

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Third Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



March 8, 2018
FIFTY-EIGHTH DAY

Thursday, March 8, 2018

FIFTY-EIGHTH DAY

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

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

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

The following communication was laid before the House of Delegates and was read by the Clerk:

House of Delegates
West Virginia Legislature
212-M, State Capitol
1900 Kanawha Blvd., East
Charleston, WV 25305-0470

March 7, 2018

The Honorable Tim Armstead
Speaker
West Virginia House of Delegates
Building 1, Room 234M
Charleston, West Virginia 25305

Dear Mr. Speaker:

I am hereby resigning as a member of the West Virginia House of Delegates effective midnight, March 7, 2018. It has been my honor to have had the opportunity to serve the citizens of Kanawha County. Thank you for your time and attention to this matter.

Very truly yours,

Ronald N. Walters, Sr.

The Clerk proceeded to read the Journal of Thursday, March 8, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Government Organization has had under consideration:

H. C. R. 98, Requesting the Joint Committee on Government Organization to conduct a study to consider removing solid waste facilities and the intrastate transportation of solid waste from the jurisdiction of the Public Service Commission,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. C. R. 98 - "Requesting the Joint Committee on Government and Finance study removing regulation of solid waste facilities and the intrastate transportation of solid waste from the jurisdiction of the Public Service Commission,"

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for H. C. R. 98) was referred to the Committee on Rules.

On motions for leave, the following resolutions were introduced (Originating in the Committee on Government Organization and reported with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules), which were read by their titles, as follows:

By Delegates Howell, Hamrick, Adkins, Criss, Graves, Jennings, Martin, Maynard, Pack, Paynter, Pyles, Sypolt, Ward and Williams:

H. C. R. 105 - "Requesting the Joint Committee on Government and Finance to conduct a study regarding evaluating Department of Environmental Protection funds."

Whereas, State agencies are expected to be good and faithful stewards of the public money entrusted in their care for the purpose of serving the public good; and

Whereas, The Department of Environmental Protection is charged with upholding the commitment of this state to restore, maintain and protect the environment and to consolidate environmental programs in a single state agency; and

Whereas, It has been found that the Department of Environmental Protection has several of its special reclamation funds scattered throughout the state in various banks and accounts, none of which are part of or related to the State Treasury; and

Whereas, The public interest is best served by the protection of public money so that it can be effectively and properly managed for the protection of our environment, and secured from comingling, protected from loss and maintained in a transparent and reasonable manner; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance to conduct a study regarding evaluating the Department of Environmental Protection funds; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

By Delegates Howell, Hamrick, Adkins, Criss, Graves, Jennings, Martin, Maynard, Pack, Paynter, Pyles, Sypolt, Ward and Williams:

H. C. R. 106 - "Requesting the Joint Committee on Government and Finance to conduct a study of licensure, certification and registration forms of occupational and professional regulation."

Whereas, West Virginia licensing boards and authorities exist to protect the public good and to ensure professional standards among those who perform occupations and professions in this state; and

Whereas, Licensure, certification and registration may serve as a barrier to entry for citizens seeking employment, making it more difficult for them to pursue gainful and meaningful employment; and

Whereas, The Legislature is committed to protecting the public while balancing economic opportunity by studying the various forms of licensure, certification and registration of occupations and professions to ensure the protection of the public is the least burdensome and as minimally restrictive as possible; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance authorize a study of licensure, certification and registration forms of occupational and professional regulation; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

By Delegates Howell, Hamrick, Adkins, Criss, Graves, Jennings, Martin, Maynard, Pack, Paynter, Pyles, Sypolt, Ward and Williams:

H. C. R. 107 – "Requesting the Joint Committee on Government and Finance to conduct a study of the feasibility of a single building to house all occupational and professional regulatory boards."

Whereas, Boards and commissions regulating various professions and occupations pursuant to Chapter 30 of the West Virginia Code, have been encouraged to reduce costs and have been granted specific permissive authority to share staff and office overhead, to promote public safety, to provide accessibility of the public and to reduce costs; and

Whereas, Smaller state licensing boards have joined together through a memorandum of understanding to combine office and staffing services, and other boards have been proposed to merge further promoting efficiencies, increasing public access, and improving public safety through the continuity of services; and

Whereas, Several other states, including Florida, Maine, Texas and Utah, have experience in centralized professional and occupational offices, from which this state could identify best practices in shared office services for occupational and professional regulation, including any problems with consolidation that can be avoided; and

Whereas, West Virginia should consider identifying a single building in Charleston to house the occupational and professional regulatory boards, to facilitate the consolidation of staffing functions to promote public access to regulatory services, to further ensure efficiencies and economies of scale in occupational and professional regulation; therefore be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study of the feasibility of a single building to house all occupational and professional regulatory boards; and, be it

Further Resolved, that the Chapter 30 Boards and Commissions, and the Real Estate Division within the Department of Administration, shall cooperate with the Legislature in the conduct of this study; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

By Delegates Howell, Hamrick, Adkins, Brewer, Criss, Eldridge, Graves, Jennings, Martin, Maynard, Pack, Paynter, Pyles, Sypolt, Ward and Williams:

H. C. R. 108 – “Requesting the Joint Committee on Government and Finance to conduct a study encouraging the film industry and tourism mechanisms for promoting West Virginia.”

Whereas, Modern media culture abounds in society and feature length films, such as We Are Marshall, The Mothman Prophecies, and Matewan, have helped introduce West Virginia to people who may not otherwise get to know about the state, its history and her people; and

Whereas, Movies and other cultural activities have the potential to enrich the lives of the citizens of this, and other states, and creates opportunities for economic activity that the Legislature believes we can and should encourage in both the public and private markets; and

Whereas, Movies produced in West Virginia have the dual benefit of stimulating the economy while in production and stimulating the economy from people learning about the state who bring tourism dollars to see first-hand the wild and wonderful things they learned about; and

Whereas, the Legislature is committed to removing barriers from economic opportunity, increasing awareness of this state through cultural and tourism promotion, and stimulating the

economy through media and cultural activities that help attract people to live and visit this state; therefore be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study encouraging the film industry and tourism mechanisms for promoting West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

And,

By Delegates Howell, Hamrick, Adkins, Criss, Graves, Jennings, Martin, Maynard, Pack, Paynter, Pyles, Sypolt, Ward and Williams

H. C. R. 109 – “Requesting the Joint Committee on Government and Finance to conduct a study on legislative rules being outcome driven rather than process driven.”

Whereas, State agencies are authorized to promulgate legislative rules due to their inherent expertise; and

Whereas, The Legislature is committed to protecting the public welfare by periodically reviewing these rules to assess their continued effectiveness and relevance, and whether the rule has become too burdensome and obsolete; and

Whereas, Rules can often be created which promote a process-driven system that favors bureaucracy over efficiency, rather than an outcome-driven system that values results and overall benefit to all; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance conduct a study on legislative rules being outcome driven rather than process driven; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

Delegate Nelson, 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. 336, Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance,

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

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (Com. Sub. for S. B. 336) was taken up for immediate consideration, read a first time and ordered to second reading.

Messages from the Executive

The following communication from His Excellency, the Governor, was laid before the House of Delegates and reported by the Clerk:

Jim Justice
Governor of West Virginia

March 6, 2018

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

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

Dear President Carmichael and Speaker Armstead:

After submission of my recommended FY 2019 Executive Budget on January 10, 2018, there have been a few areas that require adjustments.

These adjustments, along with my revised General Revenue estimate from February 28, and potential revised revenue estimates from the passage of certain bills that increase General Revenue, will result in a unappropriated balance in General Revenue of over \$58 million that will solidify certainty in our budgetary condition, alleviate any doubt and fear of midyear reduction, and allow for future supplemental appropriations if the revenue comes in as I expect it to from the federal tax reform and historic sale of our road bonds.

Therefore, pursuant to Section 51, Article VI of the Constitution of the State of West Virginia, I submit revisions to the FY 2019 Budget Bill for the TITLE II – APPROPRIATIONS as follows:

Section 1. Appropriations from general revenue.

Funds appropriated for the Public Employees Insurance Agency (PEIA) employer premiums, are adjusted in numerous line items throughout the General Revenue to account for the change in employer premiums originally funded in my recommended budget to alleviate the need for increased employee premium increases. Current premium rates are slightly out of sync of the 80% for employer and 20% for the employee premium rule. This adjustment will bring it back into

alignment without increasing the employee premiums for the upcoming plan year. My original recommended increase of \$6,507,266 for PEIA in the General Revenue Fund is being decreased by \$1,301,455, for a net-net increase to employer premiums in General Revenue of \$5,205,811. A summary of required changes is attached.

According to my proposal for a 5% average raise for all state employees (\$2,160) and educators (\$2,020 for teachers and \$1,100 for service personnel), I am adjusting numerous lines throughout General Revenue to account for the increased raise. This also includes shifting Professional Student Support Personnel raises from county to state funding. The General Revenue cost for this increased raise is \$79,863,276 above my original recommendation. A summary of required changes is attached.

Judicial

Supreme Court – General Judicial, Fund 0180, Fiscal Year 2019, Org 2400

(To revise Judicial Branch appropriation request, as requested)

- Decrease “Current Expenses” appropriation 13000 by \$1,300,000.
- Decrease “Repairs and Alterations” appropriation 06400 by \$400,000.
- Decrease “Other Assets” appropriation 69000 by \$300,000.

(To revise Judges’ Retirement System contribution based on actuarial requirements from the Retirement Board, as requested.)

- Decrease “Current Expenses” appropriation 13000 by \$89,000.
- Increase “Judges’ Retirement System” appropriation 11000 by \$89,000.

Executive

Treasurer’s Office, Fund 0126, Fiscal Year 2019, Org 1300

(To provide funding to operate the ABLE program.)

- Add “ABLE Program” appropriation 69201 for \$150,000.

Department of Agriculture, Fund 0131, Fiscal Year 2019, Org 1400

(To provide funding to operate the Veterans to Agriculture program.)

- Add “Veterans to Agriculture Program” appropriation 36301 for \$250,000.

(To combine the appropriations for existing farmers markets.)

- Decrease “Huntington Farmers Market” appropriation 12800 by \$37,142.
- Add “WV Farmers Markets” appropriation 12801 for \$149,604.

- Decrease “Logan Farmers Market” appropriation 50100 by \$41,033.
- Decrease “Charleston Farmers Market” appropriation 74600 by \$71,429.

Department of Administration

Division of General Services, Fund 0230, Fiscal Year 2019, Org 0211

(To move reduce funding for Capital Outlay to be supplemented as revenue comes available.)

- Decrease “Capital Outlay, Repairs and Equipment” appropriation 58900 by \$8,000,000.

Public Employees Insurance Agency, Fund 0200, Fiscal Year 2019, Org 0225

(To provide funding to maintain current employee health insurance coverage levels.)

- Add “PEIA Subsidy” appropriation 80100 for \$21,000,000.
- Add the language, “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.”

Department of Commerce

West Virginia Tourism Office, Fund 0246, Fiscal Year 2019, Org 0307

(To move reduce funding for tourism initiatives to be supplemented as revenue comes available.)

- Decrease “Tourism - Marketing” Appropriation 61801 by \$2,500,000.
- Decrease “Tourism – Brand Awareness” Appropriation 61802 by \$3,000,000.
- Decrease “Tourism – Brand Promotion” Appropriation 61803 by \$4,000,000.
- Decrease “Tourism – Public Relations” Appropriation 61804 by \$1,000,000.
- Decrease “Tourism – Events and Sponsorships” Appropriation 61805 by \$2,000,000.
- Decrease “Tourism – Industry Development” Appropriation 61806 by \$500,000.
- Decrease “State Parks and Recreation Advertising” Appropriation 61900 by \$1,000,000.

West Virginia Development Office, Fund 0256, Fiscal Year 2019, Org 0307

(To move reduce funding for economic development initiatives to be supplemented as revenue comes available.)

- Decrease “Site Readiness Program” Appropriation 05052 by \$8,500,000.
- Decrease “Strategic Investment Program” Appropriation 05053 by \$17,200,000.
- Decrease “Sales and Marketing Enhancement” Appropriation 05054 by \$4,300,000.
- Decrease “Infrastructure and Economic Development Projects” Appropriation 23401 by \$2,000,000.

Department of Education

State Board of Education – State Aid to Schools, Fund 0317, Fiscal Year 2019, Org 0402

(To adjust the State Aid Formula Teachers’ Retirement System appropriations based on the actuarial requirement from the Retirement Board inclusive of the pay raise.)

- Decrease “Teachers’ Retirement System” Appropriation 01900 by \$6,658,000.
- Increase “Retirement Systems – Unfunded Liability” Appropriation 77500 by \$20,430,000.

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

- Increase “Less Local Share” line by \$5,858,717 from (\$452,763,992) to (\$458,622,709).
- Increase “Improved Instructional Programs” Appropriation 15600 by \$413,575.
- Increase “21st Century Strategic Technology Learning Growth” Appropriation 93600 by \$827,150.

Department of Health and Human Resources

Division of Human Services, Fund 0403, Fiscal Year 2019, Org 0511

(Reduce and partially move funding to lottery surpluses.)

- Decrease “Medical Services” Appropriation 18900 by \$24,000,000.

Department of Military Affairs and Public Safety

West Virginia State Police, Fund 0453, Fiscal Year 2019, Org 0612

(To adjust the Troopers Retirement System appropriations based on the actuarial requirement from the Retirement Board inclusive of the pay raise.)

- Increase “Troopers Retirement Fund” Appropriation 60500 by \$693,492.

- Decrease “Retirement Systems – Unfunded Liability” Appropriation 77500 by \$505,000.

Division of Justice and Community Services, Fund 0546, Fiscal Year 2019, Org 0620

(To add reappropriation language due to a purchasing delay.)

- Insert into the reappropriation language after Child Advocacy Centers (fund 0546, appropriation 45800), “...Sexual Assault Forensic Examination Commission (fund 0546, appropriation 71400),...”

Bureau of Senior Services

Bureau of Senior Services, Fund 0420, Fiscal Year 2019, Org 0508

(To move funding from Lottery Net Profits.)

- Increase “Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens” Appropriation 53900 by \$637,471.

Council for Community and Technical College Education

West Virginia Council for Community and Technical College Education – Control Account, Fund 0596, Fiscal Year 2019, Org 0420

(To reduce funding for the Community College Tuition Subsidy Program based on the lack of movement of SB 284.)

- Decrease “Community College Tuition Subsidy” Appropriation 87801 by \$7,000,000.

Higher Education Policy Commission

West Virginia University – School of Medicine Medical School Fund, Fund 0343, Fiscal Year 2019, Org 0463

(To provide funding for the Neuroscience Institute.)

- Increase “WVU – School of Health Sciences” Appropriation 17400 by \$2,000,000.

Section 3. Appropriations from other funds.

Department of Administration

Division of Finance – Shared Services Section Fund, Fund _____, Fiscal Year 2019, Org 0209

(To create the Shared Services Section Fund recommended in SB 271.)

- Add “Personal Services and Employee Benefits” Appropriation 00100 for \$1,500,000.
- Add “Current Expenses” Appropriation 13000 for \$500,000.

Travel Management, - Aviation Fund, Fund 2302, Fiscal Year 2019, Org 0215

(To increase spending authority for planned aircraft repair and maintenance expenses.)

- Add “Repairs and Alterations” Appropriation 00640 for \$775,000.

Department of Commerce*Division of Forestry – Severance Tax Operations, Fund 3084, Fiscal Year 2019, Org 0305*

(To allow for the replacement of vehicles.)

- Add “Equipment” Appropriation 07000 for \$300,000.

Section 4. Appropriations from lottery net profits.

Funds appropriated for the Public Employees Insurance Agency (PEIA) employer premiums, are adjusted in numerous line items throughout the Lottery Net Profits to account for the change in employer premiums originally funded in my recommended budget to alleviate the need for increased employee premium increases. Current premium rates are slightly out of sync of the 80% for employer and 20% for the employee premium rule. This adjustment will bring it back into alignment without increasing the employee premiums for the upcoming plan year. My original recommended increase of \$40,734 for PEIA in the Lottery Net Profits is being decreased by \$8,147, for a net-net increase to employer premiums in Lottery Net Profits of \$32,587. A summary of required changes is attached.

According to my pay raise proposal of 5% average raise (\$2,160) for state employees, I am adjusting numerous lines throughout Lottery Net Profits to account for the increased raise. The Lottery cost for this increased raise is \$426,732 above my original recommendation. A summary of required changes is attached.

Department of Education and the Arts*Division of Culture and History – Lottery Education Fund, Fund 3534, Fiscal Year 2019, Org 0432*

(To provide state matching funds for federal grants.)

- Increase “Historic Preservation Grants” Appropriation 31100 by \$73,686.
- Increase “Grants for Competitive Arts Program” Appropriation 62400 by \$145,200.

Bureau of Senior Services*Bureau of Senior Services – Lottery Senior Citizens Fund, Fund 5405, Fiscal Year 2019, Org 0508*

(To move funding from Lottery Net Profits to General Revenue to balance.)

- Decrease “Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens” Appropriation 53900 by \$637,471.

Section 6. Appropriations of federal funds.**Department of Health and Human Resources**

Division of Human Services, Fund 8722, Fiscal Year 2019, Org 0511

(To adjust federal spending authority based on current projections.)

- Increase “Current Expenses” Appropriation 13000 by \$15,000,000.
- Decrease “Federal Economic Stimulus” Appropriation 89100 by \$15,000,000.

Section 8. Awards for claims against the state.

Amend the language to read as follows:

“There are hereby appropriated for fiscal year 2019, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$1,753,740, special revenue funds in the amount of \$22,442, and state road funds in the amount of \$408,811 for payment of claims against the state.”

Add the following Sections 10 and 11 –

“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 2019 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2018, 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, 2018.

In the event that surplus revenues available from the fiscal year ending June 30, 2018, 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.

Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2019 Org 0508

Senior Services Medicaid Transfer – Lottery Surplus	68199	\$ <u>6,000,000</u>
Total TITLE II, Section 10 – Surplus Accrued		\$ <u>6,000,000</u>

Sec. 11. Appropriations from state excess lottery revenue surplus accrued. — The following item is hereby appropriated from the state excess lottery revenue fund, and is to be available for expenditure during the fiscal year 2019 out of surplus funds only, as determined by

the director of lottery, accrued from the fiscal year ending June 30, 2018, 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, 2018.

In the event that surplus revenues available from the fiscal year ending June 30, 2018, 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.

Division of Human Services

(WV Code Chapter 9, 48 and 49)

Fund 5365 FY 2019 Org 0511

Medical Services – Lottery Surplus	68100	\$ <u>8,000,000</u>
Total TITLE II, Section 11 – Surplus Accrued		\$ <u>8,000,000</u>

Additionally, I submit revisions to the FY 2019 Budget Bill for the TITLE I – GENERAL PROVISIONS, Section 3 Classification of Appropriations. In the language describing terms of agency transfer authority add the following after “...no funds from other appropriations shall be transferred to the “personnel services and employee benefits” or the “unclassified” appropriation...”:

“...except that for funds appropriated in Title II – Sections 3, 6, or 7, funds may be transferred to the “personnel services and employee benefits” appropriation of the same fund in an amount not to exceed 5% of the enrolled appropriation for “personnel services and employee benefits”...”

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

Sincerely,

Jim Justice
Governor

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 4016, Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency.

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

On page two, section four, line four, after the word “expenditure”, by inserting a colon and the following proviso: “*Provided*, That all federal and state laws and regulations and rules regarding the confidentiality of information and privacy apply”.

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. 393**), and there were— yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

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. 4016) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had receded from its amendments, to take effect July 1, 2018, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 4024, Relating generally to direct cremation or direct burial expenses for indigent persons.

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. 4183, Relating generally to standardized testing requirements for nonpublic schools.

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

On pages one and two, section three, lines eleven and twelve, by striking out the words “the most recent published or normed version of the test” and inserting in lieu thereof the words “published or normed within the last ten years”.

On page two, section three, line fourteen, after the word “a”, by inserting the word “school’s”.

On page three, section three, line forty-seven, by striking out the words “does no longer satisfy” and inserting in lieu thereof the words “no longer satisfies”.

And,

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

H. B. 4183 – “A Bill to amend and reenact §18-28-3 of the Code of West Virginia, 1931, as amended, relating generally to testing requirements for nonpublic schools; requiring a nationally normed standardized achievement test be administered at the same grade levels and in the same subject areas as required in the public schools; requiring test to be published or normed within the last ten years; requiring the student participation rate on the standardized achievement test be the same as that required in the public schools; removing exemption for nonpublic schools that

exclusively teach special education students or students with learning disabilities from provisions pertaining to accountability for the school's composite test results falling below the 40th percentile; requiring for those schools assessment to be made of students at the same grade levels and in the same subject areas as required in the public schools; allowing testing in additional subject areas or grade levels at sole discretion of school; and conforming provisions pertaining to accountability for a school's composite test results falling below the 40th percentile."

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. 394**), and there were— yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4183) 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 replaced Senator Beach with Senator Woelfel as a member of conference on

Com. Sub. for H. B. 4186, Relating generally to guaranteed asset protection waivers.

A message from the Senate, by

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

Com. Sub. for H. B. 4275, Relating to the law-enforcement authority of the director and officers of the division of protective services.

A message from the Senate, by

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

Com. Sub. for H. B. 4400, Relating to the West Virginia Physicians Mutual Insurance Company.

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. 4462, Allowing off duty members and officers of the department of public safety to guard private property.

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

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

“ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-18. Officers or members performing failure to perform duties; for private persons general penalty; providing extraordinary police or security services by contract.

(a) Any officer or member of the ~~department of public safety~~ State Police who hires himself or herself to any person, firm or corporation to guard private property, or who demands or receives from any person, firm or corporation any money or other thing of value as a consideration for the performance of, or the failure to perform, his or her duties under the ~~regulations~~ rules of the superintendent and the provisions of this article, ~~shall be is~~ guilty of a felony, and, upon conviction thereof, shall be ~~confined~~ imprisoned in the ~~penitentiary a correctional facility~~ for not less than one nor more than five years, and any such officer or member of the ~~department of public safety~~ State Police who violates any other provisions of this article, for which no other penalty is expressly provided, ~~shall be is~~ guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$25 nor more than \$200, or ~~imprisoned~~ confined in the ~~county~~ jail for not more than four months, or both fined and ~~imprisoned~~ confined.

(b) Notwithstanding any other provision of this article to the contrary, the superintendent may contract with public, quasi-public, military, or private entities to provide extraordinary police or security services by the ~~department~~ State Police when it is determined by the superintendent to be in the public interest. The superintendent shall assign ~~such~~ the personnel, equipment, or facilities ~~as is deemed he or she considers~~ necessary and the ~~department~~ State Police shall be reimbursed for the wages, overtime wages, benefits, and costs of providing the contract services as negotiated between the parties. The compensation paid to ~~public safety~~ State Police personnel by virtue of contracts provided for in this section shall be paid from a special account and shall be excluded from any formulation used to calculate an employee's benefits. All requests for obtaining extraordinary police or security services shall be made to the superintendent in writing and shall explain the funding source and the authority for making ~~such a~~ the request. ~~No~~ An officer or member of the ~~department~~ State Police may not be required to accept any assignment made pursuant to this subsection. Every officer or member assigned to duty ~~hereunder~~ under this section shall be paid according to the hours and overtime hours actually worked notwithstanding that officer's or member's status as exempt personnel under the Federal Labor Standards Act or applicable state statutes. Every contract entered into under this subsection shall contain the provision that in the event of public disaster or emergency where the reassignment to official duty of all officers and members is required, neither the ~~department~~ State Police nor any of its officers or members ~~shall be~~ are liable for any damages incurred as the result of the reassignment. Further, any entity contracting with the ~~department of public safety~~ State Police, an officer, or member under this section shall also agree as part of that contract to hold harmless and indemnify the state, ~~department of public safety~~ State Police and its personnel from any liability arising out of employment under the contract. The superintendent ~~is authorized to promulgate~~ may propose legislative rules and regulations for promulgation in accordance with §29A-3-1 *et seq.* of this code, relating to the implementation of any contracts made under this subsection: *Provided, That said regulations* the rules shall expressly prohibit private employment of officers or members in circumstances involving labor disputes. Notwithstanding any provision of this article to the contrary, an officer or member may contract to work for a private person or entity during his or her off duty hours: Provided, however That the contract work may not be a type prohibited by this code or the rules of the State Police on the locations and the nature of services provided.”

And,

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

H. B. 4462 – “A Bill to amend and reenact §15-2-18 of the Code of West Virginia, 1931, as amended, relating to allowing off duty members and officers of the State Police to contract to work for a private person or entity during off duty hours as long as the type of the contract work does not violate State Police rules as to location or nature.”

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. 395**), and there were— yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4462) 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. 4522, Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor.

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

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

“ARTICLE 10. TAX PROCEDURE AND ADMINISTRATION ACT.

§11-10-5dd. Disclosure of certain tax information pursuant to written agreements with state agencies purchasing or leasing goods or services or the Enterprise Resource Planning Board to facilitate purchasing; and the State Auditor.

(a) *General.* – Notwithstanding any provision of this code to the contrary, the Tax Commissioner may enter into written agreements with other agencies of this state, as provided in this section, to share certain tax information, as defined in this section.

(b) *Contracts with the state.* – Notwithstanding any provision of this article to the contrary, the Tax Commissioner may enter into a written agreement with the chief executive officer of an agency with authority to award public contracts for the purchase or lease of goods or services, or with the chief executive officer of the Enterprise Resource Planning Board to facilitate purchasing or leasing of goods and service, to disclose whether a vendor, or prospective vendor, is in good standing before a public contract is awarded or renewed.

(c) State Auditor. – The State Auditor is authorized to request from the Tax Commissioner, and the Tax Commissioner shall provide to the State Auditor, confirmation whether a vendor is in good standing with the Tax Commissioner. When the State Auditor provides the Tax Commissioner an electronic file, the Tax Commissioner will determine in a timely manner whether the vendor is in good standing and, if the vendor is not in good standing, electronically advise the State Auditor of the amount of taxes, interest and additions to tax that are then due and owing by that vendor to the Tax Commissioner that should be offset, if any, or that the vendor needs to contact the Tax Commissioner’s office to resolve the issue that prevents the vendor from being in good standing, before the vendor will be paid by the state.

(d) As used in §11-10-5dd of this code, the term ‘good standing’ means that the person has a current business registration certificate under §11-12-1 et seq. of this code, has filed all required returns for taxes administered under §11-10-1 et seq. and has paid all taxes shown to be due on those returns. A person is in ‘good standing’ even though the person may be paying taxes under a payment plan provided the person is in compliance with the terms of the written payment plan agreement; or is contesting an assessment for one or more taxes administered under §11-10-1 et seq. before the Office of Tax Appeals or in a court of this state.

(e) Exchanges of information under §11-10-5dd of this code shall occur pursuant to memorandums of understanding executed by the Tax Commissioner and the chief executive officer of any agency to award public contracts for the purchase or lease of goods or services; the chief executive officer of the Enterprise Resource Planning Board; or the State Auditor, as the case may be. These memorandums may be amended from time to time.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 396**), and there were—yeas 96, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Upson.

Absent and Not Voting: Deem and Nelson.

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.

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

Com. Sub for H. B. 4522 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5dd, relating to allowing certain tax information to be shared with the State Auditor and the chief executive officer of the Enterprise Resource Planning Board and of certain other agencies pursuant to written agreements; and defining terms.”

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

A message from the Senate, by

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

Com. Sub. for H. B. 4546, Relating to where an application for a marriage license may be made.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 5, U. S. Army PFC Jessie Franklin Crow Memorial Bridge.

On motion of Delegate Cowles, the House of Delegates concurred in the following Senate amendment:

On page one, in the fourth Whereas clause, line ten, after the word "Crow", by inserting a comma.

And,

On page one, in the fourth Whereas clause, line eleven, by striking out the word "to" and inserting in lieu thereof a comma and the word "should".

The resolution was then adopted.

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

A message from the Senate, by

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

H. C. R. 8, Funding for feasibility study of Coal-to-Chemicals Project.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for S. B. 46, Permitting pharmacists to inform customers of lower-cost alternative drugs.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Takubo, Cline and Stollings.

A message from the Senate, by

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

Com. Sub. for S. B. 102, Creating WV Uniform Fiduciary Access to Digital Assets Act.

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

Com. Sub. for S. B. 133, Exempting renewal of certain contracts entered into during declared state of emergency.

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

Com. Sub. for S. B. 272, Relating generally to drug control.

A message from the Senate, by
The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect July 1, 2018, of

Com. Sub. for S. B. 319, Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma.

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

S. B. 365, Relating to Young Entrepreneur Reinvestment Act.

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

Com. Sub. for S. B. 404, Relating to sex offender registry information.

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

S. B. 427, Modifying form of notice for certain tax delinquencies.

A message from the Senate, by
The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect July 1, 2018, of

S. B. 441, Relating to health care provider taxes.

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

Com. Sub. for S. B. 456, Physical Therapy Licensure Compact Act.

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

Com. Sub. for S. B. 499, Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees.

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

Com. Sub. for S. B. 510, Designating hospitals for stroke treatment.

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

Com. Sub. for S. C. R. 29 - "Requesting the Division of Highways name bridge number 30-3/5-19.82 (30A268), locally known as Lowney Singing Bridge, carrying County Route 3/5 over the West Fork of Twelvepole Creek in Mingo County, the 'U. S. Army SGT Benny Fleming Memorial Bridge'."

Whereas, SGT Benny Fleming was born on June 9, 1948, to Goodlow Fleming and Lora Evans of Wilsondale, and passed away August 30, 2013; and

Whereas, SGT Benny Fleming was a lifelong resident of Mingo County where he raised a family and made a living as a coal miner. Throughout his life, he overcame many obstacles, all while maintaining a great attitude; and

Whereas, SGT Benny Fleming attended Lowney Grade School near his family home, and graduated from Lenore High School in 1966. That same year, he enlisted in the U. S. Army. In the five years he served, he was promoted Sergeant E-5, served in Vietnam, and eventually received an honorable discharge. After returning home, he worked for the West Virginia Division of Highways; and

Whereas, SGT Benny Fleming began working underground in the coal mines in 1970s, when the danger of working underground was at its highest. He worked for Dehue Mines in Logan until they closed, and then went to work at Rawl Sales Rocky Hollow for nearly 15 years until he suddenly became sick while on vacation with his family. He was diagnosed with transverse myelitis. After spending months in the hospital, and then at a rehabilitation center, he was left paralyzed from the waist down and confined to a wheelchair; and

Whereas, When faced with an obstacle such as this, most people would have given up, but not SGT Benny Fleming. He had to learn how to use his hands again, and how to sit up again. He learned how to cook, clean, do laundry, and be self-sufficient. Eventually, he would mow his own grass, and his sister's, just to keep busy. He also became active in helping facilities become handicapped accessible. It was very important to him to be able to get in and out of places without having to ask for assistance; and

Whereas, SGT Benny Fleming had two daughters, Mabelle and Teresa. He loved them dearly. They married and had children of their own. Mabelle had his first grandchild, Jarrid, in 1991. This gave Benny something to get stronger for, and something to look forward to. Jarrid was his whole world. He would spend weekends with Benny, and he would feed him, bathe him, and change his diaper, all while being confined to a wheelchair; and

Whereas, Five years later, Mabelle had SGT Benny Fleming's second grandchild, Seann Cameron. He and Benny spent their time fishing, riding four wheelers, and Benny would point out deer and bear tracks to his grandson. Some weekends, Benny would keep both boys. That was when he was at his happiest; and

Whereas, In August of 1998, Teresa had SGT Benny Fleming's third grandchild, a boy named Carson. Just as he did with the grandsons before him, SGT Benny Fleming loved to spend time with him, watching him play basketball and talk about trains. He, too, would spend the night with Benny, and he would see to it that he was well taken care of; and

Whereas, Because of his grandkids, the last years of SGT Benny Fleming's life were his happiest. In 2002, he was the official scorekeeper for his grandson Jarrid's baseball team and never missed a game. He traveled to the away games, as well as the home games, and treated Jarrid's teammates as if they were his own. He would buy the kids drinks, hotdogs, and candy at the games, and they loved him as if he were their own grandpa. He also spent time with his companion and life partner, Cathy Perry. They were at their happiest when spending time outdoors and sharing memories; and

Whereas, In his last few years, SGT Benny Fleming began reflecting on his life. He began compiling notes and started the process of writing a short story about the life and times of growing up in the 1950s. He titled it "Growing Up Lowney". It tells the story of when he was young and going to Lowney Grade School near his childhood home. He goes into great detail and tells everything he can remember of growing up in that area of Mingo County. He typed the story himself and surprised his children and grandchildren each with a copy. The seven-page story is Benny's legacy. It is a small glimpse into the type of man that he was. Although confined to a wheelchair for the last 25 years of his life, Benny overcame many obstacles with the love and support of his family. He overcame them to become a loving father, extraordinary grandfather, and outstanding member of the community, all with a smile on his face; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of SGT Benny Fleming; therefore, be it

Resolved by the West Virginia Legislature:

That the Division of Highways is hereby requested to name bridge number 30-3/5-19.82 (30A268), locally known as Lowney Singing Bridge, carrying County Route 3/5 over the West Fork of Twelvepole Creek in Mingo County, the "U. S. Army SGT Benny Fleming 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 SGT Benny Fleming 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 Nelson, Anderson, Zatezalo, Pethtel, Ferro, Kelly, Caputo, Shott, Harshbarger, Boggs, Miley, Criss, Gearheart and Storch offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 110 - "Requesting that the Joint Committee on Government and Finance comprehensively study mineral severance taxes and associated fees in West Virginia derived from the extraction of coal, oil and natural gas compared to other energy and mineral producing states throughout the country."

Whereas, West Virginia ranked fourth among the states in total energy production in 2015, producing 4.7% of the domestic energy in the United States; and

Whereas, In 2016, West Virginia was the largest producer of coal east of the Mississippi River and the second largest coal producing state after Wyoming, producing 11% of the coal in the United States; and

Whereas, In 2016, West Virginia was the ninth-largest producer of natural gas in the United States, producing almost 1.4 trillion cubic feet of natural gas; and

Whereas, Due to the abundance and value of coal, oil, and natural gas within its boundaries, many West Virginians will continue to rely in many important ways upon extraction industries for their jobs, for tangential growth, and development of this State's economy, as well as for their contribution of the tax revenues necessary to provide good government; and

Whereas, During its current session, the Legislature has been asked to consider many proposals for law offered by and in behalf of those industries to provide support to their efforts to remain viable; and

Whereas, It is in the best interests of the citizens of this State that the Legislature consider each of these proposals carefully in order to ensure that its actions provide those industries the best opportunity to remain viable and therefore continue to provide as many jobs, economic growth and development, and tax revenues as may be possible for the citizens of this State; therefore, be it

Resolved by Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the economic effects of severance taxes on markets for minerals; to compare West Virginia's severance taxes to those in other mineral producing states; and to analyze the potential benefits of altering the current severance tax structure. The study should separately examine severance taxes on oil, natural gas, coalbed methane, and coal. The study should examine the effect of varying the rate of severance tax on natural gas based on various factors, including, but not limited to, whether the natural gas produced is "wet" or "dry"; whether the natural gas was produced by a vertical or horizontal well; the annual output of the well from which the natural gas is produced; and the prevailing market price of natural gas. The study should examine the effect of varying the rate of severance tax on coal based on various factors, including, but not limited to, whether the coal produced is "thermal" or "metallurgical"; whether the coal produced is consumed in West Virginia, in the United States, or is exported to a foreign country; and the prevailing market price of coal.

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

Special Calendar

Unfinished Business

H. C. R. 100, Morgantown High School Veterans Bridge; coming up in regular order, as unfinished business, was reported by the Clerk.

Delegate Pyles moved to amend the resolution, on page two, by striking out all of lines four through six, and inserting in lieu thereof the following:

“That the Division of Highways is hereby requested to name bridge number 31-7-33.17, locally known as the Pleasant Street Bridge, carrying County Route 119/19 over Deckers Creek in Monongalia County, the ‘Morgantown High School Veterans Bridge’; and, be it”.

And,

On page one, by striking out the title and substituting therefor a new title, to read as follows:

H. C. R. 100 - “Requesting the Division of Highways name bridge number 31-7-33.17, locally known as the Pleasant Street Bridge, carrying County Route 119/19 over Deckers Creek in Monongalia County, the ‘Morgantown High School Veterans Bridge’.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 397**), and there were— yeas 31, nays 67, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, Ferro, Fleischauer, Fluharty, Hicks, Hornbuckle, Isner, Longstreth, Lovejoy, Lynch, Marcum, Miley, Moye, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Deem.

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

The resolution was then adopted.

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

Third Reading

S. B. 242, Requiring health insurance providers provide coverage for certain Lyme disease treatment; 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. 398**), and there were—yeas 93, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast, Folk, McGeehan, Paynter and Wilson.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 242) passed.

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

Reordering of the Calendar

Delegate Cowles announced that the Committee on Rules had transferred Com. Sub. for H. B. 4019, on Third reading, House Calendar, to the Special Calendar and then placed it at the foot of the calendar.

Special Calendar

Third Reading

- continued -

Com. Sub. for S. B. 273, Reducing use of certain prescription drugs; 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. 399**), and there were—yeas 97, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 273) passed.

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

Com. Sub. for S. B. 273 - "A Bill to amend and reenact §16-5H-2 and §16-5H-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5Y-2, §16-5Y-4, and §16-5Y-5 of said code; to amend said code by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, §16-54-8, and §16-54-9; to amend and reenact §30-3-14 of said code; to amend and reenact §30-3A-1, §30-3A-2, §30-3A-3, and §30-

3A-4 of said code; to amend and reenact §30-4-19 of said code; to amend and reenact §30-5-6 of said code; to amend and reenact §30-7-11 of said code; to amend and reenact §30-8-18 of said code; to amend and reenact §30-10-19 of said code; to amend and reenact §30-14-12a of said code; to amend and reenact §30-36-2 of said code; to amend said code by adding thereto a new section, designated §60A-5-509; and to amend and reenact §60A-9-4, §60A-9-5, and §60A-9-5a of said code, all relating to reducing the use of certain prescription drugs; providing for an exemption from registration for office-based, medication-assisted treatment program in specified cases; providing for an exemption for medication-assisted treatment programs; clarifying physician responsibility for medication-assisted treatment; clarifying definition of 'pain management clinic'; providing for emergency rulemaking; defining terms; providing for an advance directive; requiring consultation with patients prior to prescribing an opioid; limiting the amount of opioid prescriptions; requiring a narcotics contract in certain circumstances; providing exceptions to prescribing limits; providing for referral to a pain clinic or pain specialist; providing reports to licensing boards regarding abnormal or unusual prescribing practices; requiring referral to certain alternative treatments; requiring insurance coverage for certain procedures to treat chronic pain; updating board's titles; requiring the Board of Pharmacy to report quarterly to various licensing boards; exempting the Board of Pharmacy from certain purchasing requirements; clarifying who must report to the Controlled Substances Monitoring Database; clarifying the practice of acupuncture; precluding retaliation against a health care provider for declining to prescribe a narcotic; and permitting the investigation and discipline for abnormal and unusual prescribing and dispensing of prescription drugs."

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. 275, Relating to tax on purchases of intoxicating liquors; on third reading, coming up in regular order, was read a third time.

Delegate Ward requested to be excused from voting on the passage of Com. Sub. for S. B. 275 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 400**), and there were—yeas 92, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Caputo, Diserio, Longstreth, Marcum, Thompson and Ward.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 275) 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. 290, Relating to DEP standards of water quality and effluent limitations; 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. 401**), and there were—yeas 88, nays 9, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Fluharty, Hornbuckle, Isner, Moore, Pushkin, Pyles, Rowe and Williams.

Absent and Not Voting: Deem and Robinson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 290) passed.

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

S. B. 322, Relating to employees of Department of Agriculture; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 402**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Robinson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 322) passed.

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

S. B. 385, Decreasing and adding appropriations out of Treasury to DHHR and MAPS; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 403**), and there were—yeas 72, nays 26, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Byrd, Canestraro, Caputo, Diserio, E. Evans, Ferro, Fleischauer, Fluharty, Hornbuckle, Longstreth, Lynch, Marcum, McGeehan, Miley, R. Miller, Moye, Pushkin, Robinson, Rowe, Sponaugle, Storch, Thompson and Williams.

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 385) passed.

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

On this question, the yeas and nays were taken (**Roll No. 404**), and there were—yeas 92, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Longstreth, Marcum, McGeehan, Sponaugle and Williams.

Absent and Not Voting: Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 385) takes effect from its passage.

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

Com. Sub. for S. B. 392, Reconfiguring membership of Emergency Medical Services Advisory Council; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 405**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 392) passed.

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

S. B. 411, Removing Commissioner of Bureau for Public Health from State Board of Sanitarians; 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. 406**), and there were—yeas 86, nays 12, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Adkins, Bates, Brewer, Canestraro, Diserio, Eldridge, Ferro, Iaquinta, Marcum, Robinson, Thompson and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 411) passed.

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

S. B. 463, Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 407**), and there were—yeas 92, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Byrd, Hamilton, Hartman, Robinson, Upson and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 463) passed.

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

S. B. 463 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-7-5a, relating to authorizing the establishment of a Joint Task Force on Milk Rules and Regulations; providing for the appointment of certain members by the Governor; authorizing the task force to study milk rules and regulations; providing for reimbursement of actual expenses for members; providing task force members may receive no compensation; authorizing the task force to propose legislation; and providing for the sunset of the task force."

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

S. B. 498, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 408**), and there were—yeas 96, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Hamilton and Iaquina.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 498) 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. 506, Deregulating persons who perform work on heating, ventilating, and cooling systems; on third reading, coming up in regular order, was read a third time.

Delegate Householder requested to be excused from voting on the passage of Com. Sub. for S. B. 506 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 409**), and there were—yeas 89, nays 9, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Eldridge, Fleischauer, Fluharty, Hicks, Householder, Kelly, C. Miller, Rowe and Sobonya.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 506) passed.

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

S. B. 525, Relating to certification for emergency medical training - mining; 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. 410**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 525) 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. 548, Authorizing county commissions to pay election officials; on third reading, coming up in regular order, was read a third time.

Delegate Espinosa requested to be excused from voting on the passage of Com. Sub. for S. B. 548 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 411**), and there were—yeas 96, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: E. Evans and Love.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 548) passed.

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

On this question, the yeas and nays were taken (**Roll No. 412**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

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. 548) takes effect from its passage.

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

Com. Sub. for S. B. 556, Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Cowles asked unanimous consent to place the bill at the foot of the calendar, which consent was not granted, objection being heard.

Delegate Cowles then moved to place the bill at the foot of the calendar.

Delegate Folk moved to table the bill.

On this motion, Delegate Caputo demanded the yeas and nays which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 413**), and there were—yeas 9, nays 88, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Blair, Butler, Cowles, Folk, Foster, Gearheart, McGeehan, Paynter and Wilson.

Absent and Not Voting: Deem and Eldridge.

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

The question being the motion to place the bill at the foot of the calendar, Delegate Caputo demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 414**), and there were—yeas 55, nays 43, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Capito, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Frich, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moore, Moye, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Ward and Williams.

Absent and Not Voting: Deem.

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

The bill was then moved to the foot of the calendar.

S. B. 585, Altering boundary line between Doddridge and Harrison counties; 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. 415**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 585) passed.

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

S. B. 585 - "A Bill to attach to Harrison county an area of Doddridge county so as to place all of the grounds of the Salem Correctional Center, formerly the West Virginia Industrial Home, within the boundary of Harrison County and to change the boundary line between said counties in conformity therewith."

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

On this question, the yeas and nays were taken (**Roll No. 416**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 585) 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. 603, Relating to proceedings for involuntary custody for examination; 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. 417**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 603) passed.

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

Com. Sub. for S. B. 603 - "A Bill to amend and reenact §27-5-2 and §27-5-3 of the Code of West Virginia, 1931, as amended, all relating to proceedings for involuntary custody for examination; adding licensed professional counselors to the list of professionals that may examine an individual by order of a circuit court, mental hygiene commissioner or magistrate; providing that a licensed professional counselor may only perform the examination if he or she has been previously authorized by an order of the circuit court to do so; and removing redundant language."

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

At 1:05 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 2:30 p.m.

* * * * *

Afternoon Session

* * * * *

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

Reordering of the Calendar

Delegate Cowles announced that the Committee on Rules had transferred Com. Sub. for S. B. 261, on Third Reading, House Calendar, to the Special Calendar.

Special Calendar

Third Reading

Com. Sub. for S. B. 261, Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund; on third reading, coming up in regular order, was read a third time.

Delegates Sobonya and Martin requested to be excused from voting on the passage of Com. Sub. for S. B. 261 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 418**), and there were—yeas 54, nays 43, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, A. Evans, E. Evans, Ferro, Fleischauer, Fluharty, Frich, Hamilton, Hartman, Hicks, Hornbuckle, laquinta, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, C. Miller, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, R. Romine, Rowe, Sobonya, Sponaugle, Thompson, Wagner and Williams.

Absent and Not Voting: Bates and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 261) passed.

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

Com. Sub. for S. B. 261 - “A Bill to repeal §31-18D-1, §31-18D-2, §31-18D-3, §31-18D-4, §31-18D-5, §31-18D-6, §31-18D-7, §31-18D-8, §31-18D-9, §31-18D-10, §31-18D-11, §31-18D-12, §31-18D-13, §31-18D-14 and §31-18D-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-4c of said code; to amend and reenact §11-22-2 of said code; to amend and reenact §31-18-3, §31-18-6, §31-18-22 and §31-18-24 of said code; and to amend said code by adding thereto a new section, designated §31-18-20d, all relating generally to the elimination of the West Virginia Affordable Housing Trust Fund; transferring current responsibilities and duties of the West Virginia Housing Trust Fund to the West Virginia Housing Development Fund; creating Affordable Housing Fund of the West Virginia Housing Development Fund and providing for uses therefor; providing for assessment of fee on all sales by licensed dealers of factory-built homes to be deposited in Affordable Housing Fund of the West Virginia Housing Development Fund; providing for assessment of fee upon the privilege of transferring real estate for consideration to be deposited in the Affordable Housing Fund of the West Virginia Housing Development Fund; defining ‘Affordable Housing Fund’; authorizing West Virginia Housing Development Fund to provide funding to increase the capacity of nonprofit community housing organizations; providing for uses of funds in Affordable Housing Fund; requiring certain reporting; providing for disposition of Affordable Housing Fund in the event of termination or dissolution of West Virginia Housing Development Fund; and providing for windup of West Virginia Affordable Housing Trust Fund.”

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

On this question, the yeas and nays were taken (**Roll No. 419**), and there were—yeas 62, nays 35, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Boggs, Brewer, Campbell, Canestraro, Caputo, Diserio, Eldridge, A. Evans, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponaugle, Thompson, Wagner and Williams.

Absent and Not Voting: Bates and Deem.

So, two thirds of the members elected to the House of Delegates not having voted in the affirmative, the Speaker declared the motion rejected.

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

Special Calendar

Second Reading

Com. Sub. for S. J. R. 3, Judicial Budget Oversight Amendment; on second reading, coming up in regular order, was read a second time; on third reading, coming up in regular order, was read a third time.

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

“That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2018, which proposed amendment is that section 51, article VI thereof be amended to read as follows:

ARTICLE VI.

§51. Budget and supplementary appropriation bills.

The Legislature shall not appropriate any money out of the treasury except in accordance with the provisions of this section.

Subsection A – Appropriation Bills

(1) Every appropriation bill shall be either a budget bill, or a supplementary appropriation bill, as hereinafter provided.

Subsection B – Budget Bills

(2) ~~Within ten days after the convening of the regular session of the Legislature in odd-numbered years, unless such time shall be extended by the Legislature, On the second Wednesday of February in the year 2021 and every fourth year thereafter and on the second Wednesday of January in even-numbered~~ all other years, unless a later time in any year be fixed by the Legislature, the Governor shall submit to the Legislature a budget for the next ensuing fiscal year. The budget shall contain a complete plan of proposed expenditures and estimated revenues for the fiscal year and shall show the estimated surplus or deficit of revenues at the end of each fiscal year. Accompanying each budget shall be a statement showing: (a) An estimate of the revenues and expenditures for the current fiscal year, including the actual revenues and actual expenditures to the extent available, and the revenues and expenditures for the next preceding fiscal year; (b) the current assets, liabilities, reserves, and surplus or deficit of the state; (c) the debts and funds of the state; (d) an estimate of the state’s financial condition as of the beginning and end of the fiscal year covered by the budget; and (e) any explanation the Governor may desire to make as to the important features of the budget and any suggestions as to methods for reduction or increase of the state’s revenue.

(3) Each budget shall embrace an itemized estimate of the appropriations, in such form and detail as the Governor shall determine or as may be prescribed by law: (a) For the Legislature as certified to the Governor in the manner hereinafter provided; (b) for the executive department; (c) for the judiciary department, as provided by law, certified to the Governor by the Auditor; (d) for payment and discharge of the principal and interest of any debt of the state created in conformity with the constitution, and all laws enacted in pursuance thereof; (e) for the salaries payable by the state under the constitution and laws of the state; and (f) for such other purposes as are set forth in the constitution and in laws made in pursuance thereof.

(4) The Governor shall deliver to the presiding officer of each house the budget and a bill for all the proposed appropriations of the budget clearly itemized and classified, in such form and detail as the Governor shall determine or as may be prescribed by law; and the presiding officer of each house shall promptly cause the bill to be introduced therein, and such bill shall be known as the ‘Budget Bill’. The Governor may, with the consent of the Legislature, before final action thereon by the Legislature, amend or supplement the budget to correct an oversight, or to provide funds contingent on passage of pending legislation, and in case of an emergency, he or she may

deliver such an amendment or supplement to the presiding officers of both houses; and the amendment or supplement shall thereby become a part of the budget bill as an addition to the items of the bill or as a modification of or a substitute for any item of the bill the amendment or supplement may affect.

(5) The Legislature shall not amend the budget bill so as to create a deficit but may amend the bill by increasing or decreasing any item therein: *Provided*, That ~~no item relating to the total appropriation relating to the judiciary shall not be decreased, by more than ten percent compared to the appropriation for the prior fiscal year without a separate vote of the Legislature requiring a two-thirds vote of the members elected to each house determined by yeas and nays and entered on the journals: *Provided further*, That such separate vote is not required if the percentage of decrease in the total appropriation relating to the judiciary is equivalent to or less than the percentage of decrease for the entire general revenue budget as compared to the prior fiscal year.~~ and ~~except~~ Except as otherwise provided in this constitution, the salary or compensation of any public officer shall not be increased or decreased during his or her term of office: and *Provided further*, That the Legislature shall not increase the estimate of revenue submitted in the budget without the approval of the Governor.

(6) The Chief Justice of the Supreme Court of Appeals, the Governor, and such representatives of the executive departments, boards, officers, and commissions of the state expending or applying for state moneys as have been designated by the Governor for this purpose, shall have the right, and when requested by either house of the Legislature it shall be their duty, to appear and be heard with respect to any budget bill, and to answer inquiries relative thereto.

Subsection C – Supplementary Appropriation Bills

(7) Neither house shall consider other appropriations until the budget bill has been finally acted upon by both houses, and no such other appropriations shall be valid except: in accordance with the provisions following (a) Every such appropriation shall be embodied in a separate bill limited to some single work, object, or purpose therein stated and called therein a supplementary appropriation bill; (b) each supplementary appropriation bill shall provide the revenue necessary to pay the appropriation thereby made by a tax, direct or indirect, to be laid and collected as ~~shall be~~ directed in the bill unless it appears from such budget that there is sufficient revenue available.

Subsection D – General Provisions

(8) If the budget bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session, the governor shall issue a proclamation extending the session for such further period as may, in his or her judgment, be necessary for the passage of the bill; but no matter other than the bill shall be considered during such an extension of a session except the matters detailed in section 14, article VII of this Constitution and a provision for the cost thereof.

(9) For the purpose of making up the budget, the Governor shall have the power and it shall be his or her duty, to require from the proper state officials, including herein all executive departments, all executive and administrative officers, bureaus, boards, commissions, and agencies expending or supervising the expenditure of, and all institutions applying for state moneys and appropriations, such itemized estimates and other information, in such form and at such times as he or she shall direct. The estimates for the legislative department, certified by the presiding officer of each house, and for the judiciary, as provided by law, certified by the Auditor,

shall be transmitted to the Governor in such form and at such times as he or she shall direct and shall be included in the budget.

(10) The Governor may provide for public hearings on all estimates and may require the attendance at such hearings of representatives of all agencies and all institutions applying for state moneys. After such public hearings he or she may, in his or her discretion, revise all estimates except those for the legislative and judiciary departments.

(11) Every budget bill or supplementary appropriation bill passed by a majority of the members elected to each house of the Legislature shall, before it becomes a law, be presented to the Governor. The Governor may veto the bill, or he or she may disapprove or reduce items or parts of items contained therein. If he or she approves, he or she shall sign it and thereupon, it shall become a law. The bill, items or parts thereof, disapproved or reduced by the Governor, shall be returned with his or her objections to each house of the Legislature.

Each house shall enter the objections at large upon its journal and proceed to reconsider. If, after reconsideration, two thirds of the members elected to each house agree to pass the bill, or such items or parts thereof, as were disapproved or reduced, the bill, items or parts thereof, approved by two thirds of such members, shall become law, notwithstanding the objections of the Governor. In all such cases, the vote of each house shall be determined by yeas and nays to be entered on the journal.

A bill, item or part thereof, which is not returned by the Governor within five days (Sundays excepted) after the bill has been presented to him or her shall become a law in like manner as if he or she had signed the bill, unless the Legislature, by adjournment, prevents such return, in which case it shall be filed in the office of the Secretary of State, within five days after such adjournment, and shall become a law; or it shall be so filed within such five days with the objections of the governor, in which case it shall become law to the extent not disapproved by the Governor.

(12) The Legislature may, from time to time, enact such laws, not inconsistent with this section, as may be necessary and proper to carry out its provisions.

(13) In the event of any inconsistency between any of the provisions of this section and any of the other provisions of the constitution, the provisions of this section shall prevail. But nothing herein shall be construed as preventing the Governor from calling extraordinary sessions of the Legislature, as provided by section nineteen of this article, or as preventing the Legislature at such extraordinary sessions from considering any emergency appropriation or appropriations.

(14) If any item of any appropriation bill passed under the provisions of this section shall be held invalid upon any ground, such invalidity shall not affect the legality of the bill or of any other item of such bill or bills.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered 'Amendment No. 1' and designated as the 'Judicial Budget Oversight Amendment' and the purpose of the proposed amendment is summarized as follows: 'Giving the Legislature the authority to reduce items in the budget related to the judiciary, preventing the Legislature from any decrease of the appropriation to the judiciary greater than ten percent without a two-thirds vote of each House of the Legislature; providing that such separate vote is not required if the total budget has been decreased by an equivalent proportion, providing that when requested by the Legislature, the

Chief Justice of the Supreme Court of Appeals must appear and be heard and answer inquiries relative any budget bill, and conforming language relating to the introduction of the budget and matters that may be taken up during extended sessions to more recent amendments to the constitution'.”

Delegates Sponaugle and Folk moved to amend the Judiciary Committee amendment on page three, Subsection B, lines fifty through fifty-two, by striking out the colon on line fifty and the subsequent words on lines fifty, fifty-one and fifty-two to appear as follows: “~~and Provided further, That the Legislature shall not increase the estimate of revenue submitted in the budget without the approval of the Governor~~”;

And,

On page six, Subsection D, line one hundred twenty, following the words “to the judiciary”, by inserting “allowing the Legislature to revise revenue estimates of the Governor” and a comma.

On the adoption of the amendment to the Judiciary Committee amendment, Delegate Sponaugle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 420**), and there were—yeas 35, nays 63, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hartman, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, McGeehan, Miley, R. Miller, Moye, Paynter, Pethtel, Pyles, Robinson, Rodighiero, Sponaugle, Thompson and Williams.

Absent and Not Voting: Deem.

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

On motion of Delegate Sponaugle, the amendment to the Judiciary Committee amendment was adopted, on page three, Subsection B, line forty-seven, by striking out the word “*further*” and inserting in lieu thereof the word “*however*”.

The Judiciary Committee amendment, as amended, was then adopted.

The resolution was then ordered to third reading.

Com. Sub. for S. B. 10, Relating generally to PSC jurisdiction; 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:

“CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 19. MUNICIPAL AND COUNTY WATERWORKS AND ELECTRIC POWER SYSTEMS.**PART II. LIMITATIONS ON SALE OR LEASE OF CERTAIN MUNICIPAL WATERWORKS.****§8-19-2. Contracts for purchase of electric power or energy by a municipality; definitions; requirements; payments; rates and charges.**

(a) For the purposes of this section:

(1) 'Contract' means an agreement entered into by a municipality with any other party for the purchase of electric output, capacity, or energy from a project as defined herein;

(2) 'Any other party' means any other legal entity, including, but not limited to, another municipality, political subdivision, public authority, agency, or instrumentality of any state or the United States, a partnership, a limited partnership, a limited liability company, a corporation, an electric cooperative or an investor-owned utility existing under the laws of any state; and

(3) 'Project' or 'projects' means systems or facilities owned by another party and used for the generation, transmission, transformation, or supply of electric power, or any interest in them, whether an undivided interest as a tenant in common or otherwise, or any right to the output, capacity, or services thereof.

(b) In addition to the general authority to purchase electricity on a wholesale basis for resale to its customers, any municipality that owns and operates an electric power system under the provisions of this article may enter into a contract with any other party for the purchase of electricity from one or more projects located in the United States that provides that the contracting municipality is obligated to make payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for, and that the payments shall not be subject to any reduction, whether by offset or otherwise, and shall not be conditioned upon performance or nonperformance by any other party. The contract may provide that, in the event of a default by the municipality or any other party to the contract in the performance of each entity's obligations under the contract, any nondefaulting municipality or any other party to the contract shall on a pro rata basis succeed to the rights and interests of, and assume the obligations of, the defaulting party.

(c) Notwithstanding any other provisions of law, ordinance or charter provision to the contrary, a contract under §8-19-2(b) of this code may extend for more than 50 years or 50 years from the date a project is estimated to be placed into normal continuous operation and the execution and effectiveness of the contract is not subject to any authorizations or approvals by the state or any agency, commission, instrumentality, or political subdivision thereof except as otherwise specifically required by law.

(d) A contract §8-19-2(b) of this code may provide that payments by the municipality are made solely from and may be secured by a pledge of and lien upon revenues derived by the municipality from ownership and operation and that payments shall constitute an operating expense of the electric power system. No obligation under the contract shall constitute a legal or equitable pledge, charge, lien, or encumbrance upon any property of the municipality or upon any of its income, receipts, or revenues, except the revenues of the municipality's electric power system.

Neither the faith and credit nor the taxing power of the municipality shall be pledged for the payment of any obligation under the contract.

(e) A municipality contracting under the provisions of §8-19-2(b) of this code is obligated to fix, charge, and collect rents, rates, fees, and charges for electric power and energy and other services it sells, furnishes, or supplies through its electric power system in an amount sufficient to provide revenues adequate to meet its obligations under the contract and to pay any and all other amounts payable from or constituting a charge and lien upon the revenues, including the amounts necessary to pay the principal and interest on any municipal bonds issued related to its electric power system: *Provided*, That any change in the rates and charges of the municipality to the customers of the electric power system under the provisions of this section are subject to the provisions and requirements of ~~section four-b, article two, chapter twenty-four~~ §8-19-2a of this code and the obligations of the municipality under the contract are costs of providing electric service within the meaning of that section.

§8-19-2a. Procedure for changing rates of municipal electric power systems; legislative findings.

All rates, fees, and charges set by municipal electric power systems shall be just, reasonable, applied without unjust discrimination between or preference for any customer or class of customer, and based primarily on the costs of providing these services. All rates and charges shall be based upon the measured or reasonably estimated cost of service and the equitable sharing of those costs between customers based upon the cost of providing the service received by the customer, including a reasonable slant-in-service depreciation expense. The rates and charges shall be adopted by the power system's governing board by municipal ordinance to be effective not sooner than 45 days after adoption. The 45-day waiting period may be waived by public vote of the governing body if that body finds and declares the public utility that is a political subdivision of the state to be in financial distress, such that the 45-day waiting period would be detrimental to the ability of the utility to deliver continued and compliant public services: *Provided*, That notice of intent to effect a rate change shall be specified on the monthly billing statement of the customers of the utility for the month next preceding the month in which the rate change is to become effective, and the governing body shall give its customers other reasonable notices as will allow filing of timely objections to the proposed rate change and full participation in municipal rate legislation through the provision of a public forum in which customers may comment upon the proposed rate change prior to an enactment vote. Notwithstanding the exclusion of municipal power systems' rates, fees, charges, and rate-making process from the jurisdiction of the Public Service Commission, municipal power systems shall submit information regarding their rates, fees, and charges to the commission as set forth in §24-2-9 of this code.

§8-19-2b. Right of appeal by customers.

Customers may appeal a rate increase to the circuit court of the county in which the municipality is located on the grounds that the rate ordinance or its passage does not comply with the provisions of this article by filing a petition, signed by at least 750 customers or 25 percent of the customers served by the municipal electric utility, whichever is fewer. Any petition challenging the ordinance must be filed within 30 days following the adoption of the rate ordinance.

CHAPTER 16. PUBLIC HEALTH.

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 paragraphs (A), (B) and (C) of this subdivision; 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 ~~four thousand five hundred~~ 4,500 customers and annual combined gross revenue of \$3 million dollars or more from its separate or combined water and sewer services 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 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 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 revised rates, fees and charges but not less than one week prior to the public hearing of the board on such 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 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 (2) may file a complaint regarding the rates, fees and charges resulting from the action of, or failure to act by, the county commission in the circuit court of the county in which the county commission sits: *Provided*, That any complaint or petition filed hereunder shall be filed within 30 days of the county commission's final action approving, modifying or rejecting such rates, fees and charges, or the expiration of the 45 day period from the receipt by the county commission, in writing, of the rates, fees and charges approved by resolution of the board, without final action by the county commission to approve, modify or reject such rates, fees and charges, and the circuit court shall resolve said complaint: *Provided, however*, That the rates, fees and charges so fixed by the county commission, or those adopted by the district upon which the county commission failed to act, shall remain in full force and effect, until set aside, altered or amended by the circuit court in an order to be followed in the future.

(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 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 any publicly or privately owned utility, city, incorporated town, other municipal corporation or other public service district included within the district owns and operates separately water facilities, sewer facilities or storm water 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 storm water 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 storm water service or water, sewer and storm water service has the right to terminate water service for delinquency in payment of water, sewer or storm water 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 storm water district is providing water service and the district providing sewer or storm water service experiences a delinquency in payment, the district or the municipality included within the boundaries of the sewer or storm water district that is providing water service, upon the request of the district providing sewer or storm water service to the delinquent account, shall terminate its water service to the customer having the delinquent sewer or storm water 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 ~~Division of Health~~ 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 ~~Division of Health~~ 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 ~~Division of Health~~ 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 ~~Division of Health~~ 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 ~~Division of Health~~ 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 storm water 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 storm water system; (3) the district has made available a storm water system where storm water from the real property affects or drains into the storm water 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 storm water 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 storm water services established under this article only after 30 days' notice of the availability of the storm water system has been received by the owner. An entity providing storm water service shall provide a tenant a report of the storm water 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 storm water systems or storm water 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 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, storm water 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 storm water utility main office.

(i) 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 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 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 ~~twenty-five~~ 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 ~~article thirteen-a, chapter sixteen~~ §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 ~~twenty-five~~ 25 residential customers are exempt from the jurisdiction of the commission with regard to the provisions of such residential service: *Provided further*, That upon request of any of the customers of such 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 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 ~~four thousand five hundred~~ 4,500 customers and annual combined gross revenues of \$3 million dollars or more that are political subdivisions of the state is limited to:

(1) General supervision of public utilities, as granted and described in ~~section five~~ §24-2-5 of this article Code;

(2) Regulation of measurements, practices, acts or services, as granted and described in ~~section seven~~ §24-2-7 of this article 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 ~~section eight~~ §24-2-8 of this article Code;

(4) Submission of information to the commission regarding rates, tolls, charges or practices, as granted and described in ~~section nine~~ §24-2-9 of this article 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 ~~section ten~~ §24-2-10 of this article 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 ~~one hundred twenty~~ 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 ~~further~~ 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.

(8) In the event that 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 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 subject to ~~subsections (e), (f), (g), (h), (i) and (j), section eleven-c~~ §24-2-11c(e) through §24-2-11c(j) of this article Code as if the certificate of public convenience and necessity for such facility were a siting certificate issued under ~~said section §24-2-11c of this Code~~ and shall not otherwise be subject to the jurisdiction of the commission or to the provisions

of this chapter with respect to such facility except for the making or constructing of a material modification thereof as provided in ~~subdivision (5) §24-2-1(d)(5) of this subsection~~ 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 ~~section eleven-c §24-2-11c of this article~~ Code in lieu of a certificate of public convenience and necessity pursuant to the provisions of ~~section eleven §24-2-11 of this article~~ 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 subject to ~~subsections (e), (f), (g), (h), (i) and (j), section eleven-c §24-2-11c(e) through §24-2-11c(j) of this article~~ Code and shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility except for the making or constructing of a material modification thereof as provided in ~~subdivision (5) §24-2-1(d)(5) of this subsection~~ 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 not be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility, regardless of whether such facility subsequent to its construction has been or will be designated as an exempt wholesale generator under applicable federal law: *Provided*, That such owner or operator shall be subject to in ~~subdivision (5) §24-2-1(d)(5) of this subsection~~ Code if a material modification of such 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 ~~section eleven-c §24-2-11c of this article~~ Code in lieu of a certificate of public convenience and necessity pursuant to the provisions of section eleven of this article. 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 subject to ~~subsections (e), (f), (g), (h), (i) and (j), section eleven-c §24-2-11c(e) through §24-2-11c(j) of this article~~ Code and shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility except for the making or constructing of a material modification thereof as provided in ~~subdivision (5) §24-2-1(d)(5) of this subsection~~ 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 ~~section eleven-e~~ §24-2-11c of this ~~article~~ Code in lieu of a certificate of public convenience and necessity for the modification pursuant to the provisions of ~~section eleven~~ §24-2-11 of this ~~article~~ Code and, except for the provisions of ~~section eleven-e~~ §24-2-11c of this ~~article~~ Code, shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such modification.

(6) The commission shall consider an application for a certificate of public convenience and necessity filed pursuant to ~~section eleven~~ §24-2-11 of this ~~article~~ Code to construct an electric generating facility described in this subsection or to make or construct a material modification of such electric generating facility as an application for a siting certificate pursuant to ~~section eleven-e~~ §24-2-11c of this ~~article~~ 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 affect or limit the commission's jurisdiction over contracts or arrangements between the owner or operator of such facility and any affiliated public utility subject to the provisions of this chapter.

(e) The commission shall not have jurisdiction of Internet protocol-enabled service or voice-over Internet protocol-enabled service. As used in this subsection:

(1) 'Internet protocol-enabled service' means any service, capability, functionality or application provided using Internet protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet protocol format, or any successor format, regardless of whether the communication is voice, data or video.

(2) 'Voice-over Internet protocol service' means any service that:

(i) Enables real-time two-way voice communications that originate or terminate from the user's location using Internet protocol or a successor protocol; and

(ii) Uses a broadband connection from the user's location.

(3) The term 'voice-over Internet protocol service' includes any service that permits users to receive calls that originate on the public-switched telephone network and to terminate calls on the public-switched telephone network.

(f) Notwithstanding any other provisions of this article, the commission shall not have jurisdiction to review or approve any transaction involving a telephone company otherwise subject to ~~sections twelve~~ §24-2-12 and ~~twelve-a, article two, chapter twenty-four~~ §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 not have 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.

§24-2-2. General power of commission to regulate public utilities.

(a) The commission is hereby given power to may investigate all rates, methods, and practices of public utilities subject to the provisions of this chapter; to require them to conform to the laws of this state and to all rules, regulations and orders of the commission not contrary to law; and to require copies of all reports, rates, classifications, schedules, and timetables in effect and used by the public utility or other person to be filed with the commission, and all other information desired by the commission relating to the investigation and requirements, including inventories of all property in ~~such~~ the form and detail as the commission ~~may prescribe~~ prescribes. The commission may compel obedience to its lawful orders by mandamus or injunction or other proper proceedings in the name of the state in any circuit court having jurisdiction of the parties or of the subject matter, or the Supreme Court of Appeals directly, and the proceedings shall have priority over all pending cases. The commission may change any intrastate rate, charge, or toll which is unjust or unreasonable or any interstate charge with respect to matters of a purely local nature which have not been regulated, by or pursuant to, an act of Congress and may prescribe a rate, charge, or toll that is just and reasonable, and change or prohibit any practice, device, or method of service in order to prevent undue discrimination or favoritism between persons and between localities and between commodities for a like and contemporaneous service. But in no case shall may the rate, toll, or charge be more than the service is reasonably worth, considering the cost of the service. Every order entered by the commission shall continue in force until the expiration of the time, if any, named by the commission in the order, or until revoked or modified by the commission, unless the order is suspended, modified, or revoked by order or decree of a court of competent jurisdiction: *Provided*, That in the case of utilities used by emergency shelter providers, the commission shall prescribe ~~such~~ rates, charges or tolls that are the lowest available. 'Emergency shelter provider' means any nonprofit entity which provides temporary emergency housing and services to the homeless or to victims of domestic violence or other abuse.

(b) Notwithstanding any other provision of this code to the contrary, rates are not discriminatory if, when considering the debt costs associated with a future water or sewer project which would not benefit existing customers, the commission establishes rates which ensure that the future customers to be served by the new project are solely responsible for the debt costs associated with the project.

(c) Notwithstanding any other provision of this code to the contrary, the jurisdiction of the commission over water and/or sewer utilities that are political subdivisions of the state providing a separate or combined services and having at least ~~four thousand five hundred~~ 4,500 customers and annual combined gross revenues of \$3 million dollars or more ~~shall be~~ is limited to those powers enumerated in §24-2-1(b) of this code.

(d) Notwithstanding any other provision of this code to the contrary, the jurisdiction of the commission does not extend over the setting or adjustment of rates, fees, and charges of municipal power systems. The rates, fees, charges and rate-making process of municipal power systems is governed by the provisions of §8-19-2a of this code.

§24-2-3. General power of commission with respect to rates.

(a) The commission ~~shall have power to~~ may enforce, originate, establish, change, and promulgate tariffs, rates, joint rates, tolls, and schedules for all public utilities except for municipal power systems and water and/or sewer utilities that are political subdivisions of this state providing a separate or combined services and having at least ~~four thousand five hundred~~ 4,500 customers and annual combined gross revenues of \$3 million dollars or more *Provided*, That the commission

may exercise such rate authority over municipally owned ~~electric or~~ natural gas utilities or a municipally owned water and/or sewer utility having less than ~~four thousand five hundred~~ 4,500 customers or annual combined gross revenues of less than \$3 million dollars only under the circumstances and limitations set forth in §24-2-4b of this code, and subject to the provisions set forth in §24-2-3(b) of this code. And whenever the commission ~~shall~~, after hearing, ~~find~~ finds any existing rates, tolls, tariffs, joint rates or schedules enacted or maintained by a utility regulated under the provisions of this section to be unjust, unreasonable, insufficient, or unjustly discriminatory or otherwise in violation of any of the provisions of this chapter, the commission shall by an order fix reasonable rates, joint rates, tariffs, tolls, or schedules to be followed in the future in lieu of those found to be unjust, unreasonable, insufficient, or unjustly discriminatory or otherwise in violation of any provisions of law, and the ~~said~~ commission, in fixing the rate of any railroad company, may fix a fair, reasonable and just rate to be charged on any branch line thereof, independent of the rate charged on the main line of ~~such~~ that railroad.

(b) Any complaint filed with the commission by a resale or wholesale customer of a municipally owned water and/or sewer utility having less than ~~four thousand five hundred~~ 4,500 customers or annual combined gross revenue of less than \$3 million dollars concerning rates, fees, or charges applicable to such resale or wholesale customer shall be filed within 30 days of the enactment by the governing body of the political subdivision of an ordinance changing rates, fees, or charges for such service. The commission shall resolve said complaint within 120 days of filing. The 120-day period for resolution of the complaint may be tolled by the commission until the necessary information showing the basis of the rates, fees, charges, and other information as the commission considers necessary is filed: *Provided*, That 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: *Provided, however*, That the commission shall have no authority to order refunds for amounts collected during the pendency of the complaint proceeding unless the rates, fees, or charges so enacted by the governing body were enacted subject to refund under the provisions of §24-2-4b(d)(2) or §24-2-4b(g) of this code.

(c) In determining just and reasonable rates, the commission may audit and investigate management practices and policies, or have performed an audit and investigation of such practices and policies, in order to determine whether the utility is operating with efficiency and is utilizing sound management practices. The commission shall adopt rules and regulations setting forth the scope, frequency, and application of such audits and investigations to the various utilities subject to its jurisdiction. The commission may include the cost of conducting the management audit in the cost of service of the utility.

(d) In determining just and reasonable rates, the commission shall investigate and review transactions between utilities and affiliates. The commission shall limit the total return of the utility to a level which, when considered with the level of profit or return the affiliate earns on transactions with the utility, is just and reasonable.

§24-2-4b. Procedures for changing rates of electric and natural gas cooperatives, local exchange services of telephone cooperatives, and municipally operated public utilities.

(a) The rates and charges of electric cooperatives, natural gas cooperatives and municipal water and/or sewer utilities that are political subdivisions of the state—having less than ~~four thousand five hundred~~ 4,500 customers or annual combined gross revenues of less than \$3 million-dollars, except for municipally operated commercial solid waste facilities as defined in §22-15-2 of this code, and the rates and charges for local exchange services provided by telephone

cooperatives are not subject to the rate approval provisions of 24-2-4 or §24-2-4a of this code, but are subject to the limited rate provisions of this section.

(b) All rates and charges set by electric cooperatives, natural gas cooperatives, and municipally operated public utilities that are political subdivisions of the state providing water, sewer, ~~electric~~ and/or natural gas services that are subject to the provisions of this section and all rates and charges for local exchange services set by telephone cooperatives shall be just, reasonable, applied without unjust discrimination between or preference for any customer or class of customer and based primarily on the costs of providing these services. All rates and charges shall be based upon the measured or reasonably estimated cost of service and the equitable sharing of those costs between customers based upon the cost of providing the service received by the customer, including a reasonable plant-in-service depreciation expense. The rates and charges shall be adopted by the electric, natural gas, telephone cooperative, or political subdivision's governing board or body and, in the case of the municipally operated public utility, by municipal ordinance to be effective not sooner than 45 days after adoption. The 45-day waiting period may be waived by public vote of the governing body if that body finds and declares the public utility that is a political subdivision of the state to be in financial distress such that the 45-day waiting period would be detrimental to the ability of the utility to deliver continued and compliant public services: *Provided*, That notice of intent to effect a rate change shall be specified on the monthly billing statement of the customers of the utility for the month next preceding the month in which the rate change is to become effective and the utility governing body shall give its customers and, in the case of a cooperative, its customers, members, and stockholders, other reasonable notices as will allow filing of timely objections to the proposed rate change and full participation in municipal rate legislation through the provision of a public forum in which customers may comment upon the proposed rate change prior to an enactment vote. The rates and charges or ordinance shall be filed with the commission, together with any information showing the basis of the rates and charges and other information as the commission considers necessary. Any change in the rates and charges with updated information shall be filed with the commission. If a petition, as set out in §24-2-4b(c)(1), §24-2-4b(c)(2), or §24-2-4b(c)(3) of this code, is received and the electric cooperative, natural gas cooperative or telephone cooperative or municipality has failed to file with the commission the rates and charges with information showing the basis of rates and charges and other information as the commission considers necessary, the suspension period limitation of 120 days and the 100-day period limitation for issuance of an order by a hearing examiner, as contained in §24-2-4b(d) and §24-2-4b(e) of this code, is tolled until the necessary information is filed. The electric cooperative, natural gas cooperative, telephone cooperative or municipality shall set the date when any new rate or charge is to go into effect.

(c) The commission shall review and approve or modify the rates and charges of electric cooperatives, natural gas cooperatives, telephone cooperatives, or municipal ~~electric or~~ natural gas utilities and municipally owned water and/or sewer utilities that are political subdivisions of the state and having less than ~~four thousand five hundred~~ 4,500 customers or annual combined revenues of less than \$3 million dollars upon the filing of a petition within 30 days of the adoption of the ordinance or resolution changing the rates or charges by:

(1) Any customer aggrieved by the changed rates or charges who presents to the commission a petition signed by not less than 25 percent of the customers served by the municipally operated ~~electric or~~ natural gas public utility or municipally owned water and/or sewer utility or 25 percent of the membership of the electric, natural gas or telephone cooperative residing within the state;

(2) Any customer who is served by a municipally owned ~~electric or~~ natural gas public utility and who resides outside the corporate limits and who is affected by the change in the rates or charges and who presents to the commission a petition alleging discrimination between customers within and without the municipal boundaries. The petition shall be accompanied by evidence of discrimination; or

(3) Any customer or group of customers of the municipally owned ~~electric or~~ natural gas public utility who is affected by the change in rates who reside within the municipal boundaries and who present a petition to the commission alleging discrimination between a customer or group of customers and other customers of the municipal utility. The petition shall be accompanied by evidence of discrimination.

(d) (1) The filing of a petition with the commission signed by not less than 25 percent of the customers served by the municipally owned ~~electric or~~ natural gas public utility or a municipally owned water and/or sewer utility having less than ~~four thousand five hundred~~ 4,500 customers or annual combined gross revenues of less than \$3 million dollars or 25 percent of the membership of the electric, natural gas, or telephone cooperative residing within the state under §24-2-4b(c) of this code shall suspend the adoption of the rate change contained in the ordinance or resolution for a period of 120 days from the date the rates or charges would otherwise go into effect or until an order is issued as provided herein.

(2) Upon sufficient showing of discrimination by customers outside the municipal boundaries or a customer or a group of customers within the municipal boundaries under a petition filed under §24-2-4b(c)(2) or §24-2-4b(c)(3) of this code, the commission shall suspend the adoption of the rate change contained in the ordinance for a period of 120 days from the date the rates or charges would otherwise go into effect or until an order is issued as provided herein. A municipal rate ordinance enacted pursuant to the provisions of this section and municipal charter or state code that establishes or proposes a rate increase that results in an increase of less than 25 percent of the gross revenue of the utility shall be presumed valid and rates shall be allowed to go into effect, subject to refund, upon the date stated in that ordinance. Any refund 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 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. In the case of rates established or proposed that increase by more than 25 percent of the gross revenue of the municipally operated public utility, the utility may apply for, and the commission may grant, a waiver of the suspension period and allow rates to be effective upon enactment.

(e) The commission shall forthwith appoint a hearing examiner from its staff to review the grievances raised by the petitioners. The hearing examiner shall conduct a public hearing and shall, within 100 days from the date the rates or charges would otherwise go into effect, unless otherwise tolled as provided in §24-2-4b(b) of this code, issue an order approving, disapproving, or modifying, in whole or in part, the rates or charges imposed by the electric, natural gas or telephone cooperative or by the municipally operated public utility pursuant to this section.

(f) Upon receipt of a petition for review of the rates under the provisions of §24-2-4b(c) of this code, the commission may exercise the power granted to it under the provisions of §24-2-3 of this code, consistent with the applicable rate provisions of, §8-19-4 of this code, and §16-13-16 of this code. The commission may determine the method by which the rates are reviewed and may grant

and conduct a de novo hearing on the matter if the customer, electric, natural gas, or telephone cooperative or municipality requests a hearing.

(g) The commission may, upon petition by an electric, natural gas or telephone cooperative or municipal ~~electric or natural gas public utility~~ or a municipally owned water and/or sewer utility, having less than ~~four thousand five hundred~~ 4,500 customers or annual combined gross revenues of less than \$3 million dollars allow an interim or emergency rate to take effect, subject to refund or future modification, if it is determined that the interim or emergency rate is necessary to protect the municipality from financial hardship attributable to the purchase of the utility commodity sold, or the commission determines that a temporary or interim rate increase is necessary for the utility to avoid financial distress. In such cases, the commission shall waive the 45-day waiting period provided for in §24-2-4b(b) of this code and the 120-day suspension period provided for in §24-2-4b(d) of this code.

(h) The commission shall, upon written request of the governing body of a political subdivision, provide technical assistance to the governing body in its deliberations regarding a proposed rate increase.

(i) Notwithstanding any other provision, the commission has no authority or responsibility with regard to the regulation of rates, income, services or contracts by municipally operated public utilities for services which are transmitted and sold outside of the State of West Virginia.

(j) Notwithstanding any other provision of this code to the contrary, the jurisdiction of the commission over water and/or sewer utilities that are political subdivisions of the state and ~~having~~ at least ~~four thousand five hundred~~ 4,500 customers and annual gross combined revenues of \$3 million dollars or more shall be limited to those powers enumerated in §24-2-1(b) of this code.

(k) Notwithstanding any other provision of this code to the contrary, the jurisdiction of the commission does not extend over the setting and adjustment of the rates, fees, and charges of municipal power systems. The rates, fees, charges and ratemaking process of municipal power systems shall be governed by the provisions of §8-19-2a of this code."

The bill was then ordered to third reading.

Com. Sub. for S. B. 82, Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 141, Expanding county assessment and collection of head tax on breeding cows; 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 six-e, line ten, before the word "taxes", by inserting the word "the".

And,

On page two, section six-e, lines twenty-three through twenty-seven, by striking out subsection (e) in its entirety and inserting in lieu thereof a new subsection (e), to read as follows:

“(e) If a cow owner elects to participate in the Coyote Control Program, within 30 days of such election, the cow owner shall provide written notice of his or her participation in the Program to any landowner from whom the cow owner leases property to graze cattle and whose property may be affected by the cow owner’s participation in the Program.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 230, Authorizing Department of Commerce promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

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

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

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

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1A-1 of this code, relating to the Division of Natural Resources (controlling the public land corporation’s sale, lease, exchange, or transfer of land or minerals, 58 CSR 2), is authorized.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1-7 of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 18, 2017, relating to the Division of Natural Resources (hunting, fishing, and other outfitters and guides, 58 CSR 11), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1-7 of this code, relating to the Division of Natural Resources (general hunting, 58 CSR 49), is authorized.

(d) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1-7 of this code, relating to the Division of Natural Resources (special migratory game bird hunting, 58 CSR 56), is authorized.

(e) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1-7 of this code, relating to the Division of Natural Resources (miscellaneous permits and licenses, 58 CSR 64), is authorized.

§64-10-2. Division of Labor.

(a) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §21-15-6 of this code, relating to the Division of Labor (Zipline and Canopy Tour Responsibility Act, 42 CSR 10), is authorized.

(b) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §47-1A-15 of this code, relating to the Division of Labor (bedding and upholstered furniture, 42 CSR 12), is authorized.

(c) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §21-10-3 of this code, relating to the Division of Labor (Amusement Rides and Amusement Attractions Safety Act, 42 CSR 17), is authorized.

(d) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §21-3C-11 of this code, relating to the Division of Labor (Elevator Safety Act, 42 CSR 21), is authorized, with the amendments set forth below:

On page 5, subsection 8 to read as follows:

~~7.3.a.~~ 8.1. The fee for ~~the an~~ inspection of ~~each an~~ elevator by ~~the a~~ Division inspector is shall be \$100.00.

~~7.3.b.~~ 8.2. The Division's fee for the inspection of more than one elevator in a building is \$100.00 for the first elevator inspected and \$25.00 for each additional elevator inspected.

~~7.3.c.~~ 8.3. If changes or repairs are required prior to the issuance of a certificate of operation, the Division shall not charge an inspection fee ~~will not be charged by the Division~~ for the first follow-up inspection.

~~7.3.d.~~ 8.4. If subsequent follow-up inspections are required because of the owner's or operator's failure to make the required repairs or changes, the Division's inspection fees shall be ~~charged at the same rates as~~ set forth in ~~subdivisions~~ subsections ~~7.3.a. 8.1 and 7.3.b. 8.2~~ of this rule for each subsequent follow-up inspection.

~~7.3.3.~~ 8.5. If an owner or operator fails ~~The failure~~ to pay the required inspection fee, is sufficient grounds for the Division Commissioner shall ~~to~~ withhold the issuance of a certificate of operation until the fee is paid.

(e) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §21-5-13 of this code, relating to the Division of Labor (employer wage bonds, 42 CSR 33), is authorized.

(f) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §47-1-3 of this code, relating to the Division of Labor (registration of service persons and service agencies, 42 CSR 35), is authorized, with the amendments set forth below:

On page one, subsection 1.1 to read as follows:

1.1. Scope. – This rule governs the voluntary registration of service persons and service agencies, and the issuance of certificates of registration.;

On page one, subsection 3.2 to read as follows:

3.2. 'Certificate of registration' means the document issued by the Division of Labor upon receipt of a complete application from a service person or service agency.;

On page four, subsection 6.1. to read as follows:

6.1. A service person desiring to register with the Division shall submit a written application requesting that he or she be registered, and shall provide all information as the Commissioner

may require on a form supplied by the Division, and shall include the documentation required in section 7 of this rule.;

On page four, subsection 6.2. to read as follows:

6.2. A service agency desiring to register with the Division shall submit a written application requesting that the agency be registered, and shall provide all information as the Commissioner may require on a form supplied by the Division, including the documentation required in section 7 of this rule, and a sample security seal required in section 8 of this rule.;

On page four, striking subsection 6.3. in its entirety, and renumbering the remaining subsections.;

And,

On page five, striking section 7 in its entirety, and renumbering the remaining sections.

(g) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §47-1-3 of this code, modified by the Division of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 8, 2017, relating to the Division of Labor (registration of weighing and measuring devices used by businesses in commercial transactions, 42 CSR 36), is authorized, with the amendments set forth below:

On page 1, subsection 1.1. to read as follows:

1.1. Scope. — This rule governs the registration of weighing and measuring devices used by businesses in commercial transactions, and the issuance of certificates of device registration.;

On page one, subsection 3.1., striking the words ‘and payment of the required fee for each weighing or measuring device used in commercial transactions’;

On page two, subsection 5.1., striking the words ‘and shall pay the applicable registration fee as prescribed in section 6 of this rule’;

On page two, striking subsection 5.3. in its entirety, and renumbering the remaining subsections.;

On page two, striking section 6 in its entirety, and renumbering the remaining section.;

On page three, striking Appendix A in its entirety.;

And,

On page on page four, striking Appendix B in its entirety.

§64-10-3. Office of Miners’ Health, Safety and Training.

The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §22A-2A-308 of this code, relating to the Office of Miners’ Health, Safety and Training (operating diesel equipment in underground mines in West Virginia, 56 CSR 23), is authorized.

§64-10-4. Division of Energy.

The legislative rule effective on July 1, 2010, authorized under the authority of §5B-2A-12 of this code, relating to the Division of Energy (community development assessment and real property valuation procedures for office of coalfield community development, 207 CSR 1), is repealed.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 244, Specifying conditions for unlawful possession of firearm at school-sponsored activities; on second reading, coming up in regular order, was read a second time.

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

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

(a) The Legislature finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending and persons employed by schools in this state and for persons employed by the judicial department of this state. It is for the purpose of providing assurances of safety that §61-7-11a(b), §61-7-11a(g), and §61-7-11a(h), of this code and §61-7-11a(b)(2)(l) of this code are enacted as a reasonable regulation of the manner in which citizens may exercise the rights accorded to them pursuant to section 22, article III of the Constitution of the State of West Virginia.

~~(b) (1) It is unlawful for a person to possess a firearm or other deadly weapon on a school bus as defined in §17A-1-1 of this code or in or on a public primary or secondary education building, structure, facility, or grounds including a vocational education building, structure, facility, or grounds where secondary vocational education programs are conducted or at a school-sponsored function or in or on a private primary or secondary education building, structure, or facility: *Provided*, That it shall not be unlawful to possess a firearm or other deadly weapon on or in a private primary or secondary education building, structure, or facility when such institution has adopted written policies allowing for possession of firearms on or in the institution’s buildings, structures, or facilities.~~ (1) It is unlawful to possess a firearm or other deadly weapon:

(A) On a school bus as defined in §17A-1-1 of this code;

(B) In or on the grounds of any primary or secondary educational facility of any type: *Provided*, That it shall not be unlawful to possess a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds thereof;

(C) At a school-sponsored function that is taking place in a specific area that is owned, rented, leased, or utilized by the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring. *Provided*, That the specific area where the school-sponsored

function shall be conspicuously posted with appropriate signage informing the public of the prohibition of possessing a firearm or other deadly weapon within such specific area; or

(D) At a municipally owned recreation facility as defined in §8-12-5a(2) of this code.

(2) This subsection does not apply to:

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

(B) Any probation officer appointed pursuant to §62-12-5 or chapter 49 of this code in the performance of his or her duties;

~~(C) A retired law-enforcement officer who:~~

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

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

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

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

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

(C) A retired law-enforcement officer who meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U.S.C. §926C(c), carries that firearm in a concealed manner, and has on their person official identification in accordance with that act;

(D) A person, other than a student, specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

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

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

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

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

(l) Any person, 21 years old or older, and who may lawfully carry a handgun may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school: *Provided, That:*

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

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

(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of §61-7-11a(b) of this code shall report the violation as soon as possible to:

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

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

(d) In addition to the methods of disposition provided by §49-5-1 *et seq.* of this code, a court which adjudicates a person who is 14 years of age or older as delinquent for a violation of §61-7-11a(b) of this code may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward to the Division of Motor Vehicles.

(e)(1) If a person 18 years of age or older is convicted of violating §61-7-11a(b) of this code and if the person does not act to appeal the conviction within the time periods described in §61-7-11a(e)(2) of this code, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in §61-7-11a(e)(1) of this code shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within 20 days of the sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within 30 days after the judgment was entered.

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in §61-7-11a(e)(1) of this code, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's twentieth birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of §17C-5A-2 of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within 10 days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

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

(f)(1) It is unlawful for a parent, guardian, or custodian of a person less than 18 years of age who knows that the person is in violation of §61-7-11a(b) of this code or has reasonable cause to believe that the person's violation of §61-7-11a(b) of this code is imminent to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

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

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

(2) This subsection does not apply to:

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

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

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

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

(2) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

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

Whereupon,

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

On motion of Delegate Shott, the bill was amended on page three, section eleven-a, line forty-eight, after the word "person", by inserting a comma and the following words "other than a student of a primary or secondary facility" and inserting a comma.

Delegates Pushkin and Lane moved to amend the bill on page two, section eleven-a, line twenty-eight, by striking out the period, inserting a semi-colon, and the following:

"(D) At a municipally owned recreation facility at which school-sponsored activities occur during the times and at the areas set forth in a lease or other similar authorized agreement between a municipality and the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or a local public or private primary or secondary school: *Provided*, That it shall not be unlawful under this subsection to possess a firearm or other deadly weapon at a municipally owned recreational facility at which school-sponsored activities occur if the lease or other similar authorized agreement giving rise to application of this subsection is between a municipality and a private primary or secondary school that has adopted a written policy allowing for possession of firearms or other deadly weapons at the facility or grounds of the private primary or secondary school as permitted by subsection (a)(1)(B) of this section."

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. 421**), and there were— yeas 18, nays 79, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Bates, Byrd, Campbell, Caputo, Diserio, Fleischauer, Hanshaw, Hornbuckle, Lane, Longstreth, Lynch, Miley, Pushkin, Pyles, Robinson, Rowe, Shott and Williams.

Absent and Not Voting: Deem and Kelly.

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. 271, Creating centralized Shared Services Section of Department of Administration; 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 five, section three, lines thirty-one and thirty-two, by striking out the words "§5A-2B-3(a) of this code" and inserting in lieu thereof the words "subsection (a) of this section".

The bill was then ordered to third reading.

Com. Sub. for S. B. 283, Relating generally to procurement by state agencies; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk on page three, section one, line twenty-four, by striking out the word "is" and inserting in lieu thereof the word "are".

On page three, section one, line twenty-five, by striking out the word "is" and inserting in lieu thereof the word "are".

On page three, section one, line twenty-nine, by striking out "\$1 million" and inserting in lieu thereof "\$500,000".

On page nine, section ten-c, line forty-three, by striking out the word "who" and inserting in lieu thereof the word "that".

On page eleven, section ten-e, line forty-four, by striking out "\$1 million" and inserting in lieu thereof "\$500,000".

On page eleven, section ten-e, line forty-five, by striking out "\$1 million" and inserting in lieu thereof "\$500,000".

On page eleven, after section ten-e, by adding thereto a new section, designated section nineteen, to read as follows:

"§5A-3-19. Purchases from federal government and other sources.

(a) Notwithstanding any other provision of this article, the director may, upon the recommendation of a state spending unit, participate in, sponsor, conduct, or administer a cooperative purchasing agreement or consortium for the purchase of commodities or services with agencies of the federal government, agencies of other states, other public bodies, other state agencies, or other cooperative contracting entities if available and financially advantageous. At the discretion of the director, bids may be solicited to determine whether participation in such a cooperative purchasing agreement or consortium is financially advantageous. The Director's decision to participate in, sponsor, conduct, or administer a cooperative purchasing agreement or consortium must be in the best interest of the State. In making the decision to allow the use of a cooperative contract, the Director may consider such things as the integrity of the process utilized by the cooperative entity to award the contract, cooperative contract pricing, the ability of the State to competitively bid the commodity in question, any time constraints on the requesting agency, and other relevant factors. The Director may not consider preferential factors like residency status of potential vendors.

(b) The Department of Administration may approve administrative fees, not to exceed the amount of \$50,000, necessary to participate in a cooperative purchasing agreement. Fees which exceed \$50,000 are subject to the competitive bid requirements of this article."

On page twenty-nine, section one, line three, by striking out "\$1 million" and inserting in lieu thereof "\$500,000".

On page twenty-nine, section one, line four, by striking out "\$1 million" and inserting in lieu thereof "\$500,000".

And,

On page twenty-nine, section one, line eight, after the word “exchange”, by striking out the period and inserting in lieu thereof a colon and the following proviso: “*Provided*, That publicly traded companies may provide the same disclosures required of other interested parties and/or business entities or, in lieu of the financial and interested parties disclosures required in the applicable contract for the relevant state agency, may provide a copy of a related document filed within the last year with the United States Securities and Exchange Commission which contains similar disclosures.”

On motion of Delegate Nelson, the Finance Committee amendment was amended, on page seven, by striking out the remainder of the committee amendment that reads as follows:

“On page twenty-seven, section three, line one, before the word “In”, by inserting “(a)”.

On page twenty-nine, section three, after line thirty-eight, by inserting a new subsection, designated subsection (b), to read as follows:

“(b) The Division of Highways may procure the services of architectural and engineering firms under the provisions of this section in an amount not to exceed \$750,000 for the services per project.”

And,

On page seven, by inserting in lieu thereof a new section to read as follows:

§5G-1-4. Contracts for architectural and engineering services; selection process where total project costs are estimated to cost less than \$250,000; division of highways procurements.

(a) In the procurement of architectural and engineering services for projects estimated to cost less than \$250,000, competition shall be sought by the agency. The agency shall conduct discussions with three or more professional firms solicited on the basis of known or submitted qualifications for the assignment prior to the awarding of any contract: *Provided*, That if a judgment is made that special circumstances exist and that seeking competition is not practical, the agency may, with the prior approval of the director of purchasing, select a firm on the basis of previous satisfactory performance and knowledge of the agency’s facilities and needs. After selection, the agency and firm shall develop the scope of services required and negotiate a contract.

(b) The Division of Highways may procure the services of architectural and engineering firms under the provisions of this section in an amount not to exceed \$750,000 for the services per project.”

The Finance Committee amendment, as amended, was then adopted.

The bill was then ordered to third reading.

Com. Sub. for S. B. 288, Regulating cremation, embalming and directing of funeral service; on second reading, coming up in regular order, was read a second time.

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

“ARTICLE 6. BOARD OF FUNERAL SERVICE EXAMINERS AND CREMATORY SERVICES.

§30-6-1. License or certificate required to practice.

The practice of preparing dead human bodies for burial or cremation and the subsequent burial or cremation thereof has serious public health and safety considerations and should only be practiced by a person who has specific training in those fields.

Therefore, the Legislature hereby finds that to protect the public interest a person must have a license or certificate, as provided in this article, to provide funeral services and practice embalming, funeral directing and cremation and to operate a funeral establishment and or crematory in the State of West Virginia.

§30-6-2. Short title Definitions.

~~This article shall be known and may be cited as the ‘West Virginia Funeral Service Examiners Act’.~~

(a) ‘Apprentice’ means a person who is preparing to become a funeral services licensee and is learning the practice of embalming, funeral directing, or cremation under the direct supervision and personal instruction of a funeral services license holder.

(b) ‘Board’ means the West Virginia Board of Funeral Service Examiners.

(c) ‘Certificate’ means the authorization to perform crematory services pursuant to this article.

(d) ‘Cremains’ means all human remains, including foreign matter cremated with the human, recovered after the completion of cremation.

(e) ‘Cremation’ means the mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments and then further reduced by additional pulverization or recremating when necessary.

(f) ‘Crematory’ means a licensed place of business where a deceased human body is reduced to ashes and bone fragments and includes a crematory that stands alone or is part of or associated with a funeral establishment.

(g) ‘Crematory operator’ means a person certified by the secretary to operate a crematory.

(h) ‘Crematory operator in charge’ means a certified crematory operator who accepts responsibility for the operation of a crematory.

(i) ‘Deceased’ means a dead human being for which a death certificate is required.

(j) ‘Embalming’ means the practice of introducing chemical substances, fluids, or gases used for the purpose of preservation or disinfection into the vascular system or hollow organs of a dead human body by arterial or hypodermic injection for the restoration of the physical appearance of a deceased.

(k) 'Funeral' means a service, ceremony, or rites performed for the deceased with a body present.

(l) 'Funeral directing' means the business of engaging in the following:

(1) The shelter, custody, or care of a deceased;

(2) The preparation of a deceased for burial or other disposition;

(3) The arranging or supervising of a funeral or memorial service for a deceased; and

(4) The maintenance of a funeral establishment for the preparation, care, or disposition of a deceased.

(m) 'Funeral director' means a person licensed to practice funeral directing.

(n) 'Funeral establishment' means a licensed place of business devoted to: The care, preparation, and arrangements for the transporting, embalming, funeral, burial, or other disposition of a deceased. A funeral establishment can include a licensed crematory.

(o) 'Funeral service licensee' means a person licensed to practice embalming and funeral directing.

(p) 'License' means a license, which is not transferable or assignable, to:

(1) Practice embalming and funeral directing; or

(2) Operate a funeral establishment.

'Licensee' means a person holding a license issued under the provisions of this article.

(q)'Licensee in charge' means the holder of a funeral services license who accepts responsibility for the operation of a funeral establishment.

(r) 'Memorial service' means a service, ceremony, or rites performed for the deceased without a body present.

(s) 'Person' means an individual, partnership, association, corporation, not-for-profit organization, or any other organization.

(t) 'Registration' means a registration to be an apprentice to learn the practice of embalming, funeral directing, or cremation.

§30-6-3. Definitions Termination of West Virginia Board of Funeral Service Examiners; transfer of functions and responsibilities to Secretary of State.

~~As used in this article, the following words and terms have the following meanings, unless the context clearly indicates otherwise:~~

~~(a) 'Apprentice' means a person who is preparing to become a licensed funeral director and embalmer and is learning the practice of embalming, funeral directing or cremation under the direct supervision and personal instruction of a duly licensed embalmer or funeral director.~~

~~(b) 'Authorized representative' means a person legally authorized or entitled to order the cremation of the deceased, as established by rule. An authorized representative may include in the following order of precedence:~~

~~(1) The deceased, who has expressed his or her wishes regarding the disposal of their remains through a last will and testament, an advance directive or preneed funeral contract, as defined in section two, article fourteen, chapter forty-five of this code;~~

~~(2) The surviving spouse of the deceased, unless a petition to dissolve the marriage was pending at the time of decedent's death;~~

~~(3) An individual previously designated by the deceased as the person with the right to control disposition of the deceased's remains in a writing signed and notarized by the deceased: *Provided*, That no person may be designated to serve in such capacity for more than one nonrelative at any one time;~~

~~(4) The deceased's next of kin;~~

~~(5) A court order;~~

~~(6) A public official who is charged with arranging the final disposition of an indigent deceased;~~
or

~~(7) A representative of an institution who is charged with arranging the final disposition of a deceased who donated his or her body to science.~~

~~(c) 'Board' means the West Virginia Board of Funeral Service Examiners.~~

~~(d) 'Certificate' means a certification by the board to be a crematory operator.~~

~~(e) 'Courtesy card holder' means a person who only practices funeral directing periodically in West Virginia and is a licensed embalmer and funeral director in a state which borders West Virginia.~~

~~(f) 'Cremated remains' or 'cremains' means all human remains, including foreign matter cremated with the human, recovered after the completion of cremation.~~

~~(g) 'Cremation' means the mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments and then further reduced by additional pulverization, burning or reinterment when necessary.~~

~~(h) 'Crematory' means a licensed place of business where a deceased human body is reduced to ashes and bone fragments and includes a crematory that stands alone or is part of or associated with a funeral establishment.~~

~~(i) 'Crematory operator' means a person certified by the board to operate a crematory.~~

~~(j) 'Crematory operator in charge' means a certified crematory operator who accepts responsibility for the operation of a crematory.~~

~~(k) 'Deceased' means a dead human being for which a death certificate is required.~~

~~(l) 'Embalmer' means a person licensed to practice embalming.~~

~~(m) 'Embalming' means the practice of introducing chemical substances, fluids or gases used for the purpose of preservation or disinfection into the vascular system or hollow organs of a dead human body by arterial or hypodermic injection for the restoration of the physical appearance of a deceased.~~

~~(n) 'Funeral' means a service, ceremony or rites performed for the deceased with a body present.~~

~~(o) 'Funeral directing' means the business of engaging in the following:~~

~~(1) The shelter, custody or care of a deceased;~~

~~(2) The preparation of a deceased for burial or other disposition;~~

~~(3) The arranging or supervising of a funeral or memorial service for a deceased; and~~

~~(4) The maintenance of a funeral establishment for the preparation, care or disposition of a deceased.~~

~~(p) 'Funeral director' means a person licensed to practice funeral directing.~~

~~(q) 'Funeral establishment' means a licensed place of business devoted to: the care, preparation and arrangements for the transporting, embalming, funeral, burial or other disposition of a deceased. A funeral establishment can include a licensed crematory.~~

~~(r) 'Funeral service licensee' means a person licensed after July 1, 2003, to practice embalming and funeral directing.~~

~~(s) 'License' means a license, which is not transferable or assignable, to:~~

~~(1) Practice embalming and funeral directing;~~

~~(2) Operate a crematory or a funeral establishment.~~

~~(t) 'Licensee' means a person holding a license issued under the provisions of this article.~~

~~(u) 'Licensee in charge' means a licensed embalmer and funeral director who accepts responsibility for the operation of a funeral establishment.~~

~~(v) 'Memorial service' means a service, ceremony or rites performed for the deceased without a body present.~~

~~(w) 'Mortuary' means a licensed place of business devoted solely to the shelter, care and embalming of the deceased.~~

~~(x) 'Person' means an individual, partnership, association, corporation, not-for-profit organization or any other organization.~~

~~(y) 'Registration' means a registration issued by the board to be an apprentice to learn the practice of embalming, funeral directing or cremation.~~

(z) 'State' means the State of West Virginia.

(a) The West Virginia Board of Funeral Service Examiners, previously established under this article, shall terminate on June 30, 2018. Any license, certificate, or registration issued by that board prior to July 1, 2018 shall remain in effect for the period specified at the time the license, certificate, or registration was issued.

(b) Prior to July 1, 2018, the board may continue to receive applications for licenses, certificates, and registrations and for renewal of the same as previously required by law. The board and its staff shall continue to act on those applications and, up until the date of termination, issue licenses, certificates, and registrations to applicants providing complete and sufficient applications, as appropriate.

(c) Upon the effective date of the enactment of amendments to this section during the 2018 regular session of the Legislature, and prior to the termination of the board, complaints alleging unprofessional conduct against any licensee, certificate holder, or registrant shall be submitted to the Secretary of State for investigation.

(d) Prior to July 1, 2018, the board and its staff shall take all reasonable and necessary measures to terminate the board's existing contracts and leases effective June 30, 2018, under the terms of those contracts, or, in coordination with the Secretary of State, arrange for the transfer of those contracts and leases to the Secretary of State. The board and its staff shall arrange for all records, data, equipment, and other tangible property owned by the board to be transferred to the Secretary of State prior to July 1, 2018.

(e) On July 1, 2018, the Secretary of State shall assume all powers, functions, and duties of the former board, as detailed in this article.

(f) All licenses, certificates, or registrations issued by the board after the effective date of the amendment of this section in the 2018 regular session of the Legislature, but prior to the termination of the board, shall be valid if signed both by the executive director of the board and by any member of the board or, in the absence of any available member of the board, by the Secretary of State.

(1) If, due to resignation or retirement of its staff, the board is unable to complete the review of applications for renewal of licenses or other authorizations to practice by June 30, 2018, as provided under this article, the Secretary of State may grant temporary authorizations to applicants to continue to practice for up to 60 days while the applications are reviewed by the secretary.

(2) If, due to resignation or retirement of the board's staff, and in the absence of any members of the board, the board ceases to fulfill its statutory functions, the Secretary of State may ask the State Auditor to find that no spending officer exists to authorize expenditures from fund 8504, known as the Funeral Service Examiners Operating Fund. If the State Auditor makes this finding in writing, the Secretary of State shall then be authorized to expend money from that fund to carry out the requirements of this article until there is a transfer of moneys to the new special revenue account created pursuant to §30-6-5 of this code.

(g) The Secretary of State shall educate members of the public concerning the transfer of responsibilities from the Board of Funeral Service Examiners to the Secretary of State, including

the manner in which complaints alleging violations of this article or misconduct by licensees under this article may be submitted to the Secretary of State.

§30-6-4. Board of funeral service examiners Rule-making authority; carryover of existing rules; authorization for emergency rules.

~~(a) The 'West Virginia Board of Embalmers and Funeral Directors' is hereby continued and shall, after June 30, 2002, be known as the 'West Virginia Board of Funeral Service Examiners'. The members of the board in office on July 1, 2002 shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and qualified.~~

~~(b) Commencing with the board terms beginning July 1, 2002, the board shall consist of seven members appointed for terms of four years by the Governor, by and with the advice and consent of the Senate. Five members must be licensed embalmers and funeral directors, and one member must be a citizen member who is not licensed, certified or registered under the provisions of this article and who is not a person who performs any services related to the practice of embalming or funeral directing. Commencing with the board terms beginning July 1, 2002, the Governor shall appoint, by and with the advice and consent of the Senate, one person who operates a crematory in West Virginia which person shall replace the current board member whose term ended on June 30, 2002. The crematory operator who is appointed for the term commencing July 1, 2002, shall register and be certified, pursuant to the provisions of this article. Any crematory operator appointed thereafter shall be certified, pursuant to the provisions of this article.~~

~~(c) Each licensed member of the board, at the time of his or her appointment, must have held a license in this state for a period of not less than five years immediately preceding the appointment and each member must be a resident of this state during the appointment term. Each certified member must abide by the provisions of subsection (b) of this section. Board members must represent at least four different geographic regions of the state.~~

~~(d) No member may serve more than two consecutive full terms and any member having served two full terms may not be appointed for one year after completion of his or her second full term. A member shall continue to serve until his or her successor has been appointed and qualified.~~

~~(e) The Governor may remove any member from the board for neglect of duty, incompetency or official misconduct.~~

~~(f) Any member of the board immediately and automatically forfeits his or her membership if he or she has his or her license or certificate to practice suspended or revoked by the board, is convicted of a felony under the laws of any state or the United States or becomes a nonresident of this state.~~

~~(g) The board shall annually elect one of its members as president and one of its members as secretary.~~

~~(h) Each member of the board shall receive compensation and expense reimbursement in accordance with section eleven, article one of this chapter.~~

(a) The Secretary of State shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to implement the provisions of this article including, but not limited to, the following:

(1) The general practice of embalming, funeral directing, and cremating, and operating a funeral establishment and crematory;

(2) The issuing and renewing of licenses, certificates, and courtesy cards, including establishing a staggered biennial renewal schedule;

(3) The requirements for inactive licensees;

(4) The registration and regulation of apprentices;

(5) Establish a cremation procedure and crematory requirements;

(6) Establish inspection requirements for funeral establishments and crematories, including an inspection of a new facility and annual inspections of existing facilities;

(7) Establish inspector and investigator requirements;

(8) Setting the fees charged under the provisions of this article;

(9) Setting the fines assessed under the provisions of this article;

(10) Setting requirements for continuing education for licensees;

(11) Denying, suspending, revoking, reinstating, or limiting the practice of a licensee or certificate of qualification;

(12) The investigation and resolution of complaints against persons licensed, certified, or registered under this article;

(13) Establish advertising standards; and

(14) Propose any other rules necessary to effectuate the provisions of this article.

(b) All rules promulgated by the West Virginia Board of Funeral Service Examiners and in effect on the effective date of the amendments to this article enacted during the 2018 regular session of the Legislature shall remain in effect and may be applied or enforced by the Secretary of State until the secretary proposes new rules to supersede the rules currently in effect: *Provided*, That these rules shall expire on July 1, 2021, if not superseded sooner. The secretary is authorized to request the repeal, pursuant to the provisions of §29A-3-1a(b) of this code, of any rules previously promulgated by the West Virginia Board of Funeral Service Examiners.

(c) If the Secretary of State chooses during the 2018 calendar year to propose rules for legislative approval to supersede or update the rules previously promulgated by the West Virginia Board of Funeral Service Examiners, the secretary may initiate the rule-making process with a notice of proposed rulemaking as provided within §29A-3-5 of this code prior to October 1, 2018, and, notwithstanding the time limit specified in §29A-3-12(a) of this code, the Legislative Rule-Making Review Committee shall consider and review the rules for approval for introduction in the 2019 regular session of the Legislature. If the secretary proposes a rule for legislative approval

pursuant to this section, the secretary is also authorized to promulgate a corresponding emergency rule pursuant to the provisions of §29A-3-15 of this code.

§30-6-5. Powers of the board Crematory operator certificate requirements.

~~The board has all the powers set forth in article one of this chapter and in addition may:~~

- ~~(1) Sue and be sued in its official name as an agency of this state;~~
- ~~(2) Hire, fix the compensation of and discharge an executive director;~~
- ~~(3) Hire, fix the compensation of and discharge the employees necessary to enforce the provisions of this article;~~
- ~~(4) Set the requirements to be an inspector;~~
- ~~(5) Examine and determine the qualifications of any applicant for a license;~~
- ~~(6) Determine the qualifications of any applicant for a certificate;~~
- ~~(7) Set cremation procedures and requirements;~~
- ~~(8) Set the fees charged under the provisions of this article;~~
- ~~(9) Set the fines assessed under the provisions of this article;~~
- ~~(10) Issue, renew, deny, suspend, revoke or reinstate licenses and certificates and discipline licensees and certificate holders;~~
- ~~(11) Set the continuing education requirements for licensees and certificate holders;~~
- ~~(12) Investigate alleged violations of the provisions of this article and the rules promulgated hereunder, and orders and final decisions of the board;~~
- ~~(13) Conduct hearings upon charges calling for discipline of a licensee or revocation or suspension of a license;~~
- ~~(14) Propose rules in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article; and~~
- ~~(15) Take all other actions necessary and proper to effectuate the purposes of this article.~~

In order to operate a crematory lawfully in this state, the operator must be certified by the Secretary of State. The secretary shall issue a certificate to be a crematory operator to an applicant who meets the following requirements:

- (1) Has completed a class, authorized by the secretary, on cremation and operating a crematory;
- (2) Has paid all the appropriate fees; and
- (3) Has completed such other requirements as prescribed by the secretary.

§30-6-6. Rule-making authority Funeral service license requirements.

~~(a) The board shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article including, but not limited to, the following:~~

~~(1) The general practice of embalming, funeral directing and cremating, and operating a funeral establishment and crematory: *Provided*, That the board cannot require that an applicant for a license to operate a funeral establishment or crematory have either an embalmer's or funeral director's license, or a certificate to operate a crematory.~~

~~(2) The examinations administered under this article;~~

~~(3) The issuing and renewing of licenses, certificates and courtesy cards, including establishing a staggered biennial renewal schedule;~~

~~(4) The requirements for inactive licensees;~~

~~(5) The registration and regulation of apprentices;~~

~~(6) Establish a cremation procedure and crematory requirements;~~

~~(7) Establish inspection requirements for funeral establishments and crematories, including an inspection of a new facility and annual inspections of existing facilities;~~

~~(8) Establish inspector and investigator requirements;~~

~~(9) Setting the fees charged under the provisions of this article;~~

~~(10) Setting the fines assessed under the provisions of this article;~~

~~(11) Implementing requirements for continuing education for licensees;~~

~~(12) Denying, suspending, revoking, reinstating or limiting the practice of a licensee or certificate of qualification;~~

~~(13) The investigation and resolution of complaints against persons licensed, certified or registered under this article;~~

~~(14) Establish advertising standards; and~~

~~(15) Propose any other rules necessary to effectuate the provisions of this article.~~

~~(b) All rules in effect on the effective date of this article shall remain in effect until they are withdrawn, revoked or amended.~~

The Secretary of State shall issue a license to practice embalming and funeral directing, which license shall be known as a funeral service license, to an applicant who meets the following requirements:

(1) Is of good moral character;

(2) Is 18 years of age or older;

(3) Is a citizen of the United States or is eligible for employment in the United States;

(4) Holds a high school diploma or its equivalent;

(5) Has completed one of the following education requirements, as evidenced by a transcript submitted to the secretary for evaluation:

(A) (i) Has an associate's degree from an accredited college or university, or has successfully completed at least 60 semester hours or 90 quarter hours of academic work in an accredited college or university toward a baccalaureate degree with a declared major field of study; and

(ii) Has graduated from a school of mortuary science, accredited by the American Board of Funeral Service Education, Inc., which requires as a prerequisite to graduation the completion of a course of study of not less than 12 months; or

(B) Has a bachelor's degree in mortuary science from an accredited college or university;

(6) Has completed an apprenticeship established by the Secretary of State pursuant to §30-6-9 of this code; and

(7) Has paid all the appropriate fees.

§30-6-7. Fees; special revenue account; administrative fines

(a) All fees and other moneys, except administrative fines, received by the ~~board~~ Secretary of State shall be deposited in a separate special revenue fund in the state Treasury and be used for the administration of this article. ~~Except as may be provided in section eleven, article one of this chapter, the board shall retain the amounts in the special revenue account from year to year. No compensation or expense incurred under this article is a charge against the General Revenue Fund.~~ The Secretary of State is authorized to expend moneys of the fund from collections to carry out the provisions of this article. No compensation or expense incurred under this article is a charge against the General Revenue Fund.

(b) Any amounts received as administrative fines imposed pursuant to this article shall be deposited into the General Revenue Fund of the state Treasury.

(c) On June 30, 2019, and each year thereafter, any amounts in the fund created pursuant to this section of the code over \$250,000 shall revert to the General Revenue Fund.

§30-6-8. ~~Embalmer license requirements~~ Licenses and certificates or equivalent authorizations from another state; courtesy cards.

~~(a) The board shall issue a license to practice embalming to an applicant who:~~

~~(1) Is of good moral character;~~

~~(2) Is eighteen years of age or over;~~

~~(3) Is a citizen of the United States or is eligible for employment in the United States;~~

~~(4) Has a high school diploma or its equivalent;~~

~~(5) Has completed one of the following education requirements, as evidenced by a transcript submitted to the board for evaluation:~~

~~(A) (i) Has an associate degree from an accredited college or university; or~~

~~(ii) Has successfully completed at least sixty semester hours or ninety quarter hours of academic work in an accredited college or university toward a baccalaureate degree with a declared major field of study; and (iii) Has graduated from a school of mortuary science, accredited by the American Board of Funeral Service Education, Inc., which requires as a prerequisite to graduation the completion of a course of study of not less than twelve months; or~~

~~(B) Has a bachelor degree in mortuary science from an accredited college or university;~~

~~(6) Has completed a one-year apprenticeship, under the supervision of a licensed embalmer and funeral director actively and lawfully engaged in the practice of embalming and funeral directing in this state, which apprenticeship consisted of:~~

~~(A) Diligent attention to the work in the course of regular and steady employment and not as a side issue to another employment; and~~

~~(B) The apprentice taking an active part in:~~

~~(i) The operation of embalming not less than thirty-five dead human bodies; and~~

~~(ii) Conducting not less than thirty-five funeral services;~~

~~(7) Passes, with an average score of not less than seventy-five percent, the following examinations:~~

~~(A) The National Conference of Funeral Services examination at a testing site provided by the national conference, which passage is a condition precedent to taking the state law examination;~~

~~(B) The state law examination administered by the board, which examination must be offered at least twice each year; and~~

~~(C) Any other examination required by the board; and~~

~~(8) Has paid all the appropriate fees.~~

~~(b) A license to practice embalming issued by the board prior to July 1, 2012, shall for all purposes be considered a license issued under this section: *Provided*, That a person holding a license issued prior to July 1, 2012, must renew the license pursuant to the provisions of this article.~~

(a) The secretary shall issue a funeral service license or a certificate to be a crematory operator to an applicant of good moral character who holds a valid license or a certificate or its equivalent to practice from another state or jurisdiction if the applicant demonstrates that:

(1) He or she holds a license or certificate or its equivalent to practice in another state or jurisdiction which was granted after completion of educational requirements substantially equivalent to those required in this state;

(2) He or she holds a license or its equivalent to practice in another state which was granted after passing, in that or another state, an examination that is substantially equivalent to the examination required in this state;

(3) Reciprocal rights are provided by such other state or jurisdiction to holders of funeral services licenses and certificates granted in this state;

(4) He or she is not currently being investigated by a disciplinary authority of another state, does not have charges pending against his or her license or something equivalent to practice and has never had a license or equivalent authorization to practice revoked;

(5) He or she has not previously failed an examination for funeral service license in this state;

(6) He or she has paid the application fee specified by rule; and

(7) He or she has completed such other action as required by rules promulgated by the secretary.

(b) The Secretary of State may enter into reciprocal agreements with funeral services and crematory licensing authorities in other states for the mutual recognition of licenses between states.

(c) The secretary may issue courtesy cards, beginning on July 1, 2018, to funeral services license holders in the states bordering on West Virginia:

(1) A courtesy card may only be issued after the:

(A) Application for a courtesy card is made on a form prescribed by the secretary;

(B) Payment of a fee; and

(C) Adherence to such other requirements as specified by the secretary by rule;

(2) A courtesy card may only be issued under the following conditions:

(A) Holders of courtesy cards shall not be permitted to open or operate a place of business for the purpose of conducting funerals, embalming bodies, or cremating in the State of West Virginia; and

(B) Holders of courtesy cards shall not be permitted to maintain an office or agency in this state for the purpose of conducting funerals, embalming bodies, or cremating in the State of West Virginia;

(3) A violation of §30-6-8(c)(2) of this code shall be sufficient cause for the secretary to immediately revoke or cancel the courtesy card of the violator.

§30-6-9. Funeral director license requirements Apprenticeship.

~~(a) The board shall issue a license to practice funeral directing to an applicant who meets the following requirements:~~

- ~~(1) Holds an embalmer's license issued by the board; and~~
- ~~(2) Has paid all the appropriate fees.~~

~~(b) A license to practice funeral directing issued by the board prior to July 1, 2002, shall for all purposes be considered a license issued under this section: *Provided*, That a person holding a license issued prior to July 1, 2002, must renew the license pursuant to the provisions of this article.~~

(a) The Secretary of State shall issue a registration to be an apprentice to a funeral services licensee to an applicant who meets the following requirements:

- (1) Is of good moral character and temperate habits;
- (2) Is 18 years of age or older;
- (3) Is a citizen of the United States or eligible for employment in the United States;
- (4) Has a high school diploma or its equivalent;
- (5) Has completed one of the education requirements for a funeral service licensee as set out in §30-6-6(5) of this code;
- (6) Is not attending school and will not be attending school during the apprenticeship period;
and
- (7) Has paid the appropriate fees.

(b) The secretary may set the requirements for an apprenticeship, including the manner in which it shall be served and the length of time, which shall not be more than one year.

(c) No funeral services licensee shall be permitted to register or have registered more than five apprentices under his or her license at the same time.

§30-6-10. ~~Funeral service license requirements~~ Funeral establishment license requirements.

~~(a) Commencing July 1, 2003, the board shall issue a license to practice embalming and funeral directing, which license shall be known as a funeral service license, to an applicant who meets the following requirements:~~

- ~~(1) Is of good moral character;~~
- ~~(2) Is eighteen years of age or over;~~
- ~~(3) Is a citizen of the United States or is eligible for employment in the United States;~~
- ~~(4) Holds a high school diploma or its equivalent;~~

~~(5) Has completed one of the education requirements for an embalmer's license, set out in subdivision (5), subsection (a), section eight of this article; and~~

~~(6) Has paid all the appropriate fees.~~

~~(b) A license to practice embalming and funeral directing issued by the board prior to July 1, 2003, shall for all purposes be considered a license issued under this section.~~

~~(c) A person holding a license to practice embalming and funeral directing issued prior to July 1, 2003, must after July 1, 2003, renew his or her license pursuant to the provisions of this section.~~

~~(d) After July 1, 2003, wherever the terms 'license to practice embalming and funeral directing' or 'embalming and funeral directing license' are used in the code, the term 'funeral service license' shall apply.~~

(a) Every funeral establishment in West Virginia shall be licensed prior to opening a funeral establishment for business to the public. The secretary shall issue a license to operate a funeral establishment to an applicant who meets the following requirements:

(1) The place of business has been approved by the secretary as having met all the requirements and qualifications to be a funeral establishment as are required by this article and legislative rules promulgated pursuant thereto;

(2) Notify the secretary, in writing, at least 30 days before the proposed opening date, so there can be an inspection of the funeral establishment;

(3) Show proof that the funeral establishment passed an annual inspection;

(4) Show that the funeral establishment employs a licensee in charge;

(5) Show that the licensee in charge will manage the funeral establishment and be responsible for all business conducted and services performed therein;

(6) Pay all the appropriate fees; and

(7) Complete such other requirements as specified by the secretary.

(b) Every separate funeral establishment shall be operated under the supervision and management of a licensee in charge. Each funeral establishment shall display in all advertising the name of the licensee in charge of the establishment. All funeral establishments shall prominently display within the funeral establishment the license of the licensee in charge.

(c) Each funeral establishment license shall be valid for only one funeral establishment to be located at a specific street address. There shall be a separate license issued and a separate fee assessed to operate additional funeral establishments by the same applicant. The funeral establishment license shall be prominently displayed within the funeral establishment.

(d) The holder of a funeral establishment license who ceases to operate the funeral establishment at the location specified in the application shall, within 20 days thereafter, surrender the funeral establishment license to the secretary, and the license shall be canceled by the secretary. In the event of the death of an individual who was the holder of a funeral establishment

license, it shall be the duty of the holder's personal representative to surrender the funeral establishment license within 120 days of qualifying as the personal representative.

(e) If a licensee or certificate holder in charge ceases to be employed by a funeral establishment, then the holder of the funeral establishment license shall notify the secretary within 30 days of the cessation. Within 30 days after such notification, the holder of a funeral establishment license shall execute a new application for a funeral establishment license specifying the name of the new licensee in charge. A funeral establishment is prohibited from operating more than 30 days without a licensee in charge.

(f) A licensee or certificate holder whose funeral service license has been revoked or a holder of a license or certificate to operate a funeral establishment whose license to operate has been revoked shall not operate, either directly or indirectly, or hold any interest in any funeral establishment or crematory for so long as the funeral service license or license or certificate to operate a funeral establishment is revoked: *Provided*, That a holder of a license or certificate to operate a funeral establishment whose license or certificate to operate has been revoked is not prohibited from leasing any property owned by him or her for use as a funeral establishment, so long as the property owner does not participate in the control or profit of the funeral establishment except as lessor of the premises for a fixed rental not dependent upon earnings.

(g) Failure to comply with any of these provisions shall be grounds for revocation of a funeral establishment license.

§30-6-11. Crematory operator certificate requirements.

~~(a) All crematory operators shall be certified by the board. The board shall issue a certificate to be a crematory operator to an applicant who meets the following requirements:~~

- ~~(1) Has completed a class, authorized by the board, on cremation and operating a crematory;~~
- ~~(2) Has paid all the appropriate fees; and~~
- ~~(3) Has completed such other requirements as prescribed by the board.~~

~~(b) All persons currently operating crematories shall by January 1, 2003, register with the board. By July 1, 2003, all persons currently operating crematories shall obtain a certificate to operate a crematory, pursuant to the provisions of this section.~~

~~(c) All certificates must be renewed biennially upon or before July 1.~~

~~(d) After July 1, 2003, all licensed crematories must have a certified crematory operator in charge.~~

secretary, who shall issue a crematory certificate to an applicant who meets the following requirements:

(1) The place of business has been approved by the secretary as having met all the requirements and qualifications to be a crematory as are required by this article;

(2) The crematory conforms with all local building codes;

(3) The crematory meets all applicable environmental standards;

(4) Notify the secretary, in writing, at least 30 days before the proposed opening date so there can be an inspection of the crematory;

(5) Show proof that the crematory passed the inspection;

(6) Have a certified crematory operator in charge;

(7) Pay all the appropriate fees; and

(8) Complete such other requirements as specified by the secretary.

(b) Every separate crematory shall be operated under the supervision and management of a certificate holder in charge. Each crematory shall display in all advertising the name of the certificate holder in charge of the establishment. All crematories shall prominently display within the funeral establishment the certificate of the certificate holder in charge.

(c) Each crematory certificate shall be valid for only one crematory to be located at a specific street address. There shall be a separate certificate issued and a separate fee assessed to operate additional crematories by the same applicant. The crematory certificate shall be prominently displayed within the crematory.

(d) The holder of a crematory certificate who ceases to operate the crematory at the location specified in the application shall, within 20 days thereafter, surrender the crematory certificate to the secretary, and the license shall be canceled by the secretary. In the event of the death of an individual who was the holder of a crematory certificate the holder's personal representative shall surrender the crematory certificate within 120 days of qualifying as the personal representative.

(e) If a certified crematory operator in charge ceases to be employed by a crematory, then the holder of the crematory certificate shall notify the secretary within 30 days of the cessation. Within 30 days after such notification, the holder of a crematory certificate shall execute a new application for a crematory certificate specifying the name of the new certified crematory operator in charge. A crematory is prohibited from operating more than 30 days without a certified crematory operator in charge.

(f) A holder of a crematory certificate whose certificate to operate has been revoked or a holder of a crematory certificate whose certificate has been revoked shall not operate, either directly or indirectly, or hold any interest in any crematory or funeral establishment: *Provided*, That a holder of a crematory certificate whose certificate has been revoked is not prohibited from leasing any property owned by him or her for use as a crematory, so long as the property owner does not participate in the control or profit of the crematory except as lessor of the premises for a fixed rental not dependent upon earnings.

(g) Failure to comply with any of these provisions shall be grounds for revocation of a crematory license.

§30-6-12. Licenses or equivalent from another state; license or certificate to practice in this state Inspector and inspection requirements.

~~The board may issue a license to practice embalming and funeral directing or a certificate to be a crematory operator to an applicant of good moral character who holds a valid license or its equivalent to practice from another state if the applicant demonstrates that:~~

~~(1) He or she holds a license or its equivalent to practice in another state which was granted after completion of educational requirements substantially equivalent to those required in this state;~~

~~(2) He or she holds a license or its equivalent to practice in another state which was granted after passing, in that or another state, an examination that is substantially equivalent to the examination required in this state;~~

~~(3) Reciprocal rights are provided by such other state to holders of funeral director's or embalmer's licenses granted in this state. Such reciprocal licenses may be renewed biennially upon payment of the renewal license fee;~~

~~(4) He or she is not currently being investigated by a disciplinary authority of another state, does not have charges pending against his or her license or something equivalent to practice and has never had a license or something equivalent to practice revoked;~~

~~(5) He or she has not previously failed an examination for licensure as an embalmer or funeral director in this state;~~

~~(6) He or she has paid the application fee specified by rule; and~~

~~(7) Has completed such other action as required by the board.~~

(a) The secretary shall appoint one or more persons to serve as inspectors of funeral establishments and crematories.

(b) Each inspector shall inspect a specific region, as designated by the secretary. Any person being employed as an inspector is prohibited from inspecting in the region in which he or she practices.

(c) All inspections shall be conducted in a manner so as not to interfere with the conduct of business within the funeral establishment or crematory. The secretary or an inspector retained by the secretary has the authority to enter, at all reasonable hours, for the purpose of inspecting the premises in which the business of embalming, funeral directing, or cremating is conducted.

(d) All of an inspector's expenses, per diem, and compensation shall be paid out of the receipts of the secretary, but the allowances shall at no time exceed the receipts of the secretary received pursuant to this article.

(e) The secretary is authorized to set fees for inspections: *Provided*, That there shall be no fee for an annual inspection.

§30-6-13. Courtesy cards License, certificate, and courtesy card renewal; conditions of renewal.

~~(a) The board may issue biennial courtesy cards, on July 1, to licensed funeral directors and licensed embalmers in the states bordering on West Virginia, after the:~~

~~(1) Application for a courtesy card is made on a form prescribed by the board;~~

~~(2) Payment of a fee; and~~

~~(3) Adherence to such other requirements as specified by the board.~~

~~(b) A courtesy card may be issued under the following conditions:~~

~~(1) Holders of courtesy cards shall not be permitted to open or operate a place of business for the purpose of conducting funerals, embalming bodies or cremating in the State of West Virginia; and~~

~~(2) Holders of courtesy cards shall not be permitted to maintain an office or agency in this state for the purpose of conducting funerals, embalming bodies or cremating in the State of West Virginia.~~

~~(c) A violation of this section shall be sufficient cause for the board to immediately revoke or cancel the courtesy card of the violator.~~

(a) The secretary shall biennially on July 1, and pursuant to a staggered schedule, renew a funeral service license or a certificate to be a crematory operator to every licensee or certificate holder desiring to continue in active practice or service.

(b) The secretary shall charge a fee for each renewal and a late fee for nonrenewal of a license or certificate.

(c) The secretary shall require as a condition for the renewal of a funeral service license or a certificate to be a crematory operator that each licensee or certificate holder participate in continuing education.

(1) The secretary shall establish continuing education requirements for each licensee or certificate holder to complete during a license period. The secretary shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to specify the amount and types of education to be completed and the manner in which licensees, certificate holders, and education providers may apply for approval of courses offered.

(2) Hours of continuing education may be obtained by attending and participating in programs, meetings, seminars, or activities approved by the secretary. It is the responsibility of each licensee or certificate holder to finance his or her costs of continuing education.

(3) Any holder of a funeral services license or certificate holder 65 years or older with at least 10 years' experience is entitled to be issued, after payment of a fee, a funeral service license emeritus or a crematory operator certificate emeritus and is exempt from all continuing education requirements. The emeritus license or certificate shall entitle the holder to all the rights and privileges of the license or certificate previously held by the licensee or certificate holder.

(d) Any person holding a funeral service license or certificate to be a crematory operator who does not desire to continue in active practice shall notify the secretary, in a manner specified by the secretary, and pay a fee, and shall, during such period, be listed by the secretary as being inactive. At such time a person desires to return to active practice, he or she must notify the

secretary, in a manner specified by the secretary, and complete all the continuing education requirements.

(e) All funeral establishment licenses and certificates to be a crematory operator shall be renewed biennially, by a staggered schedule, upon or before July 1, and the holder must pay a renewal fee. A holder of a funeral establishment license or certificate that fails to pay fees for either the principal establishment or additional establishments by July 1 of the renewal year is subject to a penalty, a reinstatement fee for each establishment, and the required renewal fee.

(f) All certificates to be a crematory operator must be renewed biennially, by a staggered schedule, upon or before July 1, and the holder must pay a renewal fee. A holder of a crematory certificate that fails to pay fees for either the principal establishment or additional establishments by July 1 of the renewal year is subject to a penalty, a reinstatement fee for each establishment, and the required renewal fee.

(g) Any courtesy card issued pursuant to this article must be renewed annually.

§30-6-14. License and certificate renewal; conditions of renewal Requirements for cremating.

~~(a) The board shall biennially on July 1, and pursuant to a staggered schedule, renew a license to practice embalming and funeral directing or a certificate to be a crematory operator to every licensee or certificate holder desiring to continue in active practice or service.~~

~~(b) The board shall charge a fee for each renewal and a late fee for nonrenewal of a license or certificate.~~

~~(c) The board shall require as a condition for the renewal of a license to practice embalming and funeral directing or a certificate to be a crematory operator that each licensee participate in continuing education: *Provided*, That any licensed embalmer or funeral director sixty-five years or older with at least ten years experience as a licensed embalmer or licensed funeral director, is entitled to be issued, after payment of a fee, a license as an embalmer emeritus or funeral director emeritus and is exempt from all continuing education requirements. The emeritus license shall entitle the holder to all the rights and privileges of the license previously held by the licensee.~~

~~(d) Any person licensed to practice embalming and funeral directing or certified to be a crematory operator who does not desire to continue in active practice shall notify the board, in a manner specified by the board, and pay a fee, and shall, during such period, be listed by the board as being inactive. At such time a person desires to return to active practice, he or she must notify the board, in a manner specified by the board, and complete all the continuing education requirements.~~

(a) A crematory shall obtain written permission prior to cremating a dead human body. The written permission shall be obtained from persons in the following order of precedence:

(1) The deceased, who has expressed his or her wishes regarding the disposal of his or her remains through a last will and testament, an advance directive, or preneed funeral contract, as defined in §47-14-2 of this code;

(2) An individual previously designated by the deceased as the person with the right to control disposition of the deceased's remains in a writing signed and notarized by the deceased;

Provided, That no person may be designated to serve in such capacity for more than one nonrelative at any one time;

(3) The surviving spouse of the deceased, unless a petition to dissolve the marriage was pending at the time of the decedent's death;

(4) The deceased's next of kin;

(5) A court order;

(6) A public official who is charged with arranging the final disposition of an indigent deceased;
or

(7) A representative of an institution who is charged with arranging the final disposition of a deceased who donated his or her body to science.

(b) The written permission shall be on a standard form, prescribed by the secretary, and shall contain the following information:

(1) The identity of the deceased;

(2) The name of the person authorizing the cremation and the relationship, if any, to the deceased;

(3) Permission for the crematory to perform the cremation;

(4) The name of the person who will claim the cremains from the crematory; and

(5) Any other information required by the secretary.

(c) A crematory shall obtain a permit or authorization for cremation from the county medical examiner, the assistant county medical examiner, or the county coroner of the county wherein the death occurred and do such other acts as required by §61-12-9 of this code: *Provided, That a crematory may obtain a permit or authorization for cremation from the chief medical examiner if:*

(1) The crematory is unable to obtain a permit from the county medical examiner, the assistant county medical examiner, or the county coroner of the county wherein the death occurred; or

(2) The crematory has concerns following authorization by county personnel regarding the identity or cause of death of the deceased.

(d) The permit or authorization for cremation shall be on forms prescribed by the chief medical examiner. A permit or authorization for cremation may be done by facsimile.

(e) All crematories shall implement a cremation procedure. The secretary shall, by rule, establish the minimum standards for the cremation procedure, which shall include:

(1) An identification process for bodies;

(2) A tracking process for bodies from the time a body is delivered to a crematory through the time the cremains are claimed by the authorized person;

(3) Obtaining all the required signatures, as specified by the secretary, on the written permission for cremation;

(4) Only cremating one dead human body at a time and prohibiting comingling of cremains;

(5) The specified time period a crematory is required to keep unclaimed cremains;

(6) How to dispose of unclaimed cremains;

(7) A record-keeping process for cremations; and

(8) Any other requirements necessary to effectuate the provisions of this article.

(f) The secretary shall establish requirements for:

(1) The equipment needed to complete the cremation process; and

(2) The containers needed to store the cremains.

§30-6-15. Continuing education Right of disposition; preneed contract; affidavit on disposition of remains; role of county commission; liability of funeral home.

~~(a) The board shall conduct annually a school of instruction to apprise funeral directors and embalmers of the most recent scientific knowledge and developments affecting their profession. This school shall qualify as continuing education and shall fulfill as many continuing education required hours as the board specifies. Qualified lecturers and demonstrators may be employed by the board for this purpose. The board shall give notice of the time and place at which the school will be held for all licensed funeral directors and embalmers: *Provided*, That the location of any school of continuing education shall accommodate the geographic diversity of the embalmers and funeral directors of this state.~~

~~(b) Hours of continuing education may be obtained by attending and participating in board-approved programs, meetings, seminars or activities. It is the responsibility of each licensee to finance his or her costs of continuing education.~~

~~(c) Compliance with the requirements of continuing education, as specified by the board, is a prerequisite for license renewal.~~

(a) Notwithstanding §30-6-14 of this code, a person who is 18 years of age or older and of sound mind, by entering into a preneed funeral contract, as defined in §47-14-2 of this code, may direct the location, manner, and conditions of the disposition of the person's remains and the arrangements for funeral goods and services to be provided upon the person's death. The disposition directions and funeral prearrangements that are contained in a preneed funeral contract are not subject to cancellation to revision unless any resources set aside to fund the preneed funeral contract are insufficient under the terms of the preneed funeral contract to carry out the disposition directions and funeral prearrangements contained in the contract.

(b) As to any matter not addressed in a preneed funeral contract as described in §30-6-15(a) of this code and except as provided in §30-6-15(c) of this code, the right to control the disposition of the remains of a deceased person, the location, manner, and conditions of disposition, and

arrangements for funeral goods and services to be provided vests in the following, in the order named, provided that the person is 18 years or older and is of sound mind:

(1) A person designated by the decedent as the person with the right to control the disposition in an affidavit executed by a person who is 18 years of age or older and of sound mind before a notary public in substantially the following form:

'I, _____, do hereby designate _____ with the right to control the disposition of my remains upon my death. I _____ have/ _____ have not attached specific directions concerning the disposition of my remains with which the designee shall substantially comply, provided that these directions are lawful and there are sufficient resources in my estate to carry out the directions.

Signed

State of _____

County of _____

I, _____, a Notary Public of said County, do certify that _____, as principal whose name is signed to the writing above bearing date on the _____ day of _____, 20____, has this day acknowledged the same before me.

Given under my hand this _____ day of _____, 20____.

My commission expires: _____

Notary Public':

(2) The surviving spouse of the decedent;

(3) The sole surviving child of the decedent or, if there is more than one child, the majority of the surviving children. However, fewer than one half of the surviving children shall be vested with the rights under this section if they have used reasonable efforts to notify all other surviving children of their instructions and are not aware of any opposition to those instructions on the part of more than one half of all surviving children;

(4) The surviving parent or parents of the decedent. If one of the surviving parents is absent, the remaining parent shall be vested with the rights and duties under this section after reasonable efforts have been unsuccessful in locating the absent surviving parent;

(5) The surviving brother or sister of the decedent or, if there is more than one sibling of the decedent, the majority of the surviving siblings. However, less than the majority of surviving siblings shall be vested with the rights and duties under this section if they have used reasonable efforts to notify all other surviving siblings of their instructions and are not aware of any opposition to those instructions on the part of more than one half of all surviving siblings;

(6) The surviving grandparent of the decedent or, if there is more than one surviving grandparent, the majority of the grandparents. However, fewer than the majority of the surviving grandparents shall be vested with the rights and duties under this section if they have used reasonable efforts to notify all other surviving grandparents of their instructions and are not aware of any opposition to those instructions on the part of more than one half of all surviving grandparents;

(7) The guardian of the decedent at the time of the decedent's death if one had been appointed;

(8) The personal representative of the estate of the decedent;

(9) The person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one person of the same degree, any person of that degree may exercise the right of disposition;

(10) If the disposition of the remains of the decedent is the responsibility of the state or a political subdivision of the state, the public officer, administrator, or employee responsible for arranging the final disposition of decedent's remains; or

(11) In the absence of any person under §30-6-15(b)(1) through §30-6-15(b)(10) of this code, any other person willing to assume the responsibilities to act and arrange the final disposition of the decedent's remains, including the funeral director with custody of the body, after attesting in writing that a good faith effort has been made to no avail to contact the individuals under §30-6-15(b)(1) through §30-6-15(b)(10) of this code.

(c) A person entitled under law to the right of disposition forfeits that right, and the right is passed on to the next qualifying person as listed in §30-6-15(b) of this code, in the following circumstances:

(1) Any person charged with murder or voluntary manslaughter in connection with the decedent's death and whose charges are known to the funeral director. However, if the charges against that person are dismissed or if the person is acquitted of the charges, the right of disposition is returned to the person;

(2) Any person who does not exercise his or her right of disposition within two days of notification of the death of decedent or within three days of decedent's death, whichever is earlier;

(3) If the person and the decedent are spouses and a petition to dissolve the marriage was pending at the time of decedent's death.

(d) Any person signing a funeral service agreement, cremation authorization form, or any other authorization for disposition shall be deemed to warrant the truthfulness of any facts set forth therein, including the identity of the decedent whose remains are to be buried, cremated, or otherwise disposed of, and the party's authority to order the disposition. A funeral home has the right to rely on that funeral service agreement or authorization and shall have the authority to carry out the instructions of the person or persons the funeral home reasonably believes holds the right of disposition. The funeral home has no responsibility to independently investigate the existence of any next of kin or relative of the decedent where a means of disposition is fully set forth in a preneed funeral contract or other written directive of the deceased in accordance with this section. If there is more than one person in a class who are equal in priority and the funeral home has no

knowledge of any objection by other members of that class, the funeral home may rely on and act according to the instructions of the first person in the class to make funeral and disposition arrangements, if no other person in that class provides written objections to the funeral home.

(e) No funeral establishment or funeral director who relies in good faith upon the instructions of a preneed funeral contract, written directive of the deceased, or an individual claiming the right of disposition in accordance with this section shall be subject to criminal or civil liability or subject to disciplinary action under this section for carrying out the disposition of the remains in accordance with those instructions.

§30-6-16. Inspector and inspection requirements—Review of applications by Secretary of State; refusal to issue or renew; suspension or revocation of license; disciplinary action.

~~(a) All inspectors employed by the board to inspect funeral establishments and crematories, pursuant to the provisions of this article, shall have a West Virginia embalmer's license and a West Virginia funeral director's license.~~

~~(b) Each inspector shall inspect a specific region, as designated by the board. Any person being employed as an inspector is prohibited from inspecting in the region in which he or she practices. If there is only one inspector, a board member, who is not from the region where the inspector practices, is authorized to inspect the facilities in the region where the inspector practices.~~

~~(c) All inspections shall be conducted in a manner so as not to interfere with the conduct of business within the funeral establishment or crematory. The board has the authority to enter, at all reasonable hours, for the purpose of inspecting the premises in which the business of embalming, funeral directing or cremating is conducted.~~

~~(d) All of an inspector's expenses, per diem and compensation shall be paid out of the receipts of the board, but the allowances shall at no time exceed the receipts of the board.~~

~~(e) The board is authorized to set fees for inspections: *Provided*, That there shall be no fee for an annual inspection.~~

(a) The secretary shall refuse to issue or renew a license, certificate, or registration if the applicant fails to satisfy any of the requirements set forth for licensure, certification, or registration in this article.

(b) The secretary may refuse to issue, refuse to renew, suspend, revoke, or limit any license, certificate, registration or practice privilege of a licensee, certificate or registration holder for any of the following reasons:

(1) Fraud or deceit in obtaining or maintaining a license or certificate;

(2) Failure by any licensee, or certificate, or registration holder to maintain compliance with requirements for issuance or renewal of a license, certificate, or registration or to timely notify the secretary as required in this article;

(3) Dishonesty, fraud, professional negligence in the performance of services, or a willful departure from accepted standards and professional conduct;

(4) Violation of any provision of this article or any rule, including the violation of any professional standard or rule of professional conduct, or public health laws;

(5) Conviction of a felony or any crime of dishonesty or fraud under the laws of the United States or this state, or conviction of any similar crime under the laws of any other state if the underlying act or omission involved would have constituted a crime under the laws of this state;

(6) Any conduct adversely affecting upon the licensee's or certificate or registration holder's fitness to perform professional services;

(7) The use of false, misleading, or unethical advertising by any licensee, or certificate or registration holder, or applicant for a license or certificate of registration;

(8) Upon satisfactory proof that a funeral services licensee, or a certified crematory operator has taken undue advantage of his or her patrons or has committed a fraudulent act in the conduct of business;

(9) Solicitation of business by the licensee, or certificate or registration holder, or any agents, assistants, or employees, whether such solicitation occurs after death or while death is impending, as specified by the secretary: *Provided*, That this subdivision does not prohibit proper advertising;

(10) If a licensee, or certificate or registration holder, knowingly permits a person not licensed, not certified, or not registered to engage in the profession of embalming, funeral directing, or cremation;

(11) If a licensee, or certificate or registration holder, knowingly permits a person not licensed, not certified, or not registered to use his or her license number or numbers for the purpose of practicing, or discharging any of the duties of the professions of embalming, funeral directing, or cremation;

(12) Employment by the licensee or certificate holder of persons as cappers, steerers, or solicitors, or other such persons to obtain funeral or cremation business;

(13) Employment, directly or indirectly, of any apprentice, agent, assistant, embalmer, employee or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director, funeral establishment, or crematory;

(14) The buying of business by the licensee, or certificate or registration holder, or any agents, assistants, or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, or certificate or registration holder, or any agent, assistants, or employees, for the purpose of securing business;

(15) Gross immorality; and

(16) Chronic or persistent inebriety or addiction to alcohol, narcotics, or other substance.

§30-6-17. Apprenticeship Written complaint procedure; notice; requirement to investigate.

~~(a) After January 1, 2003, the board shall issue a registration to be an apprentice funeral director or apprentice embalmer to an applicant who meets the following requirements:~~

~~(1) Is of good moral character and temperate habits;~~

~~(2) Is eighteen years of age or over;~~

~~(3) A citizen of the United States or be eligible for employment in the United States;~~

~~(4) Has a high school diploma or its equivalent;~~

~~(5) Has completed one of the education requirements for an embalmer's license, as set out in subdivision (5), subsection (a), section eight of this article;~~

~~(6) Is not attending school and will not be attending school during the apprenticeship period; and~~

~~(7) Has paid the appropriate fees.~~

~~(b) Any person that commences an apprenticeship prior to January 1, 2003, may continue to serve such apprenticeship and is not subject to the requirements set forth in this section, but is subject to board approval.~~

~~(c) The board may set the requirements for an apprenticeship, including the manner in which it shall be served and the length of time, which shall not be more than one year.~~

~~(d) No licensed funeral director or licensed embalmer shall be permitted to register or have registered more than five apprentices under his or her license at the same time.~~

(a) The Secretary of State shall establish a means for members of the public to submit complaints concerning persons or establishments licensed or certified by the Secretary of State pursuant to the provisions of this article. Those means shall include, but not be limited to, electronic, written, and telephonic means.

(b) Upon receipt of a written complaint filed against any licensee, or certificate or registration holder, the secretary shall provide a copy of the complaint to the licensee, or certificate or registration holder, who shall be given a reasonable opportunity to submit a written response to the allegations. Prior to a determination that probable cause exists, the secretary may withhold the name of the complaining party.

(c) The secretary shall investigate the complaint and may initiate the investigation without waiting until receiving a response from the party identified in the complaint. If the secretary finds upon investigation that probable cause exists that the licensee, or certificate or registration holder, has violated any provision of this article or the rules promulgated hereunder, then the secretary shall serve the licensee or registration holder, with a written statement of charges and a notice specifying the date, time, and place of the hearing.

§30-6-18. Funeral establishment license requirements Hearing procedure.

~~(a) Every funeral establishment in West Virginia shall be licensed prior to opening a funeral establishment for business to the public. The board shall issue a license to operate a funeral establishment to an applicant who meets the following requirements:~~

~~(1) The place of business has been approved by the board as having met all the requirements and qualifications to be a funeral establishment as are required by this article;~~

~~(2) Notify the board, in writing, at least thirty days before the proposed opening date, so there can be an inspection of the funeral establishment;~~

~~(3) Show proof that the funeral establishment passed the inspection;~~

~~(4) Show that the funeral establishment has employed a licensee in charge;~~

~~(5) Show that the licensee in charge is a licensed funeral director;~~

~~(6) Show that the licensee in charge will manage the funeral establishment and be responsible for all business conducted and services performed therein;~~

~~(7) Pay all the appropriate fees; and~~

~~(8) Complete such other requirements as specified by the board.~~

~~(b) All funeral establishment licenses must be renewed biennially, by a staggered schedule, upon or before July 1, and pay a renewal fee.~~

~~(c) Each funeral establishment license shall be valid for only one funeral establishment to be located at a specific street address. There shall be a separate license issued and a separate fee assessed to operate additional funeral establishments by the same applicant.~~

~~(d) A holder of a funeral establishment license that fails to pay fees for either the principal establishment or additional establishments by July 1, of the renewal year is subject to a penalty, a reinstatement fee for each establishment and the required renewal fee.~~

~~(e) The holder of a funeral establishment license who ceases to operate the funeral establishment at the location specified in the application shall, within twenty days thereafter, surrender the funeral establishment license to the board and the license shall be canceled by the board. In the event of the death of an individual who was the holder of a funeral establishment license, it shall be the duty of the holder's personal representative to surrender the funeral establishment license within one hundred twenty days of qualifying as the personal representative.~~

~~(f) If a licensee in charge ceases to be employed by a funeral establishment, then the holder of the funeral establishment license shall notify the board within thirty days of the cessation. Within thirty days after such notification, the holder of a funeral establishment license shall execute a new application for a funeral establishment license specifying the name of the new licensee in charge. A funeral establishment is prohibited from operating more than thirty days without a licensee in charge.~~

~~(g) A licensee whose embalmer's or funeral director's license has been revoked or a holder of a license to operate a funeral establishment whose license to operate has been revoked shall not operate, either directly or indirectly, or hold any interest in any funeral establishment or crematory: *Provided*, That a holder of a license to operate a funeral establishment whose license to operate has been revoked is not prohibited from leasing any property owned by him or her for use as a funeral establishment, so long as the property owner does not participate in the control~~

~~or profit of the funeral establishment except as lessor of the premises for a fixed rental not dependent upon earnings.~~

~~(h) Failure to comply with any of these provisions shall be grounds for revocation of a funeral establishment license.~~

~~(i) A license to operate a funeral establishment issued by the board prior to July 1, 2002, shall for all purposes be considered a license issued under this section: *Provided*, That a funeral establishment holding a license issued prior to July 1, 2002, must renew the license pursuant to this section.~~

(a) The Secretary of State shall afford any applicant an opportunity to be heard in person or by counsel when a determination is made to deny, revoke, or suspend an applicant's license, certificate or application for license or certificate, including a renewal of a license or certificate. The applicant has 15 days from the date of receiving written notice of the Secretary of State's adverse determination to request a hearing on the matter of denial, suspension, or revocation. The action of the Secretary of State in granting, renewing, or in refusing to grant or to renew a license or certificate is subject to review by the Circuit Court of Kanawha County or other court of competent jurisdiction.

(b) If the secretary proposes to suspend, revoke, limit, take other disciplinary action, or refuse to renew any license, certificate, or registration, the secretary shall give written notice of the action, including a statement of charges setting forth the reasons for the action, and notice of the date, time, and place for a hearing.

(c) The secretary may, without first holding a hearing, act under the following circumstances:

(1) The secretary is authorized to suspend or revoke a certificate, license, registration, or authority to practice prior to a hearing if the person's continuation in practice constitutes an immediate danger to the public; or

(2) After due diligence, if the secretary cannot locate a person licensed or certified under the provisions of this chapter within 60 days of a complaint being filed against the licensee or certificate holder, then the secretary may suspend the license, certificate, registration or authority of the person without holding a hearing. If, after additional due diligence and 30 days after the suspension of the person's license, certificate, registration, or authority, the secretary still cannot locate the person licensed under the provisions of this article, then the secretary may revoke the license, certificate, registration, or authority of the person without holding a hearing.

(d) The secretary shall have authority to issue subpoenas for the attendance of witnesses and the production of records and tangible evidence, administer oaths, and preside at hearings, and to employ, or contract for, an administrative hearing examiner to carry out these functions on the secretary's behalf.

(e) A hearing on a statement of charges shall be held in accordance with the provisions for hearing set forth in §29A-5-1 *et seq.* of this code and procedures specified by rule by the secretary.

(f) No sanction may be imposed against a licensee or certificate holder and no license or certificate may be revoked, suspended, or subject to sanction unless the secretary finds by a preponderance of evidence, after hearing or by consent of the licensee or certificate holder, that

the licensee or certificate holder has engaged in conduct prohibited by the provisions of this article.

(g) Following a hearing, the Secretary of State shall issue his or her decision, which shall be in writing and shall set forth the reasons for the decision.

(h) Disciplinary action includes, but is not limited to, a reprimand, censure, probation, suspension of license, administrative fine not to exceed \$1,000 per day per violation, and mandatory attendance at continuing education seminars. In addition to other sanctions imposed, the secretary may require a licensee, or certificate or registration holder to pay the costs of the proceeding if the licensee, or certificate or registration holder is in violation of any provision of this article or the rules promulgated hereunder.

(i) Any licensee, or certificate or registration holder, adversely affected by any decision of the secretary entered after a hearing, may obtain judicial review of the decision in accordance with §29A-5-4 of this code and may appeal any ruling resulting from judicial review in accordance with §29A-5-4 of this code.

(j) Pursuant to the provisions of §29A-5-1 of this code, the secretary may enter into informal disposition of any contested case or investigation by stipulation, agreed settlement, consent order, or default. Further, the secretary may suspend a final determination and place a licensee on probation if the secretary has found the licensee to be in violation of standards of practice or provisions of this article.

(k) If the secretary has suspended, revoked, or refused to renew a license, certificate, or registration, the licensee, or certificate or registration holder, shall be afforded an opportunity to demonstrate the qualifications to resume practice. The application for reinstatement shall be in writing and subject to the procedures specified by the secretary by rule.

§30-6-19. Funeral establishment to be managed by a licensee in charge; license displayed
Unlawful acts.

~~(a) Every separate funeral establishment in this state offering the services set forth in this article shall be operated under the supervision and management of a licensee in charge who is licensed as a funeral director in this state.~~

~~(b) Each separate funeral establishment in this state offering the services set forth in this article shall have its own license, which license shall be prominently displayed within the funeral establishment.~~

~~(c) All funeral establishments shall display in all advertising the name of the licensee in charge of the establishment.~~

~~(d) All funeral establishments shall prominently display within the funeral establishment the license of the licensee in charge.~~

~~(e) A licensee in charge shall supervise each separate establishment.~~

(a) It is unlawful for any person not licensed or certified under the provisions of this article to practice or offer to practice embalming, funeral directing, cremation, or to operate a funeral establishment or crematory in this state.

(b) Any person who knowingly violates any provision of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$2,500 or confined in the county or regional jail not more than one year, or both fined and imprisoned.

§30-6-20. Crematory license requirements Injunction; criminal proceedings.

~~(a) Every crematory shall be licensed in West Virginia. The board shall issue a crematory license to an applicant who meets the following requirements:~~

~~(1) The place of business has been approved by the board as having met all the requirements and qualifications to be a crematory as are required by this article;~~

~~(2) The crematory conforms with all local building codes;~~

~~(3) The crematory meets all applicable environmental standards;~~

~~(4) Notify the board, in writing, at least thirty days before the proposed opening date so there can be an inspection of the crematory;~~

~~(5) Show proof that the crematory passed the inspection;~~

~~(6) Have a certified crematory operator in charge;~~

~~(7) Pay all the appropriate fees; and~~

~~(8) Complete such other requirements as specified by the board.~~

~~(b) All crematory licenses must be renewed biennially, by a staggered schedule, upon or before July 1, and pay a renewal fee.~~

~~(c) Each crematory license shall be valid for only one crematory to be located at a specific street address. There shall be a separate license issued and a separate fee assessed to operate additional crematories by the same applicant.~~

~~(d) A holder of a crematory license that fails to pay fees for either the principal crematory or additional crematories by July 1, of the renewal year is subject to a penalty, a reinstatement fee for each crematory and the required renewal fee.~~

~~(e) The holder of a crematory license who ceases to operate the crematory at the location specified in the application shall, within twenty days thereafter, surrender the crematory license to the board and the license shall be canceled by the board. In the event of the death of an individual who was the holder of a crematory license, it shall be the duty of the holder's personal representative to surrender the crematory license within one hundred twenty days of qualifying as the personal representative.~~

~~(f) A holder of a certificate to operate a crematory whose certificate to operate has been revoked or a holder of a crematory license whose license has been revoked shall not operate, either directly or indirectly, or hold any interest in any crematory or funeral establishment: *Provided*, That a holder of a crematory license whose license has been revoked is not prohibited from leasing any property owned by him or her for use as a crematory, so long as the property~~

~~owner does not participate in the control or profit of the crematory except as lessor of the premises for a fixed rental not dependent upon earnings.~~

~~(g) Failure to comply with any of these provisions shall be grounds for revocation of a crematory license.~~

~~(h) All persons that operate crematories shall by January 1, 2003, register with the board. By July 1, 2003, all persons that operate crematories shall obtain a crematory license, pursuant to the provisions of this section.~~

~~(i) All crematory licenses must be renewed biennially upon or before July 1.~~

~~(j) After July 1, 2003, all licensed crematories must have a certified crematory operator in charge.~~

~~(k) If a certified crematory operator in charge ceases to be employed by a crematory, then the holder of the crematory license shall notify the board within thirty days of the cessation. Within thirty days after such notification, the holder of a crematory license shall execute a new application for a crematory license specifying the name of the new certified crematory operator in charge. A crematory is prohibited from operating more than thirty days without a certified crematory operator in charge.~~

(a) When, as a result of an investigation under this article or otherwise, the secretary or any other interested person believes that any person: (1) Has engaged, is engaging, or is about to engage in the practice of embalming, funeral directing, or cremating without a license or certificate; (2) has operated, is operating, or is about to operate a funeral establishment or crematory; or (3) is in violation of any of the provisions of this article, the secretary or any other interested person may make application to any court of competent jurisdiction for an order enjoining the acts or practices and, upon a showing that the person has engaged or is about to engage in any act or practice, an injunction, restraining order, or another appropriate order may be granted by the court without bond.

(b) When, as a result of an investigation under this article or otherwise, the secretary has reason to believe that a person has knowingly violated the provisions of this article, the secretary may bring its information to the attention of the Attorney General, United States Attorney, local prosecuting attorney, or other appropriate law-enforcement officer. Appropriate criminal proceedings may thereafter be instituted by the Attorney General, in coordination with the local prosecuting attorney, the United States Attorney, or the law-enforcement officer.

§30-6-21. Requirements for cremating Single act evidence of practice.

~~(a) A crematory shall obtain written permission prior to cremating a dead human body. The written permission shall be obtained from persons authorized by the board as specified in rules.~~

~~(b) The written permission shall be on a standard form, prescribed by the board, and shall contain the following information:~~

~~(1) The identity of the deceased;~~

~~(2) The name of the person authorizing the cremation and the relationship, if any, to the deceased;~~

~~(3) Permission for the crematory to perform the cremation;~~

~~(4) The name of the person who will claim the cremains from the crematory; and~~

~~(5) Any other information required by the board.~~

~~(c) A crematory shall obtain a permit or authorization for cremation from the county medical examiner, the assistant county medical examiner or the county coroner of the county wherein the death occurred and do such other acts as required by section nine, article twelve, chapter sixty-one of this code: *Provided*, That a crematory may obtain a permit or authorization for cremation from the chief medical examiner if:~~

~~(1) The crematory is unable to obtain a permit from the county medical examiner, the assistant county medical examiner or the county coroner of the county wherein the death occurred; or~~

~~(2) The crematory has concerns following authorization by county personnel regarding the identity or cause of death of the deceased.~~

~~(d) The permit or authorization for cremation shall be on forms prescribed by the chief medical examiner. A permit or authorization for cremation may be done by facsimile.~~

~~(e) All crematories shall implement a cremation procedure. The board, by rules, shall establish the cremation procedure which shall include:~~

~~(1) An identification process for bodies;~~

~~(2) A tracking process for bodies from the time a body is delivered to a crematory through the time the cremains are claimed by the authorized person;~~

~~(3) Obtaining all the required signatures, as specified by the board, on the written permission for cremation;~~

~~(4) Only cremating one human body at a time and prohibiting comingling of cremains;~~

~~(5) The specified time period a crematory is required to keep unclaimed cremains;~~

~~(6) How to dispose of unclaimed cremains;~~

~~(7) A record-keeping process for cremations; and~~

~~(8) Any other requirements necessary to effectuate the provisions of this article.~~

~~(f) The board shall establish requirements for:~~

~~(1) The equipment needed to complete the cremation process; and~~

~~(2) The containers needed to store the cremains.~~

In any action brought or any proceeding initiated under this article, evidence of the commission of a single act prohibited by this article is sufficient to justify a penalty, injunction, restraining order, or conviction without evidence of a general course of conduct.

§30-6-22. Disposition of body of deceased person; penalty Inapplicability of article.

~~(a) No public officer, employee, physician or surgeon, or other person having a professional relationship with the deceased, shall send, or cause to be sent to an embalmer, funeral director or crematory operator the body of a deceased without first inquiring the desires of the deceased who has designated his or her wishes regarding the disposal of their remains through a last will and testament, an advance directive or preneed funeral contract, as defined in section two, article fourteen, chapter forty-five of this code; the surviving spouse of the deceased, unless a petition to dissolve the marriage was pending at the time of decedent's death; and, an individual previously designated by the deceased as the person with the right to control disposition of the deceased's remains in a writing signed and notarized by the deceased: *Provided*, That no person may be designated to serve in such capacity for more than one nonrelative at any one time. If there is no last will and testament, advance directive or preneed funeral contract, surviving spouse, or designated person, then the authority and direction of any next of kin or person who may be chargeable with the funeral expenses of the deceased shall be used as to the disposal of the body of the deceased. The provisions of this subsection are not applicable if the remains of the decedent are subject to disposition pursuant to subsection (b) of this section.~~

~~(b) Notwithstanding any provision of this code to the contrary, a United States Department of Defense Record of Emergency Data Form (DD Form 93) executed by a declarant who dies while serving in a branch of the United States Military as defined in 10 U. S. C. §1481 constitutes a valid form of declaration instrument and governs the disposition of the declarant's remains. The person named in the form as the person authorized to direct disposition of the remains may arrange for the final disposition of the declarant's last remains.~~

~~(c) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500, nor more than \$1,000, or imprisoned not less than ten days nor more than ninety days, or both.~~

The provisions of this article do not apply to or interfere with:

(1) The duties of an officer of any local or state board of health who, in compliance with local or state board of health rules, may be charged with the duty of preparation for burial of a dead human body when death was caused by a virulent, communicable disease;

(2) The duties of an officer of a medical college, county medical society, anatomical association, or other recognized person carrying out his or her responsibilities of dealing with indigent dead human bodies who are held subject for anatomical study; or

(3) The customs or rites of any religious sect in the burial of its dead: *Provided*, That embalming shall only be performed by a funeral services license holder.

§30-6-22a. Right of disposition; preneed contract; affidavit on disposition of remains; role of county commission; liability of funeral home.

[Repealed.]

§30-6-23. Refusal to issue or renew, suspension or revocation of license; disciplinary action.

[Repealed.]

§30-6-24. Complaints; investigations.

[Repealed.]

§30-6-25. Hearing and judicial review.

[Repealed.]

§30-6-26. Reinstatement.

[Repealed.]

§30-6-27. Unlawful acts.

[Repealed.]

§30-6-28. Injunctions.

[Repealed.]

§30-6-29. Criminal proceedings; penalties.

[Repealed.]

§30-6-30. Single act evidence of practice.

[Repealed.]

§30-6-31. Inapplicability of article.

[Repealed.]”

On motion of Delegate Nelson, the Finance Committee amendment was amended on page one, following line five, by inserting the following:

“CHAPTER 9. HUMAN SERVICES.**ARTICLE 5. MISCELLANEOUS PROVISIONS.****§9-5-9. DIRECT CREMATION OR DIRECT BURIAL EXPENSES FOR INDIGENT PERSONS.**

(a) For the purposes of this section:

‘Direct burial’ means the removal of the remains from the place of death; casket for the deceased and transportation to a West Virginia cemetery.

‘Direct cremation’ includes the removal of the remains from the place of death; container; and crematory fees.

‘Spouse’ means the person to whom the decedent was legally married and who survived the decedent: *Provided*, That a petition for divorce had not been filed by either the decedent or the spouse prior to the decedent’s death.

(b) The Department of Health and Human Resources shall pay for direct cremation or direct burial for indigent persons in an amount not to exceed the actual cost of the direct cremation or direct burial service provided, or \$1000 whichever is less.

(c) Prior to paying for direct cremation or direct burial, the department shall determine the financial assets of a deceased person and whether or not the deceased's estate or any of his or her relatives who are liable for the direct cremation or direct burial expenses pursuant to subsection (d) of this section is financially able to pay, alone or in conjunction, for the direct cremation or direct burial expenses. The Department of Health and Human Resources shall require that an affidavit be filed with the department, in a form provided by and determined in accordance with the income guidelines as set forth by the department, as well as any other supporting financial information the department may require, including, but not limited to, bank statements and income tax information of the deceased person and the relatives of the deceased person who are liable for the direct cremation or direct burial expenses pursuant to section nine of this article. The affidavit must be:

(1) Signed by the heir or heirs-at-law and state that the estate of the deceased person is unable to pay the costs associated with direct cremation or direct burial and that the sole or combined assets of the heir or heirs-at-law are not sufficient to pay for the direct cremation or direct burial of the deceased person; or

(2) Signed by the county coroner or the county health officer, the attending physician or other person signing the death certificate or the state medical examiner stating that the deceased person has no heirs or that heirs have not been located after a reasonable search and that the deceased person had no estate or the estate is pecuniarily unable to pay the costs associated with direct cremation or direct burial.

(d) The relatives of an indigent person, who are of sufficient ability, shall be liable to pay the direct cremation or direct burial expenses in the following order:

(1) The spouse.

(2) The children.

(3) The parents.

(4) The brothers and sisters.

(e) The Department of Health and Human Resources may proceed by motion in the circuit court of the county in which the indigent person may be, against one or more of the relatives liable.

(f) If a relative so liable does not reside in this state and has no estate or debts due him or her within the state by means of which the liability can be enforced against him or her, the other relatives shall be liable as provided by this section.

(g) The liability of the relative of an indigent person for funeral service expenses is limited to the amount paid by the Department of Health and Human Resources.

(h) Payment for direct burials or direct cremations for indigents shall be made by the Department of Health and Human Resources to the West Virginia funeral director licensed

pursuant to §30-6-6 of this code or a crematory operator certificated pursuant to §30-6-11 of this code that provided the direct burial or direct cremation, as the department may determine, pursuant to appropriations for expenditures made by the Legislature. Nothing in this section shall prohibit a family from holding a memorial service for the indigent person: *Provided*, That payment under this section is limited to direct burial and direct cremation and may not include payment for a memorial service.

(i) In the event that no family members can be found, or refuse to participate, an application for payment of direct cremation or direct burial for indigent persons may be submitted to the Department of Health and Human Resources by the provider of such services.

(j) A direct cremation may not be made of the decedent if objectionable pursuant to decedent's religion or otherwise prohibited by federal law, state law or regulation, in which case, alternate funeral service expenses shall be substituted. In the absence of a religious objection or prohibition by federal law, state law or regulation, an indigent for which payment under this section is authorized shall be cremated.

(k) A person who knowingly swears falsely in an affidavit required by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for a period of not more than six months, or both fined and confined.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.”

The Finance Committee amendment, as amended, was then adopted.

The bill was then ordered to third reading.

Com. Sub. for S. B. 313, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the bill on page one, section twenty-two, line one, after the word “all” by inserting the word “initial”.

On page one, section twenty-two, line three, by striking out the words “*Low income individuals. — This includes individuals*” and inserting in lieu thereof the words “Low income individuals means individuals in the local labor market as defined in §21-1C-2 of this code”.

On page one, section twenty-two, line eight, by striking out the words “*Military families. — This includes*” and inserting in lieu thereof the words “Military families means”.

And,

On page one, section twenty-two, line twelve, by striking out the words “*Young workers. — This includes individuals*” and inserting in lieu thereof the words “Young workers means individuals in the local labor market as defined in §21-1C-2 of this code”.

The bill was then ordered to third reading.

S. B. 339, Relating to WV Retirement Health Benefit Trust Fund within PEIA; on second reading, coming up in regular order, was read a second time.

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

“ARTICLE 16D. WEST VIRGINIA RETIREMENT HEALTH BENEFIT TRUST FUND.

§5-16D-1. Definitions.

As used in this article, the term:

~~(a) ‘Actuarial accrued liability’ means that portion, as determined by a particular actuarial cost method, of the actuarial present value of fund obligations and administrative expenses which is not provided by future normal costs~~

~~(b)~~ (a) ‘Actuarial cost method’ means a method for determining the actuarial present value of the obligations and administrative expenses of the fund and for developing an actuarially equivalent allocation of the value to time periods, usually in the form of a normal cost and ~~an actuarial accrued liability~~ a total other post-employment benefits liability. Acceptable actuarial methods are the aggregate, attained age, entry age, frozen attained age, frozen entry age and projected unit credit methods.

~~(c)~~ (b) ‘Actuarially sound’ means that calculated contributions to the fund are sufficient to pay the full actuarial cost of the fund. The full actuarial cost includes both the normal cost of providing for fund obligations as they accrue in the future and the cost of amortizing the unfunded ~~actuarial accrued liability~~ total other post-employment benefits liability over a period of no more than 30 years.

~~(d)~~ (c) ‘Actuarial present value of total projected benefits’ means the present value, at the valuation date, of the cost to finance benefits payable in the future, discounted to reflect the expected effects of the time value of money and the probability of payment.

~~(e)~~ (d) ‘Actuarial assumptions’ means assumptions regarding the occurrence of future events affecting the fund such as mortality, withdrawal, disability and retirement; changes in compensation and offered post-employment benefits; rates of investment earnings and other asset appreciation or depreciation; procedures used to determine the actuarial value of assets; and other relevant items.

~~(f)~~ (e) ‘Actuarial valuation’ means the determination, as of a valuation date, of the normal cost, ~~actuarial accrued liability~~ total other post-employment benefits liability, actuarial value of assets and related actuarial present values for the fund.

~~(g)~~ (f) ‘Administrative expenses’ means all expenses incurred in the operation of the fund, including all investment expenses.

~~(h) ‘Annual required contribution’ means the amount employers must contribute in a given year to fully fund the trust, as determined by the actuarial valuation in accordance with requirements of generally accepted accounting principles. This amount shall represent a level of~~

~~funding that if paid on an ongoing basis is projected to cover the normal cost each year and amortize any unfunded actuarial liabilities of the plan over a period not to exceed thirty years~~

~~(j)~~ (g) 'Board' means the Public Employees Insurance Agency Finance Board created in §5-16-4 of this code.

~~(h)~~ (h) 'Collective net other post-employment benefits liability' means for any actuarial valuation, the excess of the plan's total other post-employment benefits liability over the actuarial value of the assets of the fund under an actuarial cost method used by the fund for funding purposes.

~~(j)~~ (i) 'Cost-sharing multiple employer plan' means a single plan with pooling (cost-sharing) arrangements for the participating employers. All risk, rewards, and costs, including benefit costs, are shared and not attributed individually to the employers. A single actuarial valuation covers all plan members and the same contribution rate applies for each employer.

~~(k)~~ (j) 'Covered health care expenses' means all actual health care expenses paid by the health plan on behalf of fund beneficiaries. Actual health care expenses include claims payments to providers and premiums paid to intermediary entities and health care providers by the health plan.

~~(k)~~ (k) 'Employer' means any employer as defined by §5-16-2 of this code which has or will have retired employees in any Public Employees Insurance Agency health plan.

~~(m)~~ '~~Employer annual required contribution~~' means ~~the portion of the annual required contribution which is the responsibility of that particular employer~~

~~(n)~~ (l) 'Fund' means the West Virginia Retiree Health Benefit Trust Fund established under this article.

~~(o)~~ (m) 'Fund beneficiaries' means all persons receiving post-employment health care benefits through the health plan.

~~(p)~~ (n) 'Health plan' means the health insurance plan or plans established under §5-16-1 *et seq.* of this code.

~~(q)~~ (o) 'Minimum annual employer payment' means the annual amount paid by employers which, when combined with the retirees' contributions on their premiums that year, provide sufficient funds such that the annual finance plan of the finance board will cover all projected retiree covered health care expenses and related administrative costs for that year. The finance board shall develop the minimum annual employer payment as part of its financial plan each year as addressed in §5-16-5 of this code.

~~(r)~~ (p) 'Normal cost' means that portion of the actuarial present value of the fund obligations and expenses which is allocated to a valuation year by the actuarial cost method used for the fund.

~~(s)~~ (q) 'Obligations' means the administrative expenses of the fund and the cost of covered health care expenses incurred on behalf of fund beneficiaries.

~~(t)~~ (r) 'Other post-employment benefits' or 'retiree post-employment health care benefits' means those benefits as addressed by governmental accounting standards board statement no.

43 or any subsequent governmental standards board statement that may be applicable to the fund.

~~(u)~~ (s) 'Plan for other post-employment benefits' means the fiscal funding plan for retiree post-employment health care benefits as it relates to governmental accounting standards board statement no. 43 or any subsequent governmental accounting standards board statements that may be applicable to the fund.

(t) 'Proportionate share' means the portion of the collective net other post-employment benefits liability that is attributed to, and the responsibility of, a particular employer.

~~(v)~~ (u) 'Retiree' means retired employee as defined by §5-16-2 of this code.

~~(w)~~ (v) 'Retirement system' or 'system' means the West Virginia Consolidated Public Retirement Board created and established by §5-10-1 *et seq.* of this code and includes any retirement systems or funds administered or overseen by the Consolidated Public Retirement Board.

(w) 'Total other post-employment benefits liability' means that portion, as determined by a particular actuarial cost method, of the actuarial present value of fund obligations and administrative expenses which is not provided by future normal costs.

~~(x)~~ 'Unfunded actuarial accrued liability' means ~~for any actuarial valuation the excess of the actuarial accrued liability over the actuarial value of the assets of the fund under an actuarial cost method used by the fund for funding purposes~~

§5-16D-3. Operation of trust fund.

(a) Responsibility for the rules and policies for the proper operation of the fund is vested in the board.

(b) The board shall adopt actuarial assumptions as it deems necessary and prudent.

(c) The board shall determine the ~~annual required~~ contribution rates in an actuarially sound manner and each employer's proportionate share sufficient to maintain the fund in accordance with the state plan for other post-employment benefits.

(d) The board may promulgate, in accordance with §29A-1-1 *et seq.* of this code, any rules it finds necessary to properly administer the fund. The board may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code.

(e) The Public Employees Insurance Agency shall furnish reports to the board at each of the board's regularly scheduled meetings. The reports shall contain the most recent information reasonably available to the Public Employees Insurance Agency reflecting the obligations of the fund, earnings on investments, and such other information as the board deems necessary and appropriate.

(f) The Secretary of the Department of Administration, as ~~chairman~~ chair of the board, shall cause to be employed within the Public Employees Insurance Agency such personnel as may be needed to carry out the provisions of this article. The pro rata share of the costs to the Public

Employees Insurance Agency of operating the fund shall be part of the administrative costs of the fund and shall be reimbursed to the Public Employees Insurance Agency.

(g) The Public Employees Insurance Agency, on the board's behalf, shall be responsible for the day-to-day operation of the fund and may employ or contract for the services of actuaries and other professionals as required to carry out the duties established by this article.

(h) The board shall contract with the West Virginia Investment Management Board for any necessary services with respect to fund investments.

(i) The Public Employees Insurance Agency, on the board's behalf, shall maintain all necessary records regarding the fund in accordance with generally accepted accounting principles.

(j) The Public Employees Insurance Agency, on the board's behalf, shall collect all moneys due to the fund and shall pay current post-employment healthcare costs and any administrative expenses necessary and appropriate for the operation of the fund from the fund. The fund's assets shall be maintained and accounted for in state funds. The state funds shall be: (1) The Other Post-Employment Benefit Contribution Accumulation Fund; (2) the Other Post-Employment Benefit Investment Fund; and (3) the Other Post-Employment Benefit Expense Fund. These funds will be maintained by the Public Employees Insurance Agency on the board's behalf.

(k) The Public Employees Insurance Agency, on the board's behalf, shall prepare an annual report of fund activities. ~~Such~~ The report shall include, but not be limited to, independently audited financial statements in accordance with generally accepted accounting principles. The financial statements must be independently audited in accordance with auditing standards generally accepted in the United States and the standards applicable to financial audits contained in government auditing standards as issued by the Comptroller General of the United States.

(l) Notwithstanding any other provision of law to the contrary, the Public Employees Insurance Agency shall be entitled to request and receive any information that it deems necessary and appropriate from any relevant retirement system in order that the provisions of this article may be carried out.

§5-16D-4. Actuary.

(a) The actuary employed or retained by the Public Employees Insurance Agency shall provide technical advice to the Public Employees Insurance Agency and to the board regarding the operation of the fund.

(b) Using the actuarial assumptions most recently adopted by the board, the actuary shall, on a biannual basis, or as frequently as the board or generally accepted accounting principles deems ~~determines~~ necessary, set actuarial valuations of normal cost, actuarial liability, actuarial value of assets, and related actuarial present values for the state plan for other post-employment benefits.

§5-16D-6. Mandatory employer contributions.

(a) The board shall annually set the ~~total annual required contribution~~ minimum annual employer payment sufficient to maintain the fund in an actuarially sound manner in accordance with generally accepted accounting principles and the annual finance plan.

~~(b) The board shall annually allocate to the respective employers the employer's portion of the annual required contribution, which allocated amount is the 'employer annual required contribution' proportionate share of the collective net other post-employment liability as determined by the actuarial valuation in accordance with generally accepted accounting principles.~~

~~(c) The board may apportion the annual required contribution into various components. These components may include the amortized unfunded actuarial accrued liability, the total normal cost, the employer annual required contribution and the lesser included minimum annual employer payment. In the board's annual apportionment of the annual required contribution, any amounts of the minimum annual employer payment apportioned to reduce the amortized unfunded actuarial accrued liability shall not be treated as premium by the board in the finance plan but, rather, shall be treated as contributions to prefund other post-employment benefits~~

~~(d) (c)~~ Employers shall make annual contributions to the fund in, at least, the amount of the minimum annual employer payment rates established by the board.

~~(e) (d)~~ The Public Employees Insurance Agency shall bill each employer for the ~~employer annual required contribution and the included~~ minimum annual employer payment. The Public Employees Insurance Agency shall annually collect the minimum annual employer payment. ~~The Public Employees Insurance Agency shall, in addition to the minimum annual employer payment, collect any amounts the employer elects to pay toward the employer annual required contribution.~~ Any ~~employer annual required contribution~~ employer's proportionate share of the collective net other post-employment amount not satisfied by the respective employer shall remain the liability of that employer until fully paid or otherwise amortized."

The bill was then ordered to third reading.

Com. Sub. for S. B. 355, Dissolving IS&C Division under Office of Technology; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page two, section four, line seven, immediately after the word "design", by underlining the comma.

On page five, section four, line seventy-nine, by striking out the words "chapter 29A" and inserting in lieu thereof "§29A-1-1 et seq.".

On page six, section four, line ninety-five, after the word "agencies" by inserting a comma.

On page six, section four, line one hundred fifteen, after "2007." by inserting the following: "The Chief Technology Officer shall provide an annual report to the Governor and the Joint Committee on Government and Finance on the status of the plan on or before each December 31, with goals and objectives for the ensuing year."

On page seven, section four, line one hundred thirty-two, by striking out the words "government to government" and inserting in lieu thereof the words "government-to-government".

On page twelve, section four-e, line eleven, by striking out "§11-2B-1" and inserting in lieu thereof "§11B-2-1".

On page twelve, section eight, line one, after the word “judiciary”, by inserting the words “or any state Constitutional officer designated in §6-7-2 of this code”.

On page thirteen, section eight, line six, after the word “to”, by inserting the word “the”.

And,

On page thirteen, section eight, line seven, by striking out the words “telecommunications services provided pursuant to §5A-6-4d of this code or the”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 375, Relating to farmers markets; 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 six, section five, after line twenty-seven, by adding a new subsection, designated subsection (f), to read as follows:

“(f) The Department of Agriculture shall consult with the Department of Health and Human Resources to promulgate any rules deemed necessary by the Commissioner of Agriculture to ensure the health, sanitation, and safety of the products produced and sold pursuant to this section.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 401, Requiring specified coverage in health benefit plans for treatment of substance abuse disorders; 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 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4p. Substance use disorder.

(a) As used in this section, the following words have the following meaning:

(1) ‘Concurrent review’ means inpatient care is reviewed as it is provided. Medically qualified reviewers monitor appropriateness of the care, the setting, and patient progress, and, as appropriate, the discharge plans.

(2) ‘Covered person’ means an individual, other than a Medicaid recipient, for whom coverage has been provided pursuant to the provisions of this article.

(3) ‘Insurance Commissioner’ means the person appointed pursuant to the provisions §33-2-1 et seq. of this code.

(4) ‘Insurer’ means the same as that term is defined in §33-15-2 of this code.

(5) 'Physician' or 'psychiatrist' means a person licensed pursuant to the provisions of either §30-3-1 et seq. or §30-14-1 et seq. of this code.

(6) 'Psychologist' means a person licensed pursuant to the provisions of §30-21-1 et seq. of this code.

(7) 'Substance use disorder' means the same as that term is defined by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, and shall include substance use withdrawal.

(b) An accident and sickness policy that provides hospital or medical expense benefits and is delivered, issued, executed, or renewed in this state, or approved for issuance or renewal by the Insurance Commissioner, on or after January 1, 2019, shall provide benefits for inpatient and outpatient treatment of substance use disorder at in-network facilities at the same level as other medical services offered by the accident and sickness policy.

(c) The services for the treatment of substance use disorder shall be:

(1) Prescribed by a physician or psychiatrist licensed pursuant to the provisions of §30-3-1 et seq. or §30-14-1 et seq. of this code or recommended by a psychologist licensed pursuant to the provisions of §30-21-1 et seq. of this code; and

(2) Provided by licensed health care professionals or licensed or certified substance use disorder providers in licensed or otherwise state-approved facilities, as required by this code.

(d) The inpatient and outpatient treatment of substance use disorders shall be provided when determined medically necessary by the covered person's physician, psychologist, or psychiatrist. The facility shall notify the insurer of both the admission and the initial treatment plan within 48 hours of the admission or initiation of treatment. If there is no in-network facility immediately available for a covered person, an accident and sickness policy shall provide necessary exceptions to its network to ensure admission in a treatment facility within 72 hours. If a covered person is being treated at an out-of-network facility and an in-network facility becomes available during the course of the treatment plan, an insurer may transfer the covered person to the in-network facility.

(e) Providers of treatment for substance use disorders to persons covered under a covered contract shall not require prepayment of medical expenses during this 180 days in excess of applicable copayment, deductible, or coinsurance as provided in the contract.

(f) The benefits for outpatient visits may be subject to concurrent or retrospective review of medical necessity or any other utilization management review.

(g)(1) If an insurer determines that continued inpatient care in a facility is no longer medically necessary, the insurer shall, within 72 hours, provide written notice to the covered person and the covered person's physician of its decision and the right to file for an expedited review of an adverse decision.

(2) The insurer shall review and make a determination with respect to the internal appeal within 72 hours and communicate that determination to the covered person and the covered person's physician.

(3) If the determination is to uphold the denial, the covered person and the covered person's physician have the right to file an expedited external appeal with an independent review organization. An independent utilization review organization shall make a determination within 72 hours.

(4) If the insurer's determination is upheld and it is determined continued inpatient care is not medically necessary, the insurer remains responsible to provide benefits for the inpatient care through the day following the date the determination is made and the covered person is only responsible for any applicable copayment, deductible, and coinsurance for the stay through that date as applicable under the contract.

(5) The covered person shall not be discharged or released from the inpatient facility until all internal appeals and independent utilization review organization appeals are exhausted. For any costs incurred after the day following the date of determination until the day of discharge, the covered person is only responsible for any applicable cost-sharing, and any additional charges shall be paid by the facility or provider.

(h) The Insurance Commissioner shall propose rules in accordance with the provisions of §29A-3-1 et seq. of this code to develop a procedure for an expedited review of an adverse decision as set forth in this section. The Legislature finds that for the purposes of §20A-3-15 of this code, an emergency exists requiring the promulgation of an emergency rule to respond to the growing need in our state for substance abuse treatment.

(i)(1) The benefits for the first five days of intensive outpatient or partial hospitalization services shall be provided without any retrospective review of medical necessity, and medical necessity shall be determined by the covered person's physician.

(2) The benefits beginning day six and every six days thereafter of intensive outpatient or partial hospitalization services is subject to a concurrent review of the medical necessity of the services.

(j) Medical necessity review shall use an evidence-based and peer-reviewed clinical review tool. This tool shall be developed by the Insurance Commissioner. Rules shall ensure that the tool is based on appropriate evidence-based criteria that has been peer reviewed. The Insurance Commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to develop the tool.

(k) The benefits for outpatient prescription drugs to treat substance use disorder shall be provided when determined medically necessary by the covered person's physician or psychiatrist without the imposition of any prior authorization or other prospective utilization management requirements.

(l) The days per plan year of benefits shall be computed based on inpatient days. One or more unused inpatient days may be exchanged for two outpatient visits. All extended outpatient services such as partial hospitalization and intensive outpatient, shall be considered inpatient days for the purpose of the visit-to-day exchange provided in this subsection.

(m) Except as provided in this section, the benefits and cost-sharing shall be provided to the same extent as for any other medical condition covered under the contract.

(n) The benefits required by this section are to be provided to all covered persons with a diagnosis of substance use disorder. The presence of additional related or unrelated diagnoses shall not be a basis to reduce or deny the benefits required by this section.

(o) The provisions of this section apply to all insurance contracts in which the insurer has reserved the right to change the premium.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3bb. Substance use disorder.

(a) As used in this section, the following words have the following meaning:

(1) 'Concurrent review' means inpatient care is reviewed as it is provided. Medically qualified reviewers monitor appropriateness of the care, the setting, and patient progress, and, as appropriate, the discharge plans.

(2) 'Covered person' means an individual, other than a Medicaid recipient, for whom coverage has been provided pursuant to the provisions of this article.

(3) 'Health insurer' means the same as that term is defined in §33-16-1a of this code.

(4) 'Insurance Commissioner' means the person appointed pursuant to the provisions of §33-2-1 et seq. of this code.

(5) 'Physician' or 'psychiatrist' means a person licensed pursuant to the provisions of either §30-3-1 et seq. or §30-14-1 et seq. of this code.

(6) 'Psychologist' means a person licensed pursuant to the provisions of §30-21-1 et seq. of this code.

(7) 'Substance use disorder' means the same as that term is defined by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, and shall include substance use withdrawal.

(b) A group accident and sickness policy that provides hospital or medical expense benefits and is delivered, issued, executed, or renewed in this state, or approved for issuance or renewal by the Insurance Commissioner, on or after January 1, 2019, shall provide benefits for inpatient and outpatient treatment of substance use disorder at in-network facilities at the same level as other medical services offered by the group accident and sickness policy.

(c) The services for the treatment of substance use disorder shall be:

(1) Prescribed by a physician or psychiatrist licensed pursuant to the provisions of §30-3-1 et seq. or §30-14-1 et seq. of this code or recommended by a psychologist licensed pursuant to the provisions of §30-21-1 et seq. of this code; and

(2) Provided by licensed health care professionals or licensed or certified substance use disorder providers in licensed or otherwise state-approved facilities, as required by this code.

(d) The inpatient and outpatient treatment of substance use disorders shall be provided when determined medically necessary by the covered person's physician, psychologist, or

psychiatrist. The facility shall notify the health insurer of both the admission and the initial treatment plan within 48 hours of the admission or initiation of treatment. If there is no in-network facility immediately available for a covered person, a group accident and sickness policy shall provide necessary exceptions to its network to ensure admission in a treatment facility within 72 hours. If a covered person is being treated at an out-of-network facility and an in-network facility becomes available during the course of the treatment plan, an insurer may transfer the covered person to the in-network facility.

(e) Providers of treatment for substance use disorders to persons covered under a covered contract shall not require prepayment of medical expenses during this 180 days in excess of applicable copayment, deductible, or coinsurance as provided in the contract.

(f) The benefits for outpatient visits may be subject to concurrent or retrospective review of medical necessity or any other utilization management review.

(g)(1) If a health insurer determines that continued inpatient care in a facility is no longer medically necessary, the health insurer shall within 72 hours provide written notice to the covered person and the covered person's physician of its decision and the right to file for an expedited review of an adverse decision.

(2) The health insurer shall review and make a determination with respect to the internal appeal within 72 hours and communicate the determination to the covered person and the covered person's physician.

(3) If the determination is to uphold the denial, the covered person and the covered person's physician have the right to file an expedited external appeal with an independent review organization. An independent utilization review organization shall make a determination within 72 hours.

(4) If the health insurer's determination is upheld and it is determined continued inpatient care is not medically necessary, the health insurer remains responsible to provide benefits for the inpatient care through the day following the date the determination is made and the covered person is only responsible for any applicable copayment, deductible, and coinsurance for the stay through that date as applicable under the contract.

(5) The covered person shall not be discharged or released from the inpatient facility until all internal appeals and independent utilization review organization appeals are exhausted. For any costs incurred after the day following the date of determination until the day of discharge, the covered person is only responsible for any applicable cost-sharing, and any additional charges shall be paid by the facility or provider.

(h) The Insurance Commissioner shall propose rules in accordance with the provisions of §29A-3-1 et seq. of this code to develop a procedure for an expedited review of an adverse decision as set forth in this section. The Legislature finds that for the purposes of §29A-3-15 of this code, an emergency exists requiring the promulgation of an emergency rule to respond to the growing need in our state for substance abuse treatment.

(i)(1) The benefits for the first five days of intensive outpatient or partial hospitalization services shall be provided without any retrospective review of medical necessity, and medical necessity shall be determined by the covered person's physician.

(2) The benefits beginning day six and every six days thereafter of intensive outpatient or partial hospitalization services are subject to a concurrent review of the medical necessity of the services.

(j) Medical necessity review shall use an evidence-based and peer-reviewed clinical review tool. This tool shall be developed by the Insurance Commissioner. The Insurance Commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to develop the tool.

(k) The benefits for outpatient prescription drugs to treat substance use disorder shall be provided when determined medically necessary by the covered person's physician or psychiatrist without the imposition of any prior authorization or other prospective utilization management requirements.

(l) The days per plan year of benefits shall be computed based on inpatient days. One or more unused inpatient days may be exchanged for two outpatient visits. All extended outpatient services such as partial hospitalization and intensive outpatient, shall be considered inpatient days for the purpose of the visit-to-day exchange provided in this subsection.

(m) Except as provided in this section, the benefits and cost-sharing shall be provided to the same extent as for any other medical condition covered under the contract.

(n) The benefits required by this section are to be provided to all covered persons with a diagnosis of substance use disorder. The presence of additional related or unrelated diagnoses shall not be a basis to reduce or deny the benefits required by this section.

(o) The provisions of this section apply to all insurance contracts in which the health insurer has reserved the right to change the premium.

ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, DENTAL SERVICE CORPORATIONS, AND HEALTH SERVICE CORPORATIONS.

§33-24-7q. Substance use disorder.

(a) As used in this section, the following words have the following meaning:

(1) 'Concurrent review' means inpatient care is reviewed as it is provided. Medically qualified reviewers monitor appropriateness of the care, the setting, and patient progress, and, as appropriate, the discharge plans.

(2) 'Covered person' means an individual, other than a Medicaid recipient, for whom coverage has been provided pursuant to the provisions of this article.

(3) 'Insurance Commissioner' means the person appointed pursuant to the provisions of §33-2-1 of this code.

(4) 'Health benefit plan' means the same as that term is defined in §33-24-7p of this code.

(5) 'Health plan issuer' means the same as that term is defined in §33-24-7p of this code.

(6) 'Physician' or 'psychiatrist' means a person licensed pursuant to the provisions of either §30-3-1 et seq. or §30-14-1 et seq. of this code.

(7) 'Psychologist' means a person licensed pursuant to the provisions of §30-21-1 et seq. of this code.

(8) 'Substance use disorder' means the same as that term is defined by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, and shall include substance use withdrawal.

(b) A health benefit plan offered by a health plan issuer that provides hospital or medical expense benefits and is delivered, issued, executed, or renewed in this state, or approved for issuance or renewal by the Insurance Commissioner, on or after January 1, 2019, shall provide benefits for inpatient and outpatient treatment of substance use disorder at in-network facilities at the same level as other medical services offered by the health benefit plan.

(c) The services for the treatment of substance use disorder shall be:

(1) Prescribed by a physician or psychiatrist licensed pursuant to the provisions of §30-3-1 et seq. or §30-14-1 et seq. of this code or recommended by a psychologist licensed pursuant to the provisions of §30-21-1 et seq. of this code; and

(2) Provided by licensed health care professionals or licensed or certified substance use disorder providers in licensed or otherwise state-approved facilities, as required by this code.

(d) The inpatient and outpatient treatment of substance use disorders shall be provided when determined medically necessary by the covered person's physician, psychologist, or psychiatrist. The facility shall notify the insurer of both the admission and the initial treatment plan within 48 hours of the admission or initiation of treatment. If there is no in-network facility immediately available for a covered person, a health benefit plan offered by a health plan issuer shall provide necessary exceptions to its network to ensure admission in a treatment facility within 72 hours. A health benefit plan may transfer a covered person to an in-network facility if one becomes available during the course of the treatment plan. If a covered person is being treated at an out-of-network facility and an in-network facility becomes available during the course of the treatment plan, an insurer may transfer the covered person to the in-network facility.

(e) Providers of treatment for substance use disorders to persons covered under a covered contract shall not require prepayment of medical expenses during this 180 days in excess of applicable copayment, deductible, or coinsurance as provided in the contract.

(f) The benefits for outpatient visits may be subject to concurrent or retrospective review of medical necessity or any other utilization management review.

(g)(1) If an insurer determines that continued inpatient care in a facility is no longer medically necessary, the insurer shall within 72 hours provide written notice to the covered person and the covered person's physician of its decision and the right to file for an expedited review of an adverse decision.

(2) The insurer shall review and make a determination with respect to the internal appeal within 72 hours and communicate the determination to the covered person and the covered person's physician.

(3) If the determination is to uphold the denial, the covered person and the covered person's physician have the right to file an expedited external appeal with an independent review organization. An independent utilization review organization shall make a determination within 72 hours.

(4) If the insurer's determination is upheld and it is determined continued inpatient care is not medically necessary, the insurer remains responsible to provide benefits for the inpatient care through the day following the date the determination is made and the covered person is only responsible for any applicable copayment, deductible, and coinsurance for the stay through that date as applicable under the contract.

(5) The covered person shall not be discharged or released from the inpatient facility until all internal appeals and independent utilization review organization appeals are exhausted. For any costs incurred after the day following the date of determination until the day of discharge, the covered person is only responsible for any applicable cost-sharing, and any additional charges shall be paid by the facility or provider.

(h) The Insurance Commissioner shall propose rules in accordance with the provisions of §29A-3-1 et seq. of this code to develop a procedure for an expedited review of an adverse decision as set forth in this section. The Legislature finds that for the purposes of §29A-3-15 of this code, an emergency exists requiring the promulgation of an emergency rule to respond to the growing need in our state for substance abuse treatment.

(i)(1) The benefits for the first five days of intensive outpatient or partial hospitalization services shall be provided without any retrospective review of medical necessity, and medical necessity shall be determined by the covered person's physician.

(2) The benefits beginning day six and every six days thereafter of intensive outpatient or partial hospitalization services are subject to a concurrent review of the medical necessity of the services.

(j) Medical necessity review shall use an evidence-based and peer-reviewed clinical review tool. This tool shall be developed by the Insurance Commissioner. The Insurance Commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to develop the tool.

(k) The benefits for outpatient prescription drugs to treat substance use disorder shall be provided when determined medically necessary by the covered person's physician or psychiatrist without the imposition of any prior authorization or other prospective utilization management requirements.

(l) The days per plan year of benefits shall be computed based on inpatient days. One or more unused inpatient days may be exchanged for two outpatient visits. All extended outpatient services such as partial hospitalization and intensive outpatient, shall be considered inpatient days for the purpose of the visit-to-day exchange provided in this subsection.

(m) Except as provided in this section, the benefits and cost-sharing shall be provided to the same extent as for any other medical condition covered under the contract.

(n) The benefits required by this section are to be provided to all covered persons with a diagnosis of substance use disorder. The presence of additional related or unrelated diagnoses shall not be a basis to reduce or deny the benefits required by this section.

(o) The provisions of this section apply to all insurance contracts in which the insurer has reserved the right to change the premium.

ARTICLE 25. HEALTH CARE CORPORATIONS

§33-25-8n. Substance use disorder.

(a) As used in this section, the following words have the following meaning:

(1) 'Concurrent review' means inpatient care is reviewed as it is provided. Medically qualified reviewers monitor appropriateness of the care, the setting, and patient progress, and, as appropriate, the discharge plans.

(2) 'Covered person' means an individual, other than a Medicaid recipient, for whom coverage has been provided pursuant to the provisions of this article.

(3) 'Insurance Commissioner' means the person appointed pursuant to the provisions of §33-2-1 of this code.

(4) 'Health benefit plan' means the same as that term is defined in §33-25-8m of this code.

(5) 'Health plan issuer' means the same as that term is defined in §33-25-8m of this code.

(6) 'Physician' or 'psychiatrist' means a person licensed pursuant to the provisions of either §30-3-1 *et seq.* or §30-3-14 *et seq.* of this code.

(7) 'Psychologist' means a person licensed pursuant to the provisions of article §30-21-1 *et seq.* of this code.

(8) 'Substance use disorder' means the same as that term is defined by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, and shall include substance use withdrawal.

(b) A health benefit plan offered by a health plan issuer that provides hospital or medical expense benefits and is delivered, issued, executed, or renewed in this state, or approved for issuance or renewal by the Insurance Commissioner, on or after January 1, 2019, shall provide benefits for inpatient and outpatient treatment of substance use disorder at in-network facilities at the same level as other medical services offered by the health benefit plan offered by a health plan issuer.

(c) The services for the treatment of substance use disorder shall be:

(1) Prescribed by a physician or psychiatrist licensed pursuant to the provisions of §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code or recommended by a psychologist licensed pursuant to the provisions of §30-21-1 *et seq.* of this code; and

(2) Provided by licensed health care professionals or licensed or certified substance use disorder providers in licensed or otherwise state-approved facilities, as required by this code.

(d) The inpatient and outpatient treatment of substance use disorders shall be provided when determined medically necessary by the covered person's physician, psychologist, or psychiatrist. The facility shall notify the insurer of both the admission and the initial treatment plan within 48 hours of the admission or initiation of treatment. If there is no in-network facility immediately available for a covered person, a health benefit plan offered by a health plan issuer shall provide necessary exceptions to its network to ensure admission in a treatment facility within 72 hours. If a covered person is being treated at an out-of-network facility and an in-network facility becomes available during the course of the treatment plan, an insurer may transfer the covered person to the in-network facility.

(e) Providers of treatment for substance use disorders to persons covered under a covered contract shall not require prepayment of medical expenses during this 180 days in excess of applicable copayment, deductible, or coinsurance as provided in the contract.

(f) The benefits for outpatient visits may be subject to concurrent or retrospective review of medical necessity or any other utilization management review.

(g)(1) If an insurer determines that continued inpatient care in a facility is no longer medically necessary, the insurer shall, within 72 hours, provide written notice to the covered person and the covered person's physician of its decision and the right to file for an expedited review of an adverse decision.

(2) The insurer shall review and make a determination with respect to the internal appeal within 72 hours and communicate that determination to the covered person and the covered person's physician.

(3) If the determination is to uphold the denial, the covered person and the covered person's physician have the right to file an expedited external appeal with an independent review organization. An independent utilization review organization shall make a determination within 72 hours.

(4) If the insurer's determination is upheld and it is determined continued inpatient care is not medically necessary, the insurer remains responsible to provide benefits for the inpatient care through the day following the date the determination is made and the covered person is only responsible for any applicable copayment, deductible, and coinsurance for the stay through that date as applicable under the contract.

(5) The covered person shall not be discharged or released from the inpatient facility until all internal appeals and independent utilization review organization appeals are exhausted. For any costs incurred after the day following the date of determination until the day of discharge, the covered person is only responsible for any applicable cost-sharing, and any additional charges shall be paid by the facility or provider.

(h) The Insurance Commissioner shall propose rules in accordance with the provisions of §29A-3-1 *et seq.* of this code to develop a procedure for an expedited review of an adverse decision as set forth in this section. The Legislature finds that for the purposes of section §29A-3-15 of this code, an emergency exists requiring the promulgation of an emergency rule to respond to the growing need in our state for substance abuse treatment.

(i)(1) The benefits for the first five days of intensive outpatient or partial hospitalization services shall be provided without any retrospective review of medical necessity, and medical necessity shall be determined by the covered person's physician.

(2) The benefits beginning day six and every six days thereafter of intensive outpatient or partial hospitalization services is subject to a concurrent review of the medical necessity of the services.

(j) Medical necessity review shall use an evidence-based and peer-reviewed clinical review tool. This tool shall be developed by the Insurance Commissioner. The Insurance Commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to develop the tool.

(k) The benefits for outpatient prescription drugs to treat substance use disorder shall be provided when determined medically necessary by the covered person's physician or psychiatrist without the imposition of any prior authorization or other prospective utilization management requirements.

(l) The days per plan year of benefits shall be computed based on inpatient days. One or more unused inpatient days may be exchanged for two outpatient visits. All extended outpatient services such as partial hospitalization and intensive outpatient, shall be considered inpatient days for the purpose of the visit-to-day exchange provided in this subsection.

(m) Except as provided in this section, the benefits and cost-sharing shall be provided to the same extent as for any other medical condition covered under the contract.

(n) The benefits required by this section are to be provided to all covered persons with a diagnosis of substance use disorder. The presence of additional related or unrelated diagnoses shall not be a basis to reduce or deny the benefits required by this section.

(o) The provisions of this section apply to all insurance contracts in which the insurer has reserved the right to change the premium.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-8p. Substance use disorder.

(a) As used in this section, the following words have the following meaning:

(1) 'Concurrent review' means inpatient care is reviewed as it is provided. Medically qualified reviewers monitor appropriateness of the care, the setting, and patient progress, and, as appropriate, the discharge plans.

(2) 'Covered person' means an individual, other than a Medicaid recipient, for whom coverage has been provided pursuant to the provisions of this article.

(3) 'Insurance Commissioner' means the person appointed pursuant to the provisions of §33-2-1 of this code.

(4) 'Health benefit plan' means the same as that term is defined in §33-24-7p of this code.

(5) 'Health plan issuer' means the same as that term is defined in §33-24-7p of this code.

(6) 'Physician' or 'psychiatrist' means a person licensed pursuant to the provisions of either §30-3-1 et seq. or §30-14-1 et seq. of this code.

(7) 'Psychologist' means a person licensed pursuant to the provisions of §30-21-1 et seq. of this code.

(8) 'Substance use disorder' means the same as that term is defined by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, and shall include substance use withdrawal.

(b) A health benefit plan offered by a health plan issuer that provides hospital or medical expense benefits and is delivered, issued, executed, or renewed in this state, or approved for issuance or renewal by the Insurance Commissioner, on or after January 1, 2019, shall provide benefits for inpatient and outpatient treatment of substance use disorder at in-network facilities at the same level as other medical benefits offered by the health benefit plan offered by a health plan insurer.

(c) The services for the treatment of substance use disorder shall be:

(1) Prescribed by a physician or psychiatrist licensed pursuant to the provisions of §30-3-1 et seq. or §30-14-1 et seq. of this code or recommended by a psychologist licensed pursuant to the provisions of §30-21-1 et seq. of this code; and

(2) Provided by licensed health care professionals or licensed or certified substance use disorder providers in licensed or otherwise state-approved facilities, as required by this code.

(d) The inpatient and outpatient treatment of substance use disorders shall be provided when determined medically necessary by the covered person's physician, psychologist, or psychiatrist. The facility shall notify the insurer of both the admission and the initial treatment plan within 48 hours of the admission or initiation of treatment. If there is no in-network facility immediately available for a covered person, a health benefit plan offered by a health plan issuer shall provide necessary exceptions to its network to ensure admission in a treatment facility within 72 hours. If a covered person is being treated at an out-of-network facility and an in-network facility becomes available during the course of the treatment plan, an insurer may transfer the covered person to the in-network facility.

(e) Providers of treatment for substance use disorders to persons covered under a covered contract shall not require prepayment of medical expenses during this 180 days in excess of applicable copayment, deductible, or coinsurance as provided in the contract.

(f) The benefits for outpatient visits may be subject to concurrent or retrospective review of medical necessity or any other utilization management review.

(g)(1) If an insurer determines that continued inpatient care in a facility is no longer medically necessary, the insurer shall, within 72 hours, provide written notice to the covered person and the covered person's physician of its decision and the right to file for an expedited review of an adverse decision.

(2) The insurer shall review and make a determination with respect to the internal appeal within 72 hours and communicate that determination to the covered person and the covered person's physician.

(3) If the determination is to uphold the denial, the covered person and the covered person's physician have the right to file an expedited external appeal with an independent review organization. An independent utilization review organization shall make a determination within 72 hours.

(4) If the insurer's determination is upheld and it is determined continued inpatient care is not medically necessary, the insurer remains responsible to provide benefits for the inpatient care through the day following the date the determination is made and the covered person shall only be responsible for any applicable copayment, deductible, and coinsurance for the stay through that date as applicable under the contract.

(5) The covered person shall not be discharged or released from the inpatient facility until all internal appeals and independent utilization review organization appeals are exhausted. For any costs incurred after the day following the date of determination until the day of discharge, the covered person is only responsible for any applicable cost-sharing, and any additional charges shall be paid by the facility or provider.

(h) The Insurance Commissioner shall propose rules in accordance with the provisions of §29A-3-1 et seq. of this code to develop a procedure for an expedited review of an adverse decision as set forth in this section. The Legislature finds that for the purposes of §29A-3-15 of this code, an emergency exists requiring the promulgation of an emergency rule to respond to the growing need in our state for substance abuse treatment.

(i)(1) The benefits for the first five days of intensive outpatient or partial hospitalization services shall be provided without any retrospective review of medical necessity, and medical necessity shall be determined by the covered person's physician.

(2) The benefits beginning day six and every six days thereafter of intensive outpatient or partial hospitalization services is subject to a concurrent review of the medical necessity of the services.

(j) Medical necessity review shall use an evidence-based and peer-reviewed clinical review tool. This tool shall be developed by the Insurance Commissioner. The Insurance Commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to develop the tool.

(k) The benefits for outpatient prescription drugs to treat substance use disorder shall be provided when determined medically necessary by the covered person's physician or psychiatrist without the imposition of any prior authorization or other prospective utilization management requirements.

(l) The days per plan year of benefits shall be computed based on inpatient days. One or more unused inpatient days may be exchanged for two outpatient visits. All extended outpatient services such as partial hospitalization and intensive outpatient, shall be considered inpatient days for the purpose of the visit-to-day exchange provided in this subsection.

(m) Except as provided in this section, the benefits and cost-sharing shall be provided to the same extent as for any other medical condition covered under the contract.

(n) The benefits required by this section are to be provided to all covered persons with a diagnosis of substance use disorder. The presence of additional related or unrelated diagnoses shall not be a basis to reduce or deny the benefits required by this section.

(o) The provisions of this section apply to all insurance contracts in which the insurer has reserved the right to change the premium.”

The bill was then ordered to third reading.

S. B. 406, Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement; 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 twenty-six, lines one and two, by striking out the words “owned or operated by the state” and inserting in lieu thereof the words “owned, operated by, or providing services under contract to, the state” and a comma.

The bill was then ordered to third reading.

S. B. 407, Licensing and approval of child care programs; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 408, Licensing of nursing homes and assisted living residences; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 425, Removing sunset dates which members of policemen’s or firemen’s pension fund elect to participate in deferred retirement option plan; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 434, Specifying documents not subject to discovery in certain proceedings; on second reading, coming up in regular order, was read a second time.

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

“ARTICLE 3C. HEALTH CARE PEER REVIEW ORGANIZATION PROTECTION.

§30-3C-1. Definitions.

As used in this article:

‘Document’ means any information, data, reports, or records prepared by or on behalf of a health care provider and includes mental impressions, analyses, and/or work product.

~~‘Health care professionals’ means individuals who are licensed to practice in any health care field and individuals, who, because of their education, experience or training participate as members of or consultants to a review organization.~~

'Health care facility' means any clinic, hospital, pharmacy, nursing home, assisted living facility, residential care community, end-stage renal disease facility, home health agency, child welfare agency, group residential facility, behavioral health care facility or comprehensive community mental health center, intellectual/developmental disability center or program, or other ambulatory health care facility, in and licensed, regulated, or certified by the State of West Virginia under state or federal law and any state-operated institution or clinic providing health care and any related entity to the health care facility as that term is defined in §55-7B-1 et seq. of this code.

'Health care provider' means a person, partnership, corporation, professional limited liability company, health care facility, entity or institution licensed by, or certified in, this state or another state, to provide health care or professional health care services, including a physician, osteopathic physician, physician assistant, advanced practice registered nurse, health care facility, dentist, registered or licensed practical nurse, optometrist, podiatrist, chiropractor, physical therapist, speech-language pathologist, audiologist, occupational therapist, psychologist, pharmacist, technician, certified nursing assistant, emergency medical service personnel, emergency medical services authority or agency, any person supervised by or acting under the direction of a licensed professional, any person taking actions or providing service or treatment pursuant to or in furtherance of a physician's plan of care, a health care facility's plan of care, medical diagnosis or treatment; or an officer, employee or agent of a health care provider acting in the course and scope of the officer's, employee's or agent's employment.

'Peer review' means the procedure for evaluation by health care professionals providers of the quality, delivery, and efficiency of services ordered or performed by other health care professionals, including practice analysis, inpatient hospital and extended care facility utilization review, medical audit, ambulatory care review, claims review and patient safety review, preparation for or simulation of audits or surveys of any kind, and all forms of quality assurance/performance improvement whether or not required by any statute, rule, or regulation applicable to a health care facility or health care provider.

~~'Professional society' includes medical, psychological, nursing, dental, optometric, pharmaceutical, chiropractic and podiatric organizations having as members at least a majority of the eligible licentiates in the area or health care facility or agency served by the particular organization~~

'Review organization' means any committee or organization, individual or group of individuals engaging in peer review, including, without limitation, a hospital utilization review committee, a hospital tissue committee, a medical audit committee, a health insurance review committee, a health maintenance organization review committee, hospital, medical, dental and health service corporation review committee, a hospital plan corporation review committee, a professional health service plan review committee or organization, a dental review committee, a physicians' advisory committee, a podiatry advisory committee, a nursing advisory committee, any committee or organization established pursuant to a medical assistance program, the joint commission on accreditation of health care organizations or similar accrediting body or any entity established by such accrediting body or to fulfill the requirements of such accrediting body, any entity established pursuant to state or federal law for peer review purposes, and any committee established by one or more state or local professional societies or institutes, to gather and review information relating to the care and treatment of patients for the purposes of: (i) Evaluating and improving the quality of health care rendered; (ii) reducing morbidity or mortality; or (iii) establishing and enforcing guidelines designed to keep within reasonable bounds the cost of health care. It shall also mean any hospital board committee or organization reviewing the professional qualifications or activities

of its medical staff or applicants for admission thereto, and any professional standards review organizations established or required under state or federal statutes or regulations.

§30-3C-3. Confidentiality of review organization's records.

~~The proceedings and records of a review organization shall be confidential and privileged and shall not be subject to subpoena or discovery proceedings or be admitted as evidence in any civil action arising out of the matters which are subject to evaluation and review by such organization and no person who was in attendance at a meeting of such organization shall be permitted or required to testify in any such civil action as to any evidence or other matters produced or presented during the proceedings of such organization or as to any findings, recommendations, evaluations, opinions or other actions of such organization or any members thereof: *Provided*, That information, documents or records otherwise available from original sources are not to be construed as immune from discovery or use in any civil action merely because they were presented during proceedings of such organization, nor should any person who testifies before such organization or who is a member of such organization be prevented from testifying as to matters within his knowledge, but the witness shall not be asked about his testimony before such an organization or opinions formed by him as a result of said organization hearings: *Provided, however*, That an individual may execute a valid waiver authorizing the release of the contents of his file pertaining to his own acts or omissions, and such waiver shall remove the confidentiality and privilege of said contents otherwise provided by this section: *Provided further*, That upon further review by any other review organization, upon judicial review of any finding or determination of a review organization or in any civil action filed by an individual whose activities have been reviewed, any testimony, documents, proceedings, records and other evidence adduced before any such review organization shall be available to such further review organization, the court and the individual whose activities have been reviewed. The court shall enter such protective orders as may be appropriate to provide for the confidentiality of the records provided the court by a review organization and all papers and records relating to the proceedings had before the reviewing court~~

(a) Any document prepared by or on behalf of a health care provider for the purpose of improving the quality, delivery, or efficiency of health care or for the purpose of credentialing or reviewing health care providers is confidential and shall not be subject to discovery in a civil action or administrative proceeding. Such documents include, without limitation:

(1) Incident or event reports, except reports pertaining to the plaintiff of that civil action, or reports of same or similar incidents within a reasonable timeframe of the events at issue in the civil action, containing only factual information, but excluding personal identification information;

(2) Documents related to review organization proceedings for hiring, disciplining, terminating, credentialing, issuing staff privileges, renewing staff privileges, or alleged misconduct of a health care provider;

(3) Review organization documents;

(4) Quality control and performance improvement documents;

(5) Documents satisfying regulatory obligations related to quality assurance and performance improvement; and

(6) Reviews, audits, and recommendations of consultants or other persons or entities engaged in the performance of peer review.

(b) A person who testifies before a review organization, or who is a member of a review organization shall not be required to testify regarding, or be asked about, his or her testimony before such review organization, deliberations of the review organization, or opinions formed as a result of the review organization's proceedings. A person who testifies before a review organization, or who is a member of such organization, shall not be prevented from testifying in court or an administrative hearing as to matters within his or her personal knowledge.

(c) All peer review proceedings, communications, and documents of a review organization and all records developed or obtained during an investigation conducted pursuant to article 3, 3E, and/or 14 of this chapter shall be confidential and privileged and shall not be subject to discovery in any civil action or administrative proceeding: *Provided*, That an individual may be given access to any document that was used as the basis for an adverse professional review action against him or her, subject to such protective order as may be appropriate to maintain the confidentiality of the information contained therein. Privilege is not deemed to be waived unless the review organization executes a written waiver authorizing the release of such peer review proceedings, communications, or documents.

(d) Nothing in this section shall limit the disclosure of peer review proceedings, communications and documents by a review organization or a health care facility to a medical licensing board pursuant to the provisions of articles 3 and 14 of this chapter.

§30-3C-5. Original source; waivers; further proceedings.

Information available from original sources are not to be construed as immune from discovery or use in any civil action merely because they were included in any report or analysis related to improving the quality, delivery, or efficiency of health care or for the purpose of credentialing or reviewing health care providers. However, no court may compel production of Documents contained in peer review files are not discoverable on the basis that they were not created as part of the peer review process; rather, the document must be produced from the original source. *Provided*, That if the party seeking production can show that obtaining source documents will be unduly burdensome, the court may, in its discretion, order production of the non-privileged documents contained in the peer review file."

On motion of Delegates Shott and Lovejoy, the amendment was amended on page two, line thirty-eight, after the word "limitation", by inserting the words "a hospital medical executive committee and/or subcommittee thereof" and a comma.

On page four, line twenty-seven, after the word "confidential", by inserting the words "and privileged".

And,

On page four, line twenty-nine, after "(1)", by inserting the following, "Nursing home, as referred to in W. Va. Code § 55-7B- 6(e)" and a comma.

The Judiciary Committee amendment, as amended, was then adopted.

The bill was then ordered to third reading.

Com. Sub. for S. B. 438, Relating to debt service on bonds secured by State Excess Lottery Revenue Fund; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page two, section eighteen-e, lines eighteen and nineteen, by striking out the words "second, if the amount deposited into the State Parks Lottery Revenue Debt Service Fund" and inserting in lieu thereof the words "if the certified debt service requirement".

And,

On page two, section eighteen-e, lines nineteen and twenty, by striking out the words "such amount deposited in the State Parks Lottery Revenue Debt Service Fund" and inserting in lieu thereof the words "the certified debt service requirement".

The bill was then ordered to third reading.

Com. Sub. for S. B. 442, Establishing universal forms and deadlines when submitting prior authorization electronically; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Nelson, Ellington, Storch and Westfall, the bill was amended on page one, section twenty-two, line nineteen, by striking out the number "24" and inserting in lieu thereof the number "48".

And,

On page two, section twenty-two, line twenty, by striking out "168 hours" and inserting in lieu thereof the words "7 days".

The bill was then ordered to third reading.

Com. Sub. for S. B. 443, Terminating parental rights when certain conditions are met; 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 4. COURT ACTIONS.

§49-4-605. When department efforts to terminate parental rights are required.

(a) Except as provided in subsection (b) of this section, the department shall file or join in a petition or otherwise seek a ruling in any pending proceeding to terminate parental rights:

(1) If a child has been in foster care for 15 of the most recent 22 months as determined by the earlier of the date of the first judicial finding that the child is subjected to abuse or neglect or the date which is 60 days after the child is removed from the home;

(2) If a court has determined the child is abandoned, tortured, sexually abused or chronically abused; or

(3) If a court has determined the parent has committed murder or voluntary manslaughter of another of his or her children, another child in the household, or the other parent of his or her children; has attempted or conspired to commit murder or voluntary manslaughter or has been an accessory before or after the fact of either crime; has committed unlawful or malicious wounding resulting in serious bodily injury to the child or to another of his or her children, another child in the household or to the other parent of his or her children; has committed sexual assault or sexual abuse of the child, the child's other parent, guardian or custodian, another child of the parent or any other child residing in the same household or under the temporary or permanent custody of the parent; or the parental rights of the parent to another child have been terminated involuntarily; or

(4) If a parent whose child has been removed from the parent's care, custody, and control by an order of removal voluntarily fails to have contact or attempt to have contact with the child for a period of 18 consecutive months: *Provided*, That failure to have, or attempt to have, contact due to being incarcerated, being in a medical or drug treatment or recovery facility, or being on active military duty shall not be considered voluntary behavior.

(b) The department may determine not to file a petition to terminate parental rights when:

(1) At the option of the department, the child has been placed permanently with a relative by court order;

(2) The department has documented in the case plan made available for court review a compelling reason, including, but not limited to, the child's age and preference regarding termination or the child's placement in custody of the department based on any proceedings initiated under part seven of this article, that filing the petition would not be in the best interests of the child; or

(3) The department has not provided, when reasonable efforts to return a child to the family are required, the services to the child's family as the department deems necessary for the safe return of the child to the home."

The bill was then ordered to third reading.

Com. Sub. for S. B. 445, Allowing DOH acquire real or personal property for utility accommodation; 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 on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

"CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS

§17-2A-17A. ACQUISITION OF PROPERTY FOR UTILITY ACCOMMODATION PURPOSES; UTILITY DEFINED.

(a) The Legislature finds that it is in the public interest for utility facilities to be accommodated on the right-of-way of state highways when such use and occupancy of the highway right-of-way do not adversely affect highway or traffic safety or otherwise impair the highway or its aesthetic

quality, and do not conflict with the provisions of federal, state, or local laws, legislative rules, or agency policies. Utilities provide an essential service to the general public and, as a matter of sound economic public policy and law, utilities have used state road rights-of-way for transmitting and distributing their services. Such accommodation of utility facilities on the right-of-way of state highways serves an important public purpose by increasing public access to utility services.

(b) 'Utility' means, for purposes of this chapter, privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, data, information, video services, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public. The term 'utility' also includes those similar facilities which are owned or leased by a government agency for its own use, or otherwise dedicated solely to governmental use.

(c) In addition to all other powers given and assigned to the commissioner in this chapter, the commissioner may acquire, either temporarily or permanently, in the name of the Division of Highways, and adjacent to public roadways or highways, all real or personal property, public or private, or any interests or rights therein, including any easement, riparian right, or right of access, determined by the commissioner to be necessary for present or presently foreseeable future utility accommodation purposes.

(d) Notwithstanding any provision of this article, the commissioner may lease real property held by the Division of Highways or any interest or right in the property, including airspace rights, if any, for the purpose of accommodating any utility that has requested a lease if the commissioner finds, in his or her sole discretion, that entering into the lease agreement with the utility is in the public interest. The term of any accommodation lease authorized by this section shall not exceed 30 years. Neither competitive bids nor public solicitations are required prior to entering into a utility accommodation lease. Any utility accommodation lease shall require the utility to pay fair market value for the real property interest as determined by the commissioner using common valuation methods, which shall include consideration of the use of the property for utility accommodation purposes: *Provided*, That amounts paid for property damage by the division in a condemnation case shall not be considered in the commissioner's determination of fair market value. The commissioner shall have the option to charge and collect a one-time lease payment or fixed installment lease payments from a utility in connection with an accommodation lease. All moneys received from utility accommodation leases shall be paid into the state Treasury and credited to the State Road Fund. The provisions of this subsection are completely voluntary and shall not be interpreted to require any utility to lease any real property, or any interest or right in the property, from the commissioner.

ARTICLE 4. STATE ROAD SYSTEM.

§17-4-17b. Relocation of public utility lines on highway construction projects.

(a) Whenever the division reasonably determines that any public utility line or facility located upon, across, or under any portion of a state highway needs to be removed, relocated, or adjusted in order to accommodate a highway project, the division shall give to the utility reasonable notice in writing as mutually agreed, but not to exceed 18 months, directing it to begin the physical removal, relocation, or adjustment of such utility obstruction or interference at the cost of the utility, including construction inspection costs and in compliance with the rules of the division and the provisions of §29A-3-1 *et seq.* of this code.

(b) If the notice is in conjunction with a highway improvement project, it will be provided at the date of advertisement or award. Prior to the notice directing the physical removal, relocation, or adjustment of a utility line or facility, the utility shall adhere to the division's utility relocation procedures for public road improvements which shall include, but not be limited to, the following:

(1) The division will submit to the utility a letter and a set of plans for the proposed highway improvement project;

(2) The utility must within a reasonable time submit to the division a written confirmation acknowledging receipt of the plans and a declaration of whether or not its facilities are within the proposed project limits and the extent to which the facilities are in conflict with the project;

(3) If the utility is adjusting, locating, or relocating facilities or lines from or into the division's right-of-way, the utility must submit to the division plans showing existing and proposed locations of utility facilities.

(4) The utility's submission shall include with the plans a work plan demonstrating that the utility adjustment, location, or relocation will be accomplished in a manner and time frame established by the division's written procedures and instructions. The work plan shall specify the order and calendar days for removal, relocation, or adjustment of the utility from or within the project site and any staging property acquisition or other special requirements needed to complete the removal, relocation, or adjustment. The division shall approve the work plan, including any requests for compensation, submitted by a utility for a highway improvement project if it is submitted within the established schedule and does not adversely affect the letting date. The division will review the work plan to ensure compliance with the proposed improvement plans and schedule.

(c) If additional utility removal, relocation, or adjustment work is found necessary after the letting date of the highway improvement project, the utility shall provide a revised work plan within 30 calendar days after receipt of the division's written notification of the additional work. The utility's revised work plan shall be reviewed by the division to ensure compliance with the highway project or improvement. The division shall reimburse the utility for work performed by the utility that must be performed again as the result of a plan change on the part of the division.

(d) Should the utility fail to comply with the notice to remove, relocate, or adjust, the utility is liable to the division for direct contract damages, including costs, fees, penalties, or other contract charges, for which the division is proven to be liable to a contractor caused by the utility's failure to timely remove, relocate, or adjust, unless a written extension is granted by the division. The utility shall not be liable for any delay or other failure to comply with a notice to remove, relocate or adjust that is not solely the fault of the utility, including, but not limited to, the following:

(1) The division has not performed its obligations in accordance with the division's rules;

(2) The division has not obtained all necessary rights-of-way that affect the utility;

(3) The delay or other failure to comply by the utility is due to the division's failure to manage schedules and communicate with the utility;

(4) The division seeks to impose liability on the utility based solely upon oral communications or communications not directed to the utility's designated contact person;

(5) The division changes construction plans in any manner following the notice to remove or relocate and the change affects the utility's facilities; or

(6) Other good cause, beyond the control of and not the fault of the utility, including, but not limited to, labor disputes, unavailability of materials on a national level, act of God, or extreme weather conditions.

(e) In order to avoid construction delays and to create an efficient and effective highway program, the division may schedule program meetings with the public utility on a quarterly basis to assure that schedules are maintained.

(f) If a utility that is required by law to bear all or a portion of its own relocation costs elects to pursue a reimbursement agreement with the division pursuant to this subsection and provides the division with sufficient evidence to demonstrate that the utility is not adequately staffed, equipped, or capitalized to perform such relocation work with its own forces or contractors at a time convenient to and in coordination with the associated highway project, the division may pay for the associated relocation costs, including but not limited to design engineering, design review, construction, and inspection costs, out of the State Road Fund: *Provided*, That the utility shall reimburse the division in full for such portion of the relocation costs that it is required by law to bear within two years of the completion of the highway project. The division shall deduct from the utility's reimbursement amount any costs resulting from work performed as a result of plan changes made by the division. Before the division may pay any relocation costs, the division and the utility shall enter into a written reimbursement agreement containing terms that are mutually acceptable to the division and the utility seeking the reimbursement agreement.

(1) Preliminary engineering design work associated with utility relocations to be paid for by the division pursuant to a reimbursement agreement shall be completed by any of the following methods:

(A) The division's or the utility's internal forces;

(B) A consultant selected by the division if the contract is administered by the division: *Provided*, That the selected consultant shall be pre-approved by the utility; or

(C) Inclusion as part of the highway construction contract let by the division as agreed to by the utility: *Provided*, That the subcontractor performing the preliminary engineering design work associated with the relocation is pre-approved by the utility.

(2) Utility relocation construction work paid for by the division pursuant to a reimbursement agreement shall be completed by either of the following methods:

(A) A contract awarded by the division to the lowest qualified bidder based on an appropriate competitive solicitation: *Provided*, That the lowest qualified bidder for utility relocation construction work is pre-approved by the utility; or

(B) Inclusion as part of the highway construction contract let by the division as agreed to by the utility: *Provided*, That the subcontractor performing the utility relocation construction work is pre-approved by the utility.

(3) All design and construction work paid for by the division pursuant to a reimbursement agreement is subject to the reasonable inspection and acceptance of the utility, whose

acceptance shall not be unreasonably withheld, and shall be performed in accordance with the specifications and standards required by the utility.

(4) All relocation work performed pursuant to a reimbursement agreement shall conform to applicable state and federal laws or regulations.

(5) The provisions of this subsection are completely voluntary and shall not be interpreted to require any utility to enter into a reimbursement agreement with the division or avail itself of the options authorized by this subsection.

(6) The division may propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code, and the division may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code in order to comply with this subsection

§17-4-17e. Utility relocation on state highway construction projects financed by proceeds of bonds or notes issued before July 1, 2021.

Subject to the provisions of §17-4-17d of this code, and notwithstanding any other provisions to the contrary, whenever the Commissioner of Highways determines that any utility facility located upon, across, above, or under any portion of a state highway needs to be relocated in order to accommodate a highway project funded, in whole or in part, with proceeds of bonds or notes issued by the division, commissioner, West Virginia Parkways Authority, or the State of West Virginia on or after January 1, 2018, and on or before July 1, 2021, the commissioner shall notify the utility owning or operating the facility, which shall relocate the facility in accordance with this article and in accordance with the cost-sharing provisions of this section. The utility shall bear 85 percent of any such relocation costs, and the Division of Highways shall bear 15 percent of any such relocation costs. The division's share shall be paid out of the State Road Fund or paid with other eligible funds, within two years of completion of the highway project, and shall be considered a cost of the highway project: *Provided*, That nothing in this section shall alter or amend the responsibility of the division to pay for the cost of utility facilities relocation when such costs are incurred to accommodate a highway project and such utilities maintain pre-existing property rights in their facilities' present location."

The bill was then ordered to third reading.

Com. Sub. for S. B. 446, Creating Agritourism Responsibility Act; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Cowles, and by unanimous consent, the bill was advanced to third reading with an amendment pending and with the restricted right to amend jointly by Delegates Hanshaw and Byrd, and the rule was suspended to permit the consideration of amendments on that reading.

The bill was then ordered to third reading.

S. B. 468, Changing date and recipients for submission of Auditor's annual report; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the on page one, section seven, line three, by striking out "February 1" and inserting in lieu thereof "January 15".

The bill was then ordered to third reading.

Com. Sub. for S. B. 469, Converting Addiction Treatment Pilot Program to permanent program; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk on page two, section two, line eight, after the word “use”, by inserting the words “in treatment of opioid use disorder or”.

On page three, section two, line twenty-eight, by striking out the word “pilot”.

On page three, section two, lines thirty-five and thirty-six, by striking out paragraph (E) in its entirety and inserting in lieu thereof a new paragraph (E), to read as follows:

“(E) Provide access to the non-narcotic, long-acting antagonist therapy or FDA-approved, long acting, practitioner-administered medication for the treatment of opioid use disorder included in the program’s medication-assisted treatment; and”.

On page four, section two, lines fifty-seven and fifty-eight, by striking out paragraph (E) in its entirety and inserting in lieu thereof a new paragraph (E), to read as follows:

“(E) Provide access to the non-narcotic, long-acting antagonist therapy or FDA-approved, long acting, practitioner-administered medication for the treatment of opioid use disorder included in the program’s medication-assisted treatment; and”.

On page four, line sixty-four, by striking out the word “pilot”.

On page five, section two, lines seventy-nine and eighty, by striking out paragraph (E) in its entirety and inserting in lieu thereof a new paragraph (E), to read as follows:

“(E) Provide access to the non-narcotic, long-acting antagonist therapy or FDA-approved, long acting, practitioner-administered medication for the treatment of opioid use disorder included in the program’s medication-assisted treatment; and”.

And,

On page five, section two, line eighty-seven, by striking out the word “pilot”.

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. 422**), and there were—yeas 48, nays 49, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Adkins, Ambler, Anderson, Atkinson, Blair, Butler, Cooper, Cowles, Criss, Dean, Ellington, Espinosa, A. Evans, Fast, Foster, Gearheart, Hamilton, Hamrick, Hanshaw, Higginbotham, Hollen, Householder, Howell, Jennings, Kelly, Love, Martin, McGeehan, C. Miller, Nelson, Overington, Phillips, Queen, Rohrbach, C. Romine, R. Romine, Rowan, Sobonya, Statler, Storch, Summers, Sypolt, Upson, Wagner, Westfall, White, Zatezalo and Mr. Speaker, Mr. Armstead.

Absent and Not Voting: Capito and Deem.

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. 495, Designating specific insurance coverages exempt from rate filing requirements; 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 20. RATES AND RATING ORGANIZATIONS.

§33-20-4. Rate filings.

(a) (1) Every insurer shall file with the commissioner every manual of classifications, territorial rate areas established pursuant to §33-20-3(c)(2) of this code, rules, and rates, every rating plan, and every modification of any of the foregoing which it proposes to use for casualty insurance to which this article applies.

(2) Every insurer shall file with the commissioner, except as to inland marine risks which, by general custom of the business, are not written according to manual rates or rating plans, every manual, minimum, class rate, rating schedule, or rating plan and every other rating rule and every modification of any of the foregoing which it proposes to use for fire and marine insurance to which this article applies. Specific inland marine rates on risks specially rated, made by a rating organization, shall be filed with the commissioner.

(3) Subject to subdivisions (4) and (5), subsection (a) of this section and the requirements for ratemaking in §33-20-3 of this code, the following commercial lines insurance coverages are exempt from rate-filing requirements under this article with respect to every manual, minimum, class rate, rating schedule, or rating plans, and every other rating rule and modification of any of the foregoing, whether the insurance coverage is endorsed to, or otherwise made part of, another kind of insurance policy or sold as a stand-alone policy:

(A) Surety and fidelity;

(B) Commercial inland marine;

(C) Boiler and machinery;

(D) Environmental impairment or pollution liability;

(E) Kidnap and ransom;

(F) Political risk or expropriation;

(G) Excess and umbrella liability;

(H) Directors' and officers' liability;

(I) Fiduciary liability;

(J) Employment practices liability;

(K) Errors and omission other than medical malpractice;

(L) Professional liability other than medical malpractice;

(M) Media liability;

(N) Commercial lines travel risk, including accidental death and dismemberment;

(O) Product liability, product recall, and completed operations;

(P) Cybersecurity, including first and third party commercial lines coverage for losses arising out of or relating to data privacy breach, network security, computer viruses, and similar exposures;

(Q) Highly protected commercial property;

(R) All commercial lines insurance coverages not excluded under subdivision (4), subsection (a) of this section when purchased by a commercial policyholder with aggregate annual commercial insurance premiums of \$25,000 or more excluding premiums for the types of insurance excluded under subdivision (4), subsection (a) of this section; and

(S) Any other commercial lines insurance coverage or risk that the commissioner may, by order, exempt from rate filing and approval requirements in order to promote enhanced competition or to more effectively use the resources of the department that might otherwise be used to review commercial lines filings or because the commissioner does not consider the filing and approval requirements to be necessary or desirable for the protection of the public.

(4) The exemptions from rate filing requirements in subdivision (3), subsection (a) of this section are not applicable to the following kinds of commercial insurance:

(A) Workers' compensation;

(B) Medical malpractice liability;

(C) Nonfleet commercial automobile liability policies covering four or fewer vehicles;

(D) Any coverage issued by an assigned risk or residual market plan pursuant to §33-20-15 of this code, §33-20A-1 et seq. of this code, or the Mine Subsidence Insurance Fund created pursuant to §33-30-1 et seq. of this code.

(5) The commissioner may temporarily reinstate, for a period of no longer than one year, the requirement for rate filings for a specific insurance coverage set forth in subdivision (3), subsection (a) of this section if, after a hearing, the commissioner makes a finding of fact that a reasonable degree of competition does not exist for that specific type of insurance coverage. The finding of fact by the commissioner must specify the relevant tests used to determine whether a lack of a reasonable degree of competition exists and the results thereof. In the absence of such findings of fact by the commissioner, a competitive market is presumed to exist.

(b) Every filing shall state the proposed effective date and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports the filing and the commissioner does not have sufficient information to determine whether the filing meets the requirements of this article, he or she shall require the insurer to furnish the information upon which it supports the filing and in that event the waiting period shall commence as of the date the information is furnished. The information furnished in support of a filing may include: (1) The experience or judgment of the insurer or rating organization making the filing; (2) the experience or judgment of the insurer or rating organization in the territorial rate areas established by §33-20-3(c)(2) of this code; (3) its interpretation of any statistical data it relies upon; (4) the experience of other insurers or rating organizations; or (5) any other relevant factors. A filing and any supporting information is open to public inspection as soon as the filing is received by the commissioner. Any interested party may file a brief with the commissioner supporting his or her position concerning the filing. Any person or organization may file with the commissioner a signed statement declaring and supporting his or her or its position concerning the filing. Upon receipt of the statement prior to the effective date of the filing, the commissioner shall mail or deliver a copy of the statement to the filer, which may file a reply as it may desire to make. This section is not applicable to any memorandum or statement of any kind by any employee of the commissioner.

(c) An insurer may satisfy its obligation to make a filing by becoming a member of, or a subscriber to, a licensed rating organization which makes filings and by authorizing the commissioner to accept filings on its behalf: *Provided*, That nothing contained in this article shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

(d) The commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this article.

(e) Subject to the exceptions specified in subsections (f), (g) and (h) of this section, each filing shall be on file for a waiting period of 60 days before it becomes effective. Upon written application by an insurer or rating organization, the commissioner may authorize a filing which he or she has reviewed to become effective before the expiration of the waiting period. A filing shall be deemed to meet the requirements of this article unless disapproved by the commissioner within the waiting period.

(f) Any special filing with respect to a surety bond required by law or by court or executive order or by order, rule, or regulation of a public body, not covered by a previous filing, shall become effective when filed and shall be deemed to meet the requirements of this article until the commissioner reviews the filing and so long thereafter as the filing remains in effect.

(g) Specific inland marine rates on risks specially rated by a rating organization shall become effective when filed and shall be deemed to meet the requirements of this article until the commissioner reviews the filing and so long thereafter as the filing remains in effect.

(h) Except as provided in subdivision (3), subsection (a) of this section, rates for commercial lines property and casualty risks must be filed with the commissioner and the filings need not be approved by the commissioner. The commissioner may request additional information to ensure compliance with applicable statutory standards, but if the commissioner does not disapprove the filing within the initial 30-day period after receipt, the rate filing will become effective upon first usage after filing: *Provided*, That the commissioner may at any time thereafter, after notice and for cause shown, disapprove any rate filing.

(i) Under legislative rules, the commissioner may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision, or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. These orders and rules shall be made known to insurers and rating organizations affected thereby. The commissioner may make any examination he or she may consider advisable to ascertain whether any rates affected by an order meet the standards set forth in §33-20-3(b) of this code.

(j) Upon the written application of the insured, stating his or her reasons therefor, filed with and approved by the commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risks.

(k) No insurer shall make or issue a contract or policy except in accordance with the filings which are in effect for that insurer as provided in this article. This subsection does not apply to contracts or policies for inland-marine risks as to which filings are not required.

(l) In instances when an insurer files a request for an increase of automobile liability insurance rates in the amount of 15 percent or more, the Insurance Commissioner shall provide notice of the increase with the Office of the Secretary of State to be filed in the State Register and shall provide interested persons the opportunity to comment on the request up to the time the commissioner approves or disapproves the rate increase.

(m) For purposes of this section, "commercial" means commercial lines as defined in §33-6-8(e)(2) of this code."

The bill was then ordered to third reading.

Com. Sub. for S. B. 501, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page three, section two, lines sixty-eight through seventy, by striking out subparagraph (C) in its entirety and inserting in lieu thereof a new subparagraph (C), to read as follows:

"(C) Whose relationship with the member is described in subparagraph (A), (B), or (C), paragraph (1) of this subdivision."

On page five, section two, lines one hundred five through one hundred ten, by striking out paragraph (3) in its entirety and inserting in lieu thereof a new paragraph (3), to read as follows:

"(3) Each hour for which back pay is either awarded or agreed to be paid by the employing county commission, irrespective of mitigation of damages. The same hours of service shall not be credited both under this paragraph and paragraph (1) or (2) of this subdivision. Hours under this paragraph shall be credited to the member for the plan year or years to which the award or agreement pertains rather than the plan year in which the award, agreement, or payment is made."

And,

On page five, section two, lines one hundred eleven through one hundred sixteen, by striking out subdivision (x) in its entirety and inserting in lieu thereof a new subdivision (x), to read as follows:

“(x) “Member” means a person first hired as a deputy sheriff after the effective date of this article, as defined in subdivision (t) of this section, or a deputy sheriff first hired prior to the effective date and who elects to become a member pursuant to §7-14D-5 or §7-14D-17 of this code. A member shall remain a member until the benefits to which he or she is entitled under this article are paid or forfeited or until cessation of membership pursuant to §7-14D-5 of this code.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 521, Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer; 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, section thirteen, line three, after the word “certified”, by inserting a comma and the words “or certifiable as, a”.

And,

On page one, section thirteen, line three, after the word “officer”, by inserting the words “as provided in §30-29-5 of this code”.

The bill was and ordered to third reading.

Com. Sub. for S. B. 528, Providing additional circuit judge for nineteenth judicial circuit; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 551, Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 592, Adding examination of advanced care technician for firefighter paramedic; on second reading, coming up in regular order, was read a second time.

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

“CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.

§8-15-20A. SPECIAL EXAMINATION FOR FIREFIGHTER PARAMEDIC AND ADVANCED CARE TECHNICIAN.

(a) A municipality with a firefighter’s civil service commission providing an advanced life support ambulance service licensed by the State Health Department may also administer a

special ~~examination~~ examinations for the ~~position~~ positions of firefighter paramedic and advanced care technician.

(b) An applicant for the position of firefighter paramedic shall: (1) Be a certified paramedic; (2) successfully pass the firefighter paramedic examination; and (3) meet the requirements of section seventeen of this article.

(c) An applicant for the position of advanced care technician shall: (1) Be a certified advanced care technician; (2) successfully pass the advanced care technician examination; and (3) meet the requirements of §8-15-17 of this code.

~~(e)~~ (d) Any person employed as a firefighter paramedic or advanced care technician under the provisions of this section shall: (1) Maintain paramedic or advanced care technician certification; (2) complete all required fire service training; and (3) comply with all other provisions of this article applicable to the continued employment of firefighters.

~~(d)~~ (e) Every position of firefighter paramedic or advanced care technician, unless filled by promotion, reinstatement, reduction or a current firefighter, shall be filled only in the manner specified in §8-15-20 of this code.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-6. Powers and duties of commissioner.

The commissioner has the following powers and duties:

(a) To propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code: *Provided*, That the rules have been submitted at least thirty days in advance for review by the Emergency Medical Services Advisory Council, who may act only in the presence of a quorum. The rules may include:

(1) Standards and requirements for certification and recertification of emergency medical service personnel, including, but not limited to:

(A) Age, training, testing and continuing education;

(B) Procedures for certification and recertification, and for denying, suspending, revoking, reinstating and limiting a certification or recertification;

(C) Levels of certification and the scopes of practice for each level: *Provided*, That at a minimum, the commissioner shall certify the levels of emergency medical vehicle operator, emergency medical responder, emergency medical technician, paramedic, mobile critical care paramedic, mobile critical care nurse, and advanced care technician or advanced emergency medical technician;

(D) Standards of conduct; and

(E) Causes for disciplinary action and sanctions which may be imposed.

(2) Standards and requirements for licensure and licensure renewals of emergency medical service agencies, including:

(A) Operational standards, levels of service, personnel qualifications and training, communications, public access, records management, reporting requirements, medical direction, quality assurance and review, and other requirements necessary for safe and efficient operation;

(B) Inspection standards and establishment of improvement periods to ensure maintenance of the standards;

(C) Fee schedules for licensure, renewal of licensure and other necessary costs;

(D) Procedures for denying, suspending, revoking, reinstating or limiting an agency licensure;

(E) Causes for disciplinary action against agencies; and

(F) Administrative penalties, fines and other disciplinary sanctions which may be imposed on agencies;

(3) Standards and requirements for emergency medical service vehicles, including classifications and specifications;

(4) Standards and requirements for training institutions, including approval or accreditation of sponsors of continuing education, course curricula and personnel;

(5) Standards and requirements for a State Medical Direction System, including qualifications for a state emergency medical services medical director and regional medical directors, the establishment of a State Medical Policy and Care Committee and the designation of regional medical command centers;

(6) Provision of services by emergency medical services personnel in hospital emergency rooms;

(7) Authorization to temporarily suspend the certification of an individual emergency medical service provider prior to a hearing or notice if the commissioner finds there is probable cause that the conduct or continued service or practice of any individual certificate holder has or may create a danger to public health or safety: *Provided*, That the commissioner may rely on information received from a physician that serves as a medical director in finding that probable cause exists to temporarily suspend the certification; and

(8) Any other rules necessary to carry out the provisions of this article.

(b) To apply for, receive and expend advances, grants, contributions and other forms of assistance from the state or federal government or from any private or public agencies or foundations to carry out the provisions of this article.

(c) To design, develop and review a Statewide Emergency Medical Services Implementation Plan. The plan shall recommend aid and assistance and all other acts necessary to carry out the purposes of this article:

(1) To encourage local participation by area, county and community officials and regional emergency medical services boards of directors; and

(2) To develop a system for monitoring and evaluating emergency medical services programs throughout the state.

(d) To provide professional and technical assistance and to make information available to regional emergency medical services boards of directors and other potential applicants or program sponsors of emergency medical services for purposes of developing and maintaining a statewide system of services.

(e) To assist local government agencies, regional emergency medical services boards of directors and other public or private entities in obtaining federal, state or other available funds and services.

(f) To cooperate and work with federal, state and local governmental agencies, private organizations and other entities as may be necessary to carry out the purposes of this article.

(g) To acquire in the name of the state by grant, purchase, gift, devise or any other methods appropriate real and personal property as may be reasonable and necessary to carry out the purposes of this article.

(h) To make grants and allocations of funds and property so acquired or which may have been appropriated to the agency to other agencies of state and local government as may be appropriate to carry out the purposes of this article.

(i) To expend and distribute by grant or bailment funds and property to all state and local agencies for the purpose of performing the duties and responsibilities of the agency all funds which it may have so acquired or which may have been appropriated by the Legislature of this state.

(j) To develop a program to inform the public concerning emergency medical services.

(k) To review and disseminate information regarding federal grant assistance relating to emergency medical services.

(l) To prepare and submit to the Governor and Legislature recommendations for legislation in the area of emergency medical services.

(m) To review, make recommendations for and assist in all projects and programs that provide for emergency medical services whether or not the projects or programs are funded through the Office of Emergency Medical Services. A review and approval shall be required for all emergency medical services projects, programs or services for which application is made to receive state or federal funds for their operation after the effective date of this act; and

(n) To take all necessary and appropriate action to encourage and foster the cooperation of all emergency medical service providers and facilities within this state.

§16-4C-6d. Qualification for examination for license as an emergency medical technician.

(a) Any person who has served on active duty in the medical corps of any of the Armed Forces of the United States and who has successfully completed the course of instruction required to qualify him or her for rating as an emergency medical technician, hospital corpsman, combat medic, health care specialist or other equivalent rating in his or her particular branch of the Armed Forces, and whose service in the Armed Forces was under honorable conditions, may submit to the West Virginia Office of Emergency Medical Services, a photostatic copy of the certificate issued to him or her certifying successful completion of such course of instruction, a photostatic copy of his or her discharge from the Armed Forces, an application for a certification as an emergency medical technician and the prescribed license fee.

(b) If the certificate and discharge, as evidenced by the photostatic copies thereof, the application and prescribed license fee are in order, and if the veteran meets all of the requirements of this article, the veteran shall be permitted to take the same examination or examinations as are required under this article for applicants who do not apply for a license under the provisions of §30-24-1 et seq. of this code: *Provided*, That the veteran may be required to attend additional training courses prior to taking the examination if more than thirty years has passed from his or her successful completion of the course of instruction and date of application. If the veteran passes such examination or examinations, he or she shall be licensed as an emergency medical technician and shall thereafter be subject to all of the provisions of this article. If the veteran does not pass such examination or examinations, any provisions of this article relating to reexaminations shall apply to such veteran the same as they apply to a person who does not apply for a license under the provisions §16-4C-1 et seq. of this code."

The bill was then ordered to third reading.

S. B. 612, Relating to sale of municipal property; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 625, Creating WV Volunteer Fire and Rescue Act of 2018; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk on pages four and five, section two, lines one and two, by striking out the words "dies in the performance of, or as a result of the performance of," and inserting in lieu thereof the words "is killed in the performance of".

On page five, section two, line twenty-three, by striking out "\$100,000" and inserting in lieu thereof "\$50,000".

On page five, section two, line twenty-seven, by striking out the words "who died" and inserting in lieu thereof the word "killed".

On page seven, section three-d, line nineteen, after the word "materials" by inserting the words "or extended search and rescue and water rescue incidents".

On page seven, section three-d, line twenty-five, by striking out "30" and inserting in lieu thereof "90".

On pages seven and eight, section three-d, lines twenty-nine through thirty-two, by striking out subdivision (4) in its entirety.

On page eight, by striking out “**CHAPTER 11. TAXATION.**”

On page eight, by striking out “**ARTICLE 21. PERSONAL INCOME TAX.**”

On pages eight and nine, by striking out section twenty-five in its entirety.

And,

On page nine, before the chapter heading, by inserting the following:

“CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.

§8-15-3. Municipalities empowered and authorized to contract for prevention and extinguishment of fires beyond the corporate limits.

(a) Any municipality may contract to render services in the prevention and extinguishment of fires upon property located within the state. A municipality may contract beyond its immediate boundary limit for fire service protection if fire protection is provided in accordance with and under a rural fire protection district plan based upon the fire suppression rating schedule approved by the state Insurance Commissioner. All rural fire protection district plans shall be approved by the state Fire Commission. No rural fire protection district plan providing for a municipality to contract beyond its boundary may infringe upon an existing fire department’s response area without the written consent of the fire department providing fire services for that area.

No contract entered into under the authority of this section may operate to impose any greater obligation or liability upon the municipality than that with respect to property within its corporate limits under an approved rural fire protection district plan. Nothing contained in this section may be construed as requiring any municipality to contract to render such services. A municipality providing fire services under contract to any property outside its corporate limits may offer fire service under contract to any property within the county if the property owner requests the protection.

Any contract entered into under the authority of this section, on or after July 1, 1969, shall require the ~~property owner~~ of served property located outside the corporate limits of the serving municipality to pay as consideration for said services an annual payment, determined as provided in the remainder of this subsection. If the municipality does not impose a fire service fee on the users of such service within the municipality as authorized in section thirteen, article thirteen of this chapter, the annual payment shall be equivalent to ~~eighty~~ thirty-three percent of the annual tax levied for current municipal purposes upon property within said municipality of like assessed valuation to the property under contract. If the municipality does impose a fire service fee on the users of such service within the municipality, as authorized in said section, the annual payment shall be based upon the area of structures used or intended to be used for residential or general business purposes, and may not include charges for buildings used or intended to be used for the production, storage or housing of agricultural products, as defined in section two, article one-b, chapter nineteen of this code, or a building used or intended to be used for the storage of nonflammable products, and shall otherwise be equivalent to the amount of fire service fee which would be imposed if the property under contract were located within the municipality. ~~plus at least fifty percent of the annual tax levied for current municipal purposes upon property within said~~

~~municipality of like assessed valuation to the property under contract~~ No contract entered into under the authority of this section, and nothing herein contained, may be construed as requiring or permitting any municipality to install or maintain any special additional apparatus or equipment beyond that necessary for the protection of property within its corporate limits.

(b) The annual payments due under any such contract are payable on or before October 1, of each calendar year in which such contract remains in effect, or upon such day as may be hereinafter provided as the due date of the first installment of ad valorem taxes. If any annual payment is in default for a period of more than thirty days, it shall bear interest at the same rate as that provided for delinquent property taxes and shall be a lien upon the property under contract if a notice of such lien is recorded in the proper deed of trust book in the office of the clerk of the county commission of the county in which such property or the major portion thereof is located. Such lien is void at the expiration of two years after such defaulted annual payment became due, unless within such two-year period a civil action seeking equitable relief to enforce the lien was instituted by the municipality. The municipality may by civil action collect any annual payment and the interest thereon at any time within five years after such payment became due; and upon default in any annual payment, the municipality may cancel the contract involved.

(c) Any contract made under the authority of this section shall inure to the benefit of and be binding upon the successors in title of the person making the same contract; and such person, upon conveying the property subject to such contract, is no longer liable under such contract, except as to annual payments which were due prior to the conveyance and which remain unpaid.

(d) Any property owner may cancel any such contract with respect to the property of such owner upon giving a thirty-day written notice to the municipality, if the owner is not in default with respect to any annual payment due thereunder, except that if such notice is given subsequent to July 1, of any calendar year, the next succeeding annual payment shall be made by the property owner as soon as the amount thereof is ascertainable. Upon cancellation as aforesaid, the municipality shall deliver to the property owner a recordable release discharging such owner and such property from any further lien or obligation with respect to the annual payments. The annual payments due under any such contract shall be made to the officials as the municipality, in the contract, designates to receive them, who likewise may receive notice of cancellation and execute upon behalf of the municipality the release for which provision is hereinbefore made.

(e) No provision of this section or section thirteen of this article may be construed to authorize a municipality to impose a fire service fee or any other fee for services in the prevention and extinguishment of fires upon property located outside the boundaries of the municipality in the absence of a written contract entered into under the authority of this section.

On pages sixteen and seventeen, by striking out section twenty-four in its entirety.

On page nineteen, by striking out section five-f in its entirety.

On page twenty, section eight, line one, after the word "report" by inserting the words "to the Joint Committee on Government and Finance".

On page twenty, section eight, line ten, by striking out the words "study and prepare a report" and inserting in lieu thereof the words "study, prepare and submit a report to the Joint Committee on Government and Finance".

On pages twenty-seven through thirty, by striking out section thirty-three in its entirety.

And,

On page thirty, section thirty-b, line eleven, after the word “to” by inserting the words “the Joint Committee on Government and Finance and”.

Delegate Nelson requested to be excused from voting on the amendment and passage of Com. Sub. for S. B. 625 under the provisions of House Rule 49.

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

On motion of Delegate Statler, the Finance Committee amendment was amended, on page one by striking out lines one through three and inserting in lieu thereof the following:

“The Committee on Finance moves to amend the bill on pages four and five, section two, lines one and two, following the words “provider ~~is killed~~”, by striking out the words “dies in the performance of, or as a result of the performance of,” and inserting in lieu thereof the words “dies in the performance of as a proximate result of the performance of”.

Beginning on page five and six, section two, lines twenty-seven and twenty-eight, following the words “killed who died”, by striking out the words “in the performance of duty” and the period and inserting in lieu thereof the words “as a proximate result of the performance of his or her duties”, followed by a period.

On page four of the committee amendment, line eighty-nine, by striking out the words “On pages sixteen and seventeen, by striking out section twenty-four in its entirety.”

And,

On page four of the committee amendment, line ninety, by striking out the words “On page nineteen, by striking out section five-f in its entirety.”

The Finance Committee amendment, as amended, was then adopted.

The bill was then ordered to third reading.

H. B. 4630, Relating to a 2019 across-the-board salary adjustment for employees of the Department of Health and Human Resources; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4631, Expiring funds to the unappropriated surplus balance in the State Fund - Insurance Commission Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles asked and obtained unanimous consent that Com. Sub. for S. B. 556 be taken up for immediate consideration.

Special Calendar**Third Reading**

Com. Sub. for S. B. 556, Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority; on third reading, was reported by the Clerk.

At the request of Delegate Cowles, and by unanimous consent, action on the bill was postponed one day with the restricted right to amend jointly by Delegates Cowles and Miley, and the rule was suspended to permit the consideration of amendments on third reading.

Com. Sub. for H. B. 4019, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution; on third reading, coming up in regular order, was reported by the Clerk.

An amendment to the bill, offered by Delegate Nelson, was reported by the Clerk, by striking out everything after the enacting clause and inserting in lieu thereof the following:

TITLE I – GENERAL PROVISIONS.

1 **Section 1. General policy.** – The purpose of this bill is to appropriate money necessary for
2 the economical and efficient discharge of the duties and responsibilities of the state and its agencies
3 during the fiscal year 2019.

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

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

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

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

7 The “fiscal year 2019” shall mean the period from July 1, 2018, through June 30, 2019.

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

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

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

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

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

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

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

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

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

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

29 West Virginia Council for Community and Technical College Education and Higher Education
30 Policy Commission entities operating with special revenue funds and/or federal funds shall pay their
31 proportionate share of the Board of Risk and Insurance Management total insurance premium cost for
32 their respective institutions.

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

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

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

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

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

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

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

50 Appropriations classified in any of the above categories shall be expended only for the
51 purposes as defined above and only for the spending units herein designated: *Provided*, That the
52 secretary of each department shall have the authority to transfer within the department those general
53 revenue funds appropriated to the various agencies of the department: *Provided, however*, That no
54 more than five percent of the general revenue funds appropriated to any one agency or board may be
55 transferred to other agencies or boards within the department: and no funds may be transferred to a
56 "personal services and employee benefits" appropriation unless the source funds are also wholly from
57 a "personal services and employee benefits" line, or unless the source funds are from another
58 appropriation that has exclusively funded employment expenses for at least twelve consecutive
59 months prior to the time of transfer and the position(s) supported by the transferred funds are also
60 permanently transferred to the receiving agency or board within the department: *Provided further*, That
61 the secretary of each department and the director, commissioner, executive secretary, superintendent,
62 chairman or any other agency head not governed by a departmental secretary as established by
63 Chapter 5F of the Code shall have the authority to transfer funds appropriated to "personal services
64 and employee benefits," "current expenses," "repairs and alterations," "equipment," "other assets,"
65 "land," and "buildings" to other appropriations within the same account and no funds from other
66 appropriations shall be transferred to the "personal services and employee benefits" or the
67 "unclassified" appropriation except that for funds appropriated in Title II – Section 3, 6, or 7 funds may
68 be transferred to the "personal services and employee benefits" appropriation of the same fund in an
69 amount not to exceed 5% of the enrolled appropriation for "personal services and employee benefits":
70 *And provided further*, That no authority exists hereunder to transfer funds into appropriations to which
71 no funds are legislatively appropriated: *And provided further*, That if the Legislature consolidates,
72 reorganizes or terminates agencies, boards or functions, the secretary or other appropriate agency
73 head, or in the case of the termination of a spending unit of the state, the Director of the State Budget
74 Office, in the absence of general law providing otherwise, may transfer the funds formerly appropriated
75 to such agency, board or function, allocating items of appropriation as may be necessary if only part
76 of the item may be allocated, in order to implement such consolidation, reorganization or termination.
77 No funds may be transferred from a Special Revenue Account, dedicated account, capital expenditure
78 account or any other account or fund specifically exempted by the Legislature from transfer, except
79 that the use of the appropriations from the State Road Fund for the office of the Secretary of the
80 Department of Transportation is not a use other than the purpose for which such funds were dedicated
81 and is permitted.

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

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

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

TITLE II – APPROPRIATIONS.

ORDER OF SECTIONS

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

1 **Section 1. Appropriations from general revenue.** – From the State Fund, General Revenue,
 2 there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2,
 3 Chapter 11B the following amounts, as itemized, for expenditure during the fiscal year 2019.

LEGISLATIVE

1 - Senate

Fund 0165 FY 2019 Org 2100

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

12 The appropriations for the Senate for the fiscal year 2018 are to remain in full force and effect
 13 and are hereby reappropriated to June 30, 2019. Any balances so reappropriated may be transferred
 14 and credited to the fiscal year 2018 accounts.

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

17 The Clerk of the Senate, with the approval of the President, is authorized to draw his or her
 18 requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the
 19 Senate, for any bills for supplies and services that may have been incurred by the Senate and not
 20 included in the appropriation bill, for supplies and services incurred in preparation for the opening, the
 21 conduct of the business and after adjournment of any regular or extraordinary session, and for the
 22 necessary operation of the Senate offices, the requisitions for which are to be accompanied by bills to
 23 be filed with the Auditor.

24 The Clerk of the Senate, with the approval of the President, or the President of the Senate
 25 shall have authority to employ such staff personnel during any session of the Legislature as shall be
 26 needed in addition to staff personnel authorized by the Senate resolution adopted during any such
 27 session. The Clerk of the Senate, with the approval of the President, or the President of the Senate
 28 shall have authority to employ such staff personnel between sessions of the Legislature as shall be
 29 needed, the compensation of all staff personnel during and between sessions of the Legislature,
 30 notwithstanding any such Senate resolution, to be fixed by the President of the Senate. The Clerk is
 31 hereby authorized to draw his or her requisitions upon the Auditor for the payment of all such staff
 32 personnel for such services, payable out of the appropriation for Compensation and Per Diem of
 33 Officers and Employees or Current Expenses and Contingent Fund of the Senate.

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

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

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

2 - House of Delegates

Fund 0170 FY 2019 Org 2200

1	Compensation of Members (R)	00300	\$	3,000,000
2	Compensation and Per Diem of Officers			
3	and Employees (R).....	00500		575,000
4	Current Expenses and Contingent Fund (R)	02100		3,909,031
5	Expenses of Members (R)	39900		1,350,000
6	BRIM Premium (R).....	91300		<u>70,000</u>
7	Total.....		\$	8,904,031

8 The appropriations for the House of Delegates for the fiscal year 2018 are to remain in full
 9 force and effect and are hereby reappropriated to June 30, 2019. Any balances so reappropriated
 10 may be transferred and credited to the fiscal year 2018 accounts.

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

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

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

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

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

3 - Joint Expenses

(WV Code Chapter 4)

Fund 0175 FY 2019 Org 2300

1	Joint Committee on Government and Finance (R)	10400	\$	5,725,138
2	Legislative Printing (R).....	10500		760,000
3	Legislative Rule-Making Review Committee (R).....	10600		147,250
4	Legislative Computer System (R).....	10700		1,447,500
5	BRIM Premium (R).....	91300		<u>60,569</u>
6	Total.....		\$	8,140,457

7 The appropriations for the Joint Expenses for the fiscal year 2018 are to remain in full
 8 force and effect and are hereby reappropriated to June 30, 2019. Any balances reappropriated
 9 may be transferred and credited to the fiscal year 2018 accounts.

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

JUDICIAL

4 - Supreme Court –

General Judicial

Fund 0180 FY 2019 Org 2400

1	Personal Services and Employee Benefits (R)	00100	\$ 102,856,258
2	Children's Protection Act (R)	09000	214,700
3	Current Expenses (R)	13000	32,882,879
4	Repairs and Alterations (R)	06400	236,450
5	Equipment (R)	07000	1,800,000
6	Judges' Retirement System (R)	11000	779,000
7	Buildings (R)	25800	100,000
8	Other Assets (R)	69000	200,000
9	BRIM Premium (R)	91300	<u>690,383</u>
10	Total		\$ 139,759,670

11 The appropriations to the Supreme Court of Appeals for the fiscal years 2017 and 2018
 12 are to remain in full force and effect and are hereby reappropriated to June 30, 2019. Any
 13 balances so reappropriated may be transferred and credited to the fiscal year 2018 accounts.

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

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

EXECUTIVE

5 - Governor's Office

(WV Code Chapter 5)

Fund 0101 FY 2019 Org 0100

1	Personal Services and Employee Benefits.....	00100	\$	3,171,318
2	Current Expenses (R)	13000		760,888
3	Repairs and Alterations.....	06400		2,000
4	National Governors Association	12300		60,700
5	Herbert Henderson Office of Minority Affairs	13400		146,726
6	BRIM Premium.....	91300		<u>183,645</u>
7	Total.....		\$	4,325,277

8 Any unexpended balances remaining in the appropriations for Unclassified (fund 0101,
 9 appropriation 09900), and Current Expenses (fund 0101, appropriation 13000) at the close of the
 10 fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

11 The above appropriation for Herbert Henderson Office of Minority Affairs (fund 0101,
 12 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 2019 Org 0100

1	Personal Services and Employee Benefits.....	00100	\$	364,421
2	Current Expenses (R)	13000		183,158
3	Repairs and Alterations.....	06400		<u>5,000</u>
4	Total.....		\$	552,579

5 Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102,
 6 appropriation 13000) at the close of the fiscal year 2018 is hereby reappropriated for expenditure
 7 during the fiscal year 2019.

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

7 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2019 Org 0100

1 Any unexpended balances remaining in the appropriations for Business and Economic
 2 Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total
 3 (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation
 4 13500), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil
 5 Contingent Fund – Surplus (fund 0105, appropriation 26300), Business and Economic
 6 Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105,
 7 appropriation 61400), and Natural Disasters – Surplus (fund 0105, appropriation 76400) at the
 8 close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year.

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

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

8 - Auditor's Office –

General Administration

(WV Code Chapter 12)

Fund 0116 FY 2019 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$	2,694,191
2	Current Expenses (R)	13000		13,429
3	BRIM Premium.....	91300		<u>12,077</u>
4	Total		\$	2,719,697

5 Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116,
 6 appropriation 13000) at the close of the fiscal year 2018 is hereby reappropriated for expenditure
 7 during the fiscal year 2019.

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

9 - Treasurer's Office

(WV Code Chapter 12)

Fund 0126 FY 2019 Org 1300

1	Personal Services and Employee Benefits.....	00100	\$	2,480,419
2	Unclassified	09900		30,415
3	Current Expenses (R)	13000		475,100
4	Abandoned Property Program.....	11800		41,794

2018] HOUSE OF DELEGATES 1243

5	Other Assets	69000	10,000
6	ABLE Program	69202	150,000
7	BRIM Premium.....	91300	<u>59,169</u>
8	Total		\$ 3,246,897

9 Any unexpended balances remaining in the appropriation for Current Expenses (fund
 10 0126, appropriation 13000) at the close of the fiscal year 2018 are hereby reappropriated for
 11 expenditure during the fiscal year 2019.

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

10 - Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2019 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 5,301,277
2	Animal Identification Program	03900	126,318
3	State Farm Museum.....	05500	87,759
4	Current Expenses (R)	13000	141,960
5	Gypsy Moth Program (R)	11900	954,230
6	WV Farmers Market.....	12801	150,467
7	Black Fly Control.....	13700	453,164
8	Donated Foods Program.....	36300	45,000
9	Veterans to Agriculture Program	36301	250,000
10	Predator Control (R).....	47000	176,400
11	Bee Research	69100	67,822
12	Microbiology Program	78500	97,016
13	Moorefield Agriculture Center.....	78600	933,624
14	Chesapeake Bay Watershed.....	83000	106,803
15	Livestock Care Standards Board.....	84300	8,820
16	BRIM Premium.....	91300	138,905

17	State FFA-FHA Camp and Conference Center	94101	613,246
18	Threat Preparedness	94200	70,731
19	WV Food Banks	96900	126,000
20	Senior's Farmers' Market Nutrition Coupon Program	97000	<u>55,835</u>
21	Total		\$ 9,905,377

22 Any unexpended balances remaining in the appropriations for Gypsy Moth Program (fund
23 0131, appropriation 11900), Current Expenses (fund 0131, appropriation 13000), Predator
24 Control (fund 0131, appropriation 47000), and Agricultural Disaster and Mitigation Needs –
25 Surplus (fund 0131, appropriation 85000) at the close of the fiscal year 2018 are hereby
26 reappropriated for expenditure during the fiscal year 2019.

27 Included in the above appropriation to Personal Services and Employee Benefits (fund
28 0131, appropriation 00100), is \$95,000 for the Salary of the Commissioner.

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

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

34 From the above appropriation for WV Food Banks (fund 0131, appropriation 96900),
35 \$20,000 is for House of Hope and the remainder of the appropriation shall be allocated to the
36 Huntington Food Bank and the Mountaineer Food Bank in Braxton County.

11 - West Virginia Conservation Agency

(WV Code Chapter 19)

Fund 0132 FY 2019 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 754,823
2	Unclassified	09900	77,059
3	Current Expenses (R)	13000	317,848
4	Soil Conservation Projects (R)	12000	6,649,447
5	BRIM Premium.....	91300	<u>34,428</u>
6	Total		\$ 7,833,605

7 Any unexpended balances remaining in the appropriations for Soil Conservation Projects
8 (fund 0132, appropriation 12000), and Current Expenses (fund 0132, appropriation 13000) at the
9 close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

12 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 0135 FY 2019 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	640,093
2	Unclassified	09900		7,090
3	Current Expenses	13000		<u>82,605</u>
4	Total		\$	729,788

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

13 - Department of Agriculture –

Agricultural Awards Fund

(WV Code Chapter 19)

Fund 0136 FY 2019 Org 1400

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

14 - Department of Agriculture –

West Virginia Agricultural Land Protection Authority

(WV Code Chapter 8A)

Fund 0607 FY 2019 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	96,735
2	Unclassified	09900		<u>950</u>
3	Total		\$	97,685

15 - Attorney General

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

Fund 0150 FY 2019 Org 1500

1	Personal Services and Employee Benefits (R)	00100	\$	2,537,784
2	Unclassified (R).....	09900		24,428
3	Current Expenses (R)	13000		762,097
4	Repairs and Alterations.....	06400		1,000
5	Equipment.....	07000		1,000
6	Criminal Convictions and Habeas Corpus Appeals (R)	26000		923,582
7	Better Government Bureau	74000		275,194
8	BRIM Premium.....	91300		<u>120,654</u>
9	Total.....		\$	4,645,739

10 Any unexpended balances remaining in the above appropriations for Personal Services
 11 and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation
 12 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas
 13 Corpus Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool
 14 (fund 0150, appropriation 36200) at the close of the fiscal year 2018 are hereby reappropriated
 15 for expenditure during the fiscal year 2019.

16 Included in the above appropriation to Personal Services and Employee Benefits (fund
 17 0150, appropriation 00100), is \$95,000 for the Salary of the Attorney General.

18 When legal counsel or secretarial help is appointed by the Attorney General for any state
 19 spending unit, this account shall be reimbursed from such spending units specifically appropriated
 20 account or from accounts appropriated by general language contained within this bill: *Provided,*
 21 That the spending unit shall reimburse at a rate and upon terms agreed to by the state spending
 22 unit and the Attorney General: *Provided, however,* That if the spending unit and the Attorney
 23 General are unable to agree on the amount and terms of the reimbursement, the spending unit
 24 and the Attorney General shall submit their proposed reimbursement rates and terms to the
 25 Governor for final determination.

16 - Secretary of State

(WV Code Chapters 3, 5 and 59)

Fund 0155 FY 2019 Org 1600

1	Personal Services and Employee Benefits.....	00100	\$	118,794
2	Unclassified (R).....	09900		9,555
3	Current Expenses (R)	13000		805,948
4	BRIM Premium.....	91300		<u>23,297</u>
5	Total.....		\$	957,594

6 Any unexpended balances remaining in the appropriations for Unclassified (fund 0155,
 7 appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the
 8 fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

9 Included in the above appropriation to Personal Services and Employee Benefits (fund
 10 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 2019 Org 1601

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

DEPARTMENT OF ADMINISTRATION

18 - Department of Administration –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0186 FY 2019 Org 0201

1	Personal Services and Employee Benefits.....	00100	\$	591,118
2	Unclassified	09900		9,177
3	Current Expenses	13000		85,446
4	Repairs and Alterations.....	06400		100
5	Equipment.....	07000		1,000
6	Financial Advisor (R).....	30400		27,546
7	Lease Rental Payments	51600		15,000,000
8	Design-Build Board.....	54000		4,000
9	Other Assets	69000		100
10	BRIM Premium.....	91300		<u>6,299</u>
11	Total		\$	15,724,786

12 Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186,
 13 appropriation 30400) at the close of the fiscal year 2018 is hereby reappropriated for expenditure
 14 during the fiscal year 2019.

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

19 - Consolidated Public Retirement Board

(WV Code Chapter 5)

Fund 0195 FY 2019 Org 0205

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

20 - Division of Finance

(WV Code Chapter 5A)

Fund 0203 FY 2019 Org 0209

1	Personal Services and Employee Benefits.....	00100	\$	64,696
2	Unclassified	09900		1,400
3	Current Expenses	13000		66,721
4	GAAP Project (R).....	12500		593,684
5	BRIM Premium.....	91300		<u>7,517</u>
6	Total		\$	734,018

7 Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203,
 8 appropriation 12500) at the close of the fiscal year 2018 is hereby reappropriated for expenditure
 9 during the fiscal year 2019.

21 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2019 Org 0211

1	Personal Services and Employee Benefits.....	00100	\$	2,593,147
2	Unclassified	09900		20,000
3	Current Expenses	13000		728,849

2018] HOUSE OF DELEGATES 1249

4	Repairs and Alterations.....	06400	500
5	Equipment.....	07000	5,000
6	Fire Service Fee.....	12600	14,000
7	Buildings (R)	25800	500
8	Preservation and Maintenance of Statues and Monuments		
9	on Capitol Grounds	37100	68,000
10	Capital Outlay, Repairs and Equipment (R).....	58900	14,078,888
11	Other Assets	69000	500
12	Land (R).....	73000	500
13	BRIM Premium.....	91300	<u>129,983</u>
14	Total.....		\$ 17,639,867

15 Any unexpended balances remaining in the above appropriations for Buildings (fund 0230,
 16 appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900),
 17 Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700), and Land
 18 (fund 0230, appropriation 73000) at the close of the fiscal year 2018 are hereby reappropriated
 19 for expenditure during the fiscal year 2019.

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

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

22 - Division of Purchasing

(WV Code Chapter 5A)

Fund 0210 FY 2019 Org 0213

1	Personal Services and Employee Benefits.....	00100	\$ 1,023,307
2	Unclassified	09900	144
3	Current Expenses	13000	1,285
4	Repairs and Alterations.....	06400	200
5	BRIM Premium.....	91300	<u>6,922</u>

6 Total \$ 1,031,858

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

23 - Travel Management

(WV Code Chapter 5A)

Fund 0615 FY 2019 Org 0215

1	Personal Services and Employee Benefits.....	00100	\$	779,867
2	Unclassified	09900		12,032
3	Current Expenses	13000		440,247
4	Repairs and Alterations.....	06400		1,000
5	Equipment.....	07000		5,000
6	Buildings (R)	25800		100
7	Other Assets	69000		<u>100</u>
8	Total		\$	1,238,346

9 Any unexpended balance remaining in the appropriation for Buildings (fund 0615,
 10 appropriation 25800) at the close of the fiscal year 2018 is hereby reappropriated for expenditure
 11 during the fiscal year 2019.

24 - Commission on Uniform State Laws

(WV Code Chapter 29)

Fund 0214 FY 2019 Org 0217

1 Current Expenses 13000 \$ 45,550

2 To pay expenses for members of the commission on uniform state laws.

25 - West Virginia Public Employees Grievance Board

(WV Code Chapter 6C)

Fund 0220 FY 2019 Org 0219

1	Personal Services and Employee Benefits.....	00100	\$	935,883
2	Unclassified	09900		1,000
3	Current Expenses	13000		143,754

2018] HOUSE OF DELEGATES 1251

4	Equipment.....	07000	50
5	BRIM Premium.....	91300	<u>10,281</u>
6	Total.....		\$ 1,090,968

26 - Ethics Commission

(WV Code Chapter 6B)

Fund 0223 FY 2019 Org 0220

1	Personal Services and Employee Benefits.....	00100	\$ 588,831
2	Unclassified	09900	2,200
3	Current Expenses	13000	104,501
4	Repairs and Alterations.....	06400	500
5	Other Assets	69000	100
6	BRIM Premium.....	91300	<u>5,574</u>
7	Total.....		\$ 701,706

27 - Public Defender Services

(WV Code Chapter 29)

Fund 0226 FY 2019 Org 0221

1	Personal Services and Employee Benefits.....	00100	\$ 1,367,785
2	Unclassified	09900	314,700
3	Current Expenses	13000	12,740
4	Public Defender Corporations	35200	19,204,999
5	Appointed Counsel Fees (R).....	78800	10,723,115
6	BRIM Premium.....	91300	<u>10,575</u>
7	Total.....		\$ 31,633,914

8 Any unexpended balance remaining in the above appropriation for Appointed Counsel
9 Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2018 is hereby
10 reappropriated for expenditure during the fiscal year 2019.

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

*28 - Committee for the Purchase of
 Commodities and Services from the Handicapped
 (WV Code Chapter 5A)*

Fund 0233 FY 2019 Org 0224

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

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

Fund 0200 FY 2019 Org 0225

1	PEIA Subsidy	80100	\$	21,000,000
---	--------------------	-------	----	------------

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

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

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

Fund 0557 FY 2019 Org 0228

1	Forensic Medical Examinations (R).....	68300	\$	139,611
2	Federal Funds/Grant Match (R)	74900		101,418
3	Total		\$	241,029

4 Any unexpended balances remaining in the appropriations for Forensic Medical
 5 Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557,

6 appropriation 74900) at the close of the fiscal year 2018 are hereby reappropriated for expenditure
 7 during the fiscal year 2019.

31 - Real Estate Division

(WV Code Chapter 5A)

Fund 0610 FY 2019 Org 0233

1	Personal Services and Employee Benefits.....	00100	\$	660,855
2	Unclassified	09900		1,000
3	Current Expenses	13000		138,631
4	Repairs and Alterations.....	06400		100
5	Equipment.....	07000		2,500
6	BRIM Premium.....	91300		<u>8,534</u>
7	Total		\$	811,620

1 **DEPARTMENT OF COMMERCE**

32 - Division of Forestry

(WV Code Chapter 19)

Fund 0250 FY 2019 Org 0305

1	Personal Services and Employee Benefits.....	00100	\$	2,743,667
2	Unclassified	09900		21,435
3	Current Expenses	13000		338,953
4	Repairs and Alterations.....	06400		80,000
5	Equipment (R).....	07000		2,061
6	BRIM Premium.....	91300		<u>98,754</u>
7	Total		\$	3,284,870

8 Any unexpended balance remaining in the appropriation for Equipment (fund 0250,
 9 Appropriation 07000) at the close of the fiscal year 2018 is hereby reappropriated for expenditure
 10 during the fiscal year 2019.

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

33 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 0253 FY 2019 Org 0306

1	Personal Services and Employee Benefits.....	00100	\$	1,614,784
2	Unclassified	09900		27,678
3	Current Expenses	13000		51,524
4	Repairs and Alterations.....	06400		968
5	Mineral Mapping System (R).....	20700		1,114,009
6	BRIM Premium.....	91300		<u>24,486</u>
7	Total		\$	2,833,449

8 Any unexpended balance remaining in the appropriation for Mineral Mapping System
9 (fund 0253, appropriation 20700) at the close of the fiscal year 2018 is hereby reappropriated for
10 expenditure during the fiscal year 2019.

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

34 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 0256 FY 2019 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	4,204,485
2	Unclassified	09900		108,687
3	Current Expenses	13000		3,769,645
4	National Youth Science Camp	13200		241,570
5	Local Economic Development Partnerships (R)	13300		792,000
6	ARC Assessment.....	13600		152,585
7	Infrastructure and Economic Development Projects.....	23401		3,000,000
8	Guaranteed Work Force Grant (R).....	24200		970,955

9	Mainstreet Program	79400	164,655
10	BRIM Premium.....	91300	3,157
11	Hatfield McCoy Recreational Trail	96000	<u>198,415</u>
12	Total		\$ 13,606,154

13 Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund
 14 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local
 15 Economic Development Partnerships (fund 0256, appropriation 13300), Guaranteed Work Force
 16 Grant (fund 0256, appropriation 24200), Industrial Park Assistance (fund 0256, appropriation
 17 48000), and Local Economic Development Assistance (fund 0256, appropriation 81900) at the
 18 close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

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

35 - Division of Labor -

Weights and Measures Fund

(WV Code Chapter 47)

Fund 0260 FY 2019 Org 0308

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

36 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2019 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$ 16,193,634
---	--	-------	---------------

2	Unclassified	09900	184,711
3	Current Expenses	13000	196,302
4	Repairs and Alterations.....	06400	100
5	Equipment.....	07000	100
6	Buildings	25800	100
7	Capital Outlay – Parks.....	28800	3,000,000
8	Litter Control Conservation Officers	56400	142,712
9	Upper Mud River Flood Control.....	65400	163,385
10	Other Assets	69000	100
11	Land (R).....	73000	100
12	Law Enforcement	80600	2,473,246
13	BRIM Premium.....	91300	<u>45,141</u>
14	Total		\$ 22,399,631

15 Any unexpended balances remaining in the appropriations for Buildings (fund 0265,
 16 appropriation 25800), Land (fund 0265, appropriation 73000), and State Park Improvements –
 17 Surplus (fund 0265, appropriation 76300) at the close of the fiscal year 2018 are hereby
 18 reappropriated for expenditure during the fiscal year 2019.

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

37 - Division of Miners' Health, Safety and Training

(WV Code Chapter 22)

Fund 0277 FY 2019 Org 0314

1	Personal Services and Employee Benefits.....	00100	\$ 9,249,358
2	Unclassified	09900	111,016
3	Current Expenses	13000	1,396,141
4	Coal Dust and Rock Dust Sampling	27000	482,128
5	BRIM Premium.....	91300	<u>80,668</u>
6	Total		\$ 11,319,311

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

38 - Board of Coal Mine Health and Safety

(WV Code Chapter 22)

Fund 0280 FY 2019 Org 0319

1	Personal Services and Employee Benefits.....	00100	\$	231,169
2	Unclassified	09900		3,480
3	Current Expenses	13000		<u>118,138</u>
4	Total.....		\$	352,787

5 Included in the above appropriation for Current Expenses (fund 0280, appropriation
 6 13000) up to \$29,000 shall be used for the Coal Mine Safety and Technical Review Committee.

39 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 0572 FY 2019 Org 0323

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

40 - Department of Commerce –

Office of the Secretary

(WV Code Chapter 19)

Fund 0606 FY 2019 Org 0327

1	Personal Services and Employee Benefits.....	00100	\$	555,128
2	Unclassified	09900		3,500
3	Current Expenses	13000		<u>15,089</u>
4	Total.....		\$	573,717

41 - Office of Energy

(WV Code Chapter 5B)

Fund 0612 FY 2019 Org 0328

1	Personal Services and Employee Benefits.....	00100	\$	195,487
2	Unclassified	09900		12,395
3	Current Expenses	13000		1,029,679
4	BRIM Premium.....	91300		<u>3,894</u>
5	Total.....		\$	1,241,455

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

DEPARTMENT OF EDUCATION*42 - State Board of Education –**School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2019 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	335,494
2	Current Expenses	13000		<u>2,118,865</u>
3	Total.....		\$	2,454,359

*43 - State Board of Education –**State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2019 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	4,387,599
2	Teachers' Retirement Savings Realized.....	09500		35,000,000
3	Unclassified (R).....	09900		300,000
4	Current Expenses (R)	13000		2,572,000
5	Equipment.....	07000		5,000

2018]

HOUSE OF DELEGATES

1259

6	Increased Enrollment	14000	2,910,000
7	Safe Schools.....	14300	4,869,447
8	Teacher Mentor.....	15800	550,000
9	National Teacher Certification (R)	16100	300,000
10	Buildings (R)	25800	1,000
11	Technology Repair and Modernization	29800	951,003
12	HVAC Technicians.....	35500	506,851
13	Early Retirement Notification Incentive.....	36600	300,000
14	MATH Program.....	36800	336,532
15	Assessment Programs	39600	1,339,588
16	21 st Century Fellows.....	50700	274,899
17	English as a Second Language.....	52800	96,000
18	Teacher Reimbursement.....	57300	297,188
19	Hospitality Training	60000	270,103
20	Hi-Y Youth in Government	61600	100,000
21	High Acuity Special Needs (R)	63400	1,500,000
22	Foreign Student Education.....	63600	100,013
23	Principals Mentorship.....	64900	69,250
24	State Board of Education Administrative Costs	68400	271,779
25	Other Assets	69000	1,000
26	IT Academy (R).....	72100	500,000
27	Land (R).....	73000	1,000
28	Early Literacy Program.....	75600	5,700,000
29	School Based Truancy Prevention (R)	78101	2,015,366
30	Communities in Schools.....	78103	400,000
31	21 st Century Learners (R).....	88600	1,726,944

32	BRIM Premium.....	91300	342,859
33	21 st Century Assessment and Professional Development	93100	2,004,447
34	21 st Century Technology Infrastructure Network		
35	Tools and Support.....	93300	7,636,586
36	Educational Program Allowance	99600	<u>516,250</u>
37	Total.....		\$ 78,152,704

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

40 Any unexpended balances remaining in the appropriations for Unclassified (fund 0313,
41 appropriation 09900), Current Expenses (fund 0313, appropriation 13000), National Teacher
42 Certification (fund 0313, appropriation 16100), Buildings (fund 0313, appropriation 25800), High
43 Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation
44 72100), Land (fund 0313, appropriation 73000), School Based Truancy Prevention (fund 0313,
45 appropriation 78101), and 21st Century Learners (fund 0313, appropriation 88600) at the close of
46 the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

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

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

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

44 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2019 Org 0402

1	Special Education – Counties	15900	\$ 7,271,757
2	Special Education – Institutions	16000	3,858,654
3	Education of Juveniles Held in Predispositional		

4	Juvenile Detention Centers.....	30200	625,614
5	Education of Institutionalized Juveniles and Adults (R)	47200	<u>18,472,954</u>
6	Total		\$ 30,228,979

7 Any unexpended balance remaining in the appropriation for Education of Institutionalized
8 Juveniles and Adults (fund 0314, appropriation 47200) at the close of the fiscal year 2018 is
9 hereby reappropriated for expenditure during the fiscal year 2019.

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

45 - State Board of Education –

State Aid to Schools

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2019 Org 0402

1	Other Current Expenses	02200	\$ 149,651,626
2	Advanced Placement	05300	595,663
3	Professional Educators	15100	876,075,903
4	Service Personnel.....	15200	297,680,615
5	Fixed Charges.....	15300	103,542,614
6	Transportation.....	15400	73,375,145
7	Professional Student Support Services	65500	38,686,260
8	Improved Instructional Programs	15600	49,544,683
9	21 st Century Strategic Technology Learning Growth	93600	<u>21,584,131</u>
10	Basic Foundation Allowances		1,610,736,640
11	Less Local Share		(458,622,709)
12	Adjustments		<u>(1,694,701)</u>
13	Total Basic State Aid.....		1,150,419,230
14	Public Employees' Insurance Matching.....	01200	232,810,116
15	Teachers' Retirement System	01900	72,719,190
16	School Building Authority	45300	23,420,520

17	Retirement Systems – Unfunded Liability.....	77500	<u>353,640,000</u>
18	Total.....		\$ 1,833,009,056

46 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2019 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$ 1,305,125
2	Unclassified	09900	268,800
3	Current Expenses	13000	883,106
4	Wood Products – Forestry Vocational Program.....	14600	73,715
5	Albert Yanni Vocational Program	14700	132,123
6	Vocational Aid.....	14800	23,239,266
7	Adult Basic Education	14900	4,894,607
8	Program Modernization.....	30500	884,313
9	High School Equivalency Diploma Testing (R)	72600	790,743
10	FFA Grant Awards	83900	11,496
11	Pre-Engineering Academy Program.....	84000	<u>265,294</u>
12	Total.....		\$ 32,748,588

13 Any unexpended balance remaining in the appropriation for High School Equivalency
 14 Diploma Testing (fund 0390, appropriation 72600) at the close of the fiscal year 2018 is hereby
 15 reappropriated for expenditure during the fiscal year 2019.

47 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2019 Org 0403

1	Personal Services and Employee Benefits.....	00100	\$ 11,588,010
2	Unclassified	09900	110,000

2018] HOUSE OF DELEGATES 1263

3	Current Expenses	13000	2,145,469
4	Repairs and Alterations.....	06400	85,000
5	Equipment.....	07000	70,000
6	Buildings (R)	25800	50,000
7	Capital Outlay and Maintenance (R)	75500	82,500
8	BRIM Premium.....	91300	<u>140,842</u>
9	Total.....		\$ 14,271,821

10 Any unexpended balances remaining in the appropriations for Buildings (fund 0320,
 11 appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at
 12 the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year
 13 2019.

DEPARTMENT OF EDUCATION AND THE ARTS

48 - Department of Education and the Arts –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0294 FY 2019 Org 0431

1	Personal Services and Employee Benefits.....	00100	\$ 533,834
2	Unclassified	09900	35,000
3	Center for Professional Development (R).....	11500	1,511,331
4	Current Expenses	13000	7,162
5	WV Humanities Council	16800	250,000
6	Benedum Professional Development Collaborative (R).....	42700	429,775
7	Governor's Honors Academy (R)	47800	1,059,270
8	Educational Enhancements.....	69500	573,500
9	S.T.E.M. Education and Grant Program (R)	71900	492,262
10	Energy Express.....	86100	382,935
11	BRIM Premium.....	91300	5,336
12	Special Olympic Games.....	96600	<u>25,000</u>

13 Total..... \$ 5,305,405

14 Any unexpended balances remaining in the appropriations for Center for Professional
 15 Development (fund 0294, appropriation 11500), Benedum Professional Development
 16 Collaborative (fund 0294, appropriation 42700), Governor's Honors Academy (fund 0294,
 17 appropriation 47800), and S.T.E.M. Education and Grant Program (fund 0294, appropriation
 18 71900) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the
 19 fiscal year 2019.

20 From the above appropriation for Educational Enhancements (fund 0294, appropriation
 21 69500), \$73,500 shall be used for the Clay Center and \$500,000 for Save the Children.

49 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2019 Org 0432

1	Personal Services and Employee Benefits.....	00100	\$	3,299,919
2	Current Expenses	13000		610,843
3	Repairs and Alterations.....	06400		1,000
4	Equipment.....	07000		1
5	Unclassified (R).....	09900		28,483
6	Buildings (R)	25800		1
7	Other Assets	69000		1
8	Land (R).....	73000		1
9	Culture and History Programming	73200		231,573
10	Capital Outlay and Maintenance (R)	75500		19,600
11	Historical Highway Marker Program.....	84400		57,548
12	BRIM Premium.....	91300		<u>39,337</u>
13	Total.....		\$	4,288,307

14 Any unexpended balances remaining in the appropriations for Unclassified (fund 0293,
 15 appropriation 09900), Buildings (fund 0293, appropriation 25800), Capital Outlay, Repairs and
 16 Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293,
 17 appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation
 18 67700), Land (fund 0293, appropriation 73000), and Capital Outlay and Maintenance (fund 0293,
 19 appropriation 75500) at the close of the fiscal year 2018 are hereby reappropriated for expenditure
 20 during the fiscal year 2019.

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

50 - Library Commission

(WV Code Chapter 10)

Fund 0296 FY 2019 Org 0433

1	Personal Services and Employee Benefits.....	00100	\$	1,261,316
2	Current Expenses	13000		139,624
3	Repairs and Alterations.....	06400		6,500
4	Services to Blind & Handicapped	18100		161,717
5	BRIM Premium.....	91300		<u>18,205</u>
6	Total		\$	1,587,362

51 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 0300 FY 2019 Org 0439

1	Personal Services and Employee Benefits.....	00100	\$	1,767,321
2	Current Expenses	13000		1,591,805
3	Mountain Stage.....	24900		300,000
4	Capital Outlay and Maintenance (R)	75500		50,000
5	BRIM Premium.....	91300		<u>48,453</u>
6	Total		\$	3,757,579

7 Any unexpended balance remaining in the appropriation for Capital Outlay and
 8 Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2018 is hereby
 9 reappropriated for expenditure during the fiscal year 2019.

52 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 0310 FY 2019 Org 0932

1	Personal Services and Employee Benefits.....	00100	\$	10,953,816
2	Independent Living Services	00900		429,418
3	Current Expenses	13000		558,815
4	Workshop Development.....	16300		1,817,427
5	Supported Employment Extended Services	20600		77,960
6	Ron Yost Personal Assistance Fund.....	40700		333,828
7	Employment Attendant Care Program.....	59800		131,575
8	BRIM Premium.....	91300		<u>77,464</u>
9	Total.....		\$	14,380,303

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

53 - Environmental Quality Board

(WV Code Chapter 20)

Fund 0270 FY 2019 Org 0311

1	Personal Services and Employee Benefits.....	00100	\$	76,915
2	Current Expenses	13000		29,353
3	Repairs and Alterations.....	06400		100
4	Equipment.....	07000		300
5	Other Assets	69000		400
6	BRIM Premium.....	91300		<u>791</u>
7	Total.....		\$	107,859

54 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 0273 FY 2019 Org 0313

2018] HOUSE OF DELEGATES 1267

1	Personal Services and Employee Benefits.....	00100	\$	4,051,891
2	Water Resources Protection and Management.....	06800		570,654
3	Current Expenses	13000		96,916
4	Repairs and Alterations.....	06400		1,500
5	Unclassified	09900		14,825
6	Dam Safety	60700		212,186
7	West Virginia Stream Partners Program.....	63700		77,396
8	Meth Lab Cleanup.....	65600		199,616
9	WV Contributions to River Commissions.....	77600		148,485
10	Office of Water Resources Non-Enforcement Activity	85500		<u>934,525</u>
11	Total.....		\$	6,307,994

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

55 - Air Quality Board

(WV Code Chapter 16)

Fund 0550 FY 2019 Org 0325

1	Personal Services and Employee Benefits.....	00100	\$	60,737
2	Current Expenses	13000		12,462
3	Repairs and Alterations.....	06400		50
4	Equipment.....	07000		300
5	Other Assets	69000		200
6	BRIM Premium.....	91300		<u>2,304</u>
7	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 2019 Org 0501

1	Personal Services and Employee Benefits.....	00100	\$	379,014
2	Unclassified	09900		6,459
3	Current Expenses	13000		50,613
4	Commission for the Deaf and Hard of Hearing.....	70400		<u>219,910</u>
5	Total.....		\$	655,996

6 Any unexpended balance remaining in the appropriation for the Women's Commission
7 (fund 0400, appropriation 19100) at the close of the fiscal year 2018 is hereby reappropriated for
8 expenditure during the fiscal year 2019.

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

(WV Code Chapter 16)

Fund 0407 FY 2019 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	12,446,690
2	Chief Medical Examiner	04500		6,618,003
3	Unclassified	09900		671,795
4	Current Expenses	13000		4,677,059
5	State Aid for Local and Basic Public Health Services.....	18400		12,652,756
6	Safe Drinking Water Program (R).....	18700		2,188,827
7	Women, Infants and Children.....	21000		38,621
8	Early Intervention.....	22300		8,134,060
9	Cancer Registry	22500		200,682
10	Statewide EMS Program Support (R).....	38300		1,835,429
11	Black Lung Clinics.....	46700		170,885
12	Vaccine for Children.....	55100		335,423
13	Tuberculosis Control.....	55300		372,366

14	Maternal and Child Health Clinics, Clinicians		
15	Medical Contracts and Fees (R)	57500	6,335,115
16	Epidemiology Support.....	62600	1,513,869
17	Primary Care Support	62800	4,245,849
18	Sexual Assault Intervention and Prevention	72300	125,000
19	Health Right Free Clinics	72700	2,750,000
20	Capital Outlay and Maintenance (R)	75500	100,000
21	Maternal Mortality Review	83400	47,712
22	Diabetes Education and Prevention	87300	97,125
23	BRIM Premium.....	91300	169,791
24	State Trauma and Emergency Care System	91800	<u>2,004,450</u>
25	Total		\$ 67,731,507

26 Any unexpended balances remaining in the appropriations for Safe Drinking Water
 27 Program (fund 0407, appropriation 18700), Statewide EMS Program Support (fund 0407,
 28 appropriation 38300), Maternal and Child Health Clinics, Clinicians and Medical Contracts and
 29 Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation
 30 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200).

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

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

58 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2019 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$ 1,590,408
2	Current Expenses	13000	14,113
3	Behavioral Health Program (R)	21900	64,462,622

4	Family Support Act.....	22100	251,226
5	Institutional Facilities Operations (R).....	33500	134,223,239
6	Substance Abuse Continuum of Care (R)	35400	5,000,000
7	Capital Outlay and Maintenance (R)	75500	950,000
8	Renaissance Program.....	80400	165,996
9	BRIM Premium.....	91300	<u>1,296,098</u>
10	Total.....		\$ 207,953,702

11 Any unexpended balances remaining in the appropriations for Behavioral Health Program
 12 (fund 0525, appropriation 21900), Institutional Facilities Operations (fund 0525, appropriation
 13 33500), Substance Abuse Continuum of Care (fund 0525, appropriation 35400), and Capital
 14 Outlay and Maintenance (fund 0525, appropriation 75500) at the close of the fiscal year 2018 are
 15 hereby reappropriated for expenditure during the fiscal year 2019.

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

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

24 From the above appropriation for Institutional Facilities Operations (fund 0525,
 25 appropriation 33500), together with available funds from the Division of Health – Hospital Services
 26 Revenue Account (fund 5156, appropriation 33500), on July 1, 2018, the sum of \$160,000 shall
 27 be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as
 28 advance payment for the purchase of food products; actual payments for such purchases shall
 29 not be required until such credits have been completely expended.

30 The above appropriation for Institutional Facilities Operations (fund 0525, appropriation
 31 33500) contains prior year salary increases due to the Hartley court order in the amount of
 32 \$2,202,013 for William R. Sharpe Jr. Hospital, and \$2,067,984 for Mildred Mitchel-Bateman
 33 Hospital.

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

37 Additional funds have been appropriated in fund 5156, fiscal year 2019, organization 0506,
 38 for the operation of the institutional facilities. The secretary of the Department of Health and
 39 Human Resources is authorized to utilize up to ten percent of the funds from the Institutional
 40 Facilities Operations appropriation to facilitate cost effective and cost saving services at the
 41 community level.

59 - Division of Health –

West Virginia Drinking Water Treatment

(WV Code Chapter 16)

Fund 0561 FY 2019 Org 0506

1 West Virginia Drinking Water Treatment

2 Revolving Fund-Transfer 68900 \$ 647,500

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

60 - Human Rights Commission

(WV Code Chapter 5)

Fund 0416 FY 2019 Org 0510

1 Personal Services and Employee Benefits..... 00100 \$ 1,028,561

2 Unclassified 09900 4,024

3 Current Expenses 13000 331,304

4 BRIM Premium..... 91300 10,764

5 Total..... \$ 1,374,653

61 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2019 Org 0511

1 Personal Services and Employee Benefits..... 00100 \$ 45,354,625

2 Unclassified 09900 5,688,944

3 Current Expenses 13000 11,404,008

4 Child Care Development 14400 4,090,908

5 Medical Services..... 18900 413,957,363

6 Social Services 19500 154,183,734

7 Family Preservation Program..... 19600 1,565,000

8	Family Resource Networks	27400	1,762,464
9	Domestic Violence Legal Services Fund	38400	400,000
10	James "Tiger" Morton Catastrophic Illness Fund	45500	102,883
11	I/DD Waiver	46600	88,753,483
12	Child Protective Services Case Workers	46800	23,473,825
13	OSCAR and RAPIDS	51500	6,453,502
14	Title XIX Waiver for Seniors	53300	13,593,620
15	WV Teaching Hospitals Tertiary/Safety Net	54700	6,356,000
16	Child Welfare System.....	60300	1,291,873
17	In-Home Family Education	68800	1,000,000
18	WV Works Separate State Program.....	69800	1,935,000
19	Child Support Enforcement	70500	6,487,501
20	Temporary Assistance for Needy Families/ Maintenance of Effort	70700	25,819,096
22	Child Care – Maintenance of Effort Match.....	70800	5,693,743
23	Grants for Licensed Domestic Violence Programs and Statewide Prevention	75000	2,500,000
25	Capital Outlay and Maintenance (R)	75500	11,875
26	Community Based Services and Pilot Programs for Youth.....	75900	1,000,000
27	Medical Services Administrative Costs.....	78900	38,127,412
28	Traumatic Brain Injury Waiver	83500	800,000
29	Indigent Burials (R)	85100	2,050,000
30	BRIM Premium.....	91300	892,642
31	Rural Hospitals Under 150 Beds	94000	2,596,000
32	Children's Trust Fund – Transfer.....	95100	<u>220,000</u>
33	Total		\$ 867,565,501

34 Any unexpended balances remaining in the appropriations for Capital Outlay and
35 Maintenance (fund 0403, appropriation 75500) and Indigent Burials (fund 0403, appropriation
36 85100) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the
37 fiscal year 2019.

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

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

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

48 The above appropriation for Domestic Violence Legal Services Fund (fund 0403,
49 appropriation 38400) shall be transferred to the Domestic Violence Legal Services Fund (fund
50 5455).

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

54 The above appropriation for WV Works Separate State Program (fund 0403, appropriation
55 69800), shall be transferred to the WV Works Separate State College Program Fund (fund 5467),
56 and the WV Works Separate State Two-Parent Program Fund (fund 5468) as determined by the
57 secretary of the Department of Health and Human Resources.

58 From the above appropriation for Child Support Enforcement (fund 0403, appropriation
59 70500) an amount not to exceed \$300,000 may be transferred to a local banking depository to be
60 utilized to offset funds determined to be uncollectible.

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

68 The above appropriation for Children's Trust Fund – Transfer (fund 0403, appropriation
69 95100) shall be transferred to the Children's Trust Fund (fund 5469, org 0511).

DEPARTMENT OF MILITARY AFFAIRS

AND PUBLIC SAFETY

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 2019 Org 0601

1	Personal Services and Employee Benefits.....	00100	\$	732,256
2	Unclassified (R).....	09900		18,949
3	Current Expenses	13000		58,320
4	Repairs and Alterations.....	06400		2,500
5	Equipment.....	07000		2,500
6	Fusion Center (R)	46900		542,430
7	Other Assets	69000		2,500
8	Directed Transfer	70000		32,000
9	BRIM Premium.....	91300		18,190
10	WV Fire and EMS Survivor Benefit (R)	93900		200,000
11	Homeland State Security Administrative Agency (R).....	95300		<u>318,890</u>
12	Total.....		\$	1,928,535

13 Any unexpended balances remaining in the appropriations for Unclassified (fund 0430,
 14 appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Justice Reinvestment
 15 Training – Surplus (fund 0430, appropriation 69900), WV Fire and EMS Survivor Benefit (fund
 16 0430, appropriation 93900), and Homeland State Security Administrative Agency (fund 0430,
 17 appropriation 95300) at the close of the fiscal year 2018 are hereby reappropriated for expenditure
 18 during the fiscal year 2019.

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

*63 - Adjutant General –**State Militia*

(WV Code Chapter 15)

Fund 0433 FY 2019 Org 0603

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

3	Civil Air Patrol	23400	249,664
4	Mountaineer ChalleNGe Academy	70900	1,500,000
5	Armory Board Transfer.....	70015	2,317,555
6	Military Authority (R).....	74800	6,029,611
7	Drug Enforcement and Support.....	74801	<u>1,500,000</u>
8	Total.....		\$ 15,703,628

9 Any unexpended balance remaining in the appropriations for Unclassified (fund 0433,
 10 appropriation 09900) and Military Authority (fund 0433, appropriation 74800) at the close of the
 11 fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

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

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

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

64 - Adjutant General –

Military Fund

(WV Code Chapter 15)

Fund 0605 FY 2019 Org 0603

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

65 - West Virginia Parole Board

(WV Code Chapter 62)

Fund 0440 FY 2019 Org 0605

1	Personal Services and Employee Benefits.....	00100	\$ 402,254
2	Current Expenses	13000	365,234
3	Salaries of Members of West Virginia Parole Board.....	22700	609,833

4	BRIM Premium.....	91300	<u>6,149</u>
5	Total		\$ 1,383,470

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

66 - Division of Homeland Security and

Emergency Management

(WV Code Chapter 15)

Fund 0443 FY 2019 Org 0606

1	Personal Services and Employee Benefits.....	00100	\$ 1,268,402
2	Unclassified	09900	26,342
3	Current Expenses	13000	53,024
4	Repairs and Alterations.....	06400	600
5	Radiological Emergency Preparedness	55400	17,052
6	SIRN.....	55401	600,000
7	Federal Funds/Grant Match (R)	74900	663,463
8	Mine and Industrial Accident Rapid		
9	Response Call Center	78100	461,355
10	Early Warning Flood System (R).....	87700	475,832
11	BRIM Premium.....	91300	96,529
12	WVU Charleston Poison Control Hotline	94400	<u>712,942</u>
13	Total		\$ 4,375,541

14 Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match
15 (fund 0443, appropriation 74900), Early Warning Flood System (fund 0443, appropriation 87700),
16 and Disaster Mitigation (fund 0443, appropriation 95200) at the close of the fiscal year 2018 are
17 hereby reappropriated for expenditure during the fiscal year 2019.

67 - Division of Corrections –

Central Office

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

Fund 0446 FY 2019 Org 0608

1	Personal Services and Employee Benefits.....	00100	\$	621,000
2	Current Expenses	13000		<u>2,400</u>
3	Total		\$	623,400

*68 - Division of Corrections –**Correctional Units*

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

Fund 0450 FY 2019 Org 0608

1	Employee Benefits	01000	\$	1,258,136
2	Children's Protection Act (R)	09000		838,437
3	Unclassified	09900		1,578,800
4	Current Expenses (R)	13000		21,151,011
5	Facilities Planning and Administration (R)	38600		1,274,200
6	Charleston Correctional Center	45600		3,026,773
7	Beckley Correctional Center.....	49000		2,027,265
8	Anthony Correctional Center	50400		5,468,335
9	Huttonsville Correctional Center.....	51400		20,907,772
10	Northern Correctional Center	53400		7,205,041
11	Inmate Medical Expenses (R)	53500		21,226,064
12	Pruntytown Correctional Center	54300		7,630,256
13	Corrections Academy.....	56900		1,666,247
14	Information Technology Services	59901		2,259,052
15	Martinsburg Correctional Center	66300		3,856,727
16	Parole Services.....	68600		5,361,413
17	Special Services	68700		7,100,452
18	Investigative Services	71600		3,129,759

19	Capital Outlay and Maintenance (R)	75500	2,000,000
20	Salem Correctional Center	77400	10,260,770
21	McDowell County Correctional Center	79000	2,542,590
22	Stevens Correctional Center	79100	7,863,195
23	Parkersburg Correctional Center.....	82800	3,412,708
24	St. Mary's Correctional Center	88100	12,939,805
25	Denmar Correctional Center	88200	4,666,171
26	Ohio County Correctional Center	88300	1,874,033
27	Mt. Olive Correctional Complex.....	88800	20,063,054
28	Lakin Correctional Center	89600	9,510,551
29	BRIM Premium.....	91300	<u>2,527,657</u>
30	Total.....		\$ 194,626,274

31 Any unexpended balances remaining in the appropriations for Children's Protection Act
32 (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700),
33 Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund
34 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital
35 Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay, Repairs and
36 Equipment – Surplus (fund 0450, appropriation 67700), Capital Outlay and Maintenance (fund
37 0450, appropriation 75500), and Security System Improvements – Surplus (fund 0450,
38 appropriation 75501) at the close of the fiscal year 2018 are hereby reappropriated for expenditure
39 during the fiscal year 2019.

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

44 From the above appropriation to Unclassified (fund 0450, appropriation 09900), on July 1,
45 2018, the sum of \$300,000 shall be transferred to the Department of Agriculture – Land Division
46 – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual
47 payments for such purchases shall not be required until such credits have been completely
48 expended.

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

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

69 - West Virginia State Police

(WV Code Chapter 15)

Fund 0453 FY 2019 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$	58,857,744
2	Children's Protection Act.....	09000		972,973
3	Current Expenses	13000		10,384,394
4	Repairs and Alterations.....	06400		450,523
5	Trooper Class	52100		4,000,000
6	Barracks Lease Payments	55600		237,898
7	Communications and Other Equipment (R).....	55800		570,968
8	Trooper Retirement Fund.....	60500		5,584,775
9	Handgun Administration Expense	74700		72,268
10	Capital Outlay and Maintenance (R)	75500		250,000
11	Retirement Systems – Unfunded Liability.....	77500		15,415,000
12	Automated Fingerprint Identification System	89800		3,185,756
13	BRIM Premium.....	91300		<u>5,743,921</u>
14	Total.....		\$	105,726,220

15 Any unexpended balances remaining in the appropriations for Communications and Other
 16 Equipment (fund 0453, appropriation 55800), and Capital Outlay and Maintenance (fund 0453,
 17 appropriation 75500) at the close of the fiscal year 2018 are hereby reappropriated for expenditure
 18 during the fiscal year 2019.

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

70 - Fire Commission

(WV Code Chapter 29)

Fund 0436 FY 2019 Org 0619

1	Current Expenses	13000	\$	64,021
---	------------------------	-------	----	--------

71 - Division of Justice and Community Services

(WV Code Chapter 15)

Fund 0546 FY 2019 Org 0620

1	Personal Services and Employee Benefits.....	00100	\$	550,620
2	Current Expenses	13000		133,360
3	Repairs and Alterations.....	06400		1,804
4	Child Advocacy Centers (R).....	45800		1,704,001
5	Community Corrections (R).....	56100		6,919,589
6	Statistical Analysis Program.....	59700		48,272
7	Sexual Assault Forensic Examination Commission (R).....	71400		76,963
8	Qualitative Analysis and Training for Youth Services (R)	76200		332,446
9	Law Enforcement Professional Standards.....	83800		157,692
10	BRIM Premium.....	91300		<u>2,123</u>
11	Total.....		\$	9,926,870

12 Any unexpended balances remaining in the appropriations for Child Advocacy Centers
 13 (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100),
 14 Sexual Assault Forensic Examination Commission (fund 0546, appropriation 71400), and
 15 Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200) at the close
 16 of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

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

72 - Division of Juvenile Services

(WV Code Chapter 49)

Fund 0570 FY 2019 Org 0621

1	Statewide Reporting Centers	26200	\$	6,730,137
2	Robert L. Shell Juvenile Center.....	26700		2,183,169
3	Resident Medical Expenses (R).....	53501		3,604,999
4	Central Office.....	70100		2,496,733
5	Capital Outlay and Maintenance (R)	75500		250,000

6	Gene Spadaro Juvenile Center	79300	2,356,207
7	BRIM Premium.....	91300	115,967
8	Kenneth Honey Rubenstein Juvenile Center (R)	98000	5,325,233
9	Vicki Douglas Juvenile Center.....	98100	2,083,190
10	Northern Regional Juvenile Center	98200	2,876,302
11	Lorrie Yeager Jr. Juvenile Center.....	98300	2,118,510
12	Sam Perdue Juvenile Center	98400	2,220,766
13	Tiger Morton Center	98500	2,322,188
14	Donald R. Kuhn Juvenile Center	98600	4,465,381
15	J.M. "Chick" Buckbee Juvenile Center	98700	<u>2,227,993</u>
16	Total.....		\$ 41,376,775

17 Any unexpended balances remaining in the appropriations for Resident Medical Expenses
 18 (fund 0570, appropriation 53501), Capital Outlay and Maintenance (fund 0570, appropriation
 19 75500), and Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the
 20 close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

21 From the above appropriations, on July 1, 2018, the sum of \$50,000 shall be transferred
 22 to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance
 23 payment for the purchase of food products; actual payments for such purchases shall not be
 24 required until such credits have been completely expended.

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

73 - Division of Protective Services

(WV Code Chapter 5F)

Fund 0585 FY 2019 Org 0622

1	Personal Services and Employee Benefits.....	00100	\$ 2,894,483
2	Unclassified (R).....	09900	21,991
3	Current Expenses	13000	443,357
4	Repairs and Alterations.....	06400	8,500
5	Equipment (R).....	07000	64,171

6	BRIM Premium.....	91300	<u>12,226</u>
7	Total.....		\$ 3,444,728

8 Any unexpended balances remaining in the appropriations for Equipment (fund 0585,
9 appropriation 07000), and Unclassified (fund 0585, appropriation 09900) at the close of the fiscal
10 year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

DEPARTMENT OF REVENUE

74 - Office of the Secretary

(WV Code Chapter 11)

Fund 0465 FY 2019 Org 0701

1	Personal Services and Employee Benefits.....	00100	\$ 502,846
2	Unclassified	09900	5,837
3	Current Expenses	13000	81,594
4	Repairs and Alterations.....	06400	1,262
5	Equipment.....	07000	8,000
6	Other Assets	69000	<u>500</u>
7	Total.....		\$ 600,039

8 Any unexpended balance remaining in the appropriation for Unclassified – Total (fund
9 0465, appropriation 09600) at the close of the fiscal year 2018 is hereby reappropriated for
10 expenditure during the fiscal year 2019.

75 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2019 Org 0702

1	Personal Services and Employee Benefits (R).....	00100	\$ 18,211,688
2	Unclassified (R).....	09900	224,578
3	Current Expenses (R)	13000	5,770,589
4	Repairs and Alterations.....	06400	10,000
5	Equipment.....	07000	50,000
6	Tax Technology Upgrade.....	09400	3,700,000

2018] HOUSE OF DELEGATES 1283

7	Integrated Tax Assessment System.....	29200	5,000,000
8	Multi State Tax Commission.....	65300	77,958
9	Other Assets	69000	10,000
10	BRIM Premium.....	91300	<u>15,579</u>
11	Total		\$ 33,070,392

12 Any unexpended balances remaining in the appropriations for Personal Services and
 13 Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation
 14 09900), and Current Expenses (fund 0470, appropriation 13000) at the close of the fiscal year
 15 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

76 - State Budget Office

(WV Code Chapter 11B)

Fund 0595 FY 2019 Org 0703

1	Personal Services and Employee Benefits.....	00100	\$ 672,446
2	Unclassified (R).....	09900	<u>1,199</u>
3	Total		\$ 673,645

4 Any unexpended balance remaining in the appropriation for Unclassified (fund 0595,
 5 appropriation 09900) at the close of the fiscal year 2018 is hereby reappropriated for
 6 expenditure during the fiscal year 2019.

77 - West Virginia Office of Tax Appeals

(WV Code Chapter 11)

Fund 0593 FY 2019 Org 0709

1	Personal Services and Employee Benefits.....	00100	\$ 438,046
2	Current Expenses (R)	13000	93,022
3	Unclassified	09900	5,255
4	BRIM Premium.....	91300	<u>3,062</u>
5	Total		\$ 539,385

6 Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593,
 7 appropriation 13000) at the close of the fiscal year 2018 is hereby reappropriated for expenditure
 8 during the fiscal year 2019.

78 - Division of Professional and Occupational Licenses –

State Athletic Commission

(WV Code Chapter 29)

Fund 0523 FY 2019 Org 0933

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

DEPARTMENT OF TRANSPORTATION*79 - State Rail Authority*

(WV Code Chapter 29)

Fund 0506 FY 2019 Org 0804

1	Personal Services and Employee Benefits.....	00100	\$	319,933
2	Current Expenses	13000		287,707
3	Other Assets (R)	69000		1,303,277
4	BRIM Premium.....	91300		<u>201,541</u>
5	Total		\$	2,112,458

6 Any unexpended balance remaining in the appropriation Other Assets (fund 0506,
7 appropriation 69000) at the close of the fiscal year 2018 is hereby reappropriated for expenditure
8 during the fiscal year 2019.

80 - Division of Public Transit

(WV Code Chapter 17)

Fund 0510 FY 2019 Org 0805

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

4 Any unexpended balances remaining in the appropriations for Equipment (fund 0510,
5 appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510,
6 appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal
7 year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

81 - Public Port Authority

(WV Code Chapter 17)

Fund 0581 FY 2019 Org 0806

1	Personal Services and Employee Benefits.....	00100	\$	200,000
2	Current Expenses	13000		<u>300,000</u>
3	Total		\$	500,000

82 - Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2019 Org 0807

1	Personal Services and Employee Benefits.....	00100	\$	170,304
2	Current Expenses (R)	13000		591,839
3	Repairs and Alterations.....	06400		100
4	BRIM Premium.....	91300		<u>4,438</u>
5	Total		\$	766,681

6 Any unexpended balances remaining in the appropriations for Unclassified (fund 0582,
7 appropriation 09900) and Current Expenses (fund 0582, appropriation 13000) at the close of the
8 fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

DEPARTMENT OF VETERANS' ASSISTANCE*83 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 0456 FY 2019 Org 0613

1	Personal Services and Employee Benefits.....	00100	\$	1,887,475
2	Unclassified	09900		20,000
3	Current Expenses	13000		140,161
4	Repairs and Alterations.....	06400		5,000
5	Veterans' Field Offices	22800		248,345
6	Veterans' Nursing Home (R)	28600		5,770,950
7	Veterans' Toll Free Assistance Line	32800		2,015

8	Veterans' Reeducation Assistance (R).....	32900	29,502
9	Veterans' Grant Program (R)	34200	30,741
10	Veterans' Grave Markers	47300	10,254
11	Veterans' Transportation.....	48500	625,000
12	Veterans Outreach Programs.....	61700	162,107
13	Memorial Day Patriotic Exercise	69700	20,000
14	Veterans Cemetery	80800	382,085
15	BRIM Premium.....	91300	<u>25,530</u>
16	Total.....		\$ 9,359,165

17 Any unexpended balances remaining in the appropriations for Veterans' Nursing Home
 18 (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation
 19 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus
 20 (fund 0456, appropriation 34400), and Educational Opportunities for Children of Deceased
 21 Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2018 are hereby
 22 reappropriated for expenditure during the fiscal year 2019.

84 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 0460 FY 2019 Org 0618

1	Personal Services and Employee Benefits.....	00100	\$ 1,148,764
2	Current Expenses	13000	<u>46,759</u>
3	Total.....		\$ 1,195,523

BUREAU OF SENIOR SERVICES

85 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 0420 FY 2019 Org 0508

1	Transfer to Division of Human Services for Health Care		
2	and Title XIX Waiver for Senior Citizens	53900	\$ 29,950,955

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

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

**WEST VIRGINIA COUNCIL FOR COMMUNITY
 AND TECHNICAL COLLEGE EDUCATION**

*86 - West Virginia Council for
 Community and Technical College Education –
 Control Account
 (WV Code Chapter 18B)*

Fund 0596 FY 2019 Org 0420

1	West Virginia Council for Community			
2	and Technical Education (R)	39200	\$	730,800
3	Transit Training Partnership	78300		34,293
4	Community College Workforce Development (R)	87800		2,784,901
5	College Transition Program.....	88700		278,222
6	West Virginia Advance Workforce Development (R)	89300		3,118,172
7	Technical Program Development (R)	89400		<u>1,800,735</u>
8	Total		\$	8,747,123

9 Any unexpended balances remaining in the appropriations for West Virginia Council for
 10 Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements –
 11 Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund
 12 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596,
 13 appropriation 89300), and Technical Program Development (fund 0596, appropriation 89400) at
 14 the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year
 15 2019.

16 From the above appropriation for the Community College Workforce Development (fund
 17 0596, appropriation 87800), \$200,000 shall be expended on the Mine Training Program in
 18 Southern West Virginia.

19 Included in the above appropriation for West Virginia Advance Workforce Development
 20 (fund 0596, appropriation 89300) is \$200,000 to be used exclusively for advanced manufacturing
 21 and energy industry specific training programs.

87 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2019 Org 0444

1	Mountwest Community and Technical College.....	48700	\$	5,505,121
---	--	-------	----	-----------

88 - New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2019 Org 0445

1	New River Community and Technical College.....	35800	\$	5,452,807
---	--	-------	----	-----------

89 - Pierpont Community and Technical College

(WV Code Chapter 18B)

Fund 0597 FY 2019 Org 0446

1	Pierpont Community and Technical College.....	93000	\$	7,244,243
---	---	-------	----	-----------

90 - Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2019 Org 0447

1	Blue Ridge Community and Technical College.....	88500	\$	5,099,246
---	---	-------	----	-----------

91 - West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2019 Org 0464

1	West Virginia University – Parkersburg	47100	\$	9,495,037
---	--	-------	----	-----------

92 - Southern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0380 FY 2019 Org 0487

1	Southern West Virginia Community and Technical College.....	44600	\$	7,944,214
---	---	-------	----	-----------

93 - West Virginia Northern Community and Technical College

(WV Code Chapter 18B)

Fund 0383 FY 2019 Org 0489

1	West Virginia Northern Community and Technical College	44700	\$	6,833,499
---	--	-------	----	-----------

94 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2019 Org 0492

1	Eastern West Virginia Community and Technical College	41200	\$	1,812,537
---	---	-------	----	-----------

95 - BridgeValley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2019 Org 0493

1	BridgeValley Community and Technical College	71700	\$	7,420,648
---	--	-------	----	-----------

HIGHER EDUCATION POLICY COMMISSION*96 - Higher Education Policy Commission –**Administration –**Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2019 Org 0441

1	Personal Services and Employee Benefits	00100	\$	2,646,406
2	Current Expenses	13000		1,114,959
3	Higher Education Grant Program	16400		40,619,864
4	Tuition Contract Program (R)	16500		1,224,839
5	Underwood-Smith Scholarship Program-Student Awards	16700		328,349
6	Facilities Planning and Administration	38600		1,760,254
7	Higher Education System Initiatives	48801		1,630,000
8	PROMISE Scholarship – Transfer	80000		18,500,000
9	HEAPS Grant Program (R)	86700		5,011,298
10	BRIM Premium	91300		<u>17,817</u>

11 Total..... \$ 72,853,786

12 Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund
 13 0589, appropriation 09700), Tuition Contract Program (fund 0589, appropriation 16500), Capital
 14 Improvements – Surplus (fund 0589, appropriation 66100), Capital Outlay and Maintenance (fund
 15 0589, appropriation 75500), and HEAPS Grant Program (fund 0589, appropriation 86700) at the
 16 close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

17 The above appropriation for Facilities Planning and Administration (fund 0589,
 18 appropriation 38600) is for operational expenses of the West Virginia Education, Research and
 19 Technology Park between construction and full occupancy.

20 The above appropriation for Higher Education Grant Program (fund 0589, appropriation
 21 16400) shall be transferred to the Higher Education Grant Fund (fund 4933, org 0441) established
 22 by W.Va. Code §18C-5-3.

23 The above appropriation for Underwood-Smith Scholarship Program-Student Awards
 24 (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teacher
 25 Scholarship and Loan Assistance Fund (fund 4922, org 0441) established by W.Va. Code §18C-
 26 4-1.

27 The above appropriation for PROMISE Scholarship – Transfer (fund 0589, appropriation
 28 80000) shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established
 29 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 2019 Org 0495

1 WVNET..... 16900 \$ 1,681,744

98 - West Virginia University –

School of Medicine

Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2019 Org 0463

1 WVU School of Health Science – Eastern Division 05600 \$ 2,158,359

2 WVU – School of Health Sciences 17400 16,778,145

3 WVU – School of Health Sciences – Charleston Division 17500 2,218,598

4	Rural Health Outreach Programs	37700	162,520
5	West Virginia University School of Medicine		
6	BRIM Subsidy	46000	<u>1,203,087</u>
7	Total		\$ 22,520,709

8 The above appropriation for Rural Health Outreach Programs (fund 0343, appropriation
 9 37700) includes rural health activities and programs; rural residency development and education;
 10 and rural outreach activities.

11 The above appropriation for West Virginia University School of Medicine BRIM Subsidy
 12 (fund 0343, appropriation 46000) shall be paid to the Board of Risk and Insurance Management
 13 as a general revenue subsidy against the "Total Premium Billed" to the institution as part of the
 14 full cost of their malpractice insurance coverage.

*99 - West Virginia University –
 General Administrative Fund
 (WV Code Chapter 18B)
 Fund 0344 FY 2019 Org 0463*

1	West Virginia University	45900	\$ 93,559,659
2	Jackson's Mill.....	46100	480,879
3	West Virginia University Institute of Technology.....	47900	7,717,964
4	State Priorities – Brownfield Professional Development.....	53100	316,556
5	West Virginia University – Potomac State	99400	<u>3,834,937</u>
6	Total		\$ 105,909,995

7 From the above appropriation for Jackson's Mill (fund 0344, appropriation 46100)
 8 \$250,000 shall be used for the West Virginia State Fire Training Academy.

*100 - Marshall University –
 School of Medicine
 (WV Code Chapter 18B)
 Fund 0347 FY 2019 Org 0471*

1	Marshall Medical School	17300	\$ 11,774,743
2	Rural Health Outreach Programs (R)	37700	156,022

3	Forensic Lab	37701	226,009
4	Center for Rural Health	37702	153,075
5	Marshall University Medical School BRIM Subsidy	44900	<u>872,612</u>
6	Total		\$ 13,182,461

7 Any unexpended balance remaining in the appropriation for Rural Health Outreach
8 Program (fund 0347, appropriation 37700) at the close of the fiscal year 2018 is hereby
9 reappropriated for expenditure during the fiscal year 2019.

10 The above appropriation for Rural Health Outreach Programs (fund 0347, appropriation
11 37700) includes rural health activities and programs; rural residency development and education;
12 and rural outreach activities.

13 The above appropriation for Marshall University Medical School BRIM Subsidy (fund 0347,
14 appropriation 44900) shall be paid to the Board of Risk and Insurance Management as a general
15 revenue subsidy against the "Total Premium Billed" to the institution as part of the full cost of their
16 malpractice insurance coverage.

101 - Marshall University –

General Administration Fund

(WV Code Chapter 18B)

Fund 0348 FY 2019 Org 0471

1	Marshall University	44800	\$ 44,273,845
2	Luke Lee Listening Language and Learning Lab	44801	96,203
3	Vista E-Learning (R)	51900	229,019
4	State Priorities – Brownfield Professional Development (R)	53100	309,606
5	Marshall University Graduate College Writing Project (R)	80700	25,412
6	WV Autism Training Center (R)	93200	<u>1,742,215</u>
7	Total		\$ 46,676,300

8 Any unexpended balances remaining in the appropriations for Vista E-Learning (fund
9 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348,
10 appropriation 53100), Marshall University Graduate College Writing Project (fund 0348,
11 appropriation 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the
12 close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

102 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2019 Org 0476

1	West Virginia School of Osteopathic Medicine	17200	\$	6,683,018
2	Rural Health Outreach Programs (R)	37700		163,299
3	West Virginia School of Osteopathic Medicine			
4	BRIM Subsidy	40300		153,405
5	Rural Health Initiative – Medical Schools Support.....	58100		<u>391,968</u>
6	Total.....		\$	7,391,690

7 Any unexpended balance remaining in the appropriation for Rural Health Outreach
 8 Programs (fund 0336, appropriation 37700) at the close of fiscal year 2018 is hereby
 9 reappropriated for expenditure during the fiscal year 2019.

10 The above appropriation for Rural Health Outreach Programs (fund 0336, appropriation
 11 37700) includes rural health activities and programs; rural residency development and education;
 12 and rural outreach activities.

13 The above appropriation for West Virginia School of Osteopathic Medicine BRIM Subsidy
 14 (fund 0336, appropriation 40300) shall be paid to the Board of Risk and Insurance Management
 15 as a general revenue subsidy against the “Total Premium Billed” to the institution as part of the
 16 full cost of their malpractice insurance coverage.

103 - Bluefield State College

(WV Code Chapter 18B)

Fund 0354 FY 2019 Org 0482

1	Bluefield State College.....	40800	\$	5,600,993
---	------------------------------	-------	----	-----------

104 - Concord University

(WV Code Chapter 18B)

Fund 0357 FY 2019 Org 0483

1	Concord University.....	41000	\$	8,552,843
---	-------------------------	-------	----	-----------

105 - Fairmont State University

(WV Code Chapter 18B)

Fund 0360 FY 2019 Org 0484

1	Fairmont State University.....	41400	\$	15,111,777
---	--------------------------------	-------	----	------------

106 - Glenville State College

(WV Code Chapter 18B)

Fund 0363 FY 2019 Org 0485

1 Glenville State College..... 42800 \$ 5,885,700

107 - Shepherd University

(WV Code Chapter 18B)

Fund 0366 FY 2019 Org 0486

1 Shepherd University..... 43200 \$ 9,671,542

108 - West Liberty University

(WV Code Chapter 18B)

Fund 0370 FY 2019 Org 0488

1 West Liberty University 43900 \$ 7,823,727

109 - West Virginia State University

(WV Code Chapter 18B)

Fund 0373 FY 2019 Org 0490

1 West Virginia State University 44100 \$ 9,861,240

2 West Virginia State University Land Grant Match..... 95600 1,586,340

3 Total..... \$ 11,447,580

4 Total TITLE II, Section 1 – General Revenue

5 (Including claims against the state)..... \$ 4,381,808,884

1 **Sec. 2. Appropriations from state road fund.** — From the state road fund there are
 2 hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2,
 3 Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal
 4 year 2019.

DEPARTMENT OF TRANSPORTATION

110 - Division of Motor Vehicles

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

Fund 9007 FY 2019 Org 0802

State

		Appro-	Road
		priation	Fund
1	Personal Services and Employee Benefits.....	00100	\$ 23,378,949
2	Current Expenses	13000	16,181,042
3	Repairs and Alterations.....	06400	144,000
4	Equipment.....	07000	1,080,000
5	Buildings	25800	10,000
6	Other Assets	69000	2,600,000
7	BRIM Premium.....	91300	<u>84,738</u>
8	Total.....		\$ 43,478,729

111 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2019 Org 0803

1	Debt Service	04000	\$ 89,000,000
2	Maintenance	23700	386,386,000
3	Nonfederal Improvements.....	23701	156,500,000
4	Inventory Revolving	27500	4,000,000
5	Equipment Revolving	27600	22,500,000
6	General Operations.....	27700	68,295,000
7	Interstate Construction.....	27800	95,000,000
8	Other Federal Aid Programs	27900	370,000,000
9	Appalachian Programs.....	28000	110,000,000
10	Highway Litter Control.....	28200	1,719,000
11	Courtesy Patrol	28201	<u>5,000,000</u>
12	Total.....		\$ 1,308,400,000

13 The above appropriations are to be expended in accordance with the provisions of
 14 Chapters 17 and 17C of the code.

15 The Commissioner of Highways shall have the authority to operate revolving funds within
 16 the State Road Fund for the operation and purchase of various types of equipment used directly
 17 and indirectly in the construction and maintenance of roads and for the purchase of inventories
 18 and materials and supplies.

19 There is hereby appropriated in addition to the above appropriations, sufficient money for
 20 the payment of claims, accrued or arising during this budgetary period, to be paid in accordance
 21 with Sections 17 and 18, Article 2, Chapter 14 of the code.

22 It is the intent of the Legislature to capture and match all federal funds available for
 23 expenditure on the Appalachian highway system at the earliest possible time. Therefore, should
 24 amounts in excess of those appropriated be required for the purposes of Appalachian programs,
 25 funds in excess of the amount appropriated may be made available upon recommendation of the
 26 commissioner and approval of the Governor. Further, for the purpose of Appalachian programs,
 27 funds appropriated by appropriation may be transferred to other appropriations upon
 28 recommendation of the commissioner and approval of the Governor.

112 - Office of Administrative Hearings

(WV Code Chapter 17C)

Fund 9027 FY 2019 Org 0808

1	Personal Services and Employee Benefits.....	00100	\$	1,585,201
2	Current Expenses	13000		338,278
3	Repairs and Alterations.....	06400		3,000
4	Equipment.....	07000		15,500
5	BRIM Premium.....	91300		<u>10,000</u>
6	Total		\$	1,951,979
7	Total TITLE II, Section 2 – State Road Fund			
8	(Including claims against the state).....			<u>\$ 1,354,239,538</u>

1 **Sec. 3. Appropriations from other funds.** — From the funds designated there are
 2 hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2,
 3 Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal
 4 year 2019.

LEGISLATIVE

113 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 1731 FY 2019 Org 2300

		Appro-		Other
		priation		Funds
1	Personal Services and Employee Benefits.....	00100	\$	498,020
2	Current Expenses	13000		133,903
3	Repairs and Alterations.....	06400		1,000
4	Economic Loss Claim Payment Fund.....	33400		2,360,125
5	Other Assets	69000		<u>3,700</u>
6	Total.....		\$	2,996,748

JUDICIAL

114 - Supreme Court –

Family Court Fund

(WV Code Chapter 51)

Fund 1763 FY 2019 Org 2400

1	Current Expenses	13000	\$	1,600,000
---	------------------------	-------	----	-----------

115 - Supreme Court –

Court Advanced Technology Subscription Fund

(WV Code Chapter 51)

Fund 1704 FY 2019 Org 2400

1	Current Expenses	13000	\$	500,000
---	------------------------	-------	----	---------

116 - Supreme Court –

Adult Drug Court Participation Fund

(WV Code Chapter 62)

Fund 1705 FY 2019 Org 2400

1	Current Expenses	13000	\$	300,000
---	------------------------	-------	----	---------

EXECUTIVE

117 - Governor's Office –

Minority Affairs Fund

(WV Code Chapter 5)

Fund 1058 FY 2019 Org 0100

1	Personal Services and Employee Benefits.....	00100	\$	172,800
2	Current Expenses	13000		503,200
3	Martin Luther King, Jr. Holiday Celebration	03100		<u>8,926</u>
4	Total		\$	684,926

*118 - Auditor's Office –**Land Operating Fund*

(WV Code Chapters 11A, 12 and 36)

Fund 1206 FY 2019 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$	749,297
2	Unclassified	09900		15,139
3	Current Expenses	13000		715,291
4	Repairs and Alterations.....	06400		2,600
5	Equipment.....	07000		426,741
6	Cost of Delinquent Land Sales.....	76800		<u>1,341,168</u>
7	Total.....		\$	3,250,236

8 There is hereby appropriated from this fund, in addition to the above appropriations if
9 needed, the necessary amount for the expenditure of funds other than Personal Services and
10 Employee Benefits to enable the division to pay the direct expenses relating to land sales as
11 provided in Chapter 11A of the West Virginia Code.

12 The total amount of these appropriations shall be paid from the special revenue fund out
13 of fees and collections as provided by law.

*119 - Auditor's Office –**Local Government Purchasing Card Expenditure Fund*

(WV Code Chapter 6)

Fund 1224 FY 2019 Org 1200

2018] HOUSE OF DELEGATES 1299

1	Personal Services and Employee Benefits.....	00100	\$	588,283
2	Current Expenses	13000		282,030
3	Repairs and Alterations.....	06400		6,000
4	Equipment.....	07000		10,805
5	Other Assets	69000		50,000
6	Statutory Revenue Distribution.....	74100		<u>2,350,000</u>
7	Total		\$	3,287,118

8 There is hereby appropriated from this fund, in addition to the above appropriations if
 9 needed, the amount necessary to meet the transfer of revenue distribution requirements to
 10 provide a proportionate share of rebates back to the general fund of local governments based on
 11 utilization of the program in accordance with W.Va. Code §6-9-2b.

120 - Auditor's Office –

Securities Regulation Fund

(WV Code Chapter 32)

Fund 1225 FY 2019 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$	2,375,836
2	Unclassified	09900		31,866
3	Current Expenses	13000		1,463,830
4	Repairs and Alterations.....	06400		12,400
5	Equipment.....	07000		394,700
6	Other Assets	69000		<u>900,000</u>
7	Total		\$	5,178,632

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

(WV Code Chapter 12)

Fund 1233 FY 2019 Org 1200

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

4 Fifty percent of the deposits made into this fund shall be transferred to the Treasurer's
 5 Office – Technology Support and Acquisition Fund (fund 1329, org 1300) for expenditure for the
 6 purposes described in W.Va. Code §12-3-10c.

122 - Auditor's Office –

Purchasing Card Administration Fund

(WV Code Chapter 12)

Fund 1234 FY 2019 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$	2,667,397
2	Current Expenses	13000		2,303,622
3	Repairs and Alterations.....	06400		5,500
4	Equipment.....	07000		650,000
5	Other Assets	69000		308,886
6	Statutory Revenue Distribution.....	74100		<u>8,000,000</u>
7	Total.....		\$	13,935,405

8 There is hereby appropriated from this fund, in addition to the above appropriations if
 9 needed, the amount necessary to meet the transfer and revenue distribution requirements to the
 10 Purchasing Improvement Fund (fund 2264), the Hatfield-McCoy Regional Recreation Authority,
 11 and the State Park Operating Fund (fund 3265) per W.Va. Code §12-3-10d.

123 - Auditor's Office –

Chief Inspector's Fund

(WV Code Chapter 6)

Fund 1235 FY 2019 Org 1200

1	Personal Services and Employee Benefits.....	00100	\$	3,405,512
2	Current Expenses	13000		765,915
3	Equipment.....	07000		<u>50,000</u>
4	Total.....		\$	4,221,427

124 - Auditor's Office –

Volunteer Fire Department Workers'

Compensation Premium Subsidy Fund

(WV Code Chapters 12 and 33)

Fund 1239 FY 2019 Org 1200

1 Volunteer Fire Department

2 Workers' Compensation Subsidy..... 83200 \$ 2,500,000

125 - Treasurer's Office

College Prepaid Tuition and Savings Program

Administrative Account

(WV Code Chapter 18)

Fund 1301 FY 2019 Org 1300

1 Personal Services and Employee Benefits..... 00100 \$ 774,769

2 Unclassified 09900 14,000

3 Current Expenses 13000 619,862

4 Total \$ 1,408,631

126 - Department of Agriculture –

Agriculture Fees Fund

(WV Code Chapter 19)

Fund 1401 FY 2019 Org 1400

1 Personal Services and Employee Benefits..... 00100 \$ 2,244,245

2 Unclassified 09900 37,425

3 Current Expenses 13000 1,856,184

4 Repairs and Alterations..... 06400 158,500

5 Equipment..... 07000 436,209

6 Other Assets 69000 10,000

7 Total \$ 4,742,563

127 - Department of Agriculture –

West Virginia Rural Rehabilitation Program

(WV Code Chapter 19)

Fund 1408 FY 2019 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	73,807
2	Unclassified	09900		10,476
3	Current Expenses	13000		<u>963,404</u>
4	Total		\$	1,047,687

*128 - Department of Agriculture –**General John McCausland Memorial Farm Fund*

(WV Code Chapter 19)

Fund 1409 FY 2019 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	67,000
2	Unclassified	09900		2,100
3	Current Expenses	13000		89,500
4	Repairs and Alterations.....	06400		36,400
5	Equipment.....	07000		<u>15,000</u>
6	Total		\$	210,000

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

*129 - Department of Agriculture –**Farm Operating Fund*

(WV Code Chapter 19)

Fund 1412 FY 2019 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	809,248
2	Unclassified	09900		15,173
3	Current Expenses	13000		1,367,464
4	Repairs and Alterations.....	06400		388,722
5	Equipment.....	07000		399,393

2018] HOUSE OF DELEGATES 1303

6	Other Assets	69000	<u>20,000</u>
7	Total		\$ 3,000,000

130 - Department of Agriculture –

Donated Food Fund

(WV Code Chapter 19)

Fund 1446 FY 2019 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$ 958,864
2	Unclassified	09900	45,807
3	Current Expenses	13000	3,410,542
4	Repairs and Alterations.....	06400	128,500
5	Equipment.....	07000	10,000
6	Other Assets	69000	<u>27,000</u>
7	Total		\$ 4,580,713

131 - Department of Agriculture –

Integrated Predation Management Fund

(WV Code Chapter 7)

Fund 1465 FY 2019 Org 1400

1	Current Expenses	13000	\$ 100,000
---	------------------------	-------	------------

132 - Department of Agriculture –

West Virginia Spay Neuter Assistance Fund

(WV Code Chapter 19)

Fund 1481 FY 2019 Org 1400

1	Current Expenses	13000	\$ 500,000
---	------------------------	-------	------------

133 - Department of Agriculture –

Veterans and Warriors to Agriculture Fund

(WV Code Chapter 19)

Fund 1483 FY 2019 Org 1400

1	Current Expenses	13000	\$	7,500
---	------------------------	-------	----	-------

*134 - Department of Agriculture –
State FFA-FHA Camp and Conference Center
(WV Code Chapters 18 and 18A)*

Fund 1484 FY 2019 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	1,169,194
2	Unclassified	09900		17,000
3	Current Expenses	13000		1,143,306
4	Repairs and Alterations.....	06400		82,500
5	Equipment.....	07000		76,000
6	Buildings	25800		1,000
7	Other Assets	69000		10,000
8	Land	73000		1,000
9	Total		\$	2,500,000

*135 - Attorney General –
Antitrust Enforcement Fund
(WV Code Chapter 47)*

Fund 1507 FY 2019 Org 1500

1	Personal Services and Employee Benefits.....	00100	\$	356,900
2	Current Expenses	13000		148,803
3	Repairs and Alterations.....	06400		1,000
4	Equipment.....	07000		1,000
5	Total		\$	507,703

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

2018]

HOUSE OF DELEGATES

1305

(WV Code Chapter 47)

Fund 1513 FY 2019 Org 1500

1	Personal Services and Employee Benefits.....	00100	\$	210,226
2	Current Expenses	13000		54,615
3	Repairs and Alterations.....	06400		1,000
4	Equipment.....	07000		<u>1,000</u>
5	Total		\$	266,841

137 - Attorney General –

Preneed Funeral Guarantee Fund

(WV Code Chapter 47)

Fund 1514 FY 2019 Org 1500

1	Current Expenses	13000	\$	901,135
---	------------------------	-------	----	---------

138 - Secretary of State –

Service Fees and Collection Account

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2019 Org 1600

1	Personal Services and Employee Benefits.....	00100	\$	991,051
2	Unclassified	09900		4,524
3	Current Expenses	13000		<u>8,036</u>
4	Total		\$	1,003,611

139 - Secretary of State –

General Administrative Fees Account

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2019 Org 1600

1	Personal Services and Employee Benefits.....	00100	\$	2,769,898
2	Unclassified	09900		25,529

3	Current Expenses	13000	796,716
4	Technology Improvements	59900	<u>750,000</u>
5	Total		\$ 4,342,143

DEPARTMENT OF ADMINISTRATION

140 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(WV Code Chapter 4)

Fund 2041 FY 2019 Org 0201

1	Tobacco Settlement Securitization Trustee Pass Thru	65000	\$ 80,000,000
---	---	-------	---------------

141 - Department of Administration –

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(WV Code Chapter 18)

Fund 2044 FY 2019 Org 0201

1	Current Expenses	13000	\$ 35,000,000
---	------------------------	-------	---------------

2 The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be
 3 transferred to the Consolidated Public Retirement Board – Teachers’ Accumulation Fund (fund
 4 2600).

142 - Department of Administration –

Division of Finance –

Shared Services Section Fund

(WV Code Chapter 5A)

Fund ____ FY 2019 Org 0209

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

143 - Division of Information Services and Communications

(WV Code Chapter 5A)

Fund 2220 FY 2019 Org 0210

1	Personal Services and Employee Benefits.....	00100	\$	21,378,322
2	Unclassified	09900		382,354
3	Current Expenses	13000		13,378,766
4	Repairs and Alterations.....	06400		1,000
5	Equipment.....	07000		2,050,000
6	Other Assets	69000		<u>1,045,000</u>
7	Total.....		\$	38,235,442

8 The total amount of these appropriations shall be paid from a special revenue fund out of
9 collections made by the Division of Information Services and Communications as provided by law.

10 Each spending unit operating from the General Revenue Fund, from special revenue
11 funds or receiving reimbursement for postage from the federal government shall be charged
12 monthly for all postage meter service and shall reimburse the revolving fund monthly for all such
13 amounts.

*144 - Division of Purchasing –**Vendor Fee Fund*

(WV Code Chapter 5A)

Fund 2263 FY 2019 Org 0213

1	Personal Services and Employee Benefits.....	00100	\$	655,208
2	Unclassified	09900		2,382
3	Current Expenses	13000		238,115
4	Repairs and Alterations.....	06400		5,000
5	Equipment.....	07000		2,500
6	Other Assets	69000		2,500
7	BRIM Premium.....	91300		<u>810</u>
8	Total.....		\$	906,515

*145 - Division of Purchasing –
Purchasing Improvement Fund
(WV Code Chapter 5A)
Fund 2264 FY 2019 Org 0213*

1	Personal Services and Employee Benefits.....	00100	\$	739,272
2	Unclassified	09900		5,562
3	Current Expenses	13000		393,066
4	Repairs and Alterations.....	06400		500
5	Equipment.....	07000		500
6	Other Assets	69000		500
7	BRIM Premium.....	91300		<u>850</u>
8	Total		\$	1,140,250

*146 - Travel Management –
Fleet Management Office Fund
(WV Code Chapter 5A)
Fund 2301 FY 2019 Org 0215*

1	Personal Services and Employee Benefits.....	00100	\$	722,586
2	Unclassified	09900		4,000
3	Current Expenses	13000		8,130,614
4	Repairs and Alterations.....	06400		12,000
5	Equipment.....	07000		800,000
6	Other Assets	69000		<u>2,000</u>
7	Total		\$	9,671,200

*147 - Travel Management –
Aviation Fund
(WV Code Chapter 5A)*

Fund 2302 FY 2019 Org 0215

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

148 - Division of Personnel

(WV Code Chapter 29)

Fund 2440 FY 2019 Org 0222

1	Personal Services and Employee Benefits.....	00100	\$	4,442,590
2	Unclassified	09900		51,418
3	Current Expenses	13000		1,262,813
4	Repairs and Alterations.....	06400		5,000
5	Equipment.....	07000		20,000
6	Other Assets	69000		<u>60,000</u>
7	Total.....		\$	5,841,821

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

149 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 2521 FY 2019 Org 0228

1	Personal Services and Employee Benefits.....	00100	\$	249,242
2	Unclassified	09900		4,023
3	Current Expenses	13000		297,528

4	Repairs and Alterations.....	06400	600
5	Equipment.....	07000	500
6	Other Assets	69000	<u>500</u>
7	Total		\$ 552,393

150 - Office of Technology –

Chief Technology Officer Administration Fund

(WV Code Chapter 5A)

Fund 2531 FY 2019 Org 0231

1	Personal Services and Employee Benefits.....	00100	\$ 399,911
2	Unclassified	09900	6,949
3	Current Expenses	13000	227,116
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	50,000
6	Other Assets	69000	<u>10,000</u>
7	Total		\$ 694,976

8 From the above fund, the provisions of W.Va. Code §11B-2-18 shall not operate to permit
 9 expenditures in excess of the funds authorized for expenditure herein.

DEPARTMENT OF COMMERCE

151 - Division of Forestry

(WV Code Chapter 19)

Fund 3081 FY 2019 Org 0305

1	Personal Services and Employee Benefits.....	00100	\$ 1,464,328
2	Current Expenses	13000	282,202
3	Repairs and Alterations.....	06400	53,000
4	Equipment.....	07000	<u>300,000</u>
5	Total		\$ 2,099,530

152 - Division of Forestry –

Timbering Operations Enforcement Fund

(WV Code Chapter 19)

Fund 3082 FY 2019 Org 0305

1	Personal Services and Employee Benefits.....	00100	\$	224,433
2	Current Expenses	13000		87,036
3	Repairs and Alterations.....	06400		<u>11,250</u>
4	Total		\$	322,719

153 - Division of Forestry –

Severance Tax Operations

(WV Code Chapter 11)

Fund 3084 FY 2019 Org 0305

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

154 - Geological and Economic Survey –

Geological and Analytical Services Fund

(WV Code Chapter 29)

Fund 3100 FY 2019 Org 0306

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

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

*155 - West Virginia Development Office –
Department of Commerce –
Marketing and Communications Operating Fund
(WV Code Chapter 5B)
Fund 3002 FY 2019 Org 0307*

1	Personal Services and Employee Benefits.....	00100	\$	1,528,219
2	Unclassified	09900		30,000
3	Current Expenses	13000		<u>1,482,760</u>
4	Total.....		\$	3,040,979

*156 - West Virginia Development Office –
Office of Coalfield Community Development
(WV Code Chapter 5B)*

Fund 3162 FY 2019 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	430,724
2	Unclassified	09900		8,300
3	Current Expenses	13000		<u>399,191</u>
4	Total.....		\$	838,215

*157 - Division of Labor –
HVAC Fund*

(WV Code Chapter 21)

Fund 3186 FY 2019 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	300,000
2	Unclassified	09900		4,000
3	Current Expenses	13000		85,000
4	Repairs and Alterations.....	06400		1,500
5	Buildings	25800		1,000

2018] HOUSE OF DELEGATES 1313

6	BRIM Premium.....	91300	<u>8,500</u>
7	Total		\$ 400,000

*158 - Division of Labor –
Contractor Licensing Board Fund
(WV Code Chapter 21)*

Fund 3187 FY 2019 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$ 3,019,374
2	Unclassified	09900	21,589
3	Current Expenses	13000	597,995
4	Repairs and Alterations.....	06400	15,000
5	Buildings	25800	5,000
6	BRIM Premium.....	91300	<u>8,500</u>
7	Total		\$ 3,667,458

*159 - Division of Labor –
Elevator Safety Fund
(WV Code Chapter 21)*

Fund 3188 FY 2019 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$ 376,772
2	Unclassified	09900	2,261
3	Current Expenses	13000	44,112
4	Repairs and Alterations.....	06400	2,000
5	Buildings	25800	1,000
6	BRIM Premium.....	91300	<u>8,500</u>
7	Total		\$ 434,645

*160 - Division of Labor –
Steam Boiler Fund*

(WV Code Chapter 21)

Fund 3189 FY 2019 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	80,000
2	Unclassified	09900		1,000
3	Current Expenses	13000		15,000
4	Repairs and Alterations.....	06400		2,000
5	Buildings	25800		1,000
6	BRIM Premium.....	91300		<u>1,000</u>
7	Total.....		\$	100,000

*161 - Division of Labor –**Crane Operator Certification Fund*

(WV Code Chapter 21)

Fund 3191 FY 2019 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	184,380
2	Unclassified	09900		1,380
3	Current Expenses	13000		49,765
4	Repairs and Alterations.....	06400		1,500
5	Buildings	25800		1,000
6	BRIM Premium.....	91300		<u>8,500</u>
7	Total.....		\$	246,525

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

(WV Code Chapter 21)

Fund 3192 FY 2019 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	179,316
2	Unclassified	09900		1,281

2018] HOUSE OF DELEGATES 1315

3	Current Expenses	13000	44,520
4	Repairs and Alterations.....	06400	2,000
5	Buildings	25800	1,000
6	BRIM Premium.....	91300	<u>8,500</u>
7	Total		\$ 236,617

163 - Division of Labor –

State Manufactured Housing Administration Fund

(WV Code Chapter 21)

Fund 3195 FY 2019 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$ 283,768
2	Unclassified	09900	1,847
3	Current Expenses	13000	43,700
4	Repairs and Alterations.....	06400	1,000
5	Buildings	25800	1,000
6	BRIM Premium.....	91300	<u>3,404</u>
7	Total		\$ 334,719

164 - Division of Labor -

Weights and Measures Fund

(WV Code Chapter 47)

Fund 3196 FY 2019 Org 0308

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

*165 - Division of Labor –**Bedding and Upholstery Fund*

(WV Code Chapter 21)

Fund 3198 FY 2019 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	150,000
2	Unclassified	09900		2,000
3	Current Expenses	13000		43,000
4	Repairs and Alterations.....	06400		2,000
5	Buildings	25800		1,000
6	BRIM Premium.....	91300		<u>2,000</u>
7	Total		\$	200,000

*166 - Division of Labor –**Psychophysiological Examiners Fund*

(WV Code Chapter 21)

Fund 3199 FY 2019 Org 0308

1	Current Expenses	13000	\$	4,000
---	------------------------	-------	----	-------

*167 - Division of Natural Resources –**License Fund – Wildlife Resources*

(WV Code Chapter 20)

Fund 3200 FY 2019 Org 0310

1	Wildlife Resources	02300	\$	7,064,884
2	Administration	15500		1,766,221
3	Capital Improvements and Land Purchase (R).....	24800		1,766,220
4	Law Enforcement.....	80600		<u>7,064,884</u>
5	Total		\$	17,662,209

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

8 Any unexpended balance remaining in the appropriation for Capital Improvements and
 9 Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2018 is hereby
 10 reappropriated for expenditure during the fiscal year 2019.

168 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(WV Code Chapter 22)

Fund 3202 FY 2019 Org 0310

1	Current Expenses	13000	\$	125,000
---	------------------------	-------	----	---------

169 - Division of Natural Resources –

Nongame Fund

(WV Code Chapter 20)

Fund 3203 FY 2019 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	678,109
2	Current Expenses	13000		201,930
3	Equipment.....	07000		106,615
4	Total		\$	986,654

170 - Division of Natural Resources –

Planning and Development Division

(WV Code Chapter 20)

Fund 3205 FY 2019 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	437,496
2	Current Expenses	13000		157,864
3	Repairs and Alterations.....	06400		15,016
4	Equipment.....	07000		8,300
5	Buildings	25800		8,300
6	Other Assets	69000		2,000,000
7	Land	73000		31,700

8 Total \$ 2,658,676

*171 - Division of Natural Resources –
Whitewater Study and Improvement Fund
(WV Code Chapter 20)
Fund 3253 FY 2019 Org 0310*

1	Personal Services and Employee Benefits.....	00100	\$	62,704
2	Current Expenses	13000		64,778
3	Equipment.....	07000		1,297
4	Buildings	25800		6,969
5	Total		\$	135,748

*172 - Division of Natural Resources –
Whitewater Advertising and Promotion Fund
(WV Code Chapter 20)
Fund 3256 FY 2019 Org 0310*

1	Unclassified	09900	\$	200
2	Current Expenses	13000		19,800
3	Total		\$	20,000

*173 - Division of Miners' Health, Safety and Training –
Special Health, Safety and Training Fund
(WV Code Chapter 22A)
Fund 3355 FY 2019 Org 0314*

1	Personal Services and Employee Benefits.....	00100	\$	471,606
2	WV Mining Extension Service	02600		150,000
3	Unclassified	09900		40,985
4	Current Expenses	13000		1,954,557
5	Buildings	25800		481,358

2018] HOUSE OF DELEGATES 1319

6	Land	73000	<u>1,000,000</u>
7	Total		\$ 4,098,506

174 - Department of Commerce –
Office of the Secretary –
Broadband Enhancement Fund
Fund 3013 FY 2019 Org 0327

1	Current Expenses	13000	\$ 1,431,043
---	------------------------	-------	--------------

175 - Office of Energy –
Energy Assistance
(WV Code Chapter 5B)
Fund 3010 FY 2019 Org 0328

1	Energy Assistance – Total	64700	\$ 7,211
---	---------------------------------	-------	----------

DEPARTMENT OF EDUCATION

176 - State Board of Education –
Strategic Staff Development
(WV Code Chapter 18)
Fund 3937 FY 2019 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$ 134,000
2	Unclassified	09900	1,000
3	Current Expenses	13000	<u>765,000</u>
4	Total		\$ 900,000

177 - State Board of Education –
School Construction Fund
(WV Code Chapters 18 and 18A)
Fund 3951 FY 2019 Org 0402

1	SBA Construction Grants	24000	\$ 35,845,818
---	-------------------------------	-------	---------------

2	Directed Transfer	70000	<u>1,371,182</u>
3	Total		\$ 37,217,000

4 The above appropriation for Directed Transfer (fund 3951, appropriation 70000) shall be
 5 transferred to the School Building Authority Fund (3959) for the administrative expenses of the
 6 School Building Authority.

178 - School Building Authority

(WV Code Chapter 18)

Fund 3959 FY 2019 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$ 1,085,152
2	Current Expenses	13000	244,100
3	Repairs and Alterations.....	06400	13,150
4	Equipment.....	07000	<u>26,000</u>
5	Total		\$ 1,368,402

DEPARTMENT OF EDUCATION AND THE ARTS

179 - Office of the Secretary –

Lottery Education Fund Interest Earnings –

Control Account

(WV Code Chapter 29)

Fund 3508 FY 2019 Org 0431

1 Any unexpended balance remaining in the appropriation for Educational Enhancements
 2 (fund 3508, appropriation 69500) at the close of the fiscal year 2018 is hereby reappropriated for
 3 expenditure during the fiscal year 2019.

180 - Division of Culture and History –

Public Records and Preservation Revenue Account

(WV Code Chapter 5A)

Fund 3542 FY 2019 Org 0432

1	Personal Services and Employee Benefits.....	00100	\$ 211,418
2	Current Expenses	13000	862,241

2018] HOUSE OF DELEGATES 1321

3	Equipment.....	07000	75,000
4	Buildings	25800	1,000
5	Other Assets	69000	52,328
6	Land	73000	<u>1,000</u>
7	Total		\$ 1,202,987

181 - State Board of Rehabilitation –

Division of Rehabilitation Services –

West Virginia Rehabilitation Center Special Account

(WV Code Chapter 18)

Fund 8664 FY 2019 Org 0932

1	Personal Services and Employee Benefits.....	00100	\$ 119,738
2	Current Expenses	13000	2,180,122
3	Repairs and Alterations.....	06400	85,500
4	Equipment.....	07000	220,000
5	Buildings	25800	150,000
6	Other Assets	69000	<u>150,000</u>
7	Total		\$ 2,905,360

DEPARTMENT OF ENVIRONMENTAL PROTECTION

182 - Solid Waste Management Board

(WV Code Chapter 22C)

Fund 3288 FY 2019 Org 0312

1	Personal Services and Employee Benefits.....	00100	\$ 802,269
2	Current Expenses	13000	2,060,997
3	Repairs and Alterations.....	06400	1,000
4	Equipment.....	07000	5,000
5	Other Assets	69000	<u>4,403</u>

6 Total \$ 2,873,669

*183 - Division of Environmental Protection –
Hazardous Waste Management Fund
(WV Code Chapter 22)
Fund 3023 FY 2019 Org 0313*

1	Personal Services and Employee Benefits.....	00100	\$	692,784
2	Current Expenses	13000		190,569
3	Repairs and Alterations.....	06400		500
4	Equipment.....	07000		1,505
5	Unclassified	09900		8,072
6	Other Assets	69000		<u>2,000</u>
7	Total		\$	895,430

*184 - Division of Environmental Protection –
Air Pollution Education and Environment Fund
(WV Code Chapter 22)
Fund 3024 FY 2019 Org 0313*

1	Personal Services and Employee Benefits.....	00100	\$	935,324
2	Current Expenses	13000		1,226,863
3	Repairs and Alterations.....	06400		13,000
4	Equipment.....	07000		53,105
5	Unclassified	09900		14,647
6	Other Assets	69000		<u>20,000</u>
7	Total		\$	2,262,939

*185 - Division of Environmental Protection –
Special Reclamation Fund
(WV Code Chapter 22)*

Fund 3321 FY 2019 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	1,350,829
2	Current Expenses	13000		16,402,506
3	Repairs and Alterations.....	06400		79,950
4	Equipment.....	07000		130,192
5	Other Assets	69000		<u>32,000</u>
6	Total		\$	17,995,477

186 - Division of Environmental Protection –

Oil and Gas Reclamation Fund

(WV Code Chapter 22)

Fund 3322 FY 2019 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	143,906
2	Current Expenses	13000		<u>356,094</u>
3	Total		\$	500,000

187 - Division of Environmental Protection –

Oil and Gas Operating Permit and Processing Fund

(WV Code Chapter 22)

Fund 3323 FY 2019 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	3,321,164
2	Current Expenses	13000		1,237,758
3	Repairs and Alterations.....	06400		40,600
4	Equipment.....	07000		8,000
5	Unclassified	09900		44,700
6	Other Assets	69000		<u>15,000</u>
7	Total		\$	4,667,222

188 - Division of Environmental Protection –

Mining and Reclamation Operations Fund

(WV Code Chapter 22)

Fund 3324 FY 2019 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	4,035,449
2	Current Expenses	13000		2,302,231
3	Repairs and Alterations.....	06400		60,260
4	Equipment.....	07000		83,000
5	Unclassified	09900		920
6	Other Assets	69000		<u>57,500</u>
7	Total		\$	6,539,360

*189 - Division of Environmental Protection –**Underground Storage Tank**Administrative Fund*

(WV Code Chapter 22)

Fund 3325 FY 2019 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	466,543
2	Current Expenses	13000		318,420
3	Repairs and Alterations.....	06400		5,350
4	Equipment.....	07000		3,610
5	Unclassified	09900		7,520
6	Other Assets	69000		<u>3,500</u>
7	Total		\$	804,943

*190 - Division of Environmental Protection –**Hazardous Waste Emergency Response Fund*

(WV Code Chapter 22)

Fund 3331 FY 2019 Org 0313

2018] HOUSE OF DELEGATES 1325

1	Personal Services and Employee Benefits.....	00100	\$	6,000
2	Current Expenses	13000		1,067,905
3	Repairs and Alterations.....	06400		7,014
4	Equipment.....	07000		9,000
5	Unclassified	09900		10,616
6	Other Assets	69000		<u>3,500</u>
7	Total		\$	1,104,035

191 - Division of Environmental Protection –

Solid Waste Reclamation and

Environmental Response Fund

(WV Code Chapter 22)

Fund 3332 FY 2019 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	793,967
2	Current Expenses	13000		3,604,737
3	Repairs and Alterations.....	06400		25,000
4	Equipment.....	07000		31,500
5	Unclassified	09900		22,900
6	Buildings.....	25800		500
7	Other Assets	69000		<u>1,000</u>
8	Total		\$	4,479,604

192 - Division of Environmental Protection –

Solid Waste Enforcement Fund

(WV Code Chapter 22)

Fund 3333 FY 2019 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	3,041,424
2	Current Expenses	13000		1,020,229

3	Repairs and Alterations.....	06400		30,930
4	Equipment.....	07000		23,356
5	Unclassified	09900		37,145
6	Other Assets	69000		<u>25,554</u>
7	Total		\$	4,178,638

193 - Division of Environmental Protection –

Air Pollution Control Fund

(WV Code Chapter 22)

Fund 3336 FY 2019 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	5,643,421
2	Current Expenses	13000		1,489,467
3	Repairs and Alterations.....	06400		84,045
4	Equipment.....	07000		103,601
5	Unclassified	09900		70,572
6	Other Assets	69000		<u>52,951</u>
7	Total		\$	7,444,057

194 - Division of Environmental Protection –

Environmental Laboratory

Certification Fund

(WV Code Chapter 22)

Fund 3340 FY 2019 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	311,044
2	Current Expenses	13000		208,188
3	Repairs and Alterations.....	06400		1,000
4	Equipment.....	07000		1,000
5	Unclassified	09900		1,120

2018] HOUSE OF DELEGATES 1327

6	Other Assets	69000		<u>177,000</u>
7	Total		\$	699,352

195 - Division of Environmental Protection –

Stream Restoration Fund

(WV Code Chapter 22)

Fund 3349 FY 2019 Org 0313

1	Current Expenses	13000	\$	9,298,205
---	------------------------	-------	----	-----------

196 - Division of Environmental Protection –

Litter Control Fund

(WV Code Chapter 22)

Fund 3486 FY 2019 Org 0313

1	Current Expenses	13000	\$	60,000
---	------------------------	-------	----	--------

197 - Division of Environmental Protection –

Recycling Assistance Fund

(WV Code Chapter 22)

Fund 3487 FY 2019 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	646,395
2	Current Expenses	13000		2,735,112
3	Repairs and Alterations.....	06400		800
4	Equipment.....	07000		500
5	Unclassified	09900		400
6	Other Assets	69000		<u>2,500</u>
7	Total		\$	3,385,707

198 - Division of Environmental Protection –

Mountaintop Removal Fund

(WV Code Chapter 22)

Fund 3490 FY 2019 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	1,228,345
2	Current Expenses	13000		642,934
3	Repairs and Alterations.....	06400		30,112
4	Equipment.....	07000		23,500
5	Unclassified	09900		1,180
6	Other Assets	69000		<u>11,520</u>
7	Total.....		\$	1,937,591

199 - Oil and Gas Conservation Commission –

Special Oil and Gas Conservation Fund

(WV Code Chapter 22C)

Fund 3371 FY 2019 Org 0315

1	Personal Services and Employee Benefits.....	00100	\$	157,224
2	Current Expenses	13000		161,225
3	Repairs and Alterations.....	06400		1,000
4	Equipment.....	07000		9,481
5	Other Assets	69000		<u>1,500</u>
6	Total.....		\$	330,430

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

200 - Division of Health –

Ryan Brown Addiction Prevention and Recovery Fund

(WV Code Chapter 19)

Fund 5111 FY 2019 Org 0506

1	Current Expenses	13000	\$	13,588,654
---	------------------------	-------	----	------------

201 - Division of Health –

The Vital Statistics Account

(WV Code Chapter 16)

Fund 5144 FY 2019 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	876,771
2	Unclassified	09900		15,500
3	Current Expenses	13000		<u>1,257,788</u>
4	Total		\$	2,150,059

202 - Division of Health –

Hospital Services Revenue Account

Special Fund

Capital Improvement, Renovation and Operations

(WV Code Chapter 16)

Fund 5156 FY 2019 Org 0506

1	Institutional Facilities Operations.....	33500	\$	35,555,221
2	Medical Services Trust Fund – Transfer.....	51200		<u>27,800,000</u>
3	Total		\$	63,355,221

4 The total amount of these appropriations shall be paid from the Hospital Services Revenue
 5 Account Special Fund created by W.Va. Code §16-1-13, and shall be used for operating expenses
 6 and for improvements in connection with existing facilities.

7 Additional funds have been appropriated in fund 0525, fiscal year 2019, organization 0506,
 8 for the operation of the institutional facilities. The Secretary of the Department of Health and
 9 Human Resources is authorized to utilize up to ten percent of the funds from the appropriation for
 10 Institutional Facilities Operations to facilitate cost effective and cost saving services at the
 11 community level.

12 Necessary funds from the above appropriation may be used for medical facilities
 13 operations, either in connection with this fund or in connection with the appropriation designated
 14 Institutional Facilities Operations in the Consolidated Medical Service Fund (fund 0525,
 15 organization 0506).

16 From the above appropriation to Institutional Facilities Operations, together with available
 17 funds from the Consolidated Medical Services Fund (fund 0525, appropriation 33500) on July 1,
 18 2018, the sum of \$160,000 shall be transferred to the Department of Agriculture – Land Division
 19 – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual
 20 payments for such purchases shall not be required until such credits have been completely
 21 expended.

*203 - Division of Health –**Laboratory Services Fund*

(WV Code Chapter 16)

Fund 5163 FY 2019 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	862,657
2	Unclassified	09900		18,114
3	Current Expenses	13000		<u>930,716</u>
4	Total		\$	1,811,487

*204 - Division of Health –**The Health Facility Licensing Account*

(WV Code Chapter 16)

Fund 5172 FY 2019 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	605,950
2	Unclassified	09900		7,113
3	Current Expenses	13000		<u>98,247</u>
4	Total		\$	711,310

*205 - Division of Health –**Hepatitis B Vaccine*

(WV Code Chapter 16)

Fund 5183 FY 2019 Org 0506

1	Current Expenses	13000	\$	9,740
---	------------------------	-------	----	-------

*206 - Division of Health –**Lead Abatement Account*

(WV Code Chapter 16)

Fund 5204 FY 2019 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	19,100
---	--	-------	----	--------

2018]	HOUSE OF DELEGATES		1331
2	Unclassified	09900	373
3	Current Expenses	13000	<u>17,875</u>
4	Total		\$ 37,348

207 - Division of Health –

West Virginia Birth-to-Three Fund

(WV Code Chapter 16)

Fund 5214 FY 2019 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$ 647,545
2	Unclassified	09900	223,999
3	Current Expenses	13000	<u>28,053,549</u>
4	Total		\$ 28,925,093

208 - Division of Health –

Tobacco Control Special Fund

(WV Code Chapter 16)

Fund 5218 FY 2019 Org 0506

1	Current Expenses	13000	\$ 7,579
---	------------------------	-------	----------

209 - Division of Health –

Medical Cannabis Program Fund

(WV Code Chapter 16A)

Fund 5420 FY 2019 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$ 509,658
2	Current Expenses	13000	1,151,040
3	Other Assets	69000	<u>895,000</u>
4	Total		\$ 2,555,698

210 - West Virginia Health Care Authority –

Health Care Cost Review Fund

(WV Code Chapter 16)

Fund 5375 FY 2019 Org 0507

1	Personal Services and Employee Benefits.....	00100	\$	1,310,821
2	Hospital Assistance.....	02500		50,000
3	Unclassified	09900		100
4	Current Expenses	13000		754,645
5	Repairs and Alterations.....	06400		500
6	Equipment.....	07000		<u>300</u>
7	Total.....		\$	2,116,366
8	The above appropriation is to be expended in accordance with and pursuant to the			
9	provisions of W.Va. Code §16-29B and from the special revolving fund designated Health Care			
10	Cost Review Fund.			

*211 - West Virginia Health Care Authority –**Certificate of Need Program Fund*

(WV Code Chapter 16)

Fund 5377 FY 2019 Org 0507

1	Personal Services and Employee Benefits.....	00100	\$	805,113
2	Current Expenses	13000		<u>774,967</u>
3	Total.....		\$	1,580,080

*212 - Division of Human Services –**Health Care Provider Tax –**Medicaid State Share Fund*

(WV Code Chapter 11)

Fund 5090 FY 2019 Org 0511

1	Medical Services.....	18900	\$	198,568,451
2	Medical Services Administrative Costs.....	78900		<u>231,549</u>
3	Total.....		\$	198,800,000

4 The above appropriation for Medical Services Administrative Costs (fund 5090,
 5 appropriation 78900) shall be transferred to a special revenue account in the treasury for use by
 6 the Department of Health and Human Resources for administrative purposes. The remainder of
 7 all moneys deposited in the fund shall be transferred to the West Virginia Medical Services Fund
 8 (fund 5084.)

213 - Division of Human Services –

Child Support Enforcement Fund

(WV Code Chapter 48A)

Fund 5094 FY 2019 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	24,809,509
2	Unclassified	09900		380,000
3	Current Expenses	13000		<u>12,810,491</u>
4	Total		\$	38,000,000

214 - Division of Human Services –

Medical Services Trust Fund

(WV Code Chapter 9)

Fund 5185 FY 2019 Org 0511

1	Medical Services.....	18900	\$	73,477,905
2	Medical Services Administrative Costs.....	78900		<u>548,723</u>
3	Total		\$	74,026,628

4 The above appropriation to Medical Services shall be used to provide state match of
 5 Medicaid expenditures as defined and authorized in subsection (c) of W.Va. Code §9-4A-2a.
 6 Expenditures from the fund are limited to the following: payment of backlogged billings, funding
 7 for services to future federally mandated population groups and payment of the required state
 8 match for Medicaid disproportionate share payments. The remainder of all moneys deposited in
 9 the fund shall be transferred to the Division of Human Services accounts.

215 - Division of Human Services –

James "Tiger" Morton Catastrophic Illness Fund

(WV Code Chapter 16)

Fund 5454 FY 2019 Org 0511

1	Unclassified	09900	\$	7,000
---	--------------------	-------	----	-------

2	Current Expenses	13000		<u>693,000</u>
3	Total		\$	700,000

*216 - Division of Human Services –
Domestic Violence Legal Services Fund
(WV Code Chapter 48)
Fund 5455 FY 2019 Org 0511*

1	Current Expenses	13000		\$ 900,000
---	------------------------	-------	--	------------

*217 - Division of Human Services –
West Virginia Works Separate State College Program Fund
(WV Code Chapter 9)
Fund 5467 FY 2019 Org 0511*

1	Current Expenses	13000		\$ 1,000,000
---	------------------------	-------	--	--------------

*218 - Division of Human Services –
West Virginia Works Separate State Two-Parent Program Fund
(WV Code Chapter 9)
Fund 5468 FY 2019 Org 0511*

1	Current Expenses	13000		\$ 2,000,000
---	------------------------	-------	--	--------------

*219 - Division of Human Services –
Marriage Education Fund
(WV Code Chapter 9)
Fund 5490 FY 2019 Org 0511*

1	Personal Services and Employee Benefits.....	00100		\$ 10,000
2	Current Expenses	13000		<u>25,000</u>
3	Total		\$	35,000

DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

220 - Department of Military Affairs and Public Safety –

Office of the Secretary –

Law-Enforcement, Safety and Emergency Worker

Funeral Expense Payment Fund

(WV Code Chapter 15)

Fund 6003 FY 2019 Org 0601

1	Current Expenses	13000		32,000
---	------------------------	-------	--	--------

221 - State Armory Board –

General Armory Fund

(WV Code Chapter 15)

Fund 6057 FY 2019 Org 0603

1	Personal Services and Employee Benefits.....	00100	\$	1,643,528
2	Current Expenses	13000		650,000
3	Repairs and Alterations.....	06400		385,652
4	Equipment.....	07000		250,000
5	Buildings	25800		770,820
6	Other Assets	69000		100,000
7	Land	73000		200,000
8	Total.....		\$	4,000,000

9 From the above appropriations, the Adjutant General may receive and expend funds to
 10 conduct operations and activities to include functions of the Military Authority. The Adjutant
 11 General may transfer funds between appropriations, except no funds may be transferred to
 12 Personal Services and Employee Benefits (fund 6057, appropriation 00100).

222 - Division of Homeland Security

And Emergency Management –

Statewide Interoperable Radio Network Account

(WV Code Chapter 15)

Fund 6208 FY 2019 Org 0606

1	Current Expenses	13000	\$	80,000
---	------------------------	-------	----	--------

223 - Division of Homeland Security and

Emergency Management –

West Virginia Interoperable Radio Project

(WV Code Chapter 24)

Fund 6295 FY 2019 Org 0606

1	Current Expenses	13000	\$	2,000,000
---	------------------------	-------	----	-----------

2	Any unexpended balance remaining in the appropriation for Unclassified – Total (fund			
3	6295, appropriation 09600) at the close of fiscal year 2018 is hereby reappropriated for			
4	expenditure during the fiscal year 2019.			

224 - West Virginia Division of Corrections –

Parolee Supervision Fees

(WV Code Chapter 62)

Fund 6362 FY 2019 Org 0608

1	Personal Services and Employee Benefits.....	00100	\$	1,013,793
2	Unclassified	09900		9,804
3	Current Expenses	13000		758,480
4	Equipment.....	07000		30,000
5	Other Assets	69000		<u>40,129</u>
6	Total.....		\$	1,852,206

225 - West Virginia State Police –

Motor Vehicle Inspection Fund

(WV Code Chapter 17C)

Fund 6501 FY 2019 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$	1,786,923
2	Current Expenses	13000		1,488,211
3	Repairs and Alterations.....	06400		204,500
4	Equipment.....	07000		3,770,751

2018] HOUSE OF DELEGATES 1337

5	Buildings	25800	534,000
6	Other Assets	69000	5,000
7	BRIM Premium.....	91300	<u>302,432</u>
8	Total		\$ 8,091,817

9 The total amount of these appropriations shall be paid from the special revenue fund out
 10 of fees collected for inspection stickers as provided by law.

226 - West Virginia State Police –

Forensic Laboratory Fund

(WV Code Chapter 15)

Fund 6511 FY 2019 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$ 100,000
2	Current Expenses	13000	90,000
3	Repairs and Alterations.....	06400	5,000
4	Equipment.....	07000	<u>45,000</u>
5	Total		\$ 240,000

227 - West Virginia State Police –

Drunk Driving Prevention Fund

(WV Code Chapter 15)

Fund 6513 FY 2019 Org 0612

1	Current Expenses	13000	\$ 1,327,000
2	Equipment.....	07000	3,491,895
3	BRIM Premium.....	91300	<u>154,452</u>
4	Total		\$ 4,973,347

5 The total amount of these appropriations shall be paid from the special revenue fund out
 6 of receipts collected pursuant to W.Va. Code §11-15-9a and 16 and paid into a revolving fund
 7 account in the State Treasury.

228 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(WV Code Chapter 15)

Fund 6516 FY 2019 Org 0612

1	Buildings	25800	\$	1,022,778
2	Land	73000		1,000
3	BRIM Premium.....	91300		<u>77,222</u>
4	Total		\$	1,101,000

*229 - West Virginia State Police –**Surplus Transfer Account*

(WV Code Chapter 15)

Fund 6519 FY 2019 Org 0612

1	Current Expenses	13000	\$	225,000
2	Repairs and Alterations.....	06400		20,000
3	Equipment.....	07000		250,000
4	Buildings	25800		40,000
5	Other Assets	69000		45,000
6	BRIM Premium.....	91300		<u>5,000</u>
7	Total		\$	585,000

*230 - West Virginia State Police –**Central Abuse Registry Fund*

(WV Code Chapter 15)

Fund 6527 FY 2019 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$	236,881
2	Current Expenses	13000		51,443
3	Repairs and Alterations.....	06400		500
4	Equipment.....	07000		300,500
5	Other Assets	69000		300,500

2018] HOUSE OF DELEGATES 1339

6	BRIM Premium.....	91300	<u>18,524</u>
7	Total		\$ 908,348

*231 - West Virginia State Police –
Bail Bond Enforcer Account
(WV Code Chapter 15)
Fund 6532 FY 2019 Org 0612*

1	Current Expenses	13000	\$ 8,300
---	------------------------	-------	----------

*232 - West Virginia State Police –
State Police Academy Post Exchange
(WV Code Chapter 15)
Fund 6544 FY 2019 Org 0612*

1	Current Expenses	13000	\$ 160,000
2	Repairs and Alterations.....	06400	<u>40,000</u>
3	Total		\$ 200,000

*233 - Regional Jail and Correctional Facility Authority
(WV Code Chapter 31)
Fund 6675 FY 2019 Org 0615*

1	Personal Services and Employee Benefits.....	00100	\$ 1,971,039
2	Debt Service	04000	9,000,000
3	Current Expenses	13000	495,852
4	Repairs and Alterations.....	06400	4,000
5	Equipment.....	07000	<u>1,743</u>
6	Total		\$ 11,472,634

*234 - Fire Commission –
Fire Marshal Fees
(WV Code Chapter 29)*

Fund 6152 FY 2019 Org 0619

1	Personal Services and Employee Benefits.....	00100	\$	3,233,683
2	Unclassified	09900		3,800
3	Current Expenses	13000		1,249,550
4	Repairs and Alterations.....	06400		58,500
5	Equipment.....	07000		140,800
6	Other Assets	69000		2,000
7	BRIM Premium.....	91300		<u>60,000</u>
8	Total.....		\$	4,748,333

*235 - Division of Justice and Community Services –**WV Community Corrections Fund*

(WV Code Chapter 62)

Fund 6386 FY 2019 Org 0620

1	Personal Services and Employee Benefits.....	00100	\$	152,000
2	Unclassified	09900		750
3	Current Expenses	13000		1,846,250
4	Repairs and Alterations.....	06400		<u>1,000</u>
5	Total.....		\$	2,000,000

*236 - Division of Justice and Community Services –**Court Security Fund*

(WV Code Chapter 51)

Fund 6804 FY 2019 Org 0620

1	Personal Services and Employee Benefits.....	00100	\$	21,865
2	Current Expenses	13000		<u>1,478,135</u>
3	Total.....		\$	1,500,000

237 - Division of Justice and Community Services –

Second Chance Driver's License Program Account

(WV Code Chapter 17B)

Fund 6810 FY 2019 Org 0620

1	Current Expenses	13000	\$	25,000
---	------------------------	-------	----	--------

DEPARTMENT OF REVENUE

238 - Division of Financial Institutions

(WV Code Chapter 31A)

Fund 3041 FY 2019 Org 0303

1	Personal Services and Employee Benefits.....	00100	\$	2,511,101
2	Current Expenses	13000		705,875
3	Repairs and Alterations.....	06400		100
4	Equipment.....	07000		12,000
5	Total		\$	3,229,076

239 - Office of the Secretary –

State Debt Reduction Fund

(WV Code Chapter 29)

Fund 7007 FY 2019 Org 0701

1	Directed Transfer	70000	\$	20,000,000
---	-------------------------	-------	----	------------

2 The above appropriation for Directed Transfer shall be transferred to the Consolidated
 3 Public Retirement Board – West Virginia Public Employees Retirement System Employers
 4 Accumulation Fund (fund 2510).

240 - Tax Division –

Cemetery Company Account

(WV Code Chapter 35)

Fund 7071 FY 2019 Org 0702

1	Personal Services and Employee Benefits.....	00100	\$	23,459
2	Current Expenses	13000		7,717

3	Total		\$ 31,176
---	-------------	--	-----------

241 - Tax Division –

Special Audit and Investigative Unit

(WV Code Chapter 11)

Fund 7073 FY 2019 Org 0702

1	Personal Services and Employee Benefits.....	00100	\$ 655,203
2	Unclassified	09900	9,500
3	Current Expenses	13000	273,297
4	Repairs and Alterations.....	06400	7,000
5	Equipment.....	07000	<u>5,000</u>
6	Total		\$ 950,000

242 - Tax Division –

Wine Tax Administration Fund

(WV Code Chapter 60)

Fund 7087 FY 2019 Org 0702

1	Personal Services and Employee Benefits.....	00100	\$ 254,162
2	Current Expenses	13000	<u>5,406</u>
3	Total		\$ 259,568

243 - Tax Division –

Reduced Cigarette Ignition Propensity

Standard and Fire Prevention Act Fund

(WV Code Chapter 47)

Fund 7092 FY 2019 Org 0702

1	Current Expenses	13000	\$ 35,000
2	Equipment.....	07000	<u>15,000</u>
3	Total		\$ 50,000

244 - Tax Division –

Local Sales Tax and Excise Tax

Administration Fund

(WV Code Chapter 11)

Fund 7099 FY 2019 Org 0702

1	Personal Services and Employee Benefits.....	00100	\$	1,508,968
2	Unclassified	09900		10,000
3	Current Expenses	13000		784,563
4	Repairs and Alterations.....	06400		1,000
5	Equipment.....	07000		<u>5,000</u>
6	Total		\$	2,309,531

245 - State Budget Office –

Public Employees Insurance Reserve Fund

(WV Code Chapter 11B)

Fund 7400 FY 2019 Org 0703

1	Public Employees Insurance Reserve Fund – Transfer.....	90300	\$	6,800,000
---	---	-------	----	-----------

2 The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall
 3 be transferred to the Medical Services Trust Fund (fund 5185, org 0511) for expenditure.

246 - State Budget Office –

Public Employees Insurance Agency Financial Stability Fund

(WV Code Chapter 11B)

Fund 7401 FY 2019 Org 0703

1	Retiree Premium Offset.....	80101	\$	5,000,000
2	PEIA Reserve	80102		<u>10,000,000</u>
3	Total		\$	15,000,000

4 The above appropriation shall be transferred to special revenue funds to be utilized by the
 5 West Virginia Public Employees Insurance Agency for the purposes of permitting the PEIA
 6 Finance Board to offset \$5 million in retiree premium increases. Additionally, \$10 million will be

7 put into a reserve fund to stabilize and preserve the future solvency of PEIA. Such amount shall
 8 not be included in the calculation of the plan year aggregate premium cost-sharing percentages
 9 between employers and employees.

247 - Insurance Commissioner –

Examination Revolving Fund

(WV Code Chapter 33)

Fund 7150 FY 2019 Org 0704

1	Personal Services and Employee Benefits.....	00100	\$	721,117
2	Current Expenses	13000		1,357,201
3	Repairs and Alterations.....	06400		3,000
4	Equipment.....	07000		81,374
5	Buildings	25800		8,289
6	Other Assets	69000		<u>11,426</u>
7	Total		\$	2,182,407

248 - Insurance Commissioner –

Consumer Advocate

(WV Code Chapter 33)

Fund 7151 FY 2019 Org 0704

1	Personal Services and Employee Benefits.....	00100	\$	552,228
2	Current Expenses	13000		202,152
3	Repairs and Alterations.....	06400		5,000
4	Equipment.....	07000		34,225
5	Buildings	25800		4,865
6	Other Assets	69000		<u>19,460</u>
7	Total		\$	817,930

249 - Insurance Commissioner –

Insurance Commission Fund

(WV Code Chapter 33)

Fund 7152 FY 2019 Org 0704

1	Personal Services and Employee Benefits.....	00100	\$	23,039,727
2	Current Expenses	13000		8,797,758
3	Repairs and Alterations.....	06400		68,614
4	Equipment.....	07000		1,728,240
5	Buildings	25800		25,000
6	Other Assets	69000		<u>340,661</u>
7	Total.....		\$	34,000,000

250 - Insurance Commissioner –

Workers' Compensation Old Fund

(WV Code Chapter 23)

Fund 7162 FY 2019 Org 0704

1	Employee Benefits	01000	\$	50,000
2	Current Expenses	13000		<u>250,500,000</u>
3	Total.....		\$	250,550,000

251 - Insurance Commissioner –

Workers' Compensation Uninsured Employers' Fund

(WV Code Chapter 23)

Fund 7163 FY 2019 Org 0704

1	Current Expenses	13000	\$	15,000,000
---	------------------------	-------	----	------------

252 - Insurance Commissioner –

Self-Insured Employer Guaranty Risk Pool

(WV Code Chapter 23)

Fund 7164 FY 2019 Org 0704

1	Current Expenses	13000	\$	9,000,000
---	------------------------	-------	----	-----------

253 - Insurance Commissioner –

Self-Insured Employer Security Risk Pool

(WV Code Chapter 23)

Fund 7165 FY 2019 Org 0704

1	Current Expenses	13000	\$	14,000,000
---	------------------------	-------	----	------------

254 - Municipal Bond Commission

(WV Code Chapter 13)

Fund 7253 FY 2019 Org 0706

1	Personal Services and Employee Benefits.....	00100	\$	247,523
2	Current Expenses	13000		144,844
3	Equipment.....	07000		100
4	Total		\$	392,467

255 - Racing Commission –

Relief Fund

(WV Code Chapter 19)

Fund 7300 FY 2019 Org 0707

1	Medical Expenses – Total	24500	\$	57,000
---	--------------------------------	-------	----	--------

2 The total amount of this appropriation shall be paid from the special revenue fund out of
3 collections of license fees and fines as provided by law.

4 No expenditures shall be made from this fund except for hospitalization, medical care
5 and/or funeral expenses for persons contributing to this fund.

256 - Racing Commission –

Administration and Promotion Account

(WV Code Chapter 19)

Fund 7304 FY 2019 Org 0707

1	Personal Services and Employee Benefits.....	00100	\$	256,665
2	Current Expenses	13000		93,335

2018] HOUSE OF DELEGATES 1347

3	Other Assets	69000	<u>5,000</u>
4	Total		\$ 355,000

257 - Racing Commission –

General Administration

(WV Code Chapter 19)

Fund 7305 FY 2019 Org 0707

1	Personal Services and Employee Benefits.....	00100	\$ 2,271,339
2	Current Expenses	13000	566,248
3	Repairs and Alterations.....	06400	7,000
4	Other Assets	69000	<u>50,000</u>
5	Total		\$ 2,894,587

258 - Racing Commission –

*Administration, Promotion, Education, Capital Improvement
and Greyhound Adoption Programs*

to include Spaying and Neutering Account

(WV Code Chapter 19)

Fund 7307 FY 2019 Org 0707

1	Personal Services and Employee Benefits.....	00100	\$ 864,474
2	Current Expenses	13000	214,406
3	Other Assets	69000	<u>200,000</u>
4	Total		\$ 1,278,880

259 - Alcohol Beverage Control Administration –

Wine License Special Fund

(WV Code Chapter 60)

Fund 7351 FY 2019 Org 0708

1	Personal Services and Employee Benefits.....	00100	\$ 122,339
---	--	-------	------------

2	Current Expenses	13000	69,186
3	Repairs and Alterations.....	06400	7,263
4	Equipment.....	07000	10,000
5	Buildings	25800	100,000
6	Other Assets	69000	<u>100</u>
7	Total.....		\$ 308,888

8 To the extent permitted by law, four classified exempt positions shall be provided from
 9 Personal Services and Employee Benefits appropriation for field auditors.

260 - Alcohol Beverage Control Administration

(WV Code Chapter 60)

Fund 7352 FY 2019 Org 0708

1	Personal Services and Employee Benefits.....	00100	\$ 5,413,237
2	Current Expenses	13000	2,890,577
3	Repairs and Alterations.....	06400	91,000
4	Equipment.....	07000	108,000
5	Buildings	25800	375,100
6	Purchase of Supplies for Resale	41900	72,500,000
7	Transfer Liquor Profits and Taxes	42500	20,800,000
8	Other Assets	69000	125,100
9	Land	73000	<u>100</u>
10	Total.....		\$ 102,303,114

11 The total amount of these appropriations shall be paid from a special revenue fund out of
 12 liquor revenues and any other revenues available.

13 The above appropriations include the salary of the commissioner and the salaries,
 14 expenses and equipment of administrative offices, warehouses and inspectors.

15 The above appropriations include funding for the Tobacco/Alcohol Education Program.

16 There is hereby appropriated from liquor revenues, in addition to the above appropriations
 17 as needed, the necessary amount for the purchase of liquor as provided by law and the remittance
 18 of profits and taxes to the General Revenue Fund.

261 - State Athletic Commission Fund

(WV Code Chapter 29)

Fund 7009 FY 2019 Org 0933

1	Personal Services and Employee Benefits.....	00100	\$	2,900
2	Current Expenses	13000		<u>37,100</u>
3	Total		\$	40,000

DEPARTMENT OF TRANSPORTATION

262 - Division of Motor Vehicles –

Dealer Recovery Fund

(WV Code Chapter 17)

Fund 8220 FY 2019 Org 0802

1	Current Expenses	13000	\$	189,000
---	------------------------	-------	----	---------

263 - Division of Motor Vehicles –

Motor Vehicle Fees Fund

(WV Code Chapter 17B)

Fund 8223 FY 2019 Org 0802

1	Personal Services and Employee Benefits.....	00100	\$	3,362,799
2	Current Expenses	13000		4,362,975
3	Repairs and Alterations.....	06400		16,000
4	Equipment.....	07000		75,000
5	Other Assets	69000		10,000
6	BRIM Premium.....	91300		<u>84,737</u>
7	Total		\$	7,911,511

264 - Division of Highways –

A. James Manchin Fund

(WV Code Chapter 22)

Fund 8319 FY 2019 Org 0803

1	Current Expenses	13000	\$	1,650,000
---	------------------------	-------	----	-----------

DEPARTMENT OF VETERANS' ASSISTANCE

265 - Veterans' Facilities Support Fund

(WV Code Chapter 9A)

Fund 6703 FY 2019 Org 0613

1	Personal Services and Employee Benefits.....	00100	\$	94,210
2	Current Expenses	13000		2,255,997
3	Repairs and Alterations.....	06400		10,000
4	Equipment.....	07000		10,000
5	Other Assets	69000		10,000
6	Total		\$	2,380,207

266 - Department of Veterans' Assistance –

WV Veterans' Home –

Special Revenue Operating Fund

(WV Code Chapter 9A)

Fund 6754 FY 2019 Org 0618

1	Current Expenses	13000	\$	700,000
2	Repairs and Alterations.....	06400		50,000
3	Total		\$	750,000

BUREAU OF SENIOR SERVICES

267 - Bureau of Senior Services –

Community Based Service Fund

(WV Code Chapter 22)

Fund 5409 FY 2019 Org 0508

1	Personal Services and Employee Benefits.....	00100	\$	151,290
---	--	-------	----	---------

2	Current Expenses	13000	<u>10,348,710</u>
3	Total		\$ 10,500,000

4 The total amount of these appropriations are funded from annual table game license fees
5 to enable the aged and disabled citizens of West Virginia to stay in their homes through the
6 provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION

268 - 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 2019 Org 0442

1	Debt Service	04000	\$ 27,713,123
2	General Capital Expenditures	30600	5,000,000
3	Facilities Planning and Administration.....	38600	<u>421,082</u>
4	Total		\$ 33,134,205

5 The total amount of these appropriations shall be paid from the Special Capital
6 Improvement Fund created in W.Va. Code §18B-10-8. Projects are to be paid on a cash basis
7 and made available on July 1.

8 The above appropriations, except for Debt Service, may be transferred to special revenue
9 funds for capital improvement projects at the institutions.

269 - Tuition Fee Revenue Bond Construction Fund

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2019 Org 0442

1 Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906,
2 appropriation 51100) at the close of the fiscal year 2018 is hereby reappropriated for expenditure
3 during the fiscal year 2019.

4 The appropriation shall be paid from available unexpended cash balances and interest
5 earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher
6 Education Policy Commission and the funds may be allocated to any institution within the system.

7 The total amount of this appropriation shall be paid from the unexpended proceeds of
 8 revenue bonds previously issued pursuant to W.Va. Code §18-12B-8, which have since been
 9 refunded.

270 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2019 Org 0442

1 Any unexpended balance remaining in the appropriation for Capital Improvements – Total
 2 (fund 4908, appropriation 95800) at the close of fiscal year 2018 is hereby reappropriated for
 3 expenditure during the fiscal year 2019.

4 The total amount of this appropriation shall be paid from the sale of the Series 2017
 5 Community and Technical College Capital Improvement Refunding Revenue Bonds and
 6 anticipated interest earnings.

271 - West Virginia University –

West Virginia University Health Sciences Center

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2019 Org 0463

1	Personal Services and Employee Benefits.....	00100	\$	10,274,340
2	Current Expenses	13000		4,524,300
3	Repairs and Alterations.....	06400		425,000
4	Equipment.....	07000		512,000
5	Buildings	25800		150,000
6	Other Assets	69000		<u>50,000</u>
7	Total		\$	15,935,640

MISCELLANEOUS BOARDS AND COMMISSIONS

272 - Board of Barbers and Cosmetologists –

Barbers and Beauticians Special Fund

(WV Code Chapters 16 and 30)

Fund 5425 FY 2019 Org 0505

2018] HOUSE OF DELEGATES 1353

1	Personal Services and Employee Benefits.....	00100	\$	504,497
2	Current Expenses	13000		<u>239,969</u>
3	Total		\$	744,466

4 The total amount of these appropriations shall be paid from a special revenue fund out of
 5 collections made by the Board of Barbers and Cosmetologists as provided by law.

273 - Hospital Finance Authority –

Hospital Finance Authority Fund

(WV Code Chapter 16)

Fund 5475 FY 2019 Org 0509

1	Personal Services and Employee Benefits.....	00100	\$	85,981
2	Unclassified	09900		1,450
3	Current Expenses	13000		<u>57,740</u>
4	Total		\$	145,171

5 The total amount of these appropriations shall be paid from the special revenue fund out
 6 of fees and collections as provided by Article 29A, Chapter 16 of the Code.

274 - WV State Board of Examiners for Licensed Practical Nurses –

Licensed Practical Nurses

(WV Code Chapter 30)

Fund 8517 FY 2019 Org 0906

1	Personal Services and Employee Benefits.....	00100	\$	455,324
2	Current Expenses	13000		<u>128,133</u>
3	Total		\$	583,457

275 - WV Board of Examiners for Registered Professional Nurses –

Registered Professional Nurses

(WV Code Chapter 30)

Fund 8520 FY 2019 Org 0907

1	Personal Services and Employee Benefits.....	00100	\$	1,226,557
---	--	-------	----	-----------

2	Current Expenses	13000	312,655
3	Repairs and Alterations.....	06400	3,000
4	Equipment.....	07000	25,000
5	Other Assets	69000	<u>4,500</u>
6	Total		\$ 1,571,712

276 - Public Service Commission

(WV Code Chapter 24)

Fund 8623 FY 2019 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$ 11,807,314
2	Unclassified	09900	147,643
3	Current Expenses	13000	2,572,222
4	Repairs and Alterations.....	06400	55,000
5	Equipment.....	07000	160,000
6	PSC Weight Enforcement	34500	4,370,453
7	Debt Payment/Capital Outlay	52000	350,000
8	BRIM Premium.....	91300	<u>172,216</u>
9	Total		\$ 19,634,848

10 The total amount of these appropriations shall be paid from a special revenue fund out of
11 collections for special license fees from public service corporations as provided by law.

12 The Public Service Commission is authorized to transfer up to \$500,000 from this fund to
13 meet the expected deficiencies in the Motor Carrier Division (fund 8625, org 0926) due to the
14 amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled House Bill Number 2715,
15 Regular Session, 1997.

277 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(WV Code Chapter 24B)

Fund 8624 FY 2019 Org 0926

2018] HOUSE OF DELEGATES 1355

1	Personal Services and Employee Benefits.....	00100	\$	284,198
2	Unclassified	09900		3,851
3	Current Expenses	13000		93,115
4	Repairs and Alterations.....	06400		<u>4,000</u>
5	Total		\$	385,164

6 The total amount of these appropriations shall be paid from a special revenue fund out of
 7 receipts collected for or by the Public Service Commission pursuant to and in the exercise of
 8 regulatory authority over pipeline companies as provided by law.

278 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8625 FY 2019 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$	2,243,526
2	Unclassified	09900		29,233
3	Current Expenses	13000		577,557
4	Repairs and Alterations.....	06400		23,000
5	Equipment.....	07000		<u>50,000</u>
6	Total		\$	2,923,316

7 The total amount of these appropriations shall be paid from a special revenue fund out of
 8 receipts collected for or by the Public Service Commission pursuant to and in the exercise of
 9 regulatory authority over motor carriers as provided by law.

279 - Public Service Commission –

Consumer Advocate Fund

(WV Code Chapter 24)

Fund 8627 FY 2019 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$	743,372
2	Current Expenses	13000		276,472
3	Equipment.....	07000		9,872

4	BRIM Premium.....	91300	4,660
5	Total		\$ 1,034,376

6 The total amount of these appropriations shall be supported by cash from a special
7 revenue fund out of collections made by the Public Service Commission.

280 - Real Estate Commission –

Real Estate License Fund

(WV Code Chapter 30)

Fund 8635 FY 2019 Org 0927

1	Personal Services and Employee Benefits.....	00100	\$ 582,413
2	Current Expenses	13000	285,622
3	Repairs and Alterations.....	06400	5,000
4	Equipment.....	07000	10,000
5	Total		\$ 883,035

6 The total amount of these appropriations shall be paid out of collections of license fees as
7 provided by law.

281 - WV Board of Examiners for Speech-Language

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(WV Code Chapter 30)

Fund 8646 FY 2019 Org 0930

1	Personal Services and Employee Benefits.....	00100	\$ 73,190
2	Current Expenses	13000	65,623
3	Total		\$ 138,813

282 - WV Board of Respiratory Care –

Board of Respiratory Care Fund

(WV Code Chapter 30)

Fund 8676 FY 2019 Org 0935

2018] HOUSE OF DELEGATES 1357

1	Personal Services and Employee Benefits.....	00100	\$	82,803
2	Current Expenses	13000		50,387
3	Repairs and Alterations.....	06400		<u>400</u>
4	Total		\$	133,590

283 - WV Board of Licensed Dietitians –

Dietitians Licensure Board Fund

(WV Code Chapter 30)

Fund 8680 FY 2019 Org 0936

1	Personal Services and Employee Benefits.....	00100	\$	15,950
2	Current Expenses	13000		<u>17,050</u>
3	Total		\$	33,000

284 - Massage Therapy Licensure Board –

Massage Therapist Board Fund

(WV Code Chapter 30)

Fund 8671 FY 2019 Org 0938

1	Personal Services and Employee Benefits.....	00100	\$	104,418
2	Current Expenses	13000		<u>42,648</u>
3	Total		\$	147,066

285 - Board of Medicine –

Medical Licensing Board Fund

(WV Code Chapter 30)

Fund 9070 FY 2019 Org 0945

1	Personal Services and Employee Benefits.....	00100	\$	1,287,752
2	Current Expenses	13000		1,113,789
3	Repairs and Alterations.....	06400		<u>20,000</u>
4	Total		\$	2,421,541

286 - West Virginia Enterprise Resource Planning Board –

Enterprise Resource Planning System Fund

(WV Code Chapter 12)

Fund 9080 FY 2019 Org 0947

1	Personal Services and Employee Benefits.....	00100	\$	6,713,066
2	Unclassified	09900		232,000
3	Current Expenses	13000		17,640,134
4	Repairs and Alterations.....	06400		300
5	Equipment.....	07000		213,000
6	Buildings	25800		2,000
7	Other Assets	69000		<u>199,500</u>
8	Total		\$	25,000,000

287 - Board of Treasury Investments –

Board of Treasury Investments Fee Fund

(WV Code Chapter 12)

Fund 9152 FY 2019 Org 0950

1	Personal Services and Employee Benefits.....	00100	\$	782,889
2	Unclassified	09900		14,850
3	Current Expenses	13000		650,714
4	BRIM Premium.....	91300		36,547
5	Fees of Custodians, Fund Advisors and Fund Managers	93800		<u>3,500,000</u>
6	Total		\$	4,985,000

7 There is hereby appropriated from this fund, in addition to the above appropriation if
8 needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and
9 expenses of custodians, fund advisors and fund managers for the consolidated fund of the State
10 as provided in Article 6C, Chapter 12 of the Code.

11 The total amount of these appropriations shall be paid from the special revenue fund out
12 of fees and collections as provided by law.

13 Total TITLE II, Section 3 – Other Funds

14 (Including claims against the state)..... \$ 1,485,773,568

1 **Sec. 4. Appropriations from lottery net profits.** — Net profits of the lottery are to be
 2 deposited by the Director of the Lottery to the following accounts in the amounts indicated. The
 3 Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation
 4 for each account bears to the total of the appropriations for all accounts.

5 After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant
 6 to W.Va. Code §29-22-18, the Director of the Lottery shall make available from the remaining net
 7 profits of the lottery any amounts needed to pay debt service for which an appropriation is made
 8 for Fund 9065, Fund 4297, Fund 3390, and Fund 3514 and is authorized to transfer any such
 9 amounts to Fund 9065, Fund 4297, Fund 3390, and Fund 3514 for that purpose. Upon receipt of
 10 reimbursement of amounts so transferred, the Director of the Lottery shall deposit the
 11 reimbursement amounts to the following accounts as required by this section.

288 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(WV Code Chapter 5)

Fund 2252 FY 2019 Org 0211

	Appro-		Lottery
	priation		Funds
1 Debt Service – Total	31000	\$	10,000,000

289 - West Virginia Development Office –

West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 3067 FY 2019 Org 0304

1 Tourism – Telemarketing Center	46300	\$	82,080
2 Tourism – Advertising (R)	61800		2,422,407
3 Tourism – Operations (R).....	66200		<u>4,045,269</u>
4 Total.....		\$	6,549,756

5 Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund
 6 3067, appropriation 61800), and Tourism – Operations (fund 3067, appropriation 66200) at the
 7 close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

290 - Division of Natural Resources

(WV Code Chapter 20)

Fund 3267 FY 2019 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	2,196,139
2	Current Expenses	13000		26,900
3	Pricketts Fort State Park	32400		106,560
4	Non-Game Wildlife (R)	52700		372,124
5	State Parks and Recreation Advertising (R)	61900		<u>494,578</u>
6	Total		\$	3,196,301

7 Any unexpended balances remaining in the appropriations for Unclassified (fund 3267,
8 appropriation 09900), Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game
9 Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267,
10 appropriation 61900) at the close of the fiscal year 2018 are hereby reappropriated for expenditure
11 during the fiscal year 2019.

291 - State Board of Education

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2019 Org 0402

1	FBI Checks	37200	\$	111,611
2	Vocational Education Equipment Replacement.....	39300		800,000
3	Assessment Program (R)	39600		2,969,690
4	21 st Century Technology Infrastructure			
5	Network Tools and Support (R)	93300		<u>14,295,591</u>
6	Total		\$	18,176,892

7 Any unexpended balances remaining in the appropriations for Unclassified (fund 3951,
8 appropriation 09900), Current Expenses (fund 3951, appropriation 13000), Assessment Program
9 (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and
10 Support (fund 3951, appropriation 93300) at the close of the fiscal year 2018 are hereby
11 reappropriated for expenditure during the fiscal year 2019.

*292 - State Department of Education –**School Building Authority –**Debt Service Fund*

(WV Code Chapter 18)

Fund 3963 FY 2019 Org 0402

1	Debt Service – Total	31000	\$	15,320,363
2	Directed Transfer	70000		<u>2,679,637</u>
3	Total		\$	18,000,000

4 The School Building Authority shall have the authority to transfer between the above
5 appropriations in accordance with W.Va. Code §29-22-18.

293 - Department of Education and the Arts –

Office of the Secretary –

Control Account –

Lottery Education Fund

(WV Code Chapter 5F)

Fund 3508 FY 2019 Org 0431

1	Unclassified (R).....	09900	\$	9,483
2	Current Expenses	13000		110,617
3	Commission for National and Community Service.....	19300		357,084
4	Statewide STEM 21 st Century Academy.....	89700		130,000
5	Literacy Project (R)	89900		<u>350,000</u>
6	Total.....		\$	957,184

7 Any unexpended balances remaining in the appropriations for Unclassified (fund 3508,
8 appropriation 09900), Governor’s Honors Academy (fund 3508, appropriation 47800), Arts
9 Programs (fund 3508, appropriation 50000), and Literacy Project (fund 3508, appropriation
10 89900) at the close of fiscal year 2018 are hereby reappropriated for expenditure during the fiscal
11 year 2019.

294 - Division of Culture and History –

Lottery Education Fund

(WV Code Chapter 29)

Fund 3534 FY 2019 Org 0432

1	Huntington Symphony.....	02700	\$	59,058
---	--------------------------	-------	----	--------

2	Preservation WV (R)	09200	491,921
3	Fairs and Festivals (R)	12200	1,346,814
4	Archeological Curation/Capital Improvements (R)	24600	32,079
5	Historic Preservation Grants (R)	31100	368,428
6	West Virginia Public Theater	31200	120,019
7	Greenbrier Valley Theater	42300	99,543
8	Theater Arts of West Virginia	46400	90,000
9	Marshall Artists Series	51800	36,005
10	Grants for Competitive Arts Program (R)	62400	726,000
11	West Virginia State Fair	65700	31,241
12	Save the Music	68000	24,000
13	Contemporary American Theater Festival	81100	57,281
14	Independence Hall	81200	27,277
15	Mountain State Forest Festival	86400	38,187
16	WV Symphony	90700	59,058
17	Wheeling Symphony	90800	59,058
18	Appalachian Children's Chorus	91600	<u>54,554</u>
19	Total		\$ 3,720,523

20 From the above appropriation for Preservation West Virginia (fund 3534, appropriation
21 09200) funding shall be provided to the African-American Heritage Family Tree Museum (Fayette)
22 \$2,673, Aracoma Story (Logan) \$29,703, Arts Monongahela (Monongalia) \$11,881, Barbour
23 County Arts and Humanities Council \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo
24 Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical
25 Society (Wayne) \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum
26 (Wayne) \$720, Children's Theatre of Charleston (Kanawha) \$3,127, Chuck Mathena Center
27 (Mercer) \$62,532, Collis P. Huntington Railroad Historical Society (Cabell) \$5,941, Country
28 Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company
29 \$1,188, Flannigan Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort
30 New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen
31 Memorial Foundation (Berkeley) \$11,006, Grafton Mother's Day Shrine Committee (Taylor)
32 \$5,049, Hardy County Tour and Crafts Association \$11,881, Heartwood in the Hills (Calhoun)
33 \$5,040, Heritage Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette)
34 \$3,267, Historic Middleway Conservancy (Jefferson) \$594, Jefferson County Black History
35 Preservation Society \$2,970, Jefferson County Historical Landmark Commission \$4,753,

36 Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society \$5,049, McCoy
 37 Theater (Hardy) \$11,881, Morgantown Theater Company (Monongalia) \$11,881, Mountaineer
 38 Boys' State (Lewis) \$5,941, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon
 39 Farm Museum (Berkeley) \$5,941, Old Opera House Theater Company (Jefferson) \$8,911,
 40 Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House \$3,564, Raleigh
 41 County All Wars Museum \$5,941, Rhododendron Girl's State (Ohio) \$5,941, Roane County
 42 4-H and FFA Youth Livestock Program \$2,970, Scottish Heritage Society/N. Central WV
 43 (Harrison) \$2,970, Society for the Preservation of McGrew House (Preston) \$2,079, Southern
 44 West Virginia Veterans' Museum \$3,393, Summers County Historic Landmark Commission
 45 \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian Center
 46 (Summers) \$5,311, Tug Valley Arts Council (Mingo) \$2,970, Tug Valley Chamber of
 47 Commerce Coal House (Mingo) \$1,188, Tunnelton Historical Society (Preston) \$1,188,
 48 Veterans Committee for Civic Improvement of Huntington (Wayne) \$2,970, West Virginia
 49 Museum of Glass (Lewis) \$2,970, West Virginia Music Hall of Fame (Kanawha) \$20,792,
 50 YMCA Camp Horseshoe (Tucker) \$59,406, Youth Museum of Southern West Virginia (Raleigh)
 51 \$7,129, Z.D. Ramsdell House (Wayne) \$720.

52 From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200)
 53 funding shall be provided to A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage
 54 Festival (Jefferson) \$2,970, Alderson 4th of July Celebration (Greenbrier) \$2,970, Allegheny
 55 Echo (Pocahontas) \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683, American
 56 Civil War (Grant) \$3,127, American Legion Post 8 Veterans Day Parade (McDowell) \$1,250,
 57 Angus Beef and Cattle Show (Lewis) \$891, Annual Birch River Days (Nicholas) \$1,296, Annual
 58 Don Redman Heritage Concert & Awards (Jefferson) \$938, Annual Ruddle Park Jamboree
 59 (Pendleton) \$4,690, Antique Market Fair (Lewis) \$1,188, Apollo Theater-Summer Program
 60 (Berkeley) \$1,188, Apple Butter Festival (Morgan) \$3,564, Arkansas Homemaker's Heritage
 61 Weekend (Hardy) \$2,079, Armed Forces Day-South Charleston (Kanawha) \$1,782, Arthurdale
 62 Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair
 63 (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Barbour County Fair \$14,851,
 64 Barboursville Octoberfest (Cabell) \$2,970, Bass Festival (Pleasants) \$1,099, Battelle District
 65 Fair (Monongalia) \$2,970, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant
 66 Memorial Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$2,673, Belleville
 67 Homecoming (Wood) \$11,881, Bergoo Down Home Days (Webster) \$1,485, Berkeley County
 68 Youth Fair \$10,990, Black Bear 4K Mountain Bike Race (Kanawha) \$684, Black Heritage
 69 Festival (Harrison) \$3,564, Black Walnut Festival (Roane) \$5,940, Blast from the Past (Upshur)
 70 \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone County Fair \$5,940, Boone County Labor
 71 Day Celebration \$2,376, Bradshaw Fall Festival (McDowell) \$1,188, Brandonville Heritage Day
 72 (Preston) \$1,048, Braxton County Fair \$6,832, Braxton County Monster Fest / West Virginia
 73 Autumn Festival \$1,485, Brooke County Fair \$2,079, Bruceton Mills Good Neighbor Days
 74 (Preston) \$1,188, Buckwheat Festival (Preston) \$5,050, Buffalo 4th of July Celebration
 75 (Putnam) \$400, Buffalo October Fest (Putnam) \$3,240, Burlington Apple Harvest Festival
 76 (Mineral) \$17,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970, Burnsville Harvest
 77 Festival (Braxton) \$1,407, Cabell County Fair \$5,940, Calhoun County Wood Festival \$1,188,
 78 Campbell's Creek Community Fair (Kanawha) \$1,485, Cape Coalwood Festival Association
 79 (McDowell) \$1,485, Capon Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs
 80 Ruritan 4th of July (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188, Cedarville
 81 Town Festival (Gilmer) \$684, Celebration in the Park (Wood) \$2,376, Celebration of America
 82 (Monongalia) \$3,564, Ceredo Freedom Festival (Wayne) \$700, Chapmanville Apple Butter
 83 Festival (Logan) \$684, Chapmanville Fire Department 4th of July (Logan) \$1,782, Charles
 84 Town Christmas Festival (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson)
 85 \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester Fireworks (Hancock) \$891, Chester

86 4th of July Festivities (Hancock) \$2,970, Chief Logan State Park-Civil War Celebration (Logan)
 87 \$4,752, Chilifest West Virginia State Chili Championship (Cabell) \$1,563, Christmas In Our Town
 88 (Marion) \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the Park
 89 (Brooke) \$2,970, Christmas in the Park (Logan) \$14,851, City of Dunbar Critter Dinner
 90 (Kanawha) \$5,940, City of Logan Polar Express (Logan) \$4,456, City of New Martinsville
 91 Festival of Memories (Wetzel) \$6,534, Clay County Golden Delicious Apple Festival \$4,158,
 92 Clay District Fair (Monongalia) \$1,080, Coal Field Jamboree (Logan) \$20,792, Coalton Days
 93 Fair (Randolph) \$4,158, Country Roads Festival (Fayette) \$1,188, Cowen Railroad Festival
 94 (Webster) \$2,079, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer)
 95 \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming
 96 (Mingo) \$2,079, Doddridge County Fair \$4,158, Dorcas Ice Cream Social (Grant) \$3,564,
 97 Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Elkins
 98 Randolph County 4th of July Car Show (Randolph) \$1,188, Fairview 4th of July Celebration
 99 (Marion) \$684, Farm Safety Day (Preston) \$1,188, Farmer's Day Festival (Monroe) \$2,330,
 100 Farmers' Day Parade (Wyoming) \$720, Fenwick Mountain Old Time Community Festival
 101 (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$11,881, Flatwoods Days (Braxton) \$700,
 102 Flemington Day Fair and Festival (Taylor) \$2,079, Follansbee Community Days (Brooke)
 103 \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148,
 104 Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison)
 105 \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton) \$4,456,
 106 Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis)
 107 \$2,970, Frontier Days (Harrison) \$1,782, Frontier Fest/Canaan Valley (Taylor) \$2,970, Fund
 108 for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,485, Gassaway Days Celebration
 109 (Braxton) \$2,970, Gilbert Elementary Fall Blast (Mingo) \$2,188, Gilbert Kiwanis Harvest Festival
 110 (Mingo) \$2,376, Gilbert Spring Fling (Mingo) \$3,595, Gilmer County Farm Show \$2,376, Grant
 111 County Arts Council \$1,188, Grape Stomping Wine Festival (Nicholas) \$1,188, Great
 112 Greenbrier River Race (Pocahontas) \$5,940, Greater Quinwood Days (Greenbrier) \$781,
 113 Guyandotte Civil War Days (Cabell) \$5,941, Hamlin 4th of July Celebration (Lincoln) \$2,970,
 114 Hampshire Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July
 115 Celebration \$11,881, Hampshire County Fair \$5,002, Hampshire Heritage Days (Hampshire)
 116 \$2,376, Hancock County Oldtime Fair \$2,970, Hardy County Commission - 4th of July \$5,940,
 117 Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Trail National ATV
 118 and Dirt Bike Weekend (Wyoming) \$2,970, Heat'n the Hills Chilifest (Lincoln) \$2,970, Heritage
 119 Craft Festival (Monroe) \$1,044, Heritage Days Festival (Roane) \$891, Hilltop Festival (Cabell)
 120 \$684, Hilltop Festival of Lights (McDowell) \$1,188, Hinton Railroad Days (Summers) \$4,347,
 121 Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432,
 122 Hundred 4th of July (Wetzel) \$4,307, Hundred American Legion Earl Kiger Post Bluegrass
 123 Festival (Wetzel) \$1,188, Hurricane 4th of July Celebration (Putnam) \$2,970, Jaeger Town Fair
 124 (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival
 125 (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair
 126 \$2,970, Jamboree (Pocahontas) \$2,970, Jane Lew Arts and Crafts Fair (Lewis) \$684, Jefferson
 127 County Fair Association \$14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire) \$684,
 128 John Henry Days Festival (Monroe) \$4,698, Johnnie Johnson Blues and Jazz Festival (Marion)
 129 \$2,970, Johnstown Community Fair (Harrison) \$1,485, Junior Heifer Preview Show (Lewis)
 130 \$1,188, Kanawha Coal Riverfest-St. Albans 4th of July Festival (Kanawha) \$2,970, Keeper of
 131 the Mountains-Kayford (Kanawha) \$1,485, Kenova Autumn Festival (Wayne) \$4,377, Kermit
 132 Fall Festival (Mingo) \$1,782, Keystone Reunion Gala (McDowell) \$1,563, King Coal Festival
 133 (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, L.Z.
 134 Rainelle West Virginia Veterans Reunion (Greenbrier) \$2,970, Lady of Agriculture (Preston)
 135 \$684, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$5,940, Larry Joe
 136 Harless Community Center Spring Middle School Event (Mingo) \$2,970, Last Blast of Summer

137 (McDowell) \$2,970, Lewis County Fair Association \$2,079, Lewisburg Shanghai (Greenbrier)
 138 \$1,188, Lincoln County Fall Festival \$4,752, Lincoln County Winterfest \$2,970, Lindsie
 139 Veterans' Day Parade \$720, Little Levels Heritage Festival (Pocahontas) \$1,188, Lost Creek
 140 Community Festival (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street
 141 Martinsburg Chocolate Fest and Book Fair (Berkeley) \$2,813, Mannington District Fair (Marion)
 142 \$3,564, Maple Syrup Festival (Randolph) \$684, Marion County FFA Farm Fest \$1,485, Marmet
 143 Labor Day Celebration (Kanawha) \$3,078, Marshall County Antique Power Show \$1,485,
 144 Marshall County Fair \$4,456, Mason County Fair \$2,970, Mason Dixon Festival (Monongalia)
 145 \$4,158, Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo)
 146 \$15,932, McARTS-McDowell County \$11,881, McDowell County Fair \$1,485, McGrew House
 147 History Day (Preston) \$1,188, McNeill's Rangers (Mineral) \$4,752, Meadow Bridge Hometown
 148 Festival (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer Bluestone
 149 Valley Fair (Mercer) \$1,188, Mercer County Fair \$1,188, Mercer County Heritage Festival
 150 \$3,474, Mid Ohio Valley Antique Engine Festival (Wood) \$1,782, Milton Christmas in the Park
 151 (Cabell) \$1,485, Milton 4th of July Celebration (Cabell) \$1,485, Mineral County Fair \$1,040,
 152 Mineral County Veterans Day Parade \$891, Molasses Festival (Calhoun) \$1,188,
 153 Monongahfest (Marion) \$3,752, Moon Over Mountwood Fishing Festival (Wood) \$1,782,
 154 Morgan County Fair-History Wagon \$891, Moundsville Bass Festival (Marshall) \$2,376,
 155 Moundsville July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall Festival (Barbour)
 156 \$1,485, Mountain Fest (Monongalia) \$11,881, Mountain Festival (Mercer) \$2,747, Mountain
 157 Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music Festival (McDowell)
 158 \$1,485, Mountain State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts
 159 Fair Cedar Lakes (Jackson) \$26,732, Mountaineer Hot Air Balloon Festival (Monongalia)
 160 \$2,376, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia
 161 (Kanawha) \$11,881, Music and Barbecue - Banks District VFD (Upshur) \$1,278, New
 162 Cumberland Christmas Parade (Hancock) \$1,782, New Cumberland 4th of July (Hancock)
 163 \$2,970, New River Bridge Day Festival (Fayette) \$23,762, Newburg Volunteer Fireman's Field
 164 Day (Preston) \$684, Nicholas County Fair \$2,970, Nicholas County Potato Festival \$2,079,
 165 Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$3,564, Oglebay City
 166 Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country
 167 Fair \$5,346, Ohio River Fest (Jackson) \$4,320, Ohio Valley Beef Association (Wood) \$1,485,
 168 Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Central City Fair (Cabell) \$2,970, Old
 169 Century City Fair (Barbour) \$1,250, Old Tyme Christmas (Jefferson) \$1,425, Paden City Labor
 170 Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Patty Fest
 171 (Monongalia) \$1,188, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette)
 172 \$2,970, Pendleton County 4-H Weekend \$1,188, Pendleton County Committee for Arts \$8,910,
 173 Pendleton County Fair \$6,253, Pennsboro Country Road Festival (Ritchie) \$1,188, Petersburg
 174 4th of July Celebration (Grant) \$11,881, Petersburg HS Celebration (Grant) \$5,940, Piedmont-
 175 Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$891, Pine Bluff Fall
 176 Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival
 177 (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair \$2,970, Poca Heritage Days
 178 (Putnam) \$1,782, Pocahontas County Pioneer Days \$4,159, Point Pleasant Stern Wheel
 179 Regatta (Mason) \$2,970, Pratt Fall Festival (Kanawha) \$1,485, Princeton Autumnfest (Mercer)
 180 \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair \$2,970, Quartets on Parade
 181 (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival
 182 (Kanawha) \$1,485, Randolph County Community Arts Council \$1,782, Randolph County Fair
 183 \$4,158, Randolph County Ramp and Rails \$1,188, Ranson Christmas Festival (Jefferson)
 184 \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier) \$684, Ripley
 185 4th of July (Jackson) \$8,910, Ritchie County Fair and Exposition \$2,970, Ritchie County Pioneer
 186 Days \$684, River City Festival (Preston) \$684, Roane County Agriculture Field Day \$1,782,
 187 Rock the Park (Kanawha) \$3,240, Rocket Boys Festival (Raleigh) \$1,710, Romney Heritage

188 Days (Hampshire) \$1,876, Ronceverte River Festival (Greenbrier) \$2,970, Rowlesburg Labor
 189 Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek
 190 Festival (Harrison) \$1,485, Salem Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of
 191 July (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on the Water (Wetzel)
 192 \$1,782, South Charleston Summerfest (Kanawha) \$5,940, Southern Wayne County Fall Festival
 193 \$684, Spirit of Grafton Celebration (Taylor) \$5,940, Springfield Peach Festival (Hampshire)
 194 \$738, St. Albans City of Lights - December (Kanawha) \$2,970, Sternwheel Festival (Wood)
 195 \$1,782, Stoco Reunion (Raleigh) \$1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee
 196 (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, Storytelling Festival
 197 (Lewis) \$400, Strawberry Festival (Upshur) \$17,821, Sylvester Big Coal River Festival \$1,944,
 198 Tacy Fair (Barbour) \$684, Taste of Parkersburg (Wood) \$2,970, Taylor County Fair \$3,267,
 199 Terra Alta VFD 4th of July Celebration (Preston) \$684, The Gathering at Sweet Creek (Wood)
 200 \$1,782, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day
 201 Celebration (Taylor) \$8,910, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town
 202 of Fayetteville Heritage Festival (Fayette) \$4,456, Town of Matoaka Hog Roast (Mercer) \$684,
 203 Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield - Putnam County
 204 Homecoming \$3,240, St. Albans Train Fest (Kanawha) \$6,120, Treasure Mountain Festival
 205 (Pendleton) \$14,851, Tri-County Fair (Grant) \$22,548, Tucker County Arts Festival and
 206 Celebration \$10,692, Tucker County Fair \$2,821, Tucker County Health Fair \$1,188, Tunnelton
 207 Depot Days (Preston) \$684, Tunnelton Volunteer Fire Department Festival (Preston) \$684,
 208 Turkey Festival (Hardy) \$1,782, Tyler County Fair \$3,088, Tyler County 4th of July \$400, Tyler
 209 County OctoberFest \$720, Union Community Irish Festival (Barbour) \$648, Uniquely West
 210 Virginia Festival (Morgan) \$1,188, Upper Kanawha Valley Oktoberfest (Kanawha) \$1,485,
 211 Upper Ohio Valley Italian Festival (Ohio) \$7,128, Upshur County Youth Livestock Show \$1,440,
 212 Valley District Fair (Preston) \$2,079, Veterans Welcome Home Celebration (Cabell) \$938,
 213 Vietnam Veterans of America # 949 Christmas Party (Cabell) \$684, Volcano Days at Mountwood
 214 Park (Wood) \$2,970, War Homecoming Fall Festival (McDowell) \$891, Wardensville Fall
 215 Festival (Hardy) \$2,970, Wayne County Fair \$2,970, Wayne County Fall Festival \$2,970,
 216 Webster County Fair \$3,600, Webster County Wood Chopping Festival \$8,910, Webster Wild
 217 Water Weekend \$1,188, Weirton July 4th Celebration (Hancock) \$11,881, Welcome Home
 218 Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke) \$4,456, Wellsburg
 219 Apple Festival of Brooke County \$2,970, West Virginia Blackberry Festival (Harrison) \$2,970,
 220 West Virginia Chestnut Festival (Preston) \$684, West Virginia Coal Festival (Boone) \$5,940,
 221 West Virginia Coal Show (Mercer) \$1,563, West Virginia Dairy Cattle Show (Lewis) \$5,940,
 222 West Virginia Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum
 223 (Mercer) \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Fireman's
 224 Rodeo (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach
 225 Festival (Hampshire) \$3,240, West Virginia Polled Hereford Association (Braxton) \$891, West
 226 Virginia Poultry Festival (Hardy) \$2,970, West Virginia Pumpkin Festival (Cabell) \$5,940, West
 227 Virginia State Folk Festival (Gilmer) \$2,970, West Virginia Water Festival - City of Hinton
 228 (Summers) \$9,144, Weston VFD 4th of July Firemen Festival (Lewis) \$1,188, Wetzel County
 229 Autumnfest \$3,267, Wetzel County Town and Country Days \$10,098, Wheeling Celtic Festival
 230 (Ohio) \$1,166, Wheeling City of Lights (Ohio) \$4,752, Wheeling Sternwheel Regatta (Ohio)
 231 \$5,940, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action
 232 (Fayette) \$1,485, Wileyville Homecoming (Wetzel) \$2,376, Wine Festival and Mountain Music
 233 Event (Harrison) \$2,970, Winter Festival of the Waters (Berkeley) \$2,970, Wirt County Fair
 234 \$1,485, Wirt County Pioneer Days \$1,188, Wyoming County Civil War Days \$1,296, Youth
 235 Stockman Beef Expo (Lewis) \$1,188.

236 Any unexpended balances remaining in the appropriations for Preservation West Virginia
 237 (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200),

238 Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic
 239 Preservation Grants (fund 3534, appropriation 31100), Grants for Competitive Arts Program (fund
 240 3534, appropriation 62400), and Project ACCESS (fund 3534, appropriation 86500) at the close
 241 of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

242 Any Fairs & Festivals awards shall be funded in addition to, and not in lieu of, individual
 243 grant allocations derived from the Arts Council and the Cultural Grant Program allocations.

295 - Library Commission –

Lottery Education Fund

(WV Code Chapter 10)

Fund 3559 FY 2019 Org 0433

1	Books and Films	17900	\$	360,784
2	Services to Libraries.....	18000		550,000
3	Grants to Public Libraries.....	18200		9,439,571
4	Digital Resources.....	30900		219,992
5	Infomine Network.....	88400		<u>884,109</u>
6	Total.....		\$	11,454,456

7 Any unexpended balance remaining in the appropriation for Libraries – Special Projects
 8 (fund 3559, appropriation 62500) at the close of fiscal year 2018 is hereby reappropriated for
 9 expenditure during the fiscal year 2019.

296 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2019 Org 0508

1	Personal Services and Employee Benefits.....	00100	\$	198,745
2	Current Expenses	13000		332,284
3	Repairs and Alterations.....	06400		1,000
4	Local Programs Service Delivery Costs	20000		2,435,250
5	Silver Haired Legislature	20200		18,500
6	Transfer to Division of Human Services for Health Care			

7	and Title XIX Waiver for Senior Citizens	53900	4,615,503
8	Roger Tompkins Alzheimer's Respite Care	64300	2,298,312
9	WV Alzheimer's Hotline.....	72400	45,000
10	Regional Aged and Disabled Resource Center	76700	425,000
11	Senior Services Medicaid Transfer.....	87100	14,502,312
12	Legislative Initiatives for the Elderly	90400	9,671,239
13	Long Term Care Ombudsman.....	90500	297,226
14	BRIM Premium.....	91300	7,718
15	In-Home Services and Nutrition for Senior Citizens.....	91700	<u>4,320,941</u>
16	Total.....		\$ 39,169,030

17 Any unexpended balance remaining in the appropriation for Senior Citizen Centers and
 18 Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2018 is hereby
 19 reappropriated for expenditure during the fiscal year 2019.

20 Included in the above appropriation for Current Expenses (fund 5405, appropriation
 21 13000), is funding to support an in-home direct care workforce registry.

22 The above appropriation for Transfer to Division of Human Services for Health Care and
 23 Title XIX Waiver for Senior Citizens (appropriation 53900) along with the federal moneys
 24 generated thereby shall be used for reimbursement for services provided under the program.

297 - Higher Education Policy Commission –

Lottery Education –

Higher Education Policy Commission –

Control Account

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2019 Org 0441

1	RHI Program and Site Support (R).....	03600	\$ 1,912,491
2	RHI Program and Site Support –		
3	RHEP Program Administration	03700	146,653
4	RHI Program and Site Support – Grad Med		
5	Ed and Fiscal Oversight (R).....	03800	87,777

6	Minority Doctoral Fellowship (R)	16600	129,604
7	Health Sciences Scholarship (R).....	17600	222,417
8	Vice Chancellor for Health Sciences –		
9	Rural Health Residency Program (R)	60100	62,725
10	WV Engineering, Science, and		
11	Technology Scholarship Program.....	86800	<u>452,831</u>
12	Total.....		\$ 3,014,498

13 Any unexpended balances remaining in the appropriations for RHI Program and Site
 14 Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and
 15 Fiscal Oversight (fund 4925, appropriation 03800), Minority Doctoral Fellowship (fund 4925,
 16 appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice
 17 Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation
 18 60100) at the close of fiscal year 2018 are hereby reappropriated for expenditure during the fiscal
 19 year 2019.

20 The above appropriation for WV Engineering, Science, and Technology Scholarship
 21 Program (appropriation 86800) shall be transferred to the West Virginia Engineering, Science and
 22 Technology Scholarship Fund (fund 4928, org 0441) established by W.Va. Code §18C-6-1.

298 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2019 Org 0442

1	Debt Service – Total	31000	\$ 5,000,000
---	----------------------------	-------	--------------

2 Any unexpended balance remaining in the appropriation for Capital Outlay and
 3 Improvements – Total (fund 4908, appropriation 84700) at the close of fiscal year 2018 is hereby
 4 reappropriated for expenditure during the fiscal year 2019.

299 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(WV Code Chapter 18B)

Fund 4185 FY 2019 Org 0463

1 WVU Health Sciences –

2	RHI Program and Site Support (R)	03500	\$	1,132,812
3	MA Public Health Program and			
4	Health Science Technology (R)	62300		52,445
5	Health Sciences Career Opportunities Program (R)	86900		325,138
6	HSTA Program (R)	87000		1,680,240
7	Center for Excellence in Disabilities (R)	96700		<u>303,739</u>
8	Total		\$	3,494,374

9 Any unexpended balances remaining in the appropriations for WVU Health Sciences –
 10 RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and
 11 Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career
 12 Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185,
 13 appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700)
 14 at the close of fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year
 15 2019.

300 - Higher Education Policy Commission –

Lottery Education –

Marshall University – School of Medicine

(WV Code Chapter 18B)

Fund 4896 FY 2019 Org 0471

1	Marshall Medical School –			
2	RHI Program and Site Support (R)	03300	\$	408,216
3	Vice Chancellor for Health Sciences –			
4	Rural Health Residency Program (R)	60100		<u>166,770</u>
5	Total		\$	<u>574,986</u>

6 Any unexpended balances remaining in the appropriations for Marshall Medical School –
 7 RHI Program and Site Support (fund 4896, appropriation 03300) and Vice Chancellor for Health
 8 Sciences – Rural Health Residency Program (fund 4896, appropriation 60100) at the close of
 9 fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

10 Total TITLE II, Section 4 – Lottery Revenue..... \$ 123,308,000

1 **Sec. 5. Appropriations from state excess lottery revenue fund.** — In accordance with
 2 W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the

3 following appropriations shall be deposited and disbursed by the Director of the Lottery to the
 4 following accounts in this section in the amounts indicated.

5 After first funding the appropriations required by W.Va. Code §29-22-18a, §29-22A-10d,
 6 §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from
 7 the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the
 8 extent that funds are available. In the event that revenues to the State Excess Lottery Revenue
 9 Fund are sufficient to meet all the appropriations required made pursuant to this section, then the
 10 Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

301 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2019 Org 0705

	Appro-		Excess
	priation		Lottery
			Funds
1 Directed Transfer	70000	\$	10,000,000

2 The above appropriation shall be transferred to the General Revenue Fund to provide
 3 reimbursement for the refundable credit allowable under W.Va. Code §11-21-21. The amount of
 4 the required transfer shall be determined solely by the State Tax Commissioner and shall be
 5 completed by the Director of the Lottery upon the commissioner’s request.

302 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2019 Org 0705

1 General Revenue Fund – Transfer.....	70011	\$	65,000,000
--	-------	----	------------

2 The above appropriation shall be transferred to the General Revenue Fund as determined
 3 by the Director of the Lottery in accordance with W.Va. Code §29-22-18a.

303 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2019 Org 0441

1 PROMISE Scholarship – Transfer.....	80000	\$	29,000,000
---------------------------------------	-------	----	------------

2 The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund
 3 4296, org 0441) established by W.Va. Code §18C-7-7.

4 The Legislature has explicitly set a finite amount of available appropriations and directed
 5 the administrators of the Program to provide for the award of scholarships within the limits of
 6 available appropriations.

304 - Economic Development Authority –

Economic Development Project Fund

Fund 9065 FY 2019 Org 0944

1 Debt Service – Total 31000 \$ 19,000,000

2 Pursuant to W.Va. Code §29-22-18a, subsection (f), excess lottery revenues are
 3 authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the
 4 economic development project fund pursuant to section four of this title and W.Va. Code §29-22-
 5 18, subsection (f).

305 - Department of Education –

School Building Authority

Fund 3514 FY 2019 Org 0402

1 Debt Service – Total 31000 \$ 19,000,000

306 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2019 Org 0316

1 Directed Transfer 70000 \$ 46,000,000

2 The above appropriation shall be allocated pursuant to W.Va. Code §29-22-18d and §31-
 3 15-9.

307 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2019 Org 0441

1 Directed Transfer 70000 \$ 15,000,000

2 The above appropriation shall be transferred to fund 4903, org 0442 as authorized by
 3 Senate Concurrent Resolution No. 41.

308 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2019 Org 0310

1	Current Expenses (R)	13000	\$	2,438,300
2	Repairs and Alterations (R).....	06400		2,161,200
3	Equipment (R).....	07000		200,000
4	Buildings (R)	25800		100,000
5	Other Assets (R)	69000		<u>100,500</u>
6	Total.....		\$	5,000,000
7	Any unexpended balances remaining in the above appropriations for Repairs and			
8	Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000),			
9	Unclassified – Total (fund 3277, appropriation 09600), Unclassified (fund 3277, appropriation			
10	09900), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation			
11	25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2018			
12	are hereby reappropriated for expenditure during the fiscal year 2019.			

*309 - Economic Development Authority –**Cacapon and Beech Fork State Parks –**Lottery Revenue Debt Service*Fund 9067 FY 2019 Org 0944

1	Debt Service	04000	\$	2,032,000
---	--------------------	-------	----	-----------

*310 - Racing Commission –*Fund 7308 FY 2019 Org 0707

1	Special Breeders Compensation			
2	(WVC §29-22-18a, subsection (I))	21800	\$	2,000,000

*311 - Lottery Commission –**Distributions to Statutory Funds and Purposes*Fund 7213 FY 2019 Org 0705

1	Parking Garage Fund – Transfer.....	70001	\$	500,000
2	2004 Capitol Complex Parking Garage Fund – Transfer.....	70002		216,478
3	Capitol Dome and Improvements Fund – Transfer.....	70003		1,796,256
4	Capitol Renovation and Improvement Fund – Transfer	70004		2,381,252

5	Development Office Promotion Fund – Transfer	70005	1,298,864
6	Research Challenge Fund – Transfer	70006	1,731,820
7	Tourism Promotion Fund – Transfer.....	70007	4,808,142
8	Cultural Facilities and Capitol Resources Matching		
9	Grant Program Fund – Transfer	70008	1,250,535
10	State Debt Reduction Fund – Transfer.....	70010	20,000,000
11	General Revenue Fund – Transfer.....	70011	1,167,799
12	West Virginia Racing Commission Racetrack		
13	Video Lottery Account	70012	3,463,637
14	Historic Resort Hotel Fund	70013	24,010
15	Licensed Racetrack Regular Purse Fund.....	70014	<u>11,383,247</u>
16	Total.....		\$ 50,022,040

312 - Governor's Office

(WV Code Chapter 5)

Fund 1046 FY 2019 Org 0100

1 Any unexpended balance remaining in the appropriation for Publication of Papers and
2 Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal
3 year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

313 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 3170 FY 2019 Org 0307

1 Any unexpended balances remaining in the appropriations for Unclassified – Total (fund
2 3170, appropriation 09600), Recreational Grants or Economic Development Loans (fund 3170,
3 appropriation 25300), and Connectivity Research and Development – Lottery Surplus (fund 3170,
4 appropriation 92300) at the close of the fiscal year 2018 are hereby reappropriated for expenditure
5 during the fiscal year 2019.

314 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 4932 FY 2019 Org 0441

1 Any unexpended balance remaining in the appropriation for Advanced Technology
2 Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2018 is hereby
3 reappropriated for expenditure during the fiscal year 2019.

315 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2019 Org 0511

1 Medical Services..... 18900 \$ 28,202,960

316 - Division of Corrections –

Correctional Units

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

Fund 6283 FY 2019 Org 0608

1 Any unexpended balance remaining in the appropriation for Capital Outlay and
2 Maintenance (fund 6283, appropriation 75500) at the close of the fiscal year 2018 is hereby
3 reappropriated for expenditure during the fiscal year 2019.

4 Total TITLE II, Section 5 – Excess Lottery Funds..... \$ 290,257,000

1 **Sec. 6. Appropriations of federal funds.** — In accordance with Article 11, Chapter 4 of
2 the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of
3 the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized,
4 for expenditure during the fiscal year 2019.

LEGISLATIVE

317 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 8738 FY 2019 Org 2300

	Appro-		Federal
	priation		Funds
1 Economic Loss Claim Payment Fund.....	33400	\$	2,360,125

JUDICIAL

318 - Supreme Court

Fund 8867 FY 2019 Org 2400

1	Personal Services and Employee Benefits.....	00100	\$	2,008,000
2	Current Expenses	13000		<u>1,992,000</u>
3	Total		\$	4,000,000

EXECUTIVE*319 - Department of Agriculture*

(WV Code Chapter 19)

Fund 8736 FY 2019 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	2,563,760
2	Unclassified	09900		50,534
3	Current Expenses	13000		3,828,661
4	Repairs and Alterations.....	06400		650,000
5	Equipment.....	07000		910,500
6	Buildings.....	25800		1,000,000
7	Other Assets	69000		<u>50,000</u>
8	Total		\$	9,053,455

*320 - Department of Agriculture –**Meat Inspection Fund*

(WV Code Chapter 19)

Fund 8737 FY 2019 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	610,830
2	Unclassified	09900		8,755
3	Current Expenses	13000		136,012
4	Repairs and Alterations.....	06400		5,500
5	Equipment.....	07000		<u>114,478</u>
6	Total		\$	875,575

321 - Department of Agriculture –

State Conservation Committee

(WV Code Chapter 19)

Fund 8783 FY 2019 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	97,250
2	Current Expenses	13000		<u>15,599,974</u>
3	Total		\$	15,697,224

322 - Department of Agriculture –

Land Protection Authority

Fund 8896 FY 2019 Org 1400

1	Personal Services and Employee Benefits.....	00100	\$	46,526
2	Unclassified	09900		5,004
3	Current Expenses	13000		<u>448,920</u>
4	Total		\$	500,450

323 - Secretary of State –

State Election Fund

(WV Code Chapter 3)

Fund 8854 FY 2019 Org 1600

1	Personal Services and Employee Benefits.....	00100	\$	210,240
2	Unclassified	09900		7,484
3	Current Expenses	13000		415,727
4	Repairs and Alterations.....	06400		15,000
5	Other Assets	69000		<u>100,000</u>
6	Total		\$	748,451

DEPARTMENT OF COMMERCE

324 - Division of Forestry

(WV Code Chapter 19)

Fund 8703 FY 2019 Org 0305

1	Personal Services and Employee Benefits.....	00100	\$	1,578,347
2	Unclassified	09900		51,050
3	Current Expenses	13000		5,232,560
4	Repairs and Alterations.....	06400		155,795
5	Equipment.....	07000		100,000
6	Other Assets	69000		<u>1,808,300</u>
7	Total.....		\$	8,926,052

325 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 8704 FY 2019 Org 0306

1	Personal Services and Employee Benefits.....	00100	\$	54,432
2	Unclassified	09900		2,803
3	Current Expenses	13000		195,639
4	Repairs and Alterations.....	06400		5,000
5	Equipment.....	07000		7,500
6	Other Assets	69000		<u>15,000</u>
7	Total.....		\$	280,374

326 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 8705 FY 2019 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	745,981
2	Unclassified	09900		50,000
3	Current Expenses	13000		<u>4,504,019</u>
4	Total.....		\$	5,300,000

327 - West Virginia Development Office –

Office of Economic Opportunity

(WV Code Chapter 5)

Fund 8901 FY 2019 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	497,289
2	Repairs and Alterations.....	06400		250
3	Equipment.....	07000		6,000
4	Unclassified	09900		106,795
5	Current Expenses	13000		<u>10,069,166</u>
6	Total.....		\$	10,679,500

328 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 8706 FY 2019 Org 0308

1	Personal Services and Employee Benefits.....	00100	\$	384,072
2	Unclassified	09900		5,572
3	Current Expenses	13000		167,098
4	Repairs and Alterations.....	06400		<u>500</u>
5	Total.....		\$	557,242

329 - Division of Natural Resources

(WV Code Chapter 20)

Fund 8707 FY 2019 Org 0310

1	Personal Services and Employee Benefits.....	00100	\$	7,912,218
2	Unclassified	09900		107,693
3	Current Expenses	13000		5,556,594
4	Repairs and Alterations.....	06400		289,400
5	Equipment.....	07000		1,815,182

6	Buildings	25800	951,000
7	Other Assets	69000	6,951,000
8	Land	73000	<u>6,001,000</u>
9	Total		\$ 29,584,087

330 - Division of Miners' Health,

Safety and Training

(WV Code Chapter 22)

Fund 8709 FY 2019 Org 0314

1	Personal Services and Employee Benefits.....	00100	\$ 613,177
2	Current Expenses	13000	<u>150,000</u>
3	Total		\$ 763,177

331 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 8835 FY 2019 Org 0323

1	Unclassified	09900	\$ 5,127
2	Current Expenses	13000	507,530
3	Reed Act 2002 – Unemployment Compensation.....	62200	2,850,000
4	Reed Act 2002 – Employment Services	63000	<u>1,650,000</u>
5	Total		\$ 5,012,657

6 Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act,
7 as amended, and the provisions of W.Va. Code §21A-9-9, the above appropriation to Unclassified
8 and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of
9 administration of the state's unemployment insurance program or job service activities, subject to
10 each and every restriction, limitation or obligation imposed on the use of the funds by those federal
11 and state statutes.

332 - Office of Energy

(WV Code Chapter 5B)

Fund 8892 FY 2019 Org 0328

1	Personal Services and Employee Benefits.....	00100	\$ 411,574
---	--	-------	------------

2018]	HOUSE OF DELEGATES	1381
2	Unclassified	09900 7,350
3	Current Expenses	13000 <u>2,816,076</u>
4	Total	\$ 3,235,000

DEPARTMENT OF EDUCATION

333 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2019 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$ 5,628,855
2	Unclassified	09900	2,000,000
3	Current Expenses	13000	212,367,820
4	Repairs and Alterations.....	06400	10,000
5	Equipment.....	07000	10,000
6	Other Assets	69000	<u>10,000</u>
7	Total		\$ 220,026,675

334 - State Board of Education –

School Lunch Program

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2019 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$ 1,812,648
2	Unclassified	09900	1,150,500
3	Current Expenses	13000	148,281,265
4	Repairs and Alterations.....	06400	20,000
5	Equipment.....	07000	100,000
6	Other Assets	69000	<u>25,000</u>
7	Total		\$ 151,389,413

335 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2019 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	1,819,972
2	Unclassified	09900		155,000
3	Current Expenses	13000		14,320,081
4	Repairs and Alterations.....	06400		10,000
5	Equipment.....	07000		10,000
6	Other Assets	69000		<u>10,000</u>
7	Total		\$	16,325,053

336 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2019 Org 0402

1	Personal Services and Employee Benefits.....	00100	\$	3,344,940
2	Unclassified	09900		1,000,000
3	Current Expenses	13000		108,346,390
4	Repairs and Alterations.....	06400		10,000
5	Equipment.....	07000		10,000
6	Other Assets	69000		<u>10,000</u>
7	Total		\$	112,721,330

DEPARTMENT OF EDUCATION AND THE ARTS

337 - Department of Education and the Arts –

Office of the Secretary

(WV Code Chapter 5F)

Fund 8841 FY 2019 Org 0431

1	Personal Services and Employee Benefits.....	00100	\$	416,675
2	Current Expenses	13000		5,587,325
3	Repairs and Alterations.....	06400		<u>1,000</u>
4	Total		\$	6,005,000

338 - Division of Culture and History

(WV Code Chapter 29)

Fund 8718 FY 2019 Org 0432

1	Personal Services and Employee Benefits.....	00100	\$	743,046
2	Current Expenses	13000		1,947,372
3	Repairs and Alterations.....	06400		1,000
4	Equipment.....	07000		1,000
5	Buildings	25800		1,000
6	Other Assets	69000		1,000
7	Land	73000		<u>360</u>
8	Total		\$	2,694,778

339 - Library Commission

(WV Code Chapter 10)

Fund 8720 FY 2019 Org 0433

1	Personal Services and Employee Benefits.....	00100	\$	333,648
2	Current Expenses	13000		1,076,162
3	Equipment.....	07000		<u>543,406</u>
4	Total		\$	1,953,216

340 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 8721 FY 2019 Org 0439

1	Equipment.....	07000	\$	200,000
<p><i>341 - State Board of Rehabilitation –</i> <i>Division of Rehabilitation Services</i> (WV Code Chapter 18) Fund <u>8734</u> FY <u>2019</u> Org <u>0932</u></p>				
1	Personal Services and Employee Benefits.....	00100	\$	11,248,930
2	Current Expenses	13000		39,440,940
3	Repairs and Alterations.....	06400		350,400
4	Equipment.....	07000		<u>1,275,870</u>
5	Total		\$	52,316,140

342 - State Board of Rehabilitation –
Division of Rehabilitation Services –
Disability Determination Services
 (WV Code Chapter 18)
 Fund 8890 FY 2019 Org 0932

1	Personal Services and Employee Benefits.....	00100	\$	13,730,634
2	Current Expenses	13000		11,383,206
3	Repairs and Alterations.....	06400		1,100
4	Equipment.....	07000		<u>83,350</u>
5	Total		\$	25,198,290

DEPARTMENT OF ENVIRONMENTAL PROTECTION

343 - Division of Environmental Protection
 (WV Code Chapter 22)
 Fund 8708 FY 2019 Org 0313

1	Personal Services and Employee Benefits.....	00100	\$	30,084,598
2	Current Expenses	13000		169,448,731

2018] HOUSE OF DELEGATES 1385

3	Repairs and Alterations.....	06400	738,283
4	Equipment.....	07000	1,712,238
5	Unclassified	09900	2,062,978
6	Other Assets	69000	2,151,011
7	Land	73000	<u>100,000</u>
8	Total.....		\$ 206,297,839

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

344 - Consolidated Medical Service Fund

(WV Code Chapter 16)

Fund 8723 FY 2019 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$ 750,876
2	Unclassified	09900	73,307
3	Current Expenses	13000	<u>17,330,086</u>
4	Total.....		\$ 18,154,269

345 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 8802 FY 2019 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$ 13,744,404
2	Unclassified	09900	947,948
3	Current Expenses	13000	79,110,551
4	Equipment.....	07000	456,972
5	Buildings	25800	155,000
6	Other Assets	69000	<u>380,000</u>
7	Total.....		\$ 94,794,875

346 - Division of Health –

West Virginia Safe Drinking Water Treatment

(WV Code Chapter 16)

Fund 8824 FY 2019 Org 0506

1 West Virginia Drinking Water Treatment

2 Revolving Fund – Transfer 68900 \$ 16,000,000

347 - Human Rights Commission

(WV Code Chapter 5)

Fund 8725 FY 2019 Org 0510

1 Personal Services and Employee Benefits..... 00100 \$ 625,349

2 Unclassified 09900 5,482

3 Current Expenses 13000 140,389

4 Total \$ 771,220

348 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2019 Org 0511

1 Personal Services and Employee Benefits..... 00100 \$ 69,213,619

2 Unclassified 09900 22,855,833

3 Current Expenses 13000 112,085,005

4 Medical Services..... 18900 3,404,265,405

5 Medical Services Administrative Costs..... 78900 132,045,119

6 CHIP Administrative Costs..... 85601 4,500,000

7 CHIP Services..... 85602 47,422,974

8 Federal Economic Stimulus..... 89100 5,000,000

9 Total \$ 3,797,387,955

DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY*349 - Office of the Secretary*

2018]

HOUSE OF DELEGATES

1387

(WV Code Chapter 5F)

Fund 8876 FY 2019 Org 0601

1	Unclassified	09900	\$	47,800
2	Current Expenses	13000		4,727,200
3	Repairs and Alterations.....	06400		<u>5,000</u>
4	Total		\$	4,780,000

350 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 8726 FY 2019 Org 0603

1	Unclassified	09900	\$	982,705
2	Mountaineer ChalleNGe Academy.....	70900		4,550,000
3	Martinsburg Starbase.....	74200		410,000
4	Charleston Starbase	74300		400,000
5	Military Authority	74800		<u>91,927,900</u>
6	Total		\$	98,270,605

7 The Adjutant General shall have the authority to transfer between appropriations.

351 - Adjutant General –

West Virginia National Guard Counterdrug Forfeiture Fund

(WV Code Chapter 15)

Fund 8785 FY 2019 Org 0603

1	Personal Services and Employee Benefits.....	00100	\$	1,350,000
2	Current Expenses	13000		300,000
3	Equipment.....	07000		<u>350,000</u>
4	Total		\$	2,000,000

352 - Division of Homeland Security and

Emergency Management

(WV Code Chapter 15)

Fund 8727 FY 2019 Org 0606

1	Personal Services and Employee Benefits.....	00100	\$	721,650
2	Current Expenses	13000		20,429,281
3	Repairs and Alterations.....	06400		5,000
4	Equipment.....	07000		<u>100,000</u>
5	Total.....		\$	21,255,931

353 - Division of Corrections

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

Fund 8836 FY 2019 Org 0608

1	Unclassified	09900	\$	1,100
2	Current Expenses	13000		<u>108,900</u>
3	Total.....		\$	110,000

354 - West Virginia State Police

(WV Code Chapter 15)

Fund 8741 FY 2019 Org 0612

1	Personal Services and Employee Benefits.....	00100	\$	2,461,129
2	Current Expenses	13000		2,125,971
3	Repairs and Alterations.....	06400		42,000
4	Equipment.....	07000		2,502,285
5	Buildings	25800		750,500
6	Other Assets	69000		144,500
7	Land	73000		<u>500</u>
8	Total.....		\$	8,026,885

355 - Fire Commission

2018] HOUSE OF DELEGATES 1389

(WV Code Chapter 29)

Fund 8819 FY 2019 Org 0619

1	Current Expenses	13000	\$	80,000
---	------------------------	-------	----	--------

356 - Division of Justice and Community Services

(WV Code Chapter 15)

Fund 8803 FY 2019 Org 0620

1	Personal Services and Employee Benefits.....	00100	\$	1,058,570
2	Unclassified	09900		25,185
3	Current Expenses	13000		18,771,973
4	Repairs and Alterations.....	06400		<u>1,750</u>
5	Total		\$	19,857,478

DEPARTMENT OF REVENUE

357 - Insurance Commissioner

(WV Code Chapter 33)

Fund 8883 FY 2019 Org 0704

1	Current Expenses	13000	\$	3,000,000
---	------------------------	-------	----	-----------

DEPARTMENT OF TRANSPORTATION

358 - Division of Motor Vehicles

(WV Code Chapter 17B)

Fund 8787 FY 2019 Org 0802

1	Personal Services and Employee Benefits.....	00100	\$	501,394
2	Current Expenses	13000		10,498,106
3	Repairs and Alterations.....	06400		<u>500</u>
4	Total		\$	11,000,000

359 - Division of Public Transit

(WV Code Chapter 17)

Fund 8745 FY 2019 Org 0805

1	Personal Services and Employee Benefits.....	00100	\$	702,637
2	Current Expenses	13000		9,163,149
3	Repairs and Alterations.....	06400		2,500
4	Equipment.....	07000		2,801,714
5	Buildings	25800		650,000
6	Other Assets	69000		<u>200,000</u>
7	Total.....		\$	13,520,000

DEPARTMENT OF VETERANS' ASSISTANCE*360 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2019 Org 0613

1	Personal Services and Employee Benefits.....	00100	\$	2,751,100
2	Current Expenses	13000		3,925,900
3	Repairs and Alterations.....	06400		50,000
4	Equipment.....	07000		200,000
5	Buildings	25800		600,000
6	Other Assets	69000		100,000
7	Land	73000		<u>100,000</u>
8	Total.....		\$	7,727,000

*361 - Department of Veterans' Assistance –**Veterans' Home*

(WV Code Chapter 9A)

Fund 8728 FY 2019 Org 0618

1	Personal Services and Employee Benefits.....	00100	\$	877,915
2	Current Expenses	13000		844,092

2018] HOUSE OF DELEGATES 1391

3	Repairs and Alterations.....	06400	220,000
4	Equipment.....	07000	198,000
5	Buildings	25800	296,000
6	Other Assets	69000	20,000
7	Land	73000	<u>10,000</u>
8	Total		\$ 2,466,007

BUREAU OF SENIOR SERVICES

362 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 8724 FY 2019 Org 0508

1	Personal Services and Employee Benefits.....	00100	\$ 721,393
2	Current Expenses	13000	13,811,853
3	Repairs and Alterations.....	06400	<u>3,000</u>
4	Total		\$ 14,536,246

MISCELLANEOUS BOARDS AND COMMISSIONS

363 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8743 FY 2019 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$ 1,286,913
2	Current Expenses	13000	368,953
3	Repairs and Alterations.....	06400	<u>40,000</u>
4	Total		\$ 1,695,866

364 - Public Service Commission –

Gas Pipeline Division

(WV Code Chapter 24B)

Fund 8744 FY 2019 Org 0926

1	Personal Services and Employee Benefits.....	00100	\$	596,600
2	Current Expenses	13000		124,628
3	Equipment.....	07000		3,000
4	Unclassified	09900		<u>4,072</u>
5	Total		\$	728,300

365 - National Coal Heritage Area Authority

(WV Code Chapter 29)

Fund 8869 FY 2019 Org 0941

1	Personal Services and Employee Benefits.....	00100	\$	159,235
2	Current Expenses	13000		631,365
3	Repairs and Alterations.....	06400		5,000
4	Equipment.....	07000		3,000
5	Other Assets	69000		<u>2,000</u>
6	Total		\$	<u>800,600</u>
7	Total TITLE II, Section 6 - Federal Funds.....			<u>\$ 5,029,664,340</u>

1 **Sec. 7. Appropriations from federal block grants.** — The following items are hereby
2 appropriated from federal block grants to be available for expenditure during the fiscal year 2019.

*366 - West Virginia Development Office –**Community Development*Fund 8746 FY 2019 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	10,648,117
2	Unclassified	09900		2,375,000
3	Current Expenses	13000		<u>224,476,883</u>
4	Total		\$	237,500,000

*367 - Department of Commerce**West Virginia Development Office –*

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2019 Org 0307

1	Personal Services and Employee Benefits.....	00100	\$	362,389
2	Unclassified	09900		125,000
3	Current Expenses	13000		12,002,111
4	Repairs and Alterations.....	06400		1,500
5	Equipment.....	07000		<u>9,000</u>
6	Total.....		\$	12,500,000

368 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2019 Org 0323

1	Personal Services and Employee Benefits.....	00100	\$	2,912,606
2	Unclassified	09900		23,023
3	Current Expenses	13000		39,263,511
4	Repairs and Alterations.....	06400		1,600
5	Equipment.....	07000		500
6	Buildings	25800		<u>1,100</u>
7	Total.....		\$	42,202,340

369 - Division of Health –

Maternal and Child Health

Fund 8750 FY 2019 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	2,124,294
2	Unclassified	09900		110,017
3	Current Expenses	13000		<u>8,767,420</u>
4	Total.....		\$	11,001,731

*370 - Division of Health –**Preventive Health*Fund 8753 FY 2019 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	265,868
2	Unclassified	09900		22,457
3	Current Expenses	13000		1,895,366
4	Equipment.....	07000		<u>165,642</u>
5	Total.....		\$	2,349,333

*371 - Division of Health –**Substance Abuse Prevention and Treatment*Fund 8793 FY 2019 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	822,766
2	Unclassified	09900		115,924
3	Current Expenses	13000		<u>10,653,740</u>
4	Total.....		\$	11,592,430

*372 - Division of Health –**Community Mental Health Services*Fund 8794 FY 2019 Org 0506

1	Personal Services and Employee Benefits.....	00100	\$	936,557
2	Unclassified	09900		33,533
3	Current Expenses	13000		<u>3,083,307</u>
4	Total.....		\$	4,053,397

*373 - Division of Human Services –**Energy Assistance*Fund 8755 FY 2019 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$	1,514,312
---	--	-------	----	-----------

2018] HOUSE OF DELEGATES 1395

2	Unclassified	09900	350,000
3	Current Expenses	13000	<u>33,181,300</u>
4	Total		\$ 35,045,612

*374 - Division of Human Services –
Social Services*

Fund 8757 FY 2019 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$ 14,231,684
2	Unclassified	09900	171,982
3	Current Expenses	13000	<u>2,870,508</u>
4	Total		\$ 17,274,174

*375 - Division of Human Services –
Temporary Assistance for Needy Families*

Fund 8816 FY 2019 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$ 18,371,875
2	Unclassified	09900	1,250,000
3	Current Expenses	13000	<u>105,847,136</u>
4	Total		\$ 125,469,011

*376 - Division of Human Services –
Child Care and Development*

Fund 8817 FY 2019 Org 0511

1	Personal Services and Employee Benefits.....	00100	\$ 4,682,166
2	Unclassified	09900	350,000
3	Current Expenses	13000	<u>31,999,456</u>
4	Total		<u>\$ 37,031,622</u>

5	Total TITLE II, Section 7 – Federal Block Grants		<u>\$ 536,019,650</u>
---	--	--	-----------------------

1 **Sec. 8. Awards for claims against the state.** — There are hereby appropriated for fiscal
2 year 2018, from the fund as designated, in the amounts as specified, general revenue funds in

3 the amount of \$1,753,740 special revenue funds in the amount of \$226,619 and state road funds
4 in the amount of \$408,830 for payment of claims against the state.

1 **Sec. 9. Appropriations from general revenue surplus accrued.** — The following item
2 is hereby appropriated from the state fund, general revenue, and is to be available for expenditure
3 during the fiscal year 2019 out of surplus funds only, accrued from the fiscal year ending June 30,
4 2018, subject to the terms and conditions set forth in this section.

5 It is the intent and mandate of the Legislature that the following appropriation be payable
6 only from surplus as of July 31, 2018 from the fiscal year ending June 30, 2018, only after first
7 meeting requirements of W.Va. Code §11B-2-20(b).

8 In the event that surplus revenues available on July 31, 2018, are not sufficient to meet
9 the appropriation made pursuant to this section, then the appropriation shall be made to the
10 extent that surplus funds are available as of the date mandated to meet the appropriation in this
11 section and shall be allocated first to provide the necessary funds to meet the first appropriation
12 of this section and each subsequent appropriation in the order listed in this section.

377 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2019 Org 0506

1 Office of Drug Control Policy - Surplus..... ##### \$ 5,000,000
1

378 - Division of Homeland Security and

Emergency Management

(WV Code Chapter 15)

Fund 0443 FY 2019 Org 0606

1 West Virginia Water Gaging Council - Surplus..... ##### \$ 765,000
1

379 - West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 0246 FY 2019 Org 0304

1 Tourism – Marketing – Surplus ##### \$ 2,500,000

380 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 0256 FY 2019 Org 0307

1 Sales and Marketing Enhancement - Surplus ##### \$ 2,500,000

381 - Auditor's Office

General Administration

(WV Code Chapter 12)

Fund 0116 FY 2019 Org 1200

1 Port Authority – Surplus 44399 \$ 2,000,000

382 - Public Port Authority

(WV Code Chapter 17)

Fund 0581 FY 2019 Org 0806

1 Port Authority – Surplus 44399 \$ 1,000,000

2 The above appropriation to Port Authority - Surplus (fund 0581, appropriation 44399)
3 shall serve as reimbursement for expenses incurred by the State Road Fund related
4 construction and operation of the Heartland Intermodal Gateway in Wayne County.

5 Total TITLE II, Section 9 – General Revenue Surplus Accrued..... \$ 13,765,000

1 **Sec. 10. Appropriations from lottery net profits surplus accrued.** — The following
2 item is hereby appropriated from the lottery net profits, and is to be available for expenditure
3 during the fiscal year 2019 out of surplus funds only, as determined by the director of lottery,
4 accrued from the fiscal year ending June 30, 2018, subject to the terms and conditions set forth
5 in this section.

6 It is the intent and mandate of the Legislature that the following appropriation be payable
7 only from surplus accrued from the fiscal year ending June 30, 2018.

8 In the event that surplus revenues available from the fiscal year ending June 30, 2018,
9 are not sufficient to meet the appropriation made pursuant to this section, then the appropriation
10 shall be made to the extent that surplus funds are available.

383 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2019 Org 0508

1 Senior Services Medicaid Transfer – Lottery Surplus 68199 \$ 6,000,000

2	Total TITLE II, Section 10 – Surplus Accrued.....	\$	<u>6,000,000</u>
---	---	----	------------------

1 **Sec. 11. Appropriations from state excess lottery revenue surplus accrued.** — The
 2 following item is hereby appropriated from the state excess lottery revenue fund, and is to be
 3 available for expenditure during the fiscal year 2019 out of surplus funds only, as determined by
 4 the director of lottery, accrued from the fiscal year ending June 30, 2018, subject to the terms and
 5 conditions set forth in this section.

6 It is the intent and mandate of the Legislature that the following appropriation be payable
 7 only from surplus accrued from the fiscal year ending June 30, 2018.

8 In the event that surplus revenues available from the fiscal year ending June 30, 2018,
 9 are not sufficient to meet the appropriation made pursuant to this section, then the appropriation
 10 shall be made to the extent that surplus funds are available.

384 - Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2019 Org 0511

1	Medical Services – Lottery Surplus	68100	\$	8,000,000
---	--	-------	----	-----------

2	Total TITLE II, Section 11 – Surplus Accrued.....	\$	<u>8,000,000</u>
---	---	----	------------------

1 **Sec. 12. Special revenue appropriations.** — There are hereby appropriated for
 2 expenditure during the fiscal year 2019 appropriations made by general law from special revenues
 3 which are not paid into the state fund as general revenue under the provisions of W.Va. Code
 4 §12-2-2: *Provided*, That none of the money so appropriated by this section shall be available for
 5 expenditure except in compliance with the provisions of W.Va. Code §12-2 and 3, and W.Va.
 6 Code §11B-2, unless the spending unit has filed with the director of the budget and the legislative
 7 auditor prior to the beginning of each fiscal year:

8 (a) An estimate of the amount and sources of all revenues accruing to such fund; and

9 (b) A detailed expenditure schedule showing for what purposes the fund is to be
 10 expended.

11 **Sec. 13. State improvement fund appropriations.** — Bequests or donations of
 12 nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2019, for
 13 the purpose of making studies and recommendations relative to improvements of the
 14 administration and management of spending units in the executive branch of state government,
 15 shall be deposited in the state treasury in a separate account therein designated state
 16 improvement fund.

17 There are hereby appropriated all moneys so deposited during the fiscal year 2019 to be
 18 expended as authorized by the Governor, for such studies and recommendations which may
 19 encompass any problems of organization, procedures, systems, functions, powers or duties of a
 20 state spending unit in the executive branch, or the betterment of the economic, social,
 21 educational, health and general welfare of the state or its citizens.

1 **Sec. 14. Specific funds and collection accounts.** — A fund or collection account which
2 by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful
3 demands upon the fund or collection account and shall be expended according to the provisions
4 of Article 3, Chapter 12 of the Code.

1 **Sec. 15. Appropriations for refunding erroneous payment.** — Money that has been
2 erroneously paid into the state treasury is hereby appropriated out of the fund into which it was
3 paid, for refund to the proper person.

4 When the officer authorized by law to collect money for the state finds that a sum has been
5 erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of
6 the proper amount. The Auditor shall issue his or her warrant to the Treasurer and the Treasurer
7 shall pay the warrant out of the fund into which the amount was originally paid.

1 **Sec. 16. Sinking fund deficiencies.** — There is hereby appropriated to the Governor a
2 sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance
3 fund of the West Virginia housing development fund which is under the supervision and control of
4 the municipal bond commission as provided by W.Va. Code §31-18-20b, or in the funds of the
5 municipal bond commission because of the failure of any state agency for either general obligation
6 or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary
7 for the payment of interest and sinking fund requirements. The Governor is authorized to transfer
8 from time to time such amounts to the municipal bond commission as may be necessary for these
9 purposes.

10 The municipal bond commission shall reimburse the state of West Virginia through the
11 Governor from the first remittance collected from the West Virginia housing development fund or
12 from any state agency or local taxing district for which the Governor advanced funds, with interest
13 at the rate carried by the bonds for security or payment of which the advance was made.

1 **Sec. 17. Appropriations for local governments.** — There are hereby appropriated for
2 payment to counties, districts and municipal corporations such amounts as will be necessary to
3 pay taxes due counties, districts and municipal corporations and which have been paid into the
4 treasury:

5 (a) For redemption of lands;

6 (b) By public service corporations;

7 (c) For tax forfeitures.

1 **Sec. 18. Total appropriations.** — Where only a total sum is appropriated to a spending
2 unit, the total sum shall include personal services and employee benefits, annual increment,
3 current expenses, repairs and alterations, buildings, equipment, other assets, land, and capital
4 outlay, where not otherwise specifically provided and except as otherwise provided in TITLE I –
5 GENERAL PROVISIONS, Sec. 3.

1 **Sec. 19. General school fund.** — The balance of the proceeds of the general school fund
2 remaining after the payment of the appropriations made by this act is appropriated for expenditure
3 in accordance with W.Va. Code §18-9A-16.

1 **Sec. 1. Appropriations conditional.** — The expenditure of the appropriations made by
 2 this act, except those appropriations made to the legislative and judicial branches of the state
 3 government, are conditioned upon the compliance by the spending unit with the requirements of
 4 Article 2, Chapter 11B of the Code.

5 Where spending units or parts of spending units have been absorbed by or combined with
 6 other spending units, it is the intent of this act that appropriations and reappropriations shall be to
 7 the succeeding or later spending unit created, unless otherwise indicated.

1 **Sec. 2. Constitutionality.** — If any part of this act is declared unconstitutional by a court
 2 of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the
 3 remaining portion shall be in full force and effect as if the portion declared unconstitutional had
 4 never been a part of the act.

Conference Committee Report Availability

At 6:41 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for H. B. 2995**, Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia, shall be available in the Clerk's Office.

At 6:44 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 8:30 p.m.

* * * * *

Evening Session

* * * * *

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

Special Calendar

Third Reading

- continued

Com. Sub. for H. B. 4019 was taken up for further consideration.

Delegate Folk moved to amend the amendment offered by Delegate Nelson, on page seventy, section ninety-nine, line one, by striking out the dollar amount "\$93,559,659" and inserting in lieu thereof the amount "\$92,859,659".

On page seventy, section ninety-nine, line six, by striking out the dollar amount "\$105,909,995" and inserting in lieu thereof the amount "\$105,209,995".

On page seventy-three, section one hundred three, line one, by striking out the dollar amount "\$5,600,993" and inserting in lieu thereof the amount "\$5,700,993".

On page seventy-three, section one hundred four, line one, by striking out the dollar amount "\$8,552,843" and inserting in lieu thereof the amount "\$8,672,843".

On page seventy-three, section one hundred six, line one, by striking out the dollar amount "\$5,885,700" and inserting in lieu thereof the amount "\$5,985,700".

On page seventy-three, section one hundred seven, line one, by striking out the dollar amount "\$9,671,542" and inserting in lieu thereof the amount "\$9,871,542".

And,

On page seventy-three, section one hundred eight, line one, by striking out the dollar amount "\$7,823,727" and inserting in lieu thereof the amount "\$8,023,727".

Delegate Folk asked and obtained unanimous consent to reform his amendment as follows:

On page on page seventy, section ninety-nine, line one, by striking out the dollar amount "\$93,559,659" and inserting in lieu thereof the amount "\$92,859,659".

On page seventy, section 99, line six, by striking out the dollar amount "\$105,909,995" and inserting in lieu thereof the amount "\$105,209,995".

On page seventy-three, section 103, line one, by striking out the dollar amount "\$5,600,993" and inserting in lieu thereof the amount "\$5,700,993".

On page seventy-three, section 104, line one, by striking out the dollar amount "\$8,552,843" and inserting in lieu thereof the amount "\$8,652,843".

On page seventy-three, section 106, line one, by striking out the dollar amount "\$5,885,700" and inserting in lieu thereof the amount "\$5,985,700".

On page seventy-three, section 107, line one, by striking out the dollar amount "\$9,671,542" and inserting in lieu thereof the amount "\$9,871,542".

And,

On page seventy-three, section 108, line one, by striking out the dollar amount "\$7,823,727" and inserting in lieu thereof the amount "\$8,023,727".

Delegate Folk was addressing the House, when Delegate Lane arose to a point of order regarding the content of his remarks. The Speaker instructed the Delegate to confine his remarks to the question before the House.

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. 423**), and there were—yeas 18, nays 80, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Blair, Boggs, Dean, Ellington, E. Evans, Folk, Gearheart, Hanshaw, Hill, Martin, McGeehan, Moore, Paynter, Robinson, Shott, Upson and Wilson.

Absent and Not Voting: Deem.

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

On motion of Delegate Nelson, the amendment was amended on page one hundred eighty-eight, Item 381, following the words, 381 - Auditor’s Office General Administration (WV Code Chapter 12) Fund 0116 FY 2019 Org 1200, by striking out the numbers and words “1 Port Authority – Surplus 44399” and inserting in lieu thereof the numbers and words “1 VFD Workers’ Compensation Subsidy - Surplus #####”.

Delegates Sponaugle, Barrett, Boggs, Byrd, Caputo and Rowe moved to amend the amendment on page sixty-two, under Item 75, on line seven, by striking out the number “\$5,000,000”;

On page thirty-three, Item 43, line eight, by striking out the number “550,000” and inserting in lieu thereof the number “600,000”.

On page thirty-three , following line twenty-nine, by inserting the following:

“Mastery Based Education Program..... ##### 125,000”

On page thirty-four, following line thirty-six, by inserting the following:

“CTE Credentialing Program ##### 600,000”,

And reconciling the amount on line eleven accordingly.

On page thirty-five, Item 44, on line two, by striking out the number “32,858,654” and inserting in lieu thereof the number “3,876,819”.

On page thirty-five, Item 44, on line four, by striking out the number “625,614” and inserting in lieu thereof, the number “629,715”.

On page thirty-five, Item 44, line five, by striking out the number “18,472,954” and inserting in lieu thereof, the number “18,580,014” and reconciling the amount on line 6 accordingly.

On page thirty-six, Item 46, line four, by striking out the number “73,715” and inserting in lieu thereof, the number “74,423”.

On page thirty-six, Item 46, line six, by striking out the number “23,239,266” and inserting in lieu thereof, the number “23,342,921”.

On page thirty-six, Item 46, line six, by striking out the number “4,894,607” and inserting in lieu thereof, the number “4,934,759; and reconciling the amount on line twelve of page thirty-seven accordingly.

On page sixty-seven, Item 90, by striking out the number “5,099,246” and inserting in lieu thereof, the number “5,558,234.

On page sixty-seven, Item 91, by striking out the number “9,495,037” and inserting in lieu thereof, the number “9,918,767”.

On page sixty-seven, Item 94, by striking out the number “1,812,537” and inserting in lieu thereof, the number “2,301,209”; and reconciling the amount on line 12 of page 37 accordingly

On page fifty-six, Item 69, following line forty-nine, following line twelve, by inserting the following:

“Criminal History Expungement ##### 250,000”,
renumbering and reconciling lines 10 and 11 accordingly.

On page seventy-one, Item 101, line two, by striking out the number “96,203” and inserting in lieu thereof the number “201,508”.

On page seventy-three, Item 106, line one, by striking out the number “5,885,700” and inserting in lieu thereof, the number “6,336,662”.

On page seventy-three, Item 107, line one, by striking out the number “9,671,542” and inserting in lieu thereof, the number “10,113,978”.

On page seventy-four, Item 109, line two, by striking out the number “1,586,340” and inserting in lieu thereof, the number “2,948,530”, and reconciling line 3 accordingly.

And,

On page one hundred eighty-seven, following the appropriation for Office of Drug Control Policy, by inserting the following:

“383 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2019 Org 0702

Integrated Tax Assessment System..... 29200 5,000,000”

Delegate Sponaugle asked and obtained unanimous consent to offer a revised amendment as follows:

On page sixty-two, under Item 75, on line seven, by striking out the number \$5,000,000”.

On page thirty-three, Item 43, line eight, by striking out the number “550,000” and inserting in lieu thereof the number “600,000”.

On page thirty-three, following line twenty-nine, by inserting the following:

“Mastery Based Education Program ##### 125,000”

On page thirty-four, following line thirty-six, by inserting the following:

“CTE Credentialing Program..... ##### 600,000”.

And reconciling the amount on line 11 accordingly.

On page thirty-five, Item 44, on line two by striking out the number “32,858,654” and inserting in lieu thereof the number “32,876,819”.

On page thirty-five , Item 44, on line four, by striking out the number “625,614” and inserting in lieu thereof, the number “629,715”.

On page thirty-five, Item 44, line five, by striking out the number "18,472,954" and inserting in lieu thereof, the number "18,580,014" and reconciling the amount on line 6 accordingly.

On page thirty-six, Item 46, line four, by striking out the number "73,715" and inserting in lieu thereof, the number "74,423".

On page thirty-six, Item 46, line six, by striking out the number "23,239,266" and inserting in lieu thereof, the number "23,342,921".

On page thirty-six, Item 46, line 6, by striking out the number "4,894,607" and inserting in lieu thereof, the number "4,934,759; and reconciling the amount on line 12 of page 37 accordingly.

On page sixty-seven, Item 90, by striking out the number "5,099,246" and inserting in lieu thereof, the number "5,558,234.

On page sixty-seven, Item 91, by striking out the number "9,495,037" and inserting in lieu thereof, the number "9,918,767".

On page sixty-seven , Item 94, by striking out the number "1,812,537" and inserting in lieu thereof, the number "2,301,209"; and reconciling the amount on line 12 of page 37 accordingly.

On page fifty-six, Item 69, following line forty-nine, following line twelve, by inserting the following:

"Criminal History Expungement..... ##### 250,000",

And renumbering and reconciling lines 10 and 11 accordingly.

On page seventy-one, Item 101, line two, by striking out the number "96,203" and inserting in lieu thereof the number "201,508".

On page seventy-three, Item 106, line one, by striking out the number "5,885,700" and inserting in lieu thereof, the number "6,336,662".

On page seventy-one, Item 107, line one, by striking out the number "9,671,542" and inserting in lieu thereof, the number "10,113,978".

On page seventy-one , Item 109, line two, by striking out the number "1,586,340" and inserting in lieu thereof, the number "2,948,530", and reconciling line 3 accordingly.

And

On page one hundred eight-seven, following the appropriation for Office of Drug Control Policy, by inserting the following:

"1- Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2019 Org 0702

Integrated Tax Assessment System..... 29200 5,000,000"

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

The yeas and nays having been ordered, they were taken (**Roll No. 424**), and there were—yeas 40, nays 58, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Kelly, Longstreth, Love, Lovejoy, Lynch, Marcum, McGeehan, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Deem.

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

Delegates Barrett, Boggs and Longstreth moved to amend the amendment on page one hundred eight-seven, following the appropriation for Office of Drug Control Policy, by inserting the following:

“383-Shephard University

(WV Code Chapter 18B)

Fund 0366 FY 2019 Org 0486

Shephard University ##### \$ 500,000

384-Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2019 Org 0477

Blue Ridge Community and Technical College ##### \$ 500,000

385-Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2019 Org 0492

Eastern West Virginia Community and Technical College..... ##### \$ 500,000

387-West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2019 Org 0464

West Virginia University at Parkersburg ##### \$ 500,000

389-Glenville State College

(WV Code Chapter 18B)

Fund 0363 FY 2019 Org 0485

Glenville State College ##### \$ 500,000”

And,

On page one hundred eighty-eight, Section 9, by striking out line 5, and inserting in lieu thereof the following:

“Total TITLE II, Section 9 – General Revenue Surplus Accrued..... \$ 16,765,000”

And,

Renumbering subsequent paragraphs and references accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 425**), and there were—yeas 42, nays 56, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hanshaw, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Kelly, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moore, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Upson, Ward, Williams and Wilson.

Absent and Not Voting: Deem.

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

Delegate Eldridge moved to amend the amendment on page one hundred eighty-seven, following the appropriation for Office of Drug Control Policy, by inserting the following:

“*383-Division of Culture and History*

(WV Code Chapter 29)

Fund 3534 FY 2019 Org 0432

Preservation WV (R) for West Virginia Music Hall of Fame..... ##### \$ 8,000”

And,

On page one hundred eighty-eight, Section 9, by striking out line five, and inserting in lieu thereof, the following:

“Total TITLE II, Section 9 – General Revenue Surplus Accrued..... \$ 13,773,000”

And,

Renumbering subsequent paragraphs and references accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 426**), and there were—yeas 39, nays 59, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Love, Lovejoy, Marcum, Miley, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Ward, White and Williams.

Absent and Not Voting: Deem.

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

Delegates Moye and Bates moved to amend the amendment on page one hundred eighty-seven, following the appropriation for the Office of Drug Control Policy, by inserting the following:

“383-Health Right Free Clinics

(WV Code Chapter 16)

Fund 0407 FY 2019 Org 0506

Health Right Free Clinics ##### \$ 500,000

384-Concord University

(WV Code Chapter 18B)

Fund 0357 FY 2019 Org 0483

Concord University ##### \$ 500,000

385-West Virginia University Institute of Technology

(WV Code Chapter 18B)

Fund 0344 FY 2019 Org 0463

West Virginia University Institute of Technology..... ##### \$ 500,000

386-New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2019 Org 0445

New River Community and Technical College ##### \$ 250,000”

On page one hundred eighty-eight, Section 9, by striking out line five, and inserting in lieu thereof, the following:

“Total TITLE II, Section 9 – General Revenue Surplus Accrued..... \$ 15,515,000”

And,

Renumbering subsequent paragraphs and references accordingly.

The question on the adoption of the amendment, the same was put and did not prevail.

An amendment to the amendment offered by Delegate Moye, was reported by the Clerk, on page seventy-one, Item 101, line two, by striking out the number “96,203” and inserting in lieu thereof the number “105,305”.

Whereupon, Delegate Moye asked and obtained unanimous consent to withdraw the amendment.

An amendment to the amendment, offered by Delegates Moye and Hornbuckle, was reported by the Clerk on page thirty-three, Item 43, line eight, by striking out the number “550,000” and inserting in lieu thereof the number “600,000”;

And,

On page thirty, following line thirty-six, by inserting the following:

“CTE Credentialing Program..... ##### 600,000”,

And reconciling line thirty-seven accordingly.

Whereupon,

Delegate Moye asked and obtained unanimous consent to withdraw the amendment.

Delegate Rowe moved to amend the amendment on page one hundred eighty-seven, following the appropriation for Office of Drug Control Policy, by inserting the following:

“383-Shephard University

(WV Code Chapter 18B)

Fund 0366 FY 2019 Org 0486

Shephard University ##### \$ 500,000

384-Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2019 Org 0477

2018] HOUSE OF DELEGATES 1409

Blue Ridge Community and Technical College ##### \$ 500,000

385-Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2019 Org 0492

Eastern West Virginia Community and Technical College..... ##### \$ 500,000

386-Pierpont Community and Technical College

(WV Code Chapter 18B)

Fund 0597 FY 2019 Org 0466

Pierpont Community and Technical College ##### \$ 500,000

387-West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2019 Org 0464

West Virginia University at Parkersburg ##### \$ 500,000

389-Glenville State College

(WV Code Chapter 18B)

Fund 0363 FY 2019 Org 0485

Glenville State College ##### \$ 500,000"

And,

Concord University ##### \$ 500,000

385-West Virginia University Institute of Technology

(WV Code Chapter 18B)

Fund 0344 FY 2019 Org 0463

West Virginia University Institute of Technology..... ##### \$ 500,000

386-New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2019 Org 0445

New River Community and Technical College ##### \$ 500,000"

387-Bluefield State College
 (WV Code Chapter 18B)
 Fund 0354 FY 2019 Org 0482

Bluefield State College..... ##### \$ 500,000

388- Fairmont State University
 (WV Code Chapter 18B)
 Fund 0360 FY 2019 Org 0484

Fairmont State University..... ##### \$ 500,000

389-West Liberty University
 (WV Code Chapter 18B)
 Fund 0370 FY 2019 Org 0488

West Liberty University ##### \$ 500,000

390-West Virginia State University
 (WV Code Chapter 18B)
 Fund 0373 FY 2019 Org 0490

West Virginia State University ##### \$ 500,000

391-Mountwest Community and Technical College
 (WV Code Chapter 18B)
 Fund 0599 FY 2019 Org 0444

Mountwest Community and Technical College ##### \$ 500,000

392-Southern West Virginia Community and Technical College
 (WV Code Chapter 18B)
 Fund 0380 FY 2019 Org 0487

Southern West Virginia Community and Technical College ##### \$ 500,000

393-West Virginia Northern Community and Technical College

(WV Code Chapter 18B)

Fund 0383 FY 2019 Org 0489

West Virginia Northern Community and Technical College ##### \$ 500,000

394- BridgeValley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2019 Org 0493

BridgeValley Community and Technical College..... ##### \$ 500,000”

On page one hundred eighty-eight, Section 9, by striking out line five, and inserting in lieu thereof, the following:

“Total TITLE II, Section 9 – General Revenue Surplus Accrued..... \$ 22,265,000”

And,

Renumbering subsequent paragraphs and references accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 427**), and there were—yeas 37, nays 60, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson, Ward and Williams.

Absent and Not Voting: Deem and Upson.

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

Delegate Rowe moved to amend the amendment on page twenty-five, Item 29, line eight, following the words “aggregate premium”, by inserting the words “costs of retirees and the aggregate premium”.

Delegates Anderson, Ambler, and E. Evans requested to be excused from voting on the adoption of the amendment under the provisions of House Rule 49.

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

The Speaker informed members that if any others had similar Rule 49 requests, any impact on them would be as a member of a class of persons possibly to be affected by the adoption of the amendment, and they would not be excused from voting. He further stated that any such members wishing to have this noted in the Journal should inform the Clerk, which was done by Delegates Ferro, Iaquina, Lynch, Moye, Rowan, McGeehan and Wagner.

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

The yeas and nays having been ordered, they were taken (**Roll No. 428**), and there were—yeas 37, nays 60, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson, Ward and Williams.

Absent and Not Voting: Deem and Upson.

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

Delegate Byrd moved to amend the amendment on page fifty-six, Item 69, following line twelve, by inserting the following:

“Criminal History Expungement ##### 250,000”,

And renumbering and reconciling lines 10 and 11 accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 429**), and there were—yeas 39, nays 59, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hanshaw, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Kessinger, Longstreth, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson, Ward and Williams.

Absent and Not Voting: Deem.

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

The amendment offered by Delegate Nelson, as amended, was then adopted.

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

Delegate Frich requested to be excused from voting on the passage of Com. Sub. for H. B. 4019 under the provisions of House Rule 49.

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

The Speaker informed members that if any others had similar Rule 49 requests due to PEIA participation or the budget, any impact on them would be as a member of a class of persons possibly to be affected by the adoption of the amendment, and they would not be excused from voting. He further stated that any such members wishing to have this noted in the Journal should inform the Clerk, which was done by Delegates Anderson, E. Evans, Frich, Ambler, Ferro, Iaquinta, Lynch, Moye, Rowan, McGeehan, Wagner and Mr. Speaker, Mr. Armstead.

On the passage of the bill, the yeas and nays were taken (**Roll No. 430**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

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. 4019) passed.

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

On this question, the yeas and nays were taken (**Roll No. 431**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

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. 4019) takes effect from its passage.

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

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 152 - "A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution".

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 152) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles 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. 432**), and there were—yeas 62, nays 36, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Love,

Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Deem.

So, four fifths of the members present not having voted in the affirmative, the motion to dispense with the constitutional rule was rejected.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leave of absence for the day was granted Delegate Deem.

Miscellaneous Business

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Shott regarding the second amendment offered by Delegate Sponaugle on Com. Sub. for S. J. R. 3

- Delegates Love and Zatezalo during the debate on the amendment offered by Delegate Eldridge to Com. Sub. for H. B. 4019

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be removed as a cosponsor of the following bills:

- Delegate Frich for H. B. 4311 and H. B. 4449

Delegate Nelson noted to the Clerk that he was absent on today when the vote was taken on Roll No. 396, and that had he been present, he would have voted "Yea" thereon.

Delegate Bates noted to the Clerk that he was absent on today when the vote was taken on the passage and effective date of Com. Sub. for S. B. 261, and that had he been present, he would have voted "Yea" thereon.

At 10:57 p.m., the House of Delegates adjourned until 9:00 a.m., Friday, March 9, 2018.

HOUSE OF DELEGATES
STEPHEN J. HARRISON, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470

SPECIAL CALENDAR

Friday, March 9, 2018

59th Day

9:00 A. M.

THIRD READING

- Com. Sub. for S. J. R. 3 - Judicial Budget Oversight Amendment (SHOTT)
- Com. Sub. for S. B. 10 - Relating generally to PSC jurisdiction (SHOTT) (REGULAR)
- Com. Sub. for S. B. 82 - Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation (SHOTT) (REGULAR)
- Com. Sub. for S. B. 141 - Expanding county assessment and collection of head tax on breeding cows (NELSON) (REGULAR)
- Com. Sub. for S. B. 230 - Authorizing Department of Commerce promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 244 - Specifying conditions for unlawful possession of firearm at school-sponsored activities (SHOTT) (REGULAR)
- Com. Sub. for S. B. 271 - Creating centralized Shared Services Section of Department of Administration (NELSON) (REGULAR)
- Com. Sub. for S. B. 283 - Relating generally to procurement by state agencies (NELSON) (REGULAR)
- Com. Sub. for S. B. 288 - Regulating cremation, embalming and directing of funeral service (NELSON) (REGULAR)
- Com. Sub. for S. B. 313 - Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers (HOWELL) (REGULAR)
- S. B. 339 - Relating to WV Retirement Health Benefit Trust Fund within PEIA (NELSON) (REGULAR)
- Com. Sub. for S. B. 355 - Dissolving IS&C Division under Office of Technology (NELSON) (REGULAR)

- Com. Sub. for S. B. 375 - Relating to farmers markets (SHOTT) (REGULAR)
- Com. Sub. for S. B. 401 - Requiring specified coverage in health benefit plans for treatment of substance abuse disorders (SHOTT) (REGULAR)
- S. B. 406 - Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement (NELSON) (EFFECTIVE FROM PASSAGE)
- S. B. 407 - Licensing and approval of child care programs (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 408 - Licensing of nursing homes and assisted living residences (HOWELL) (REGULAR)
- S. B. 425 - Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan (NELSON) (REGULAR)
- Com. Sub. for S. B. 434 - Specifying documents not subject to discovery in certain proceedings (SHOTT) (REGULAR)
- Com. Sub. for S. B. 438 - Relating to debt service on bonds secured by State Excess Lottery Revenue Fund (SHOTT) (REGULAR)
- Com. Sub. for S. B. 442 - Establishing universal forms and deadlines when submitting prior authorization electronically (NELSON) (REGULAR)
- Com. Sub. for S. B. 443 - Terminating parental rights when certain conditions are met (SHOTT) (REGULAR)
- Com. Sub. for S. B. 445 - Allowing DOH acquire real or personal property for utility accommodation (SHOTT) (REGULAR)
- Com. Sub. for S. B. 446 - Creating Agritourism Responsibility Act (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING) [RESTRICTED RIGHT TO AMEND]
- S. B. 468 - Changing date and recipients for submission of Auditor's annual report (HOWELL) (REGULAR)
- Com. Sub. for S. B. 469 - Converting Addiction Treatment Pilot Program to permanent program (ELLINGTON) (REGULAR)

- Com. Sub. for S. B. 495 - Designating specific insurance coverages exempt from rate filing requirements (SHOTT) (REGULAR)
- Com. Sub. for S. B. 501 - Relating to accrued benefit of retirees in Deputy Sheriff Retirement System (NELSON) (JULY 1, 2018)
- Com. Sub. for S. B. 521 - Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer (SHOTT) (JULY 1, 2018)
- Com. Sub. for S. B. 528 - Providing additional circuit judge for nineteenth judicial circuit (NELSON) (REGULAR)
- S. B. 551 - Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB (SHOTT) (REGULAR)
- Com. Sub. for S. B. 556 - Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority (HOWELL) (REGULAR) [RESTRICTED RIGHT TO AMEND]
- S. B. 592 - Adding examination of advanced care technician for firefighter paramedic (HOWELL) (REGULAR)
- S. B. 612 - Relating to sale of municipal property (HOWELL) (REGULAR)
- Com. Sub. for S. B. 625 - Creating WV Volunteer Fire and Rescue Act of 2018 (NELSON) (REGULAR)
- H. B. 4630 - Relating to a 2019 across-the-board salary adjustment for employees of the Department of Health and Human Resources (NELSON) (REGULAR)
- H. B. 4631 - Expiring funds to the unappropriated surplus balance in the State Fund - Insurance Commission Fund (NELSON) (EFFECTIVE FROM PASSAGE)

SECOND READING

- Com. Sub. for S. B. 152 - Budget Bill (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 336 - Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance (NELSON) (REGULAR)

HOUSE CALENDAR

Friday, March 9, 2018

59th Day

9:00 A. M.

THIRD READING

- Com. Sub. for H. B. 4235 - Permitting full-time nonresident students attending an in-state college or university to purchase lifetime resident hunting, trapping, and fishing licenses (NELSON) (REGULAR)
- Com. Sub. for H. B. 4296 - Establishing the Southern West Virginia Lake Development Study Commission (NELSON) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 116 - Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset (SHOTT) (REGULAR)
- S. B. 297 - Eliminating taxation on annuity considerations collected by life insurer (NELSON) (REGULAR)
- H. B. 2114 - Providing a procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2383 - Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4158 - Relating to municipal home rule (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4241 - Transitioning foster children into managed care (NELSON) (REGULAR)
- Com. Sub. for H. B. 4563 - Relating to the severance tax on oil and gas produced from low producing wells (NELSON) (REGULAR)

FIRST READING

Com. Sub. for S. B. 491 - Establishing fee for expungement of certain criminal convictions (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)

Com. Sub. for S. B. 508 - Establishing State Trail Authority (HOWELL) (REGULAR)

S. B. 632 - Allowing retired judicial officers recalled to service to avoid limit on temporary payments under certain circumstances (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)

Com. Sub. for H. B. 4494 - Authorizing certain motor vehicle manufacturers to operate as new car dealers (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, MARCH 9, 2018

HOUSE CONVENES AT 9:00 A.M.

**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