monthly bill statement as ordered by the commission.

(c) The public hearing shall be conducted to receive public comments, including, but not limited to, comments regarding possible options available to bring the distressed or failing utility into compliance with appropriate statutory and regulatory standards concerning actual or imminent public health problems or unreasonable quality and reliability service standards. At the evidentiary hearing, the commission shall receive evidence to determine if the utility is a distressed or failing utility and whether a capable proximate utility should acquire the utility. If

there is more than one capable proximate utility, then sufficient evidence should be presented to allow the commission to determine the appropriate capable proximate utility to acquire the distressed or failing utility.

**§24-2H-7. Commission order for acquisition of failing utility; list of distressed and failing utilities to Legislature.**

(a) Following the evidentiary hearing, the commission shall enter a final order stating whether the utility is a distressed or failing utility and identifying the capable proximate utilities, if any, as defined in §24-2H-3 of this code. If the commission determines that a utility is a distressed utility, then the commission may make an order consistent with subsection (b) of this section. If the commission determines that the utility is a failing utility, then the commission may order the acquisition of the failing utility by the most suitable capable proximate water or wastewater utility, if there are more than one.

(b) Before the commission may designate a water or wastewater utility as failing and order acquisition by a capable proximate utility it shall determine whether there are any alternatives to an ordered acquisition. If the commission determines that an alternative to designating a utility as failing and ordering an acquisition is reasonable and cost effective, it may order the distressed utility and, if applicable to the alternative a capable proximate utility, to implement the alternative. Commission staff shall work with the utility to implement the alternative, as necessary. Alternatives that the commission may consider include, but are not limited to, the following:

(1) Reorganization of the utility under new management or a new board, subject to the approval of the applicable county commission(s) or municipal government;

(2) Operation of the distressed utility by another public utility or management or service company under a mutually agreed arms-length contract;

(3) Appointment of a receiver to assure the provision of adequate, efficient, safe and reasonable service and facilities to the public pursuant to §24-2-7(b) of this code;

(4) Merger of the water or wastewater utility with one or more other public utilities, subject to the approval of the applicable county commission(s) or municipal government;

(5) The acquisition of the distressed utility through a mutual agreement made at arms-length; and

(6) Any viable alternative other than an ordered acquisition by a capable proximate utility.

(c) The commission shall provide a list of utilities designated by a final order of the commission as a distressed or failing utility to the Legislature as part of its annual Management Summary Report beginning in the 2021 reporting period and annually thereafter. The commission shall provide the same list to the Water Development Authority and the Infrastructure and Jobs Development Council on or before January 31 of each year beginning in 2021.

**§24-2H-8. Commission approval of operating agreement, acquisition price; rates for distressed and failing utilities; improvement plan; debt obligations; cost recovery.**

(a) After an order has been entered pursuant to §24-2H-4 of this code, the distressed utility and acquiring utility shall file a petition with the commission under §24-2-12 of this code to

approve the necessary operating agreement if such alternative is directed by the commission. After an order has been entered pursuant to §24-2H-7 of this code, the failing utility and acquiring utility shall file a petition with the commission under §24-2-12 of this code, to approve the purchase price of the acquisition. Where the parties are unable to agree on an acquisition price, the filing may request that an evidentiary hearing be held so that the commission may determine the acquisition price and any other issues related to the acquisition. The acquisition price must, at a minimum, satisfy all outstanding loans, tax obligations, required grant repayment, liens and indebtedness owed by the failing utility or the acquiring utility must agree to assume the indebtednesses if legally permitted. The acquiring utility shall consult with the lenders or lienholders regarding payment in full or the assumption, to the extent legally permissible, of any outstanding obligations of the failing utility.

(b) The parties to an acquisition may propose to the commission other methods of determining the acquisition price.

(c) As part of the proceeding, the acquiring utility may propose to the commission that it be permitted for a reasonable period of time after the date of acquisition, to charge and collect rates from the customers of the failing utility pursuant to a separate tariff which may be higher or lower than the existing tariff of the distressed or failing utility or may allow a surcharge on both the acquired and existing customers. A separate tariff or rate filing must be made by the acquiring utility before the commission will consider any increase in rates or allow a surcharge to be placed on the acquiring utility's acquired or existing ratepayers.

(d) As part of this proceeding, the acquiring utility shall submit to the commission for approval a plan, including a timetable for bringing the failing utility into compliance with applicable statutory and regulatory standards, including, but not limited to, plans for regionalization. The acquiring utility shall have previously obtained the approval of the plan from the Department of Environmental Protection and the Bureau for Public Health, as applicable and those agencies are directed to use their full discretion in working towards long-term solutions that will support compliance. The failing utility shall cooperate with the acquiring utility in negotiating agreements with state and federal agencies, including, but not limited to, negotiation of hold harmless agreements, consent orders or enforcement moratoria during any period of remediation. In addition, the failing utility shall cooperate with the acquiring utility in obtaining the consent of the failing utility's and the acquiring utility's bondholder(s) to the acquisition. The acquiring utility must present to the commission as part of its financing plan, documentation on how the failing utility's indebtedness will be paid or assumed.

(e) A nonprofit acquiring public utility may seek grant funding from the Distressed Utilities Account established pursuant to §31-15A-9(i) of this code to repair, maintain and replace the distressed water and wastewater utilities facilities as needed. The reasonably and prudently incurred costs of the acquiring utility shall be recoverable in rates as provided in §24-2H-9 of this code.

(f) If the distressed or failing utility is a public service district, then the commission shall make a recommendation to the respective county commission(s) with regard to the acquisition of distressed or failing utilities as provided in §16-13A-2(a)(2) of this code. If the distressed or failing utility is a municipal corporation, then the commission shall make a recommendation to the respective municipal council with regard to the acquisition of distressed or failing utilities as provided in §8-12-17 of this code.



(g) The capable proximate utility may propose one or more of the cost recovery methods or incentives set forth in §24-2H-9 of this code as part of its petition for approval from the commission.

**§24-2H-9. Recovery of costs for acquisition, operation, repairs and improvements to distressed or failing utility facilities.**

The commission may approve an appropriate and reasonable cost recovery mechanism to allow the capable proximate utility to recover its acquisition costs and projected cost of service of operating, maintaining and improving the facilities of the failing water or wastewater utility or its net costs incurred for operating, maintaining and improving the distressed utility under an operating agreement. The cost recovery mechanism may include a surcharge or surcharges on both acquired and existing customers if approved by the commission in a separate rate or tariff proceeding which shall be considered by the commission on an expedited basis without the need for a full base rate proceeding. Rate increments and surcharges established pursuant to this section shall be subject to adjustment on an annual basis to reflect changes in costs, additional projected capital and operating costs and true-up of any over or under recoveries of costs. Cost recovery mechanisms may also include:

(1) A surcharge above existing rates that allows recovery of additional incremental cost increases, net of contributions necessary to operate, maintain and improve the failing utility's service level to an acceptable level and into compliance with all applicable regulatory standards;

(2) An acquisition adjustment to private for profit utilities as an incentive to acquire a failing utility;

(3) An increased return on investment as an incentive to acquire a failing utility; or

(4) Any other incentive method proposed by the acquiring utility if the method is determined by the commission to be appropriate, reasonable and in the public interest.

**CHAPTER 31. CORPORATIONS.**

**ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL.**

**§31-15A-9. Infrastructure fund; deposits in fund; disbursements to provide loans, loan guarantees, grants and other assistance; loans, loan guarantees, grants and other assistance shall be subject to assistance agreements; West Virginia Infrastructure Lottery Revenue Debt Service Fund; use of funds for projects.**

(a) The Water Development Authority shall create and establish a special revolving fund of moneys made available by appropriation, grant, contribution or loan to be known as the "West Virginia Infrastructure Fund". This fund shall be governed, administered and accounted for by the directors, officers and managerial staff of the Water Development Authority as a special purpose account separate and distinct from any other moneys, funds or funds owned and managed by the Water Development Authority. The infrastructure fund shall consist of sub-accounts, as deemed necessary by the council or the Water Development Authority, for the deposit of: (1) Infrastructure revenues; (2) any appropriations, grants, gifts, contributions, loan proceeds or other revenues received by the infrastructure fund from any source, public or private; (3) amounts received as payments on any loans made by the Water Development Authority to pay for the cost of a project or infrastructure project; (4) insurance proceeds payable to the Water Development Authority or

the infrastructure fund in connection with any infrastructure project or project; (5) all income earned on moneys held in the infrastructure fund; (6) all funds deposited in accordance with §31-15B-4 of this code; and (7) all proceeds derived from the sale of bonds issued pursuant to §31-15B-1 *et seq.* of this code.

Any money collected pursuant to this section shall be paid into the West Virginia infrastructure fund by the state agent or entity charged with the collection of the same, credited to the infrastructure fund, and used only for purposes set forth in this article or §31-15B-1 *et seq.* of this code.

Amounts in the infrastructure fund shall be segregated and administered by the Water Development Authority separate and apart from its other assets and programs. Amounts in the infrastructure fund may not be transferred to any other fund or account or used, other than indirectly, for the purposes of any other program of the Water Development Authority, except that the Water Development Authority may use funds in the infrastructure fund to reimburse itself for any administrative costs incurred by it and approved by the council in connection with any loan, loan guarantee, grant or other funding assistance made by the Water Development Authority pursuant to this article.

(b) Notwithstanding any provision of this code to the contrary, amounts in the infrastructure fund shall be deposited by the Water Development Authority in one or more banking institutions: *Provided*, That any moneys so deposited shall be deposited in a banking institution located in this state. The banking institution shall be selected by the Water Development Authority by competitive bid. Pending the disbursement of any money from the infrastructure fund as authorized under this section, the Water Development Authority shall invest and reinvest the moneys subject to the limitations set forth in §31-18-1 *et seq.* of this code.

(c) To further accomplish the purposes and intent of this article and §31-15B-1 *et seq.* of this code, the Water Development Authority may pledge infrastructure revenues and from time to time establish one or more restricted accounts within the infrastructure fund for the purpose of providing funds to guarantee loans for infrastructure projects or projects: *Provided*, That for any fiscal year the Water Development Authority may not deposit into the restricted accounts more than 20 percent of the aggregate amount of infrastructure revenues deposited into the infrastructure fund during the fiscal year. No loan guarantee shall be made pursuant to this article unless recourse under the loan guarantee is limited solely to amounts in the restricted account or accounts. No person shall have any recourse to any restricted accounts established pursuant to this subsection other than those persons to whom the loan guarantee or guarantees have been made.

(d) Each loan, loan guarantee, grant or other assistance made or provided by the Water Development Authority shall be evidenced by a loan, loan guarantee, grant or assistance agreement between the Water Development Authority and the project sponsor to which the loan, loan guarantee, grant or assistance shall be made or provided, which agreement shall include, without limitation and to the extent applicable, the following provisions:

(1) The estimated cost of the infrastructure project or project, the amount of the loan, loan guarantee or grant or the nature of the assistance, and in the case of a loan or loan guarantee, the terms of repayment and the security therefor, if any;

(2) The specific purposes for which the loan or grant proceed shall be expended or the benefits to accrue from the loan guarantee or other assistance, and the conditions and procedure for disbursing loan or grant proceeds;

(3) The duties and obligations imposed regarding the acquisition, construction, improvement or operation of the project or infrastructure project; and

(4) The agreement of the governmental agency to comply with all applicable federal and state laws, and all rules and regulations issued or imposed by the Water Development Authority or other state, federal or local bodies regarding the acquisition, construction, improvement or operation of the infrastructure project or project and granting the Water Development Authority the right to appoint a receiver for the project or infrastructure if the project sponsor should default on any terms of the agreement.

(e) Any resolution of the Water Development Authority approving loan, loan guarantee, grant or other assistance shall include a finding and determination that the requirements of this section have been met.

(f) The interest rate on any loan to governmental, quasi- governmental, or not for profit project sponsors for projects made pursuant to this article shall not exceed three percent per annum. Due to the limited availability of funds available for loans for projects, it is the public policy of this state to prioritize funding needs to first meet the needs of governmental, quasi- governmental and not for profit project sponsors and to require that loans made to for-profit entities shall bear interest at the current market rates. Therefore, no loan may be made by the council to a for-profit entity at an interest rate which is less than the current market rate at the time of the loan agreement.

(g) The Water Development Authority shall cause an annual audit to be made by an independent certified public accountant of its books, accounts and records, with respect to the receipts, disbursements, contracts, leases, assignments, loans, grants and all other matters relating to the financial operation of the infrastructure fund, including the operating of any sub-account within the infrastructure fund. The person performing such audit shall furnish copies of the audit report to the commissioner of finance and administration, where they shall be placed on file and made available for inspection by the general public. The person performing such audit shall also furnish copies of the audit report to the Legislature's Joint Committee on Government and Finance.

(h) There is hereby created in the Water Development Authority a separate, special account which shall be designated and known as the "West Virginia Infrastructure Lottery Revenue Debt Service Fund," into which shall be deposited annually for the fiscal year beginning July 1, 2011, and each fiscal year thereafter, the first \$6 million transferred pursuant to §29-22-18d of this code and any other funds provided therefor: *Provided*, That such deposits and transfers are not subject to the reservations of funds or requirements for distributions of funds established by §31-15A-10 and §31-15A-11 of this code. Moneys in the West Virginia Infrastructure Lottery Revenue Debt Service Fund shall be used to pay debt service on bonds or notes issued by the Water Development Authority for watershed compliance projects as provided in section seventeen-b of this article, and to the extent not needed to pay debt service, for the design or construction of improvements for watershed compliance projects. Moneys in the West Virginia Infrastructure Lottery Revenue Debt Service Fund not expended at the close of the fiscal year do not lapse or revert to the General Fund but are carried forward to the next fiscal year.

(i) The Water Development Authority shall establish a separate restricted account within the infrastructure fund to be expended for the repair and improvement of failing water and wastewater systems by nonprofit public utilities from grants approved by the Council and supported by recommendations from the Public Service Commission in accordance with the plan developed under §24-2H-1 et seq. of this code. The restricted account shall be known as the "Distressed Utilities Account". Annually, the council may request the Water Development Authority to transfer from the uncommitted loan balances for each year a total amount not to exceed \$5 million to the restricted account to fund the grants approved by the council during that fiscal year. Notwithstanding the provisions of §31-15A-10(b) of this code, the council may approve grants from this account for up to 100 percent of the cost of failing utility repairs, replacements and improvements and such grant along with other grants awarded by the council may exceed 50 percent of the total project cost: *Provided*, That at no time may the balance of the restricted account exceed \$5 million."

The bill was then ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 531**), and there were—yeas 88, nays none, absent and not voting 12, with the absent and not voting being as follows:

Absent and Not Voting: Bartlett, Canestraro, Cooper, Hicks, Householder, Kump, Nelson, Sponaugle, Steele, Westfall, Williams and Wilson.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 532**), and there were—yeas 76, nays 14, absent and not voting 10, with the nays and absent and not voting being as follows:

Nays: Anderson, Barnhart, Bibby, Butler, Cadle, Fast, C. Martin, P. Martin, McGeehan, Pack, Paynter, Porterfield, Sypolt and Toney.

Absent and Not Voting: Bartlett, Cooper, Doyle, Householder, Kump, Nelson, Queen, Steele, Westfall and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. 739) passed.

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

**Com. Sub. for S. B. 746**, Providing contracted managed care companies access to uniform maternal screening tool; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 747**, Requiring Bureau for Public Health develop Diabetes Action Plan; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

**S. B. 748**, Increasing awareness of palliative care services; on second reading, coming up in regular order, was read a second time.

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

**“ARTICLE 60. PALLIATIVE CARE.**

**§16-60-1. Purpose and findings.**

(a) The purpose of this article is to increase awareness regarding the palliative care services in West Virginia.

(b) The Legislature finds that palliative care access remains a challenge across the state and increasing awareness of the availability of this service will align with many of the state’s goals to improve patients’ health care experience and care quality.

**§16-60-2. Definitions.**

As used in this article:

‘Palliative care’ means an interdisciplinary team-based model of care process designed to relieve suffering and improve quality of life for patients and families facing serious, though not necessarily terminal, illness. The care should be available at any stage of illness from birth to advanced age and may be offered simultaneously with disease modifying interventions, including attempts for cure or remission.

‘Interdisciplinary team’ means a care team comprised of medical and nonmedical disciplines with specialty training or certification in palliative care and may include ~~and includes~~ volunteers and lay workers in healthcare. This team ~~may include~~, includes, at a minimum, the following: (1) A physician; (2) an advanced practice registered nurse or a registered nurse; (3) a social worker; and may include (4) a member of the clergy; (5) a counselor; and (6) a consulting pharmacist.

**§16-60-3. Development of educational materials and database.**

(a) The State Advisory Coalition on Palliative Care, working in conjunction with the Bureau for Public Health, shall develop a work group to create the content of educational materials regarding palliative care for distribution to providers and to the general public. These materials should at a minimum provide an overview of the different models of palliative care services offered throughout the continuum of care and a description of the interdisciplinary team.

~~(b) The Office of Health Facility License and Certification shall update and maintain its current webpage to reflect an option to search for palliative care provider type.”~~

The bill was then ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 533**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Bartlett, Boggs, Cooper, Foster, Householder, Kump, Miller, Queen, Steele, Westfall and Wilson.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 534**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bartlett, Boggs, Cooper, Foster, Householder, Kump, Miller, Steele, Westfall and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 748) passed.

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

**S. B. 748** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-60-1, §16-60-2, and §16-60-3, all relating to increasing awareness of palliative care services; defining terms; requiring the State Advisory Coalition on Palliative Care, in conjunction with the Bureau for Public Health to develop education materials."

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

**Com. Sub. for S. B. 749**, Requiring Fatality and Mortality Review Team share data with CDC; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 750**, Establishing extended learning opportunities; on second reading, coming up in regular order, was read a second time.

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

**"ARTICLE 2. STATE BOARD OF EDUCATION.**

**§18-2-7e. Alternative educational opportunities for elective course credit**

(a) The Legislature finds and declares that:

(1) Programs outside of the traditional classroom have educational value;

(2) Many entities, including, but not limited to, nonprofit organizations, afterschool programs, businesses, and trade associations, may have an interest in offering programs outside of the traditional classroom that are attractive to students and contain educational value;

(3) Learning opportunities that are designed to address the interests and aptitudes of the individual student will enable students to discover, develop, and apply their individual talents to realize their full potential;

(4) Policies that allow for educational opportunities outside of the traditional classroom exist in other states;

(5) Providing credit for alternative educational opportunities will enrich the learning environment of students and develop well-rounded individuals ready for a life of learning, productive work, and community involvement.

(b) The State Board of Education shall promulgate a rule requiring county boards of education to develop an alternative educational opportunities policy that provides students involved in educational opportunities outside of the traditional classroom to receive elective course credit.

(c) The county boards of education shall adopt an alternative educational opportunities policy that recognizes learning opportunities outside of the traditional classroom and grants elective course credit. The policy shall:

(1) Provide for an application process for entities to submit proposals for alternative educational programs that will qualify for elective course credit;

(2) Define which entities are eligible to submit applications for alternative educational programs: *Provided*, That entities which are deemed eligible shall be broadly defined and shall include, but not be limited to:

(A) Nonprofit organizations;

(B) Businesses with established locations in the state;

(C) Trade associations;

(D) Parents of students involved in programs that may otherwise qualify as an alternative educational program;

(E) Teachers involved in programs outside of the traditional classroom; and

(F) School personnel involved in programs outside of the traditional classroom;

(3) Provide for the criteria to be used to evaluate the alternative educational program;

(4) Describe any communication and collaboration needed between the local school, county board, or State Board of Education to implement alternative educational opportunities;

(5) Place requirements on the entity, such as background checks for key personnel, and minimum accountability standards; and

(6) Provide a process for student credit transfer.

(d) The county boards of education shall have the authority to approve or deny an application for an alternative educational program: *Provided*, That if the application is denied, the county board shall provide a detailed explanation of the reasons for its denial and suggest ways to improve the application that will assist its more favorable view by the county board.

(e) The county boards of education shall have the authority to audit approved alternative educational programs at any time. If the audit results in findings that an approved program is not meeting the provisions of this section or the policy outlined in subsection (c) of this section, then the county board may disqualify the program immediately.

(f) The Department of Education shall prepare a report of data analysis and an overview of the alternative learning opportunities to the Legislative Oversight Commission on Education Accountability after 3 years of implementation.”

The bill was then ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 535**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Bartlett, Boggs, Cooper, Foster, Householder, Kump, Porterfield, Steele, Westfall and Wilson.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 536**), and there were—yeas 88, nays none, absent and not voting 12, with the absent and not voting being as follows:

Absent and Not Voting: Bartlett, Boggs, Cooper, Cowles, Foster, Hardy, Householder, Kump, Porterfield, Steele, Westfall and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 750) passed.

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

**S. B. 750** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7e, relating to establishing alternative educational opportunities for elective course credit; setting forth legislative findings; requiring the state board to promulgate a rule requiring county boards to develop alternative educational opportunities policies; requiring county boards to adopt alternative educational opportunities polices and setting forth parameters therefore; authorizing county boards to approve or deny alternative educational programs and to



audit the same; and requiring the Department of Education to report to the Legislative Oversight Commission on Education Accountability after three years of implementation.”

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

**Com. Sub. for S. B. 760**, Allowing state college or university apply to HEPC for designation as administratively exempt school; on second reading, coming up in regular order, was read a second time.

An amendment, offered by Delegate Angelucci was reported by the Clerk.

Whereupon,

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

The bill was then ordered to third reading.

**S. B. 767**, Relating to licensure of hospitals; on second reading, coming up in regular order, was read a second time.

Delegate Robinson moved to amend the bill on page two, section six-a, by striking out the word “[repealed]” and inserting in lieu thereof the current law as amended below:

**“§16-5B-6a. Consumer majorities on hospital boards of directors.**

(a) The Legislature declares that a crisis in health care costs exists, that one important approach to deal with this crisis is to have widespread citizen participation in hospital decision making and that many hospitals in West Virginia exclude from their boards important categories of consumers, including small businesses, organized labor, elderly persons and lower-income consumers. The Legislature further declares that nonprofit hospitals receive such major revenue from public sources and are so crucial in health planning and development that it is necessary to require consumer representatives on their boards of directors. Therefore, the Legislature determines that nonprofit hospitals and hospitals owned by local governments should have boards of directors representative of the communities they serve.

(b) As used in this section, “applicable hospitals” means all nonprofit hospitals and all hospitals owned by a county, city or other political subdivision of the State of West Virginia.

(c) At least ~~forty~~ thirty percent of the boards of directors of applicable hospitals shall, on or before July 1, 1984, be composed of an equal portion of consumer representatives from the following categories: Small businesses, organized labor, elderly persons, individuals recommended by the West Virginia Nurses Association ~~and~~ or persons whose income is less than the national median income. Special consideration shall be made to select women, racial minorities and handicapped persons.

(d) The provisions of this section may be enforced by the director of health, or by any citizen of the county wherein any offending hospital is located, by the filing of an action at law in the circuit court of such county.”

Delegates Ellington, Atkinson, Hartman, Staggers, Criss and Capito requested to be excused from voting on S. B. 767 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill and directed the Members to vote.

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

The yeas and nays having been ordered, they were taken (**Roll No. 537**), and there were— yeas 33, nays 59, absent and not voting 8, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hicks, Hornbuckle, J. Jeffries, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Swartzmiller, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Bartlett, Boggs, Cooper, Householder, Kump, Steele, Storch and Westfall.

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

The bill was then ordered to third reading.

**Com. Sub. for S. B. 770**, Revising requirements for post-doctoral training; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 785**, Establishing uniform electioneering prohibition area; on second reading, coming up in regular order, was read a second time.

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

*“Be it enacted by the Legislature of West Virginia:*

### **ARTICLE 3. VOTING BY ABSENTEES.**

#### **§3-3-2a. Early voting areas; prohibition against display of campaign material.**

(a) The county commission shall designate the courthouse or annex to the courthouse as the primary location for early in-person voting and, in addition, the commission may designate other locations as provided in subsection (b) of this section.

(b) The county commission may, with the approval of the county clerk or other official charged with the administration of elections, designate community voting locations for early in-person voting, other than the county courthouse or courthouse annex, by a majority of the members of the county commission voting to adopt the same at a public meeting called for that purpose.

(1) The county commission shall publish a notice of its intent to designate a community voting location at least 30 days prior to the designation. Notice shall be by publication as a Class II-0 legal advertisement in compliance with provisions of §59-3-1 *et seq.* of this code. The publication area is the county in which the community voting location or locations are designated;

(2) Community voting locations shall comply with requirements of this article for early in-person voting, criteria prescribed by the Secretary of State, and the following criteria:

(A) The location can be scheduled for use during the early voting period;

(B) The location has the physical facilities necessary to accommodate early voting requirements;

(C) The location has adequate space for voting equipment, poll workers, and voters; and

(D) The location has adequate security, public accessibility, and parking.

(3) The county executive committees of the two major political parties may nominate sites to be used as community voting locations during the early voting period;

(4) Upon the designation of a community voting location, the county clerk shall, not less than 30 days prior to an election, give notice of the ~~dates, times, and place of community voting locations~~ community voting location address and the dates and times when the location will be open for early voting by publication as a Class II-0 legal advertisement in compliance with provisions of §59-3-1 *et seq.* of this code;

(5) Voting shall be conducted at each designated community voting ~~site~~ location for a period of not less than five consecutive days during the early in-person voting period authorized by §3-3-3 of this code, but need not be conducted at each location for the entire period of early in-person voting;

(6) The county commission, with the approval of the county clerk, may authorize community voting locations on a rotating basis, wherein a community voting location may be ~~utilized~~ used for less than the full period of early in-person voting. ~~and~~

(7) If more than one community voting location is designated, each location shall be ~~utilized~~ used for an equal number of voting days and permit voting for the same number of hours per day; and

(8) Once a community voting location is designated it may continue to be used in subsequent elections without complying with the public notice requirements of subdivision (1) of this subsection if the county commission finds, and the county clerk agrees, at least 50 days, but not more than 80 days prior to the election, that the location continues to qualify under this section.

(c) The Secretary of State shall propose legislative and emergency rules in accordance with the provisions of §29A-3-1 *et seq.* of this code as may be necessary to implement the provisions of this section. The rules shall include establishment of criteria to assure neutrality and security in the selection of community voting locations.

(d) Throughout the period of early in-person voting, the official designated to supervise and conduct ~~absentee~~ early in-person voting shall make the following provisions for voting:

(1) The official shall provide a sufficient number of voting booths or devices appropriate to the voting system at which voters may prepare their ballots. The booths or devices are to be in an area separate from, but within clear view of, the public entrance area of the official's office or other area designated by the county commission for ~~absentee~~ early in-person voting and are to be arranged to ensure the voter complete privacy in casting the ballot.

(2) The official shall make the voting area secure from interference with the voter and shall ensure that voted and unvoted ballots are at all times secure from tampering. No person, other than a person lawfully assisting the voter according to the provisions of this chapter, may be permitted to come within five feet of the voting booth while the voter is voting. No person, other than the officials or employees of the official designated to supervise and conduct ~~absentee~~ early in-person voting or members of the board of ballot commissioners assigned to conduct ~~absentee~~ early in-person voting, may enter the area or room set aside for voting.

(3) (A) The official designated to supervise and conduct ~~absentee~~ early in-person voting shall request the county commission designate another area within the county courthouse, any annex of the courthouse or any other designated as early in-person community voting locations within the county, as a portion of the official's office, for the purpose of ~~absentee~~ early in-person voting in the following circumstances:

(A) (i) If the voting area is not accessible to voters with physical disabilities;

(B) (ii) If the voting area is not within clear view of the public entrance of the office of the official designated to supervise and conduct ~~absentee~~ early in-person voting; or

(C) (iii) If there is no suitable area for ~~absentee~~ early in-person voting within the office.

(B) Any designated area is subject to the same requirements as the ~~regular absentee voting area~~ primary location for early in-person voting.

(4) The official designated to supervise and conduct ~~absentee~~ early in-person voting shall have at least two representatives to assist with ~~absentee~~ early in-person voting: *Provided*, That the two representatives may not be registered with the same political party affiliation or be two persons registered with no political party affiliation. The representatives may be full-time employees, temporary employees hired for the period of ~~absentee~~ early in-person voting in person, or volunteers.

(5) No person may do any electioneering nor may any person display or distribute in any manner, or authorize the display or distribution of, any literature, posters, or material of any kind which tends to influence the voting for or against any candidate or any public question on the property of the county courthouse, any annex facilities, or within 100 feet of the outside entrance of any other designated early voting locations within the county during the entire period of regular early in-person ~~absentee~~ voting. The official designated to supervise and conduct ~~absentee~~ early in-person voting is authorized to remove the material and to direct the sheriff of the county to enforce the prohibition."

The bill was then ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 538**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Graves, Householder, Kump, Linville, Steele, Storch and Westfall.

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

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 539**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Graves, Householder, Kump, Linville, Steele and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 785) passed.

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

On this question, the yeas and nays were taken (**Roll No. 540**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Householder, Kump, Linville, Steele and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. 785) takes effect from its passage.

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

**Com. Sub. for S. B. 793**, Relating to B&O taxes imposed on certain coal-fired electric generating units; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 830**, Eliminating special merit-based employment system for health care professionals; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 838**, Directing state police establish referral program for substance abuse treatment; on second reading, coming up in regular order, was read a second time,

An amendment recommended by the Committee on the Judiciary, was reported by the Clerk, and adopted, amending the bill on page 1, section 15-2-55(a), line 1, immediately following the word "program" by inserting the phrase "and may, in collaboration with the Office of Drug Control Policy of the Department of Health and Human Resources and existing state government programs"

And,

On page 1, section 15-2-55(b), line 4, immediately following the word “section” by striking the colon, and inserting the following “and who is not under arrest or the subject of a search warrant:”

And,

On page 2, section 15-2-55(e), line 24, immediately following the word “from” by striking the words “criminal and”.

The bill was then ordered to third reading.

**S. B. 839**, Creating State Advisory Council on Postsecondary Attainment Goals; on second reading, coming up in regular order, was read a second time.

An amendment recommended by the Committee on Education, was reported by the Clerk, and adopted, amending the bill on page 1, section 11, lines 1-6, by striking out paragraph (a) in its entirety and inserting in lieu thereof the following:

“(a) There is hereby created the State Advisory Council on Postsecondary Attainment Goals. The council’s purpose is to ensure that students are provided opportunities to learn and earn the most relevant industry-demanded knowledge, skills and credentials to prepare students for the challenges of college, careers, and life, while helping the state and its employers attain economic growth through collaboration with K-12 education leaders, employers and industry leaders, state agency leaders, the Higher Education Policy Commission and the Council for Community and Technical College Education to identify high-value and in-demand postsecondary credentials, and to develop a plan to assist the state in achieving its postsecondary attainment goal of having 60 percent of West Virginians between the ages of 25 and 64 hold a degree, certificate, or other postsecondary workforce credential of value in the workplace by 2030.”

And,

On page 1, section 11, line 17, after the word “House”, by inserting the following subsections:

“(7) Representatives from at least two employers, industry associations, or chambers of commerce, appointed jointly by the President of the Senate and the Speaker of the House;

“(8) Representatives from at least two regional economic development and workforce investment boards, appointed jointly by the President of the Senate and the Speaker of the House;”

And,

Renumbering the remaining subsections;

And,

On page 2, section 11, line 43 after the word “goal.”, by inserting the following new section:

“(e) The council shall provide leadership, strategic direction and evaluation of the state’s investments in, and progress toward, implementing high-quality career and technical education programs that are accessible to all students and improves the career readiness of the state’s workforce by conducting an annual review of career and technical education offerings in K-12 and

the state's community college and technical education system to determine the alignment of existing offerings with employer demand, postsecondary degree or certificate programs, and professional industry certifications. The review shall identify career and technical education offerings that are linked to occupations that are in high-demand by employers, require high-level skills, and provide middle- and high-level wages. The review shall include analyses of:

(1) Participating students and their outcomes, including the following:

(A) Academic achievement;

(B) Attainment of industry certifications;

(C) Program completion;

(D) Applied learning experiences;

(E) College credit attainment through the career and technical education program, including dual enrollment or articulation;

(F) Postsecondary enrollment and credential attainment, including enrollment in 4-year degree programs for state College System students; and

(G) Employment outcomes, including wages;

(2) Demographics of participating students by pathway and credential attainment;

(3) Educational settings of the courses;

(4) Alignment with high-growth, high-demand and high-wage employment opportunities;

(5) Current and projected economic, labor and wage data on the needs of the state, regional and global economy and workforce.

(6) Alignment with certificate or degree programs offered at the postsecondary level or professional industry certifications;

(7) Employment outcomes, including wages, by career and technical education program offerings;

(8) Apprenticeship and pre-apprenticeship offerings;

(9) Qualifications and specialized knowledge and expertise of instructors and the opportunities for these educators to upskill in the latest in-demand skills of employers; and,

(10) Extent to which federal, state and local funding is used to foster career and technical education program success and program efficiency.

And,

Relettering the remaining sections.

The bill was then ordered to third reading.

**S. B. 842**, Requiring Superintendent of Schools establish a Behavior Interventionist Pilot Program in two school districts for five years; on second reading, coming up in regular order, was read a second time.

An amendment recommended by the Committee on Education, was reported by the Clerk, and adopted, amending the bill on page one, following the article heading, by striking the remainder of the bill and inserting in lieu thereof the following:

**“§18-3-13. Behavior Interventionist Pilot Program.**

(a) The Legislature finds that:

(1) Behavior problems of special education students can be better addressed by personnel who specialize in addressing student behavior issues;

(2) With the advent of the opioid crisis in recent years in West Virginia, behavior problems in the state’s elementary and secondary education system have increased significantly;

(3) Behavior problems impact not just the student who is misbehaving, but also other students at the school;

(4) The state should explore various ways to address this issue;

(5) One such method of successfully addressing behavioral problems could be through the use of behavior interventionists; and

(6) A behavior interventionist who is trained to address student behavior issues at a school could free classroom teachers from having to address behavior issues and allow them to focus exclusively on teaching students which could result in academic achievement increases for other students in the classroom.

(b) The state superintendent shall immediately establish a Behavior Interventionist Pilot Program to be implemented in not less than two nor more than ten county school districts for the duration of three years. In selecting the county school districts, the state superintendent shall select districts meeting the following criteria:

(1) The districts shall have among the highest number in the state of students with an individual education program;

(2) The districts designated by the state superintendent for the pilot program shall have schools that have a significant number of students enrolled with behavior issues; and

(3) The districts shall have the resources to hire and train personnel who specialize in addressing students with behavior issues.

(c) The county school districts designated for the pilot programs pursuant to this section may immediately create a new employment position, entitled “behavior interventionist”, which is a school-based position that specializes in addressing behavior issues at a school. Once the counties are chosen, the county superintendent shall convene an advisory committee consisting of principals, teachers, classroom aides, and the education organizations to advise the county superintendent and county board on qualifications and hiring. Behavior interventionists shall be



designated by the county board as either a professional person or a service person. If the behavior interventionist is designated as a service person, he or she shall be assigned a pay grade F for the purpose of the salary schedule set forth in §18A-4-8a of this code. The county school districts designated for the pilot programs shall establish the qualifications for personnel employed in the behavior interventionist position and shall establish the initial and continuing training requirements for the personnel employed in the position.

(d) Annually, for the duration of the pilot programs and once after the conclusion of the pilot programs, the county superintendents of the county school districts designated for the pilot programs shall report to the Legislative Oversight Commission on Education Accountability on:

(1) Progress toward and methods of implementation of the pilot programs, including the required qualifications and training for personnel employed in the behavior interventionist position;

(2) Indicators of the success of the pilot programs, which may include reductions in disciplinary actions and increases in student achievement at the schools in which the behavior interventionists are assigned;

(3) Their recommendation on whether the pilot programs should continue beyond the current duration of the pilot programs; and

(4) Their recommendation on whether the pilot programs should be replicated in other school districts that have a high percentage of students with an individual education program, that have schools with significant student behavior problems, or both, and if so, how the pilot programs could best be replicated based on the experience and knowledge gained from the pilot programs established pursuant to this section.”

The bill was then ordered to third reading.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 541**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, J. Jeffries, Kump, Linville, Steele and Westfall.

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

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 542**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Butler.

Absent and Not Voting: Cooper, J. Jeffries, Kump, Linville, Steele and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 842) passed.

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

**S. B. 842** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-3-13, all relating to requiring the State Superintendent of Schools to immediately establish a Behavior Interventionist Pilot Program in limited number of county school districts for the duration of three years; making findings; setting forth criteria to be used in the selection of the county school districts; allowing the two county school districts to immediately create a new behavior interventionist position; requiring the county superintendent to convene a committee consisting of certain school personnel and the education organizations to establish qualifications and hiring; requiring behavior interventionists to be designated by the county board as either a professional person or a service person; requiring certain pay grade in case of service person position; requiring the designated county school districts to establish the qualifications and training requirements; and requiring annual report and final report with certain information to the Legislative Oversight Commission on Education Accountability.”

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

On this question, the yeas and nays were taken (**Roll No. 543**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, J. Jeffries, Kump, Linville, Sponaugle, Steele and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 842) takes effect from its passage.

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

**S. B. 846**, Requiring hospital publish notification prior to facility closure regarding patient medical records; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 848**, Clarifying persons charged with DUI may not participate in Military Service Members Court; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 851**, Requiring Governor’s Committee on Crime, Delinquency, and Correction propose rule in coordination with law enforcement and certain medical boards; on second reading, coming up in regular order, was read a second time.

An amendment recommended by the Committee on the Judiciary, was reported by the Clerk, and adopted, amending the bill on page 1, section 15-9-7, in the section header, immediately following the word “treatment” by inserting the phrase “abstinence-based recovery”

And,

On page 1, section 15-9-7(a), line 4, immediately following the word “treatment” by inserting the phrase “abstinence-based recovery”

And,

On page 1, section 15-9-7(a)(2), line 8, immediately following the word “treatment” by inserting the phrase “abstinence-based recovery”

And,

On page 2, section 15-9-7(b)(3), line 16, immediately following the word “treatment” by inserting the phrase “abstinence-based recovery”

And,

On page 2, section 15-9-7, line 20, immediately following the word “from” by deleting the words “criminal or”

On motion of Delegate Kessinger, the bill was amended on page 1, section §15-9-7, line 2, immediately following the word “enforcement” by inserting the following: “a representative of an abstinence-based recovery program”

The bill was then ordered to third reading.

### **First Reading**

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

**S. B. 51**, Specifying forms of grandparent visitation,

**Com. Sub. for S. B. 120**, Establishing priorities for expenditures for plugging abandoned gas or oil wells,

**S. B. 180**, Relating to Second Chance Driver’s License Program,

**Com. Sub. for S. B. 193**, Setting forth timeframes for continuing purchases of commodities and services over \$1 million,

**Com. Sub. for S. B. 195**, Updating powers of personal representatives of deceased person’s estate,

**Com. Sub. for S. B. 213**, Relating to administration of trusts,

**Com. Sub. for S. B. 253**, Providing for fair pay and maximized employment of disabled persons,

**S. B. 278**, Providing various methods to deal with defendant who becomes incompetent during trial,

**Com. Sub. for S. B. 291**, Requiring PEIA and health insurance providers provide mental health parity,

**S. B. 322**, Relating to prequalifications for state contract vendors,

**Com. Sub. for S. B. 522**, Relating to compensation awards to crime victims ,

**Com. Sub. for S. B. 551**, Relating to Water and Wastewater Investment and Infrastructure Improvement Act,

**Com. Sub. for S. B. 579**, Changing and adding fees to wireless enhanced 911 fee,

**Com. Sub. for S. B. 589**, Creating Critical Needs/Failing Systems Sub Account,

**Com. Sub. for S. B. 597**, Relating to judicial branch members' salaries and pensions,

**Com. Sub. for S. B. 615**, Declaring certain claims against state as moral obligations of state,

**Com. Sub. for S. B. 648**, Providing dental coverage for adult Medicaid recipients,

**Com. Sub. for S. B. 660**, Regulating electric bicycles,

**S. B. 664**, Adding physician's assistant to list of medical professionals capable of determining if individual lacks capacity,

**Com. Sub. for S. B. 670**, Amending service of process on nonresident persons or corporate entities,

**Com. Sub. for S. B. 690**, Permitting street-legal special purpose vehicles on highways,

**Com. Sub. for S. B. 710**, Establishing pilot program to evaluate telemedicine health services,

**Com. Sub. for S. B. 711**, Relating to juvenile jurisdiction of circuit courts,

**Com. Sub. for S. B. 716**, Requiring DHHR pay for tubal ligation without 30-day wait between consent and sterilization,

**Com. Sub. for S. B. 717**, Relating generally to adult protective services,

**Com. Sub. for S. B. 719**, Imposing health care-related provider tax on certain health care organizations,

**Com. Sub. for S. B. 722**, Relating to special license plates for public and private nonprofit transit providers,

**Com. Sub. for S. B. 738**, Creating Flatwater Trail Commission,

**S. B. 740**, Clarifying authorized users of Ron Yost Personal Assistance Services Fund,

**S. B. 765**, Modifying "Habitual Offender" statute,

**Com. Sub. for S. B. 787**, Providing benefits to pharmacists for rendered care,

**Com. Sub. for S. B. 797**, Authorizing governing boards of public and private hospitals employ hospital police officers,

**S. B. 843**, Supplemental appropriation of funds from Treasury to DHHR Energy Assistance Fund,

**S. B. 844**, Supplemental appropriation from Treasury to DHHR Birth-to-Three Fund,

**Com. Sub. for S. B. 845**, Supplemental appropriation from Treasury to DHHR, Division of Human Services,

**S. B. 852**, Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Fund,

And,

**S. B. 853**, Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Authority.

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

### Committee Reports

On motion for leave a resolution was introduced (Originating in the Committee on Technology and Infrastructure and reported with the recommendation that it be adopted, but that it first be referred to the Committee on Rules), which was read by its title, as follows:

**By Delegate Linville:**

**H. C. R. 139** - "Requesting the Division of Highways to rename the portion of State Route 10 from milepost 9.10 to milepost 13.60 in Logan County, the 'U. S. Army TSGT Denver E. Short Memorial Road'."

Whereas, in 2018, the portion of State Route 10 from milepost 9.10 to milepost 13.60 in Logan County was named the "U. S. Army SGT Denver E. Short Memorial Road" as a result of the adoption of Senate Concurrent Resolution 1 by the Legislature during the 2018 regular session; and

Whereas, it has since come to the attention of the Legislature that the proper military rank of Denver E. Short was Technical Sergeant, rather than Sergeant; and

Whereas, it is fitting and proper to rename that portion of State Route 10 to recite the proper military rank of Denver E. Short in order to properly honor him; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to rename the portion of State Route 10 from milepost 9.10 to milepost 13.60 in Logan County, the "U. S. Army TSGT Denver E. Short Memorial Road"; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the road as the "U. S. Army TSGT Denver E. Short Memorial Road"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. C. R. 26**, Requesting the Division of Highways name a portion of Cannelton Road "In Memory of Fallen Corrections Officers",

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. C. R. 26** - "Requesting the Division of Highways name a portion of road beginning on Bell Creek Road from its intersection with WV16, (38.254103, -81.222666), continuing to its intersection with CR2, known as Cannelton Hollow Road, and continuing on CR2 to the Mount Olive Correctional Complex (38.238219, -81.237136), in Fayette County, as being 'In Memory of Fallen Corrections Officers',"

**H. C. R. 31**, U. S. Army Air Corp PFC James W. Brown Memorial Bridge,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. C. R. 31** - "Requesting the Division of Highways name bridge number 52-15-0.84 (52A145), Lat/Long:39.57192,-80.67941, locally known as the North Fork Bridge, carrying CR15 over the North Fork of Fishing Creek in Wetzel County, the 'U. S. Army Air Corps PFC James W. Brown Memorial Bridge',"

**H. C. R. 56**, U. S. Marine Corps Lance Corporal Eddie Dean Starcher Memorial Bridge,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. C. R. 56** - "Requesting the Division of Highways name bridge number: 44-11-9.29 (44A181), (38.84367, -81.22103) locally known as Rocksdales Bridge, carrying CR 11 over West Fork of the Little Kanawha River in Roane County, the 'U. S. M. C. Lance Cpl Eddie Dean Starcher Memorial Bridge',"

**H. C. R. 69**, U. S. Air Force Senior Airman Luke Christopher Wamsley Memorial Bridge,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. C. R. 69** - "Requesting the Division of Highways name bridge number: 49-016/00-002.95 (49A038), (38.93283, -80.15943) locally known as Sand Run Slab NO. 2, carrying CR16 over Sand Run in Upshur County, the 'U. S. A. F. Senior Airman Luke Christopher Wamsley Memorial Bridge',"

**H. C. R. 74**, U. S. Army PFC Roger Lee Carpenter Memorial Bridge,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. C. R. 74** - "Requesting the Division of Highways name bridge number 01-056/00-000.01(01A063), (38.97937, -79.95045) locally known as Junior W-Beam, carrying CR 56 over Tygart Valley River in Barbour County, the 'U. S. Army PFC Roger Lee Carpenter Memorial Bridge',"

**H. C. R. 98**, Delegate Emily Warden Yeager Memorial Bridge,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. C. R. 98** - "Requesting the Division of Highways name bridge number 24-052/00-03189 (24A268), locally known as Eckman Overhead, carrying U.S. 52 over CO52/9, NSRR, Elkhorn Creek in McDowell County, the 'Delegate Emily Warden Yeager Memorial Bridge',"

**H. C. R. 101**, Claude Markle Hill,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. C. R. 101** - "Requesting the Division of Highways name a portion of West Virginia Route 4 in Clay County, from its intersection with West Virginia Route 16 continuing three miles southbound (mp 18.98- mp 21.98), the 'Claude Markle Hill,'"

**H. C. R. 108**, U. S. Navy PO3 Heath "Scrappy" Shilling Memorial Road,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. C. R. 108** - "Requesting the Division of Highways name that portion of WV Route 2, beginning at milepost 19.50 (39.922277, -80.748568) and ending at milepost 19.53 (39.924165, -80.749633) in Marshall County, the 'U. S. Navy PO3 Heath 'Scrappy' Shilling Memorial Road',"

**H. C. R. 109**, U. S. Airman Thomas Harry Honaker, Jr. Memorial Bridge,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. C. R. 109** - "Requesting the Division of Highways name bridge number: 20-060/00-013.32 (20A342), (38.36599, -81.68053) locally known as CARBIDE OVERPASS, carrying U.S. 60 over CSX RR CARBIDE ENTRANCE in Kanawha County, the 'U. S. Army Air Corps Airman Thomas Harry Honaker, Jr. Memorial Bridge',"

And,

**H. C. R. 111**, U. S. Air Force Major Mary Lafferty Coll, D.O. Memorial Bridge,

And reports back a committee substitute therefor, with a new title, as follows:

**Com. Sub. for H. C. R. 111** - "Requesting the Division of Highways name bridge number 10-077/00-061.20 (10A237), (37.98696, -81.30559), locally known as Turnpike Bridge, carrying I-77, I-64 over Milburn Creek in Fayette County, the 'U. S. A. F. MAJ Mary Lafferty Coll Memorial Bridge',"

With the recommendation that the committee substitutes each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions were referred to the Committee on Rules.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. C. R. 7**, U. S. Navy MM2 Carl E. Keeney, U. S. Navy SN1 Frank Keeney and U. S. Army PFC Carl M. Nicholas Memorial Bridge,

**H. C. R. 89**, U. S. Army SGT James Shellace Armentrout Memorial Bridge,

**H. C. R. 110**, Speaker Clyde M. See, Jr. Exit,

**S. C. R. 3**, US Army MSG Richard A. "Dick" Smoot Memorial Bridge,

**Com. Sub. for S. C. R. 8**, US Army 1LT Harold H. Frazier Memorial Bridge,

And,

**S. C. R. 12**, US Army PFC Gary Alcott Birkhimer Memorial Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions were referred to the Committee on Rules.

### **Miscellaneous Business**

Pursuant to House Rule 132, consent was requested and obtained to print the following remarks in the Appendix to the Journal:

- Delegate N. Brown during Introduction of Guests

- Delegates Evans and Walker regarding Delegate Fleischauer's amendment to Com. Sub. for S. B. 175

At 8:44 p.m., the House of Delegates adjourned until 9:00 a.m., Thursday, March 5, 2020.

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**HOUSE OF DELEGATES  
STEPHEN J. HARRISON, Clerk  
Building 1, Room M-212  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0470**





## **SPECIAL CALENDAR**

**Thursday, March 5, 2020**

**58<sup>th</sup> Day**

**9:00 A. M.**

### **THIRD READING**

- S. B. 42 - Permitting faith-based electives in classroom drug prevention programs (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 130 - Relating to procedure for driver's license suspension and revocation for DUI (SHOTT) (REGULAR)
- Com. Sub. for S. B. 175 - Requiring certain agencies maintain website which contains specific information (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 230 - Requiring State Board of Education provide routine education in suicide prevention (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 261 - Creating criminal penalties for introducing ransomware into computer with intent to extort (SHOTT) (REGULAR)
- Com. Sub. for S. B. 269 - Establishing advisory council on rare diseases (HILL) (REGULAR)
- Com. Sub. for S. B. 288 - Relating to family planning and child spacing (HILL) (REGULAR)
- Com. Sub. for S. B. 303 - Enacting Students' Right to Know Act (ELLINGTON) (JANUARY 1, 2021)
- Com. Sub. for S. B. 308 - Creating criminal penalties for violation of orders issued for protection of victims of financial exploitation (SHOTT) (REGULAR)
- Com. Sub. for S. B. 312 - Relating to provisional licensure of social workers (HILL) (REGULAR)
- Com. Sub. for S. B. 491 - Relating to Seed Certification Program (HOWELL) (REGULAR)
- S. B. 510 - Making permanent land reuse agency or municipal land bank's right of first refusal on certain tax sale properties (SHOTT) (REGULAR)
- Com. Sub. for S. B. 530 - Relating to taxation of aircraft (FINANCE COMMITTEE TITLE AMENDMENT PENDING) (HOUSEHOLDER) (JULY 1, 2020)
- Com. Sub. for S. B. 575 - Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian (HILL) (REGULAR)
- S. B. 641 - Allowing WVCHIP flexibility in rate setting (HILL) (REGULAR)

- S. B. 647 - Permitting physician's assistants and advanced practice registered nurses issue do-not-resuscitate orders (HILL) (REGULAR)
- S. B. 654 - Allowing certain sheriffs transfer from PERS to Deputy Sheriff Retirement System (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 689 - Enacting Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act (HILL) (REGULAR)
- S. B. 691 - Limiting programs adopted by State Board of Education (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 692 - Clarifying persons indicted or charged jointly for felony offense can move to have separate trial (SHOTT) (REGULAR)
- Com. Sub. for S. B. 707 - Relating to nursing career pathways (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 729 - Relating to awards and disability under Deputy Sheriff Retirement Act (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 746 - Providing contracted managed care companies access to uniform maternal screening tool (HILL) (REGULAR)
- Com. Sub. for S. B. 749 - Requiring Fatality and Mortality Review Team share data with CDC (HILL) (REGULAR)
- Com. Sub. for S. B. 760 - Allowing state college or university apply to HEPC for designation as administratively exempt school (ELLINGTON) (REGULAR)
- S. B. 767 - Relating to licensure of hospitals (HILL) (REGULAR)
- Com. Sub. for S. B. 770 - Revising requirements for post-doctoral training (HILL) (REGULAR)
- Com. Sub. for S. B. 793 - Relating to B&O taxes imposed on certain coal-fired electric generating units (HOUSEHOLDER) (REGULAR)
- S. B. 830 - Eliminating special merit-based employment system for health care professionals (HILL) (REGULAR)
- S. B. 838 - Directing state police establish referral program for substance abuse treatment (SHOTT) (EFFECTIVE FROM PASSAGE)
- S. B. 839 - Creating State Advisory Council on Postsecondary Attainment Goals (ELLINGTON) (REGULAR)
- S. B. 846 - Requiring hospital publish notification prior to facility closure regarding patient medical records (HILL) (EFFECTIVE FROM PASSAGE)
- S. B. 848 - Clarifying persons charged with DUI may not participate in Military Service Members Court (SHOTT) (REGULAR)

S. B. 851 - Requiring Governor's Committee on Crime, Delinquency, and Correction propose rule in coordination with law enforcement and certain medical boards (SHOTT) (REGULAR)

### **SECOND READING**

S. B. 51 - Specifying forms of grandparent visitation (SHOTT) (REGULAR)

Com. Sub. for S. B. 120 - Establishing priorities for expenditures for plugging abandoned gas or oil wells (ANDERSON) (REGULAR)

S. B. 180 - Relating to Second Chance Driver's License Program (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)

Com. Sub. for S. B. 193 - Setting forth timeframes for continuing purchases of commodities and services over \$1 million (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)

Com. Sub. for S. B. 195 - Updating powers of personal representatives of deceased person's estate (SHOTT) (REGULAR)

Com. Sub. for S. B. 213 - Relating to administration of trusts (SHOTT) (JULY 1, 2020)

Com. Sub. for S. B. 253 - Providing for fair pay and maximized employment of disabled persons (SHOTT) (REGULAR)

Com. Sub. for S. B. 275 - Creating Intermediate Court of Appeals (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)

S. B. 278 - Providing various methods to deal with defendant who becomes incompetent during trial (SHOTT) (REGULAR)

Com. Sub. for S. B. 291 - Requiring PEIA and health insurance providers provide mental health parity (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)

S. B. 322 - Relating to prequalifications for state contract vendors (HOWELL) (REGULAR)

Com. Sub. for S. B. 472 - Providing alternative sentencing program for work release (SHOTT) (EFFECTIVE FROM PASSAGE)

Com. Sub. for S. B. 517 - Creating State Parks and Recreation Endowment Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

Com. Sub. for S. B. 522 - Relating to compensation awards to crime victims (HOUSEHOLDER) (JULY 1, 2020)

Com. Sub. for S. B. 547 - Relating to employer testing, notice, termination, and forfeiture of unemployment compensation (SHOTT) (REGULAR)

Com. Sub. for S. B. 551 - Relating to Water and Wastewater Investment and Infrastructure Improvement Act (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)

Com. Sub. for S. B. 579 - Changing and adding fees to wireless enhanced 911 fee (HOUSEHOLDER) (REGULAR)

Com. Sub. for S. B. 589 - Creating Critical Needs/Failing Systems Sub Account (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)

Com. Sub. for S. B. 597 - Relating to judicial branch members' salaries and pensions (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)

Com. Sub. for S. B. 615 - Declaring certain claims against state as moral obligations of state (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

Com. Sub. for S. B. 648 - Providing dental coverage for adult Medicaid recipients (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)

Com. Sub. for S. B. 660 - Regulating electric bicycles (SHOTT) (REGULAR)

S. B. 664 - Adding physician's assistant to list of medical professionals capable of determining if individual lacks capacity (SHOTT) (REGULAR)

Com. Sub. for S. B. 670 - Amending service of process on nonresident persons or corporate entities (SHOTT) (REGULAR)

Com. Sub. for S. B. 690 - Permitting street-legal special purpose vehicles on highways (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)

Com. Sub. for S. B. 710 - Establishing pilot program to evaluate telemedicine health services (HILL) (REGULAR)

Com. Sub. for S. B. 711 - Relating to juvenile jurisdiction of circuit courts (SHOTT) (REGULAR)

Com. Sub. for S. B. 716 - Requiring DHHR pay for tubal ligation without 30-day wait between consent and sterilization (FINANCE COMMITTEE TITLE AMENDMENT PENDING) (HOUSEHOLDER) (JULY 1, 2020)

Com. Sub. for S. B. 717 - Relating generally to adult protective services (SHOTT) (REGULAR)

Com. Sub. for S. B. 719 - Imposing health care-related provider tax on certain health care organizations (HOUSEHOLDER) (JULY 1, 2020)

Com. Sub. for S. B. 722 - Relating to special license plates for public and private nonprofit transit providers (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (JULY 1, 2020)

Com. Sub. for S. B. 738 - Creating Flatwater Trail Commission (HOWELL) (REGULAR)

S. B. 740 - Clarifying authorized users of Ron Yost Personal Assistance Services Fund (HOUSEHOLDER) (REGULAR)

- S. B. 747 - Requiring Bureau for Public Health develop Diabetes Action Plan (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (HILL) (REGULAR)
- S. B. 765 - Modifying "Habitual Offender" statute (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for S. B. 787 - Providing benefits to pharmacists for rendered care (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 797 - Authorizing governing boards of public and private hospitals employ hospital police officers (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- S. B. 843 - Supplemental appropriation of funds from Treasury to DHHR Energy Assistance Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 844 - Supplemental appropriation from Treasury to DHHR Birth-to-Three Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 845 - Supplemental appropriation from Treasury to DHHR, Division of Human Services (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 852 - Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 853 - Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Authority (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

## HOUSE CALENDAR

Thursday, March 5, 2020

58<sup>th</sup> Day

9:00 A. M.

### UNFINISHED BUSINESS

H. R. 3 - Amending the Rules of the House of Delegates, relating to remarks by members

### THIRD READING

Com. Sub. for S. B. 502 - Relating to methamphetamine criminal penalty (SHOTT) (REGULAR)

S. B. 509 - Relating to custodial allocation actions independent of divorce (SHOTT) (REGULAR)

Com. Sub. for H. B. 2663 - Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code (HOWELL) (REGULAR)

Com. Sub. for H. B. 4096 - Requiring candidates to live in the state or local election district for the office for which they are seeking (SHOTT) (REGULAR)

Com. Sub. for H. B. 4746 - Establishing a registry of persons with a communication disability (HOWELL) (REGULAR)

Com. Sub. for H. B. 4905 - Ban-the-Box Act (SHOTT) (REGULAR)

H. B. 4953 - Providing the PSC with authority to order the acquisition of failing utilities and a variety of tools to assist distressed and failing utilities (SHOTT) (REGULAR)

H. B. 4966 - Relating generally to updating the North American Industry Classification System code references (CRISS) (REGULAR)

H. B. 4970 - Relating to military service as a factor in certain insurance coverage rates (SHOTT) (REGULAR)

### SECOND READING

S. B. 170 - Alleviating double taxation on foreign income at state level (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)

S. B. 610 - Removing resident manager requirement for Alcohol Beverage Control Administration (SHOTT) (JULY 1, 2020)

Com. Sub. for S. B. 625 - Creating one-day annual license to permit charitable auction of sealed rare, antique, or vintage liquor bottles (SHOTT) (REGULAR)

- Com. Sub. for S. B. 751 - Removing certain requirements of municipality annexing property within urban growth boundary (HOWELL) (REGULAR)
- H. J. R. 102 - Providing the West Virginia Legislature rulemaking oversight of the board of education (SHOTT)
- Com. Sub. for H. B. 4021 - Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4059 - Increasing access to long acting reversible contraception (HILL) (REGULAR)
- H. B. 4455 - Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4613 - Allowing the Division of Highways use money in the Gas Field Highway Repair and Horizontal Drilling Waste Study Fund (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4690 - Relating to solid waste facilities (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4975 - Making a supplementary appropriation to the School Building Authority, Debt Service Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4976 - Making a supplementary appropriation to the School Building Authority (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 4977 - Expiring funds to the balance of the Department of Arts, Culture and History, Division of Culture and History, Public Records and Preservation Revenue Account Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 4978 - Expiring funds to the balance of the Department of Transportation, State Rail Authority, West Virginia Commuter Rail Access Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

#### **FIRST READING**

- Com. Sub. for H. B. 4485 - Reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland Security (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4651 - Clarifying the powers and duties of the Division of Highways in acquiring property for state road purposes (SHOTT) (REGULAR)
- H. B. 4884 - Relating to a charitable or public service organization must submit a certifying statement attesting to its status (HOWELL) (REGULAR)





# **WEST VIRGINIA HOUSE OF DELEGATES**

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**THURSDAY, MARCH 5, 2020**

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**HOUSE CONVENES AT 9:00 A.M.**

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**COMMITTEE ON RULES  
8:45 A.M. – BEHIND CHAMBER**



HOUSE OF DELEGATES  
STEPHEN J. HARRISON, Clerk  
Building 1, Room M-212  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0470