

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2020
SIXTIETH DAY

Charleston, West Virginia, Saturday, March 7, 2020

The Senate met at 10:37 a.m.

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

Prayer was offered by Bishop Joe Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Paul Hardesty, a senator from the seventh district.

Pending the reading of the Journal of Friday, March 6, 2020,

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

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

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

Administrative Hearings, Office (§17C-5C-2)

Funeral Service Examiners, Board of (§30-1-12)

James "Tiger" Morton Catastrophic Illness Commission (§16-5Q-2)

At the request of Senator Takubo, unanimous consent being granted, the Senate proceeded to the seventh order of business.

Senate Resolution 71, Memorializing life of Karl Cameron "Butch" Lilly, III, former Assistant Clerk of WV Senate.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Beach demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 71) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Plymale and Stollings regarding the adoption of Senate Resolution 71 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 10:56 a.m., the Senate recessed to present Senate Resolution 71.

The Senate reconvened at 11:07 a.m.

At the request of Senator Plymale, unanimous consent being granted, Senator Plymale addressed the Senate regarding the Keith-Albee Theatre in Huntington, West Virginia.

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Plymale were ordered printed in the Appendix to the Journal.

The Senate resumed consideration of its seventh order of business, the next resolution coming up in numerical sequence being

Senate Resolution 72, Urging Congress safeguard pharmaceutical supply chains.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Stollings, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Stollings regarding the adoption of Senate Resolution 72 were ordered printed in the Appendix to the Journal.

Senate Resolution 73, Memorializing life of Dorothy Vaughan, NASA mathematician and computer programmer.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Beach, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Beach regarding the adoption of Senate Resolution 73 were ordered printed in the Appendix to the Journal.

Without objection, the Senate returned to the third order of business.

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

Eng. Senate Bill 51, Specifying forms of grandparent visitation.

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

Eng. Com. Sub. for Senate Bill 195, Updating powers of personal representatives of deceased person's estate.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 275, Creating Intermediate Court of Appeals.

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

Eng. Com. Sub. for Senate Bill 288, Relating to family planning and child spacing.

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

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

On page one, section one, line nine, after the word "replacement." by inserting the following: "The Bureau for Medical Services shall update the managed care contract to include language that the contracted managed care company may not present barriers that delay or prevent access, such as prior authorizations or step-therapy failure requirements; and should receive patient centered education and counseling on all FDA approved birth control methods.";

On page one, section one, line thirteen, by striking out the words "unborn children" and inserting in lieu thereof the words "a fetus";

And,

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

Eng. Com. Sub. for Senate Bill 288—A Bill to amend and reenact §16-2B-1 of the Code of West Virginia, 1931, as amended, relating to family planning; extending family planning resources provided by Bureau for Public Health to other entities; providing that Bureau for Medical Services shall not require multiple office visits for women who select long-acting reversible contraceptive

methods unless medically necessary; requiring Bureau for Medical Services to provide payments; authorizing Bureau for Public Health to make long-acting reversible contraceptive products available in practitioner offices without upfront practitioner costs; requiring Bureau for Public Health to develop statewide plan; providing requirements for plan; and requiring an annual report by Department of Health and Human Resources.

On motion of Senator Takubo, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 288) was reported by the Clerk and adopted:

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

Eng. Com. Sub. for Senate Bill 288—A Bill to amend and reenact §16-2B-1 of the Code of West Virginia, 1931, as amended, relating to family planning; extending family planning resources provided by Bureau for Public Health to other entities; providing that Bureau for Medical Services shall not require multiple office visits for women who select long-acting reversible contraceptive methods unless medically necessary; requiring Bureau for Medical Services to provide payments; requiring Bureau for Medical Services to update managed care contract; authorizing Bureau for Public Health to make long-acting reversible contraceptive products available in practitioner offices without upfront practitioner costs; requiring Bureau for Public Health to develop statewide plan; providing requirements for plan; and requiring an annual report by Department of Health and Human Resources.

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

Engrossed Committee Substitute for Senate Bill 288, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 288) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect January 1, 2021, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 303, Enacting Students' Right to Know Act.

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

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

On page two, section three, line twenty-eight, after the word “enlistments” by inserting the words “and each branch’s starting salary”;

On page two, section three, line thirty, after the word “state” by inserting a comma and the words “and each branch of the US Armed Forces, National Guard and Reserves”;

And,

On page three, by striking out all of section four and inserting in lieu thereof a new section, designated section four, to read as follows:

§18-10P-4. Information distribution.

No later than October 15 of each year, the State Superintendent shall distribute the information collected by the State Board of Education in §18-10P-3 of this code:

(1) To every public high school in the state for distribution to students by school guidance counselors; and

(2) To the public by making it readily available through publishing on the Department of Education’s website.

On motion of Senator Takubo, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 303) was reported by the Clerk and adopted:

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

Eng. Com. Sub. for Senate Bill 303—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10P-1, §18-10P-2, §18-10P-3, §18-10P-4, §18-10P-5, and §18-10P-6, all relating to enacting the Students’ Right-to-Know Act; declaring purpose of helping high school students make more informed decisions about their futures and ensuring they are adequately aware of the cost and benefits of certificate programs, vocational programs, two-year college, four-year college, and other alternative career paths; requiring the State Board of Education to collect and the State Superintendent of Schools to distribute certain career landscape information; allowing the State Board of Education to execute a memorandum of understanding with any department, agency, or division for information required to be collected; requiring any department, agency, or division that possesses certain required information to provide that information to the State Board of Education annually; and establishing an effective date.

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

Engrossed Committee Substitute for Senate Bill 303, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard,

Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 303) passed with its Senate amended title.

Senator Takubo moved that the bill take effect January 1, 2021.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 303) takes effect January 1, 2021.

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

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

Eng. Senate Bill 322, Relating to prequalifications for state contract vendors.

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

Eng. Com. Sub. for Senate Bill 472, Providing alternative sentencing program for work release.

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

Eng. Com. Sub. for Senate Bill 517, Creating State Parks and Recreation Endowment Fund.

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

Eng. Com. Sub. for Senate Bill 575, Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian.

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

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

Eng. Com. Sub. for Senate Bill 575—A Bill to amend and reenact §49-4-201 and §49-4-202 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-206, all relating to safe-surrender sites; allowing the governing entity of a local fire department to designate the premises of its fire department as a safe-surrender site; providing the criteria of the child who may be accepted from an parent or individual who has lawful custody of the child; setting forth requirements upon the fire department upon taking possession of a child; and establishing criteria for the fire department as a safe-surrender site.

On motion of Senator Maroney, the following amendment to the House of Delegates amendment to the title of the bill (Eng. Com. Sub. for S. B. 575) was reported by the Clerk and adopted:

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

Eng. Com. Sub. for Senate Bill 575—A Bill to amend and reenact §49-4-201 and §49-4-202 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-206, all relating to safe-surrender sites; allowing the governing entity of a local fire department to designate the premises of its fire department as a safe-surrender site; providing the criteria of the child who may be accepted from a parent; setting forth requirements upon the fire department upon taking possession of a child; ad establishing criteria for the fire department as a safe-surrender site.

Senator Takubo moved that the Senate concur in the House of Delegates amendment, as amended.

Following discussion,

The question being on the adoption of Senator Takubo's aforestated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 575, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 575) passed with its Senate amended title.

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

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

Eng. Com. Sub. for Senate Bill 579, Changing and adding fees to wireless enhanced 911 fee.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect July 1, 2020, of

Eng. Senate Bill 610, Removing resident manager requirement for Alcohol Beverage Control Administration.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 648, Providing dental coverage for adult Medicaid recipients.

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

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

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

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-12a. Medicaid program; dental care.

(a) The following terms are defined:

(1) "Cosmetic services" means dental work that improves the appearance of the teeth, gums, or bite, including, but not limited to, inlays or onlays, composite bonding, dental veneers, teeth whitening, or braces.

(2) "Diagnostic and preventative services" means dental work that maintains good oral health and includes oral evaluations, routine cleanings, x-rays, fluoride treatment, fillings, and extractions.

(3) "Restorative services" means dental work that involves tooth replacement, including, but not limited to, dentures, dental implants, bridges, crowns, or corrective procedures such as root canals.

(b) The Department of Health and Human Resources shall extend Medicaid coverage to adults age 21 and over covered by the Medicaid program for diagnostic and preventative dental services and restorative dental services, excluding cosmetic services. This coverage is limited to \$1,000 each budget year. Recipients must pay for services over the \$1,000 yearly limit. No provision in this section shall restrict the department in exercising new options provided by, or to be in compliance with, new federal legislation that further expands eligibility for dental care for adult recipients.

(c) The Department of Health and Human Resources is responsible for the implementation of, and program design for, a dental care system to reduce the continuing harm and continuing impact on the health care system in West Virginia. The dental health system design shall include oversight, quality assurance measures, case management, and patient outreach activities. The Department of Health and Human Resources shall assume responsibility for claims processing in accordance with established fee schedules and financial aspects of the program necessary to receive available federal dollars and to meet federal rules and regulations. The Department of Health and Human Resources shall seek authority from the Centers for Medicare and Medicaid Services to implement the provisions of this section.

(d) The provisions of this section enacted during the 2020 regular legislative session shall only become effective upon approval from the federal Centers for Medicare and Medicaid Services of the provider tax as set forth in §11-27-10a of this code.

On motion of Senator Maroney, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for Com. Sub. for S. B. 648) was reported by the Clerk and adopted:

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 648—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12a, relating to providing dental coverage for adult Medicaid recipients; providing limitations; defining terms; designating the Department of Health and Human Resources as the responsible department to implement these provisions; providing for the Department of Health and Human Resources to seek authority from the Centers for Medicare and Medicaid Services to implement the program; and making the provisions on the section effective only upon the approval by the Centers for Medicare and Medicaid Services for specified provider taxes.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 648, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Azinger and Tarr—2.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 648) passed with its Senate amended title.

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

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

Eng. Com. Sub. for Senate Bill 660, Regulating electric bicycles.

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

Eng. Senate Bill 664, Adding physician's assistant to list of medical professionals capable of determining if individual lacks capacity.

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

Eng. Com. Sub. for Senate Bill 670, Amending service of process on nonresident persons or corporate entities.

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

Eng. Com. Sub. for Senate Bill 711, Relating to juvenile jurisdiction of circuit courts.

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

Eng. Com. Sub. for Senate Bill 717, Relating generally to adult protective services.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect July 1, 2020, of

Eng. Com. Sub. for Senate Bill 719, Imposing health care-related provider tax on certain health care organizations.

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

Eng. Senate Bill 723, Requiring Department of Education develop plan based on analyzed data on school discipline.

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

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

On page one, after the section caption, by striking out the remainder of the bill and inserting in lieu thereof the following:

(a) The Department of Education shall analyze statewide data collected on school disciplinary action and, based on the findings of this data, develop a statewide program intended to address the number of disciplinary actions taken by school personnel and county school boards against students enrolled in grades K-12. This program will include information by subgroup, including but not limited to, race, gender and disability.

(b) County boards of education shall implement the program outlined in subsection (a) of this section with the ultimate goal of improving disciplinary outcomes.

(c) The Department of Education shall prepare a report on the findings of statewide disciplinary data and, in addition to these findings, provide a summary of the progress of the statewide program and individual county programs, evaluating the extent to which the programs have successfully led to making a positive impact in disciplinary actions in West Virginia school systems. The Department of Education shall present these findings to the Legislative Oversight Commission on Education Accountability every two years starting in the year 2022.;

And,

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

Eng. Senate Bill 723—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to requiring West Virginia Department of Education to analyze statewide data collected on school disciplinary action and, based on the findings of this data, develop a statewide program intended to address the number of disciplinary actions taken by school personnel and county boards; and requiring the West Virginia Department of Education to prepare a report on the findings and provide a summary of the progress of the statewide program to Legislative Oversight Commission on Education Accountability every two years.

On motion of Senator Takubo, the following amendment to the House of Delegates amendments to the bill (Eng. S. B. 723) was reported by the Clerk and adopted:

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

Eng. Senate Bill 723—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to requiring Department of Education to analyze statewide data collected on school disciplinary action and, based on the findings of this data, develop a statewide program intended to address the number of disciplinary actions taken by school personnel and county boards; requiring information by subgroups; requiring county board implementation with goal of improving disciplinary outcomes; requiring the Department of Education to prepare a report on the findings and provide a summary of the progress of the statewide and individual county programs; and present these findings to the Legislative Oversight Commission on Education Accountability every two years.

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

Engrossed Senate Bill 723, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 723) passed with its Senate amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 723) takes effect from passage.

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

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

Eng. Com. Sub. for Senate Bill 738, Creating Flatwater Trail Commission.

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

Eng. Senate Bill 740, Clarifying authorized users of Ron Yost Personal Assistance Services Fund.

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

Eng. Senate Bill 842, Requiring Superintendent of Schools establish a Behavior Interventionist Pilot Program in two school districts for five years.

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

Eng. Senate Bill 843, Supplemental appropriation of funds from Treasury to DHHR Energy Assistance Fund.

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

Eng. Senate Bill 844, Supplemental appropriation from Treasury to DHHR Birth-to-Three Fund.

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

Eng. Com. Sub. for Senate Bill 845, Supplemental appropriation from Treasury to DHHR, Division of Human Services.

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

Eng. Senate Bill 851, Requiring Governor's Committee on Crime, Delinquency, and Correction propose rule in coordination with law enforcement and certain medical boards.

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

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

On page one, section seven, in the section caption, after the word "treatment" by inserting the words "abstinence-based recovery";

On page one, section seven, line two, after the word "enforcement" by inserting the words "a representative of an abstinence-based recovery program";

On page one, section seven, line four, after the word "treatment" by inserting the words "abstinence-based recovery";

On page one, section seven, line eight, after the word "treatment" by inserting the words "abstinence-based recovery";

On page two, section seven, line sixteen, after the word "treatment" by inserting the words "abstinence-based recovery";

On page two, section seven, line twenty, after the word "from" by striking out the words "criminal or";

And,

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

Eng. Senate Bill 851—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-9-7, relating to requiring the Governor's Committee on Crime, Delinquency, and Correction to propose a legislative rule in coordination with law enforcement, certain medical boards, and certain representative persons; developing policies and protocols for law enforcement and medical professionals to create treatment and abstinence-based recovery referral programs for persons suffering from substance use disorder; setting forth requirements for policies and protocols; providing that existing criminal charges not affected; providing civil immunity for law-enforcement officers and medical professionals; and requiring proposal of legislative and emergency rules.

On motion of Senator Takubo, the Senate refused to concur in the foregoing House amendments to the bill (Eng. S. B. 851) and requested the House of Delegates to recede therefrom.

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

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

Eng. Senate Bill 852, Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Fund.

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

Eng. Senate Bill 853, Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Authority.

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

Eng. Com. Sub. for House Bill 2646, Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees.

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

Eng. Com. Sub. for House Bill 4094, Continuing the Foster Care Ombudsman.

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

Eng. Com. Sub. for House Bill 4102, Relating to opioid antagonists.

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

Eng. Com. Sub. for House Bill 4108, Relating generally to certificates of need for health care services.

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

Eng. Com. Sub. for House Bill 4252, Authorizing miscellaneous agencies and boards to promulgate legislative rules.

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

Eng. Com. Sub. for House Bill 4378, Relating to disciplining teachers.

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

Eng. House Bill 4502, Relating to insurance adjusters.

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

Eng. Com. Sub. for House Bill 4581, Relating to West Virginia Clearance for Access: Registry and Employment Screening.

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

Eng. House Bill 4589, Conducting study for an appropriate memorial for West Virginians killed in the War on Terror.

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

Eng. Com. Sub. for House Bill 4668, Creating the misdemeanor crime of trespass for entering a structure that has been condemned.

At the request of Senator Takubo, unanimous consent being granted, the Senate proceeded to the fourth order of business.

Senator Boley, from the Committee on Confirmations, submitted the following report, which was received:

Your Committee on Confirmations has had under consideration

Senate Executive Message 2, dated March 4, 2020, requesting confirmation by the Senate of the nominations mentioned therein. The following list of names from Executive Message 2 is submitted:

1. For Chief Administrative Law Judge, Workers' Compensation Office of Judges within the Office of the Insurance Commissioner, Bradley A. Crouser, Charleston, Kanawha County, for the term ending December 31, 2023.

2. For Member, West Virginia Board of Social Work Examiners, Natalie Buskirk Murphy, Huntington, Cabell County, for the term ending June 30, 2020.

3. For Member, West Virginia Board of Social Work Examiners, Joanne Mahood Boileau, Ghent, Raleigh County, for the term ending June 30, 2020.

4. For Member, West Virginia Board of Social Work Examiners, Charles S. Inghram, Athens, Mercer County, for the term ending June 30, 2020.

5. For Member, West Virginia Board of Social Work Examiners, Robert D. Musick, Morgantown, Monongalia County, for the term ending June 30, 2020.
6. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Randall Belt, Johnson City, Tennessee, for the term ending June 30, 2021.
7. For Member, West Virginia Parole Board, David P. Reider, Bridgeport, Taylor County, for the term ending June 30, 2021.
8. For Member, West Virginia Investment Management Board of Trustees, Georgette Rashid George, Charleston, Kanawha County, for the term ending January 31, 2024.
9. For Member, Board of Veterinary Medicine, Monica Patton, Charleston, Kanawha County, for the term ending June 30, 2024.
10. For Member, Board of Veterinary Medicine, Mark A. Ayers, Hurricane, Putnam County, for the term ending June 30, 2023.
11. For Member, Retail Liquor Licensing Board, Clarence Pennington, Martinsburg, Berkeley County, for the term ending December 1, 2022.
12. For Member, West Virginia Outdoor Heritage Conservation Fund Board of Trustees, Douglas M. Wood, Hurricane, Putnam County, for the term ending June 30, 2022.
13. For Member, West Virginia Outdoor Heritage Conservation Fund Board of Trustees, Edward F. Maguire II, Charleston, Kanawha County, for the term ending June 30, 2022.
14. For Member, West Virginia Outdoor Heritage Conservation Fund Board of Trustees, James T. Anderson, Reedsville, Preston County, for the term ending June 30, 2023.
15. For Member, West Virginia Outdoor Heritage Conservation Fund Board of Trustees, Elizabeth Wheatley, Charleston, Kanawha County, for the term ending June 30, 2023.
16. For Member, West Virginia Outdoor Heritage Conservation Fund Board of Trustees, M. Lavonne Paden, Martinsburg, Berkeley County, for the term ending June 30, 2023.
17. For Member, West Virginia Outdoor Heritage Conservation Fund Board of Trustees, Barbara Breshock, Arnett, Raleigh County, for the term ending June 30, 2020.
18. For Member, West Virginia Outdoor Heritage Conservation Fund Board of Trustees, Zachary J. Loughman, Wheeling, Ohio County, for the term ending June 30, 2022.
19. For Commissioner, West Virginia Division of Motor Vehicles, Everett J. Frazier, Cyclone, Wyoming County, to serve at the will and pleasure of the Governor.
20. For Member, West Virginia Emergency Medical Services Advisory Council, Robert Craig Horn, Harpers Ferry, Jefferson County, for the term ending June 30, 2022.
21. For Member, West Virginia Emergency Medical Services Advisory Council, William A. Weese, Jr., Man, Logan County, for the term ending June 30, 2022.

22. For Member, Board of Barbers and Cosmetologists, Donald Snyder, Fayetteville, Fayette County, for the term ending June 30, 2024.

23. For Member, Board of Barbers and Cosmetologists, Catherine Donahoe, Barboursville, Cabell County, for the term ending June 30, 2020.

24. For Member, Board of Barbers and Cosmetologists, Chelsea McBee, Rippon, Jefferson County, for the term ending June 30, 2024.

25. For Member, Board of Barbers and Cosmetologists, Samantha Grady, Eleanor, Putnam County, for the term ending June 30, 2023.

26. For Member, Board of Barbers and Cosmetologists, Catelyne Nguyen, Hurricane, Putnam County, for the term ending June 30, 2023.

27. For Member, Board of Barbers and Cosmetologists, Margaret Osborne, Cross Lanes, Kanawha County, for the term ending June 30, 2022.

28. For Member, Board of Barbers and Cosmetologists, Tyler Yates, Morgantown, Monongalia County, for the term ending June 30, 2024.

29. For Member, Board of Barbers and Cosmetologists, Melissa Kelley, Kingwood, Preston County, for the term ending June 30, 2024.

30. For Member, Fairmont State University Board of Governors, Robert R. Hutson, Jr., Birmingham, Alabama, for the term ending June 30, 2021.

31. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Nancy B. Mullins Gillispie, Sumerco, Lincoln County, for the term ending June 30, 2022.

32. For Member, Board of Risk and Insurance Management, Gordon Lane, Jr., Charleston, Kanawha County, for the term ending June 30, 2023.

33. For Member, Motor Vehicle Dealers Advisory Board, Larry Dawson, Winfield, Putnam County, for the term ending June 30, 2020.

34. For Member, Motor Vehicle Dealers Advisory Board, Johnnie Brown, Charleston, Kanawha County, for the term ending June 30, 2022.

35. For Member, Motor Vehicle Dealers Advisory Board, Kellee Turner Humphrey, Charleston, Kanawha County, for the term ending June 30, 2022.

36. For Member, West Virginia University – Parkersburg Board of Governors, Steven R. Hardman, Parkersburg, Wood County, for the term ending June 30, 2022.

37. For Member, West Virginia University – Parkersburg Board of Governors, John Denbigh, Spencer, Roane County, for the term ending June 30, 2022.

38. For Member, West Virginia University – Parkersburg Board of Governors, Stephanie McCoy, Cottageville, Jackson County, for the term ending June 30, 2022.

39. For Member, West Virginia Northern Community and Technical College Board of Governors, Davis S. Artman, New Cumberland, Hancock County, for the term ending June 30, 2023.

40. For Member, West Virginia Northern Community and Technical College Board of Governors, Amy Dobkin, Wheeling, Ohio County, for the term ending June 30, 2021.

41. For Member, West Virginia Northern Community and Technical College Board of Governors, Christine Mitchell, Pine Grove, Wetzel County, for the term ending June 30, 2020.

42. For Member, State Board of Sanitarians, Jesse J. Rose, Welch, McDowell County, for the term ending June 30, 2022.

43. For Member, State Board of Sanitarians, Phyllis L. Lowe, Chapmanville, Logan County, for the term ending June 30, 2024.

44. For Member, State Board of Sanitarians, Warren L. Elmer, Jane Lew, Lewis County, for the term ending June 30, 2021.

45. For Member, Board of Pharmacy, James E. Rucker, Elkview, Kanawha County, for the term ending June 30, 2024.

46. For Member, Solid Waste Management Board, Roger E. Bryant, Logan, Logan County, for the term ending June 30, 2023.

47. For Member, Solid Waste Management Board, Mallie J. Combs, Moorefield, Hardy County, for the term ending June 30, 2024.

48. For Member, West Virginia Children's Health Insurance Program Board, Lisa M. Costello, Morgantown, Monongalia County, for the term ending June 30, 2022.

49. For Member, West Virginia Children's Health Insurance Program Board, Kellie Wooten-Willis, Logan, Logan County, for the term ending June 30, 2022.

50. For Member, West Virginia Children's Health Insurance Program Board, Janet Allio, Elkview, Kanawha County, for the term ending June 30, 2021.

51. For Member, West Virginia Children's Health Insurance Program Board, Kelli Caseman, South Charleston, Kanawha County, for the term ending June 30, 2022.

52. For Member, West Virginia Children's Health Insurance Program Board, M. Jill Griffith, Bloomingrose, Boone County, for the term ending June 30, 2020.

53. For Member, West Virginia Children's Health Insurance Program Board, Robert D. Whitler, Elkview, Kanawha County, for the term ending June 30, 2022.

54. For Member, Board of Examiners of Psychologists, Shirley Vinciguerra, Bluefield, Mercer County, for the term ending June 30, 2021.

55. For Member, Board of Examiners of Psychologists, Beverly Ann Branson, Charleston, Kanawha County, for the term ending June 30, 2022.

56. For Member, Board of Examiners of Psychologists, Scott A. Fields, Charleston, Kanawha County, for the term ending June 30, 2021.

57. For Member, State Board of Sanitarians, Delores W. Cook, Ridgeview, Boone County, for the term ending June 30, 2023.

58. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Gary L. Poling, Beckley, Raleigh County, for the term ending June 30, 2023.

59. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Robert B. Holstein, Venice, Florida, for the term ending June 30, 2023

60. For Member, Bridge Valley Community and Technical College Board of Governors, JB Akers, Charleston, Kanawha County, for the term ending June 30, 2020.

61. For Member, Bridge Valley Community and Technical College Board of Governors, Mark C. Blankenship, Charleston, Kanawha County, for the term ending June 30, 2020.

62. For Member, Athletic Commission, Paul E. Thornton, Williamstown, Wood County, for the term ending June 30, 2023.

63. For Member, Athletic Commission, Leon Ramsey, Glenville, Gilmer County, for the term ending June 30, 2023.

64. For Member, Athletic Commission, Anthony Figaretti, Wheeling, Ohio County, for the term ending June 30, 2022.

65. For Member, Athletic Commission, Michael Shawn Johnson, Crawley, Greenbrier County, for the term ending June 30, 2020.

66. For Member, Housing Development Fund, Wendy E. McCuskey, Charleston, Kanawha County, for the term ending June 30, 2023.

67. For Member, West Virginia Board of Licensed Dietitians, Susan J. Arnold, Morgantown, Monongalia County, for the term ending June 30, 2022.

68. For Member, West Virginia Board of Licensed Dietitians, Mallory Mount, Milton, Cabell County, for the term ending June 30, 2020.

69. For Member, West Virginia Commission on Holocaust Education, Barbara A. Lewine, Wheeling, Ohio County, for the term ending June 30, 2022.

70. For Member, West Virginia Commission on Holocaust Education, Matthew D. Cox, Hurricane, Putnam County, for the term ending June 30, 2022.

71. For Member, West Virginia Commission on Holocaust Education, Marc J. Slotnick, Charleston, Kanawha County, for the term ending June 30, 2022.

72. For Member, West Virginia Commission on Holocaust Education, Victor H. Urecki, Charleston, Kanawha County, for the term ending June 30, 2022.

73. For Member, Real Estate Commission, Gregory A. Duckworth, Beaver, Raleigh County, for the term ending June 30, 2023.

74. For Member, Housing Development Fund, Patrick J. Martin, Morgantown, Monongalia County, for the term ending June 30, 2023.

75. For Member, Bluefield State College Board of Governors, Rebecca Peterson, Bluefield, Virginia, for the term ending June 30, 2023.

76. For Member, Board of Control for Southern Regional Education, The Honorable Roman W. Prezioso, Jr., Fairmont, Marion County, for the term ending June 30, 2023.

77. For Member, Board of Control for Southern Regional Education, Sarah Armstrong Tucker, Charleston, Kanawha County, for the term ending June 30, 2020.

And reports the same back with the recommendation that the Senate do advise and consent to all of the nominations listed above.

Respectfully submitted,

Donna J. Boley,
Chair.

The time having arrived for the special order of business to consider the list of nominees for public office submitted by His Excellency, the Governor, the special order thereon was called by the President.

Thereupon, Senator Carmichael (Mr. President) laid before the Senate the following executive message:

Senate Executive Message 2, dated March 4, 2020 (*shown in the Senate Journal of that day, pages 114 to 119, inclusive*).

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in the foregoing report from the Committee on Confirmations, except the nomination of the Honorable Romano W. Prezioso, Jr., to the Board of Control for Southern Regional Education (being nomination number 76 in Executive Message 2).

The question being on the adoption of Senator Boley aforestated motion,

The roll was then taken; and

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and that all the executive nominations referred to in the foregoing report from the Committee on Confirmations, except the nomination of the Honorable Romano W. Prezioso, Jr., to the Board of Control for Southern Regional Education (being nomination number 76 in Executive Message 2) had been confirmed.

Senator Boley then moved that the Senate advise and consent to the nomination of the Honorable Roman W. Prezioso, Jr., to the Board of Control for Southern Regional Education (being nomination number 76 in Executive Message 2).

Prior to the call of the roll, Senator Prezioso moved to be excused from voting under Rule 43 of the Rules of the Senate, which motion prevailed.

The roll was then taken; and

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: None.

Excused from voting: Prezioso—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and the nomination of the Honorable Romano W. Prezioso, Jr., to the Board of Control for Southern Regional Education had been confirmed.

Consideration of executive nominations having been concluded, without objection, the Senate returned to the third order of business.

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. House Bill 4039, Providing limitations on nuisance actions against fire department and emergency medical services.

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

Delegates Bibby, J. Kelly, and N. Brown.

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. House Bill 4887, Relating to revocation, cancellation, or suspension of business registration certificates.

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

Delegates C. Martin, Barnhart, and Angelucci.

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

Eng. House Bill 4524, Making the entire state “wet” or permitting the sale of alcoholic liquors for off-premises consumption.

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

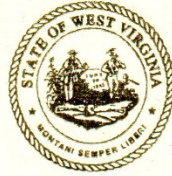
Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Weld, Takubo, and Hardesty.

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

Executive Communications

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor:



Jim Justice
Governor of West Virginia

March 6, 2020

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

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

Dear President Carmichael and Speaker Hanshaw:

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

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

Section 1. Appropriations from general revenue.

Department of Commerce

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

(To correct drafting error.)

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

Department of Education

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

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

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

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

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

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

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

OFFICE OF THE GOVERNOR

The Honorable Mitch Carmichael, President
 The Honorable Roger Hanshaw, Speaker
 March 6, 2020
 Page 2

- Increase “Teacher and Leader Induction” Appropriation 93601 by \$210,113
- Decrease “Less Local Share” line by (\$1,050,567) from (\$475,033,135) to (\$476,083,702).
 (To adjust the State Aid Formula Teachers’ Retirement System appropriations based on the actuarial requirement from the West Virginia Consolidated Public Retirement Board.)
- Decrease “Teachers’ Retirement System” Appropriation 01900 by \$9,775,000.
- Decrease “Retirement Systems – Unfunded Liability” Appropriation 77500 by \$14,670,000.

Department of Health and Human Resources

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

(To add reappropriation language.)

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

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

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

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

Department of Military Affairs and Public Safety

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

(To provide funding for the Narcotics Intelligence Unit.)

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

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

(To adjust transfer language.)

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

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

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

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

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

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

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

OFFICE OF THE GOVERNOR

The Honorable Mitch Carmichael, President
 The Honorable Roger Hanshaw, Speaker
 March 6, 2020
 Page 3

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

Department of Transportation

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

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

Section 3. Appropriations from other funds.

Executive

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

- (To increase spending authority to meeting operating needs.)
- Increase “Current Expenses” Appropriation 13000 by \$278,000.

Department of Administration

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

- (To adjust spending authority to match the Teachers’ Retirement Realized Savings.)
- Decrease “Current Expenses” Appropriation 13000 by \$9,115,000.

Department of Commerce

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

- (To reimburse general revenue for classified exempt positions.)
- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$131,682.
 - Decrease “Current Expenses” Appropriation 13000 by \$131,682.

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

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

158a - Division of Labor –

West Virginia Jobs Act Fund

(WV Code Chapter 21)

Fund 3176 FY 2021 Org 0308

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

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

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

OFFICE OF THE GOVERNOR

The Honorable Mitch Carmichael, President
 The Honorable Roger Hanshaw, Speaker
 March 6, 2020
 Page 4

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

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

- (To increase spending authority to allow purchase of a building.)
- Increase “Buildings” Appropriation 25800 by \$2,000,000.

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

- (To realign spending authority to add two new positions for Broadband work.)
- Add “Personal Services and Employee Benefits” Appropriation 00100 for \$131,682.
 - Decrease “Current Expenses” Appropriation 13000 by \$131,682.

Department of Education

State Board of Education – School Construction Fund, Fund 3952, Fiscal Year 2021, Org 0404
 (To clarify fund name.)

State Board of Education –

School Building Authority –

School Construction Fund

(WV Code Chapters 18 and 18a)

Fund 3952 FY 2021 Org 0404

Department of Health and Human Resources

Division of Health – West Virginia Birth-to-Three Fund, Fund 5214, Fiscal Year 2021, Org 0506
 (To increase spending authority due to increased costs.)

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

Department of Military Affairs and Public Safety

State Armory Board – General Armory Fund, Fund 6057, Fiscal Year 2021, Org 0603
 (To adjust spending authority to meet anticipated expenditures.)

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

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

- (To increase spending authority to properly administer program.)
- Increase “Current Expenses” Appropriation 13000 by \$100,000.

OFFICE OF THE GOVERNOR

The Honorable Mitch Carmichael, President
 The Honorable Roger Hanshaw, Speaker
 March 6, 2020
 Page 5

Department of Transportation

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

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

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

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

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

266a - State Rail Authority –

West Virginia Commuter Rail Access Fund

(WV Code Chapter 29)

Fund 8402 FY 2021 Org 0804

1	Current Expenses	13000	\$	2,800,000
---	------------------------	-------	----	-----------

Miscellaneous Boards and Commissions

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

(To adjust spending authority to meet anticipated expenditures.)

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

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

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

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

Section 4. Appropriations from lottery net profits.

Department of Education

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

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

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

OFFICE OF THE GOVERNOR

The Honorable Mitch Carmichael, President
 The Honorable Roger Hanshaw, Speaker
 March 6, 2020
 Page 6

Section 5. Appropriations from state excess lottery revenue.

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

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

Section 6. Appropriations of federal funds.

Department of Commerce

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

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

Division of Natural Resources, Fund 8707, Fiscal Year 2021, Org 0310

(To increase federal spending authority to enable expenditure of funds from federal grant and cooperative agreement programs.)

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

Department of Education

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

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

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

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

Department of Military Affairs and Public Safety

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

- Decrease “Military Authority” Appropriation 74800 by \$2,221,320.
- Increase “Mountaineer ChalleNGe Academy” Appropriation 70900 by \$2,221,320.

OFFICE OF THE GOVERNOR

The Honorable Mitch Carmichael, President
 The Honorable Roger Hanshaw, Speaker
 March 6, 2020
 Page 7

Adjutant General – West Virginia National Guard Counterdrug Forfeiture Fund, Fund 8785, Fiscal Year 2021, Org 0603

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

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

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

(To correct a drafting error.)

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

Department of Transportation

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

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

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

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

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

364a – Aeronautics Commission–

(WV Code Chapter 29)

Fund 8831 FY 2021 Org 0807

1	Current Expenses	13000	\$	400,000
2	Other Assets	69000		<u>100</u>
3	Total		\$	400,100

Miscellaneous Boards and Commissions

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

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

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

Section 7. Appropriations from federal block grants.

OFFICE OF THE GOVERNOR

The Honorable Mitch Carmichael, President
 The Honorable Roger Hanshaw, Speaker
 March 6, 2020
 Page 8

Department of Health and Human Resources

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

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

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

Section 9. Appropriations from lottery net profits surplus accrued.

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

Other Items for Consideration:

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

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

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

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

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

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

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

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

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

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

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

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

OFFICE OF THE GOVERNOR

The Honorable Mitch Carmichael, President
The Honorable Roger Hanshaw, Speaker
March 6, 2020
Page 9

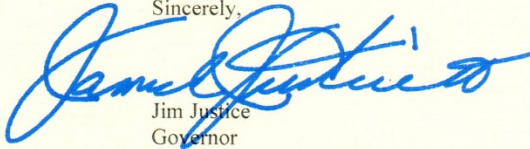
General Amory Fund, Fund 6057, Org 0603 from under Military Affairs and Public Safety to Miscellaneous Boards and Commissions.

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Justice", is written over a faint, larger signature.

Jim Justice
Governor

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

Which communication was received and referred to the Committee on Finance.

Senator Carmichael (Mr. President) then laid before the Senate the following communication from His Excellency, the Governor, regarding annual reports, which communication was received and filed with the Clerk:



Jim Justice
Governor of West Virginia

March 6, 2020

Executive Message 3
2020 Regular Session

The Honorable Mitch Carmichael
President, West Virginia State Senate
State Capitol, Rm 229M
Charleston, WV 25305

Dear Mr. President:

Pursuant to the provisions of section twenty, article one, chapter five of the Code of West Virginia, I hereby certify that the following annual reports have been received in the Office of the Governor:

Accountancy, West Virginia Board of; Annual Report for June 30, 2018-June 30, 2019

Administration, West Virginia Department of; West Virginia Public Land Corporation Annual Report

Administration, West Virginia Department of; Shared Services Section- Finance Division- Annual Report

Administration, West Virginia Department of; Real Estate Division 2019 Real Property and Lease Report

Administration, West Virginia Department of; State Vehicle Fleet Annual Report for FY 2019

Aeronautics Commission, West Virginia Department of Transportation; Aeronautics Commission Annual Report September 1, 2018- June 30, 2019

Agricultural Land Protection Authority, West Virginia; Conservation Easements Recorded in West Virginia by County Farmland Protection Boards or other land trust organizations

Architects, West Virginia Board of; Annual Report FY 2018 & FY 2019

OFFICE OF THE GOVERNOR

Attorney General, State of West Virginia; Annual Report 2019

Attorney General, State of West Virginia; 2019 Annual Report on the Activities of the Consumer Protection and Antitrust Division

Auditor's Office, West Virginia State; 2019 Annual Report

Board of Risk and Insurance Management, State of West Virginia Department of Administration; 2019 Annual Report

Bureau of Senior Services, State of West Virginia; FY 2019 Annual Report

Chiropractic Examiners, State of West Virginia Board of; Biennium Report July 1, 2017-June 30, 2019

Coal Mine Health and Safety, State of West Virginia Board of; 2019 Annual Report

Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee; 2019 Annual Report

Consolidated Public Retirement Board's, West Virginia; 2019 Annual Report on the Disability Retirement Experience for the West Virginia Death, Disability, and Retirement Fund (Plan A) and the West Virginia State Police Retirement System (Plan B)

Consumer Advocate Offices of the WV Insurance Commissioner, West Virginia Office of; Annual Report

Consumer Advocate Division, State of West Virginia (Public Service Commission); 2019 Annual Report

Counseling, West Virginia Board of; 2017-2019 Annual Report

Department of Health and Human Resources, State of West Virginia; Office of the Inspector General Olmstead Office Plan "Building Inclusive Communities: Keeping the Promise" Annual Report for State Fiscal Year 2019

Development Office, West Virginia; West Virginia Office of Energy Annual Report

Development Office, West Virginia; FY20 Tax Increment Financing Annual Report

Health and Human Resources, State of West Virginia Department of; Critical Incident Annual Report

Health and Human Resources, State of West Virginia Department of; Sanctions Relating to TANF

Health and Human Resources, State of West Virginia Department of; 2019 WV Chip Annual Report

Education, West Virginia Department and Board of; Fall Listening Tour Final Report December 2019

Environmental Protection, West Virginia Department of; Report for Special Reclamation Fund and the Special Reclamation Water Trust Fund

OFFICE OF THE GOVERNOR

Equal Employment Opportunity Office, West Virginia; 2018 Annual Report

Equal Employment Opportunity Office, West Virginia; 2019 Annual Report

Fire Commission, West Virginia State; FY 2019 Annual Report

Forward, West Virginia, 2018 Annual Report

Greater Kanawha Valley Foundation, The; 2018 Annual Report

Infrastructure and Jobs Development Council, West Virginia; Annual Report

Insurance Commissioner, West Virginia Office of the; Annual Report for the Calendar Year 2018

Insurance Commissioner, State of West Virginia Offices; Annual Report Office of the Consumer Advocate at the WV Insurance Commission for Calendar Year 2018

Insurance Commissioner, State of West Virginia Offices; 2019 Annual Medical Malpractice Report

Regional Intergovernmental Council, Boone Clay Kanawha Putnam; 2018 Annual Report

Interstate Insurance Product Regulation Commission (Insurance Compact); 2018 Annual Report

Interstate Commission on the Potomac Basin; Seventy-Eighth Financial Statements and Independent Auditor's Report for the Year Ended September 30, 2018

Judicial Compensation Commission, West Virginia; 2019 Report

Justice and Community Services, West Virginia Division of; Juvenile Justice Subcommittee September 1, 2017- August 31, 2018 Annual Report

Justice and Community Services, West Virginia Division of; Law Enforcement Professional Standards (LEPS) Subcommittee/Program July 1, 2018- June 30, 2019 Annual Report

Justice and Community Services, West Virginia Division of; Sexual Assault Forensic Examination (Safe) Commission September 1, 2018- August 31, 2019 Annual Report

Justice and Community Services, West Virginia Division of; West Virginia Community Corrections Act July 1, 2018-June 30, 2019 Annual Report

Labor, West Virginia Division of; FY 2019 Jobs Act Annual Report

Legislative Claims Commission, West Virginia; Reports of the Legislative Claims Commission for November 2019

Legislative Claims Commission, West Virginia; Supplemental Reports of the Legislative Claims Commission

Lottery, West Virginia State; Monthly Report on Lottery Operations Month Ending January 31, 2019

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending February 28, 2019

Lottery, West Virginia State; Monthly Report on Lottery Operations Month Ending March 31, 2019

OFFICE OF THE GOVERNOR

Lottery, West Virginia State; Monthly Report on Lottery Operations Month Ending April 30, 2019

Lottery, West Virginia State; Monthly Report on Lottery Operations Month Ending May 31, 2019

Lottery, West Virginia State; Monthly Report on Lottery Operations Month Ending June 30, 2019

Lottery, West Virginia State; Monthly Report on Lottery Operations Month Ending July 31, 2019

Lottery, West Virginia State; Monthly Report on Lottery Operations Month Ending August 31, 2019

Lottery, West Virginia State; Monthly Report on Lottery Operations Month Ending September 30, 2019

Lottery, West Virginia State; Monthly Report on Lottery Operations Month Ending October 31, 2019

Lottery, West Virginia State; Monthly Report on Lottery Operations Month Ending November 30, 2019

Lottery, West Virginia State; Monthly Report on Lottery Operations Month Ending December 31, 2019

Lottery, West Virginia State; Monthly Report on Lottery Operations Month Ending January 31, 2020

Medicaid and Chip Payment and Access Commission; June 2019 Report

Medical Imaging and Radiation Therapy Technology Board of Examiners, West Virginia; FY 2019 Annual Report

Medicine, West Virginia Board of; Annual Report for the Biennium of July 1, 2016- June 30, 2018

Military Affairs and Public Safety, West Virginia Department of; Executive Summary and Report

Miners' Health, Safety and Training, West Virginia Office of; 2018 Statistical Report and Directory of Mines (Department of Commerce)

Municipal Bond Commission, West Virginia; Annual Summary of Receipts and Disbursements July 1, 2018- June 30, 2019

National Guard, West Virginia; Annual Report 2019

Natural Resources, West Virginia Division of; 2018-2019 Annual Report

Occupational Therapy, West Virginia Board of; Annual Report for Fiscal Year 2018-2019

Osteopathic Medicine, West Virginia School of; 2018-2019 Annual Report

Board of Pharmacy, West Virginia; West Virginia Controlled Substances Monitoring Program to the Legislative Oversight Commission on Health and Human Resources Accountability

Public Defender Services, West Virginia; Annual Report, Fiscal Year 2018

Public Employees Grievance Board; 2019 Annual Report

OFFICE OF THE GOVERNOR

Professional Engineers, West Virginia State Board of Registered; Annual Report FY2019

Psychologists, State of West Virginia Board of Examiners of; Annual Report for Fiscal Year 2018-2019

Board of Sanitarians, West Virginia State; 2018 Annual Report

Tax Department, West Virginia State; Manufacturing Property Tax Adjustment Credit Report

Tax Department, West Virginia State; 2019 Tax Year

Tax Department, West Virginia State; Fifty-Third Biennial Report of the Tax Commissioner

Tax Department, West Virginia State; Report on Adjustments to the Allocated State Aid Share to Schools

Tax Department, West Virginia State; Calculation of Regular School Levy Rates for Tax Year 2020 and the Effects on Projected County School Revenues


Treasury Investments, West Virginia Board of; Audited Financial Statements with other Financial Information Year ended June 30, 2019

Treasury Investments, West Virginia Board of; Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2019

Veterinary Medicine, West Virginia Board of; Biennium Report 2018 and 2019

Water Development Authority, West Virginia; Fiscal Year 2019 Annual Report

Sincerely,



Jim Justice
Governor

cc: Lee Cassis, Clerk, West Virginia State Senate
Division of Culture and History

Senator Carmichael (Mr. President) next laid before the Senate the following communication from His Excellency, the Governor, submitting the annual probation and parole report, which was received:



Jim Justice
Governor of West Virginia

March 6, 2020

EXECUTIVE MESSAGE NO. 4
2020 REGULAR SESSION

The Honorable Mitch Carmichael
President, Senate of West Virginia
State Capitol, Rm 228M
Charleston, West Virginia 25305

Dear Mr. President:

In accordance with the provisions of section 11, article 7 of the Constitution of the State of West Virginia, and section 16, article 1, chapter 5 of the Code of West Virginia, I hereby report that I granted no pardons or reprieves, nor commuted punishment to any person, nor remitted any fines or penalties, during the period of March 7, 2019 through March 6, 2020.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

cc: Lee Cassis, Senate of West Virginia
Division of Archives and History

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

On motion of Senator Takubo, at 11:47 a.m., the Senate recessed until 12:30 p.m. today.

The Senate reconvened at 1:14 p.m. and, at the request of Senator Takubo, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 4388, Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising.

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

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

Senators Takubo, Rucker, and Romano.

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

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on March 7, 2020, he had approved **Enr. House Bill 4149**, **Enr. House Bill 4359**, and **Enr. House Bill 4501**.

Senator Takubo announced that in the meeting of the Committee on Rules previously held, the committee, in accordance with Rule 17 of the Rules of the Senate, had removed from the Senate third reading calendar, **Eng. Com. Sub. for House Bill 2961**, **Eng. Com. Sub. for House Bill 4155**, **Eng. Com. Sub. for House Bill 4398**, **Eng. Com. Sub. for House Bill 4535**, and **Eng. House Bill 4960**.

At the request of Senator Takubo, unanimous consent being granted, the Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill 2419, Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on Thursday, March 5, 2020, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Trump, and by unanimous consent, further consideration of the bill and the pending unreported Judiciary committee amendment was deferred until the conclusion of bills on today's third reading calendar.

Eng. Com. Sub. for House Bill 2478, Modifying the Fair Trade Practices Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senator Tarr requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Tarr—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2478) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2478—A Bill to amend and reenact §47-11A-2, §47-11A-6, and §47-11A-9 of the Code of West Virginia, 1931, as amended, all relating to unfair trade practices; generally providing for invoice cost of each separate or distinct product or item of merchandise to retailer in calculation of cost to business of retailer; including applicable taxes in invoice cost in calculation of cost to business of retailer; clarifying application of misdemeanor offenses under the act; eliminating markup in calculation of cost to business of retailer; authorizing court to award treble damages, court costs, litigation costs, and attorney fees for violation; and making technical changes.

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

Eng. Com. Sub. for House Bill 2961, Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly.

Having been removed from the Senate third reading calendar in earlier proceedings today, no further action thereon was taken.

Eng. Com. Sub. for House Bill 2967, Permitting a county to retain the excise taxes for the privilege of transferring title of real estate.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2967) passed with its title.

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

Eng. Com. Sub. for House Bill 4015, Relating to Broadband Enhancement and Expansion.

On third reading, coming up in regular order, with the Government Organization committee amendment to the bill pending, and with the right having been granted on yesterday, Friday, March 6, 2020, for further amendments to be received on third reading, was reported by the Clerk.

The question being on the adoption of the Government Organization committee amendment to the bill (*shown in the Senate Journal of yesterday, Friday, March 6, 2020, pages 134 to 136, inclusive*).

On motion of Senator Plymale, the following amendment to the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. 4015) was reported by the Clerk:

On page one before the article heading by inserting the following:

ARTICLE 1. BROADBAND ENHANCEMENT COUNCIL.

§31G-1-3. Broadband Enhancement Council; members of council; administrative support.

(a) The Broadband Enhancement Council is hereby established and continued. The current members, funds, and personnel shall continue in effect and be wholly transferred; except as may be hereinafter provided. With regard to the terms of the public members appointed under subdivision five, of subsection (d) of this section, at the next regular meeting of the council following July 1, 2017, the currently serving public members shall draw by lot for the length of their terms, three members to serve for one additional year, three members to serve for two additional years and the last three members to serve for three additional years, with all public members in future to serve for the duration of the term described below.

(b) The council is a governmental instrumentality of the State. The exercise by the council of the powers conferred by this article and the carrying out of its purpose and duties are considered and held to be, and are hereby determined to be, essential governmental functions and for a public purpose. The council is created under the Department of Commerce for administrative, personnel, and technical support services only.

(c) The council shall consist of ~~thirteen~~ 13 voting members, designated as follows:

(1) The Secretary of Commerce or his or her designee;

(2) The Chief Technology Officer or his or her designee;

(3) The Vice Chancellor for Administration of the Higher Education Policy Commission or his or her designee;

(4) The State Superintendent of Schools or his or her designee; ~~and~~

(5) Nine public members that shall serve no more than three consecutive three-year terms from the date of their appointment and are appointed by and serve at the will and pleasure of the Governor with the advice and consent of the Senate, as follows:

(i) One member representing users of large amounts of broadband services in this state;

(ii) One member from each congressional district representing rural business users in this state;

(iii) One member from each congressional district representing rural residential users in this state;

(iv) One member representing urban business users in this state; and

(v) One member representing urban residential users in this state; and

(6) ~~In addition to the thirteen voting members of the council~~ Additionally, the President of the Senate shall name two Senators from the West Virginia Senate, one from each party, and the Speaker of the House shall name two Delegates from the West Virginia House of Delegates, one from each party, each to serve in the capacity of ~~an~~ ex officio, nonvoting advisory members of the council.

(d) The Secretary of Commerce shall chair the first meeting at which time a chair and vice chair shall be elected from the members of the council for a term of two years: *Provided*, That a chair or vice-chair may not serve more than two consecutive full or partial terms in that capacity. In the absence of the chair, the vice chair shall serve as chair. The council shall appoint a secretary-treasurer who need not be a member of the council and who, among other tasks or functions designated by the council, shall keep records of its proceedings.

(e) The council may appoint committees or subcommittees to investigate and make recommendations to the full council. Members of these committees or subcommittees need not be members of the council.

(f) Seven voting members of the council constitute a quorum and the affirmative vote of a simple majority of those members present is necessary for any action taken by vote of the council.

(g) The gubernatorial appointed members shall be deemed part-time public officials, and may pursue and engage in another business or occupation or gainful employment. Any person employed by, owning an interest in, or otherwise associated with a broadband deployment project, project sponsor, or project participant may serve as a council member and is not disqualified from serving as a council member because of a conflict of interest prohibited under §6B-2-5 of this code and is not subject to prosecution for violation of ~~said~~ that section when the violation is created solely as a result of his or her relationship with the broadband deployment project, project sponsor, or project participant so long as the member recuses himself or herself from board participation regarding the conflicting issue in the manner set forth in §6B-2-5 of this code and the legislative rules promulgated by the West Virginia Ethics Commission.

(h) No member of the council who serves by virtue of his or her office may receive any compensation or reimbursement of expenses for serving as a member. The public members and

members of any committees or subcommittees are entitled to be reimbursed for actual and necessary expenses incurred for each day or portion thereof engaged in the discharge of his or her official duties in a manner consistent with the guidelines of the Travel Management Office of the Department of Administration.

(i) No person is subject to antitrust or unfair competition liability based on membership or participation in the council, which provides an essential governmental function and enjoys state action immunity.

Following discussion,

The question being on the adoption of Senator Plymale's amendment to the Government Organization committee amendment to the bill, the same was put and prevailed.

The question now being on the adoption of the Government Organization committee amendment to the bill, as amended, the same was put and prevailed.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 4015), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4015) passed.

At the request of Senator Maynard, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the title of the bill was withdrawn.

On motion of Senator Plymale, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4015—A Bill to amend and reenact §31G-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §31G-5-1, §31G-5-2, §31G-5-3, and §31G-5-4, all relating telecommunications and broadband; limiting the consecutive terms of the public members of the Broadband Enhancement Council; limiting the consecutive terms of the chair and vice-chair of the Broadband Enhancement Council; enacting the Vertical Real Estate Management and Availability Act; requiring the Department of Administration to coordinate with the Governor to seek proposals to manage state-owned vertical real estate; establishing how the vertical real estate is to be managed; defining "vertical real estate" as any structure that is suitable for the mounting of communications equipment and associated ground facilities; providing for a distribution of funds from leasing state-owned vertical real estate; and setting forth certain exceptions to the availability for management of state-owned vertical real estate.

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

Eng. Com. Sub. for House Bill 4061, Health Benefit Plan Network Access and Adequacy Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4061) passed.

At the request of Senator Maroney, as chair of the Committee on Health and Human Resources, and by unanimous consent, the unreported Health and Human Resources committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4061—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §33-15-4u and §33-15-22; to amend said code by adding thereto two new sections, designated §33-16-3ff and §33-16-18, to amend said code by adding thereto two new sections, designated §33-24-7u and §33-24-45; to amend said code by adding thereto two new sections, designated §33-25-8r and §33-25-22; to amend said code by adding thereto two new sections, designated §33-25A-8u and §33-25A-36, to amend said code by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6, §33-53-7, §33-53-8, §33-53-9, §33-53-10, §33-53-11, §33-53-12, and §33-53-13, all relating to health plan benefits and benefit networks; creating the Health Benefit Plan Network Access and Adequacy Act; incorporating references to the act into the insurance code; requiring honoring of the optional assignment of certain benefits in dental care insurance programs; detailing revocation and reimbursement requirements; and excluding Medicaid, CHIP, and contracts approved by the Department of Health and Human Resources Bureau for Medical Services.

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

Eng. Com. Sub. for House Bill 4069, West Virginia Student Religious Liberties Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 4069 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Palumbo—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4069) passed.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4069—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4, §18-33-5, §18-33-6, §18-33-7, and §18-33-8, all relating to creating the West Virginia Student Religious Liberties Act; providing that public school district shall not discriminate against students or parents on the basis of a religious viewpoint or religious expression; providing that students may express their beliefs about religion in homework, artwork and other written assignments without being penalized or rewarded; providing that students in public schools may pray or engage in religious activities or religious expression before, during or after the school day; setting forth how a school district is to treat a student’s voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject; allowing students to express their beliefs about religion in assignments free from discrimination based on the religious content; allowing students to organize prayer groups, religious clubs, and religious gatherings to the same extent that students are permitted to organize other noncurricular student activities and groups; allowing public school students to wear certain items that display religious messages or religious symbols in the same manner and to the same extent that other types of those items that display messages or symbols are permitted; providing that the act may not require participation in religious activity or violate a person’s constitutional rights; ensuring that public schools may still maintain order and discipline, protect the safety of students, employees, and visitors of the public school, and adopt and enforce policies and procedures; and providing an effective date.

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

Eng. Com. Sub. for House Bill 4155, Relating generally to the regulation of plumbers.

Having been removed from the Senate third reading calendar in earlier proceedings today, no further action thereon was taken.

Eng. House Bill 4159, Relating to the manufacture and sale of hard cider.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Trump, unanimous consent was granted to offer amendments to the bill on third reading.

Thereupon, on motion of Senator Trump, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page twelve, section three, after line one hundred twenty-two, by inserting a new subdivision, designated subdivision (7), to read as follows:

“(7) An unlicensed winery temporarily licensed and meeting the requirements set forth in subsection (q) of this section may conduct the same sampling and sales set forth in subsection (q) of this section at a licensed fair and festival upon approval of the licensee holding the fair and festival license and temporary and limited licensure by the commissioner. An unlicensed winery shall be subject to the same limits, fees, requirements, restrictions and penalties set forth in subsection (q) of this section: Provided, That the commissioner may by rule or order provide for certain waivers or exceptions with respect to the provisions, rules, or orders as the circumstances of each festival or fair may require, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding the provisions §60-8-27 and §60-8-28 of this code: Provided, however, That under no circumstances shall the provisions of §60-8-20(c) or §60-8-20(d) of this code be waived nor shall any exception be granted with respect to those subsections.”;

On page sixteen, section three, after line two hundred twenty-one, by inserting a new subsection, designated subsection (q), to read as follows:

“(q) (1) In addition to the authorization granted to licensed wineries and farm wineries in subsections (h) and (p), an unlicensed winery, regardless of its designation in another state, but that is duly licensed in its domicile state, may pay a \$150 nonrefundable and nonprorated fee and submit an application for temporary licensure on a one-day basis for temporary sampling and sale of wine in sealed containers for off-premises consumption at a special one-day license nonprofit event.

(2) The application shall include, but is not limited to, the person or entity’s name, address, taxpayer identification number, and location; a copy of its licensure in its domicile state; a signed and notarized verification that it produces 50,000 gallons or less of wine per year; a signed and notarized verification that it is in good standing with its domicile state; copies of its federal certificate of label approvals and certified lab alcohol analysis for the wines it desires to temporarily provide samples and temporarily sell wine in sealed containers for off-premises consumption at a special one-day license for a nonprofit event issued under sub-section (p); and such other information as the commissioner may reasonably require.

(3) The applicant winery shall include a list of all wines proposed to be temporarily sampled and temporarily sold in sealed containers at a special one-day license for a nonprofit event so that the wines may be reviewed in the interest of public health and safety. Once approved, the submitted wine list will create a temporary wine brand registration for up to two special one-day license for a nonprofit event for no additional fee.

(4) An applicant winery that receives this temporary special one-day license for a nonprofit event will provide a signed and notarized agreement where the applicant winery agrees to pay all municipal, local, and sales taxes applicable to the sale of wine in West Virginia.

(5) An application must be submitted per special one-day license for a nonprofit event the applicant winery desires to attend, and the license fee shall cover up to two special one-day license for nonprofit events before an additional fee would be paid. In no circumstance would such

a winery be permitted to attend more than four special one-day license for nonprofit events per year. Any such applicant or unlicensed winery desiring to attend more than four special one-day license for nonprofit events per year or otherwise operate in West Virginia would need to seek appropriate licensure as a winery or a farm winery in this state.

(6) Notwithstanding the provisions of this article and requirements for licensure, wine brand registration, payment of wine liter tax, and the winery's appointment of suppliers and distributors, this temporary special one-day license for a nonprofit event, once granted, permits such a winery to operate in this limited capacity only at the approved specific, special one-day license for a nonprofit event subject to the limitations noted in this section.

(7) The applicant winery will need to further apply for and receive a transportation permit in order to legally transport wine in the state per §60-6-12 of this code.

(8) The applicant winery is subject to all applicable violations and/or penalties under this article and the legislative rules that is not otherwise excepted by this sub-section: Provided, That the commissioner may by rule or order provide for certain waivers or exceptions with respect to the provisions, rules, or orders as the circumstances of each festival or fair may require, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing.”;

And,

By relettering the remaining subsections.

Having been engrossed, the bill (Eng. H. B. 4159), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: Roberts, Smith, and Tarr—3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4159) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 4159—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections designated §19-2-12, and §19-2-13; to amend and reenact §60-1-5a of said code; to amend and reenact §60-8-2, §60-8-3, and §60-8-4 of said code; and to add a new article to said code designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, §60-8A-6, and §60-8A-7; all relating to the manufacture and sale of hard cider; establishing the Agriculture Development Fund; establishing permitted expenditures from the fund; creating a new program to develop hard cider; providing for definitions; providing that there is no separate license required to manufacture and sell hard cider under certain conditions; providing for a hard cider

distributor's license; providing for hard cider exemptions to the wine liter tax; establishing a hard cider gallon tax; providing for applicability of other laws; requiring regular reports to the Tax Commissioner; providing for applications to import products necessary to manufacture hard cider under certain conditions; providing for hard cider sales for consumption; providing for complementary samples to be given; establishing requirements for complementary samples; permitting the sale of growlers; establishing growler labeling requirements; establishing growler sanitation requirements; providing for fees for the privilege to sell growlers; providing for rule-making authority; to unlicensed wineries not currently licensed or located in West Virginia temporarily authorizing limited sampling and temporarily authorizing the limited sale of wine for off-premises consumption at certain fairs and festivals and at certain one-day special licensed nonprofit events in a very limited capacity, per event, per year, in hopes that such wineries would eventually obtain a permanent winery or farm winery license in West Virginia.

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

Eng. House Bill 4161, Making it illegal to scleral tattoo a person.

On third reading, coming up in regular order, was read a third time.

At the request of Senator Maroney, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's third reading calendar, following consideration of Engrossed Committee Substitute for House Bill 2419, already placed in that position.

Eng. Com. Sub. for House Bill 4176, West Virginia Intelligence/Fusion Center Act.

On third reading, coming up in regular order, with the unreported Government Organization committee amendment pending, and with the right having been granted on Thursday, March 5, 2020, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill and the pending Government Organization committee amendment was deferred until the conclusion of bills on today's third reading calendar, following consideration of Engrossed House Bill 4161, already placed in that position.

Eng. Com. Sub. for House Bill 4398, Relating to required courses of instruction.

Having been removed from the Senate third reading calendar in earlier proceedings today, no further action thereon was taken.

Eng. Com. Sub. for House Bill 4422, The Patient Brokering Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 4422 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard,

Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4422) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4422—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-60-1, §16-60-2, and §16-60-3, all relating to prohibiting patient brokering; defining terms; prohibiting causing or participating in acts that are intended to derive any benefit or profit from referral of a patient to a health care provider or health care facility; prohibiting patient brokering related to a recovery residence; establishing criminal penalties for persons and business entities engaged in unlawful patient brokering; and providing exceptions.

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

Eng. Com. Sub. for House Bill 4433, Relating to deeds of trust.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 4433 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4433) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4433—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §38-1-2a, all relating to deeds of trust to secure debts or indemnify sureties; how deeds of trust to secure debts or indemnify sureties are construed; and the duties, rights, and obligations of parties to a deed of trust to secure debts or indemnify sureties.

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

Eng. Com. Sub. for House Bill 4444, Establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 4444 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4444) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4444—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-32-1, §29-32-2, §29-32-3, §29-32-4, and §29-32-5, all relating to establishing Medals of Valor for emergency medical service members, firefighters, and law-enforcement officers; establishing the Medal of Valor; establishing criteria for awarding the Medal of Valor; prohibiting awarding of Medal of Valor in any manner than otherwise set forth in this article; establishing the Firefighters Honors Board to recommend persons to receive the Medal of Valor; establishing the Law-Enforcement Honor Board to recommend persons to receive the Medal of Valor; establishing the Emergency Medical Services Honor Board to recommend persons to receive the Medal of Valor; providing duties and purpose of each board; setting forth the membership of each board, the manner of membership selection, and the terms and conditions of service; setting forth process for identifying candidates to receive Medal of Valor; setting forth process for considering candidates to receive Medal of Valor; providing for submission of nominated persons to Speaker of the House of Delegates and President of the Senate; directing Governor to issue Medal of Valor to nominee upon adoption of concurrent resolution by Legislature; and directing the Department of Arts, Culture and History create design for Medal of Valor.

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

Eng. Com. Sub. for House Bill 4474, Relating to peer-to-peer car sharing programs.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Friday, March 6, 2020, for further amendments to be received on third reading, was reported by the Clerk.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

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

ARTICLE 6F. PEER-TO-PEER CAR SHARING PROGRAMS.

§17A-6F-1. Scope.

This article is intended to govern the intersection of peer-to-peer car services, the state-regulated business of insurance, state and local taxation of the business transaction, and the airport and airport authorities authority to regulate peer-to-peer car services provided to airport customers. This article does not void, abrogate, restrict, or affect any requirements of §17A-6D-1 et seq. relating to daily passenger rental car business or §17A-6A-1 et seq. of this code relating to motor vehicle dealers, distributors, wholesalers, and manufacturers.

§17A-6F-2. Definitions.

As used in this article:

“Peer-to-peer car sharing” means the authorized use of a vehicle by an individual other than the vehicle’s owner through a peer-to-peer car sharing program. “Peer-to-peer car sharing” is not a “daily passenger rental car business” as licensed by the provisions of §17A-6D-1 et seq. of this code.

“Peer-to-peer car sharing program” means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. “Peer-to-peer car sharing program” does not mean a service provider who is solely providing hardware or software as a service to a person or entity that is not effectuating payment of financial consideration for use of a shared vehicle. For purposes of this section, “hardware” does not mean a motor vehicle as defined by the provisions of §17A-1-1(b). “Peer-to-peer car sharing program” does not mean a “daily passenger rental car business” as licensed by the provisions of §17A-6D-1 et seq. of this code. “Peer-to-peer car sharing program” does not include a program provided to a business’s own employees.

“Car sharing program agreement” means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a peer-to-peer car sharing program.

“Shared vehicle” means a vehicle that is available for sharing through a peer-to-peer car sharing program. “Shared vehicle” does not mean a rental car or a rental vehicle as used in a “daily passenger rental car business” licensed by the provisions of §17A-6D-1 et seq. of this code.

“Shared vehicle driver” means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement.

“Shared vehicle owner” means the registered owner, or a person or entity designated by the registered owner, of a vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car sharing program.

“Car sharing delivery period” means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement.

“Car sharing period” means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, that commences with the car sharing start time, and in either case ends at the car sharing termination time.

“Car sharing start time” means the time when the shared vehicle becomes subject to the control of the shared vehicle driver at or after the time the reservation of a shared vehicle is scheduled to begin as documented in the records of a peer-to-peer car sharing program.

“Car sharing termination time” means the earliest of the following events:

The expiration of the agreed upon period of time established for the use of a shared vehicle according to the terms of the car sharing program agreement if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement;

When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing program; or

When the shared vehicle owner or the shared vehicle owner’s authorized designee, takes possession and control of the shared vehicle.

§17A-6F-3. Insurance coverage during car sharing period; limited license for automobile rental coverage required.

(a) A peer-to-peer car sharing program shall assume primary liability of a shared vehicle owner for bodily injury or property damage to third parties and uninsured and underinsured motorist and personal injury protection losses during the car sharing period in an amount stated in the peer-to-peer car sharing program agreement which amounts may not be less than \$750,000.

(b) Notwithstanding the definition of “car sharing termination time” as defined in this article, the assumption of liability under subsection (a) of this section does not apply to any shared vehicle owner when:

(1) A shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the loss occurred, or

(2) Acting in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement.

(c) Notwithstanding the definition of “car sharing termination time” as defined in this article, the assumption of liability under subsection (a) of this section would apply to bodily injury, property

damage, uninsured and underinsured motorist, or personal injury protection losses by damaged third parties in the same manner required by §17D-4-2 and §33-6-31 of this code.

(d) A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that provides insurance coverage which amounts may not be less than the minimum amounts required in §17D-4-2 and §33-6-31 of this code, and:

(1) Recognizes that the shared vehicle insured under the policy is made available and used through a peer-to-peer car sharing program; or

(2) Does not exclude use of a shared vehicle by a shared vehicle driver.

(e) The insurance described under subsection (d) of this section may be satisfied by motor vehicle liability insurance maintained by:

(1) A shared vehicle owner;

(2) A shared vehicle driver;

(3) A peer-to-peer car sharing program; or

(4) A combination of a shared vehicle owner, a shared vehicle driver, and a peer-to-peer car sharing program.

(f) The insurance described in subsection (e) of this section that is satisfying the insurance requirement of subsection (d) of this section shall be the primary insurance during each car sharing period.

(g) The peer-to-peer car sharing program shall assume primary liability for a claim when it is, in whole or in part, providing the insurance required under subsections (d) and (e) of this section and:

(1) A dispute exists as to who was in control of the shared motor vehicle at the time of the loss; and

(2) The peer-to-peer car sharing program does not have available, did not retain, or fails to provide the information required by this article.

(3) A peer-to-peer car sharing program may seek indemnity from a shared vehicle owner if the shared vehicle owner is determined to have been the operator of the shared vehicle at the time of the loss.

(h) If insurance maintained by a shared vehicle owner or shared vehicle driver in accordance with subsection (e) of this section has lapsed or does not provide the required coverage, insurance maintained by a peer-to-peer car sharing program shall provide the coverage required by subsection (d) of this section beginning with the first dollar of a claim and have the duty to defend such claim except under circumstances as set forth in this section.

(i) Coverage under an automobile insurance policy maintained by the peer-to-peer car sharing program shall not be dependent on another automobile insurer first denying a claim nor shall another automobile insurance policy be required to first deny a claim.

(j) Nothing in this article may be interpreted as either limiting or restricting:

(1) The liability of the peer-to-peer car sharing program for any act or omission of the peer-to-peer car sharing program itself that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer car sharing program; or

(2) The ability of the peer-to-peer car sharing program to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.

(k) If a dispute arises as to whether the car sharing termination time has transpired, or if a car return calls into question whether the car sharing termination time has transpired, or if a car return calls into question whether the car sharing termination time has occurred, the peer-to-peer car sharing program shall extend primary coverage for the loss. If during the investigation of the claim it becomes apparent that one of the parties to the car sharing program agreement was negligent, engaged in misrepresentation, or is otherwise responsible for the loss, the car sharing program may seek recovery from one or both parties directly through subrogation.

§17A-6F-4. Notification of implications of lien.

At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program, and prior to the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.

§17A-6F-5. Exclusions for personal vehicle liability insurance policy.

(a) A motor vehicle insurer that writes motor vehicle liability insurance in this state may exclude any and all coverage and the duty to defend or indemnify for any claim afforded under a shared vehicle owner's motor vehicle liability insurance policy, including, but not limited to:

(1) Liability coverage for bodily injury and property damage;

(2) Personal injury protection coverage;

(3) Uninsured and underinsured motorist coverage;

(4) Medical payments coverage;

(5) Comprehensive physical damage coverage; and

(6) Collision physical damage coverage.

(b) Nothing in this article shall be construed as invalidating or limiting an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing, or hire, or for any business use.

(c) Nothing in this article may be interpreted as either limiting or restricting an insurer's ability to exclude insurance coverage from any insurance policy or an insurer's ability to underwrite any insurance policy pursuant to § 33-6A-1 et seq. of this code.

§17A-6F-6. Recordkeeping; use of vehicle in car sharing.

(a) A peer-to-peer car sharing program shall collect and verify records pertaining to the use of a vehicle, including, but not limited to, times used, car sharing period pickup and drop-off locations, fees paid by the shared vehicle driver, and revenues received by the shared vehicle owner and provide that information upon request to the shared vehicle owner, the shared vehicle owner's insurer, or the shared vehicle driver's insurer to facilitate a claim coverage investigation, settlement, negotiation, or litigation.

(b) The peer-to-peer car sharing program shall retain the records for a time period not less than the applicable personal injury statute of limitations.

§17A-6F-7. Exemption; vicarious liability.

A peer-to-peer car sharing program and a shared vehicle owner are exempt from vicarious liability in accordance with 49 U.S.C. § 30106 and under any state or local law that imposes liability solely based on vehicle ownership.

§17A-6F-8. Contribution against indemnification.

A motor vehicle insurer that defends or indemnifies a claim against a shared vehicle that is excluded under the terms of its policy has the right to seek contribution against the motor vehicle insurer of the peer-to-peer car sharing program if the claim is:

(1) Made against the shared vehicle owner or the shared vehicle driver for loss or injury that occurs during the car sharing period; and

(2) Excluded under the terms of its policy.

§17A-6F-9. Insurable interest.

(a) Notwithstanding any other law, statute, rule, or regulation to the contrary, a peer-to-peer car sharing program has an insurable interest in a shared vehicle during the car sharing period.

(b) Nothing in this section creates liability on a peer-to-peer car sharing program to maintain the coverage mandated by this article.

(c) A peer-to-peer car sharing program may own and maintain as the named insured one or more policies of motor vehicle liability insurance that provides coverage for:

(1) Liabilities assumed by the peer-to-peer car sharing program under a peer-to-peer car sharing program agreement;

(2) Any liability of the shared vehicle owner;

(3) Damage or loss to the shared motor vehicle; or

(4) Any liability of the shared vehicle driver.

§17A-6F-10. Consumer protections for car sharing programs.

Each car sharing program agreement made in this state shall disclose to the shared vehicle owner and the shared vehicle driver, at a minimum:

(1) Any right of the peer-to-peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement;

(2) That a motor vehicle liability insurance policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car sharing program;

(3) That the peer-to-peer car sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage;

(4) The daily rate, fees, and if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;

(5) That the shared vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle;

(6) An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries; and

(7) If there are conditions under which a shared vehicle driver must maintain a personal automobile insurance policy with certain applicable coverage limits on a primary basis in order to book a shared motor vehicle.

§17A-6F-11. Driver's license verification and data retention.

(a) A peer-to-peer car sharing program may not enter into a peer-to-peer car sharing program agreement with a driver unless the driver who will operate the shared vehicle:

(1) Holds a driver's license issued pursuant to the provisions of §17B-2-1 *et seq.* of this code, which authorizes the driver to operate a motor vehicle of the class of the shared vehicle; or

(2) Is a nonresident who:

(A) Has a driver's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive a motor vehicle of the class of the shared vehicle; and

(B) Is at least the same age as that required of a resident of this state to operate a motor vehicle of the class of the shared vehicle; or

(3) Otherwise is specifically authorized by the applicable provisions of §17B-2-1 et seq. of this code to operate a motor vehicle of the class of the shared vehicle.

(b) A peer-to-peer car sharing program shall keep a record of:

(1) The name and address of the shared vehicle driver;

(2) The number of the driver's license of the shared vehicle driver and each other person, if any, who will operate the shared vehicle; and

(3) The place of issuance of the driver's license.

§17A-6F-12. Responsibility for equipment of a shared vehicle.

A peer-to-peer car sharing program has sole responsibility for any equipment, such as a GPS system or other special equipment that is put in or on the vehicle to monitor or facilitate the car sharing transaction, and shall agree to indemnify and hold harmless the vehicle owner for any damage to or theft of the equipment during the sharing period not caused by the vehicle owner. The peer-to-peer car sharing program may seek indemnity from the shared vehicle driver for any loss or damage to the equipment that occurs during the sharing period.

§17A-6F-13. Registration, notification, and automobile safety recalls.

(a) At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and prior to the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall:

(1) Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made;

(2) Notify the shared vehicle owner of the requirements of this section; and

(3) Notify the shared vehicle owner that the shared vehicle owner's personal insurance may exclude peer-to-peer car sharing activity.

(b)(1) If the shared vehicle owner has received an actual notice of a safety recall on the vehicle, a shared vehicle owner may not make a vehicle available as a shared vehicle on a peer-to-peer car sharing program until the safety recall repair has been made.

(2) If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available on the peer-to-peer car sharing program, the shared vehicle owner shall remove the shared vehicle as available on the peer-to-peer car sharing program, as soon as practicably possible after receiving the notice of the safety recall and until the safety recall repair has been made.

(3) If a shared vehicle owner receives an actual notice of a safety recall while the shared vehicle is being used in the possession of a shared vehicle driver, as soon as practicably possible

after receiving the notice of the safety recall, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall so that the shared vehicle owner may address the safety recall repair.

§17A-6F-14. Regulation of peer-to-peer car sharing programs at airports and airport facilities.

(a) Airports or the airport authority in this state may regulate peer-to-peer vehicle rental activity provided to airport customers as set forth in this section.

(b) A peer-to-peer car sharing program shall, upon request of an airport or airport authority in this state, enter into an agreement with the airport or airport authority, which agreement may be a concession agreement, prior to:

(1) Listing shared vehicles parked on airport property or at airport facilities;

(2) Facilitating the use of shared vehicles to transport airport customers to or from airport property or airport facilities, regardless of whether that use is to be initiated or has a car sharing start time which occurs on or off of airport property or airport facilities; or

(3) Promoting or marketing shared vehicles to transport airport customers to or from airport property or airport facilities, regardless of whether that transportation is to be initiated or has a car sharing start time which occurs on or off of airport property or airport facilities.

(c) The agreement required in subsection (a) of this section shall set forth reasonable standards, regulations, procedures, and fees applicable to a peer-to-peer car sharing program that govern the activity of peer-to-peer car sharing on airport property or airport facilities.

§17A-6F-15. Controlling authority; taxation and other requirements of a peer-to-peer car sharing program.

(a) Licensure, registration and qualification. A municipality, county or other local governmental entity, or special district may not require a peer-to-peer car sharing program to obtain a business license or any other similar authorization to operate within the jurisdiction, or subject a peer-to-peer car sharing program or a shared vehicle owner to any licensure requirement, fee, entry requirement, registration requirement, operating or operational requirement, or any other requirement.

(b) Duty to collect tax. A peer-to-peer car sharing program operating in this state pursuant to the provisions of this article shall collect and remit all state and municipal consumer sales and service and use taxes on all taxable sales of services to purchasers in this state. For the purposes of collection of tax required under §11-15A-6 and §11-15A-6b of this code, a "peer-to-peer car sharing program" is a remote seller, marketplace facilitator, or referrer that meets the requirements of §11-15A-1(b) of this code.

(c) A peer-to-peer car sharing program operating in this state pursuant to the provisions of this article is not subject to the collection and remittance requirements of the daily rental car passenger tax in §17A-6D-2 of this code.

(d) A peer-to-peer car sharing program operating in this state pursuant to the provisions of this article may collect the vehicle license cost recovery fee authorized by §17A-6D-16 of this code in the same manner as a daily passenger car rental business.

(e) Limitations and interpretation.

(1) No provision of this section or this article may be interpreted to void, abrogate, restrict, or affect imposition of the ad valorem property tax on tangible personal property of a peer-to-peer car sharing program or of a shared vehicle owner by any levying body.

(2) No provision of this section or this article may be interpreted to void, abrogate, restrict, or affect imposition of the state personal income tax or state corporation net income tax on a peer-to-peer car sharing program or a shared vehicle owner.

(3) No provision of this section or this article may be interpreted to void, abrogate, restrict, or affect imposition of the motor fuel excise tax on any taxable motor fuel or alternative fuel purchased by any peer-to-peer car sharing program, shared vehicle owner, or shared vehicle driver.

(4) No provision of this section or this article may be interpreted to void, abrogate, restrict, or affect the requirements of chapter 11 of this code for issuance of a business registration certificate for a peer-to-peer car sharing program.

(5) No provision of this section or this article may be interpreted to void, abrogate, restrict, or affect any requirement of state law with relation to licensure of drivers of motor vehicles.

(6) Shared vehicle owners may not assert the exemption from the consumer sales and service tax and use tax, for purchases of tangible personal property and services directly used in the provision of services in §11-15-9 of this code.

On motions of Senators Clements and Jeffries, the following amendment to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 4474) was reported by the Clerk:

On pages three through five, by striking out all of section three and inserting in lieu thereof a new section, designated section three, to read as follows:

§17A-6F-3. Insurance coverage during car sharing period.

(a) A peer-to-peer car sharing program shall assume liability, except as provided in subsection (b) of this section, of a shared vehicle owner for bodily injury or property damage to third parties and uninsured and underinsured motorist and personal injury protection losses during the car sharing period in an amount stated in the peer-to-peer car sharing program agreement which amounts may not be less than \$750,000.

(b) Notwithstanding the definition of "car sharing termination time" as defined in this article, the assumption of liability under subsection (a) of this section does not apply to any shared vehicle owner when:

(1) A shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the loss occurred, or

(2) Acting in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement.

(c) Notwithstanding the definition of “car sharing termination time” as defined in this article, the assumption of liability under subsection (a) of this section would apply to bodily injury, property damage, uninsured and underinsured motorist, or personal injury protection losses by damaged third parties in the same manner required by §17D-4-2 and §33-6-31 of this code.

(d) A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that provides insurance coverage which amounts may not be less than the amounts set forth in subsection (a), and:

(1) Recognizes that the shared vehicle insured under the policy is made available and used through a peer-to-peer car sharing program; or

(2) Does not exclude use of a shared vehicle by a shared vehicle driver.

(e) The insurance described under subsection (d) of this section may be satisfied by motor vehicle liability insurance maintained by:

(1) A shared vehicle owner;

(2) A shared vehicle driver;

(3) A peer-to-peer car sharing program; or

(4) A combination of a shared vehicle owner, a shared vehicle driver, and a peer-to-peer car sharing program.

(f) The insurance described in subsection (d) of this section shall be the primary insurance during each car sharing period.

(g) The peer-to-peer car sharing program shall assume primary liability for a claim when it is, in whole or in part, providing the insurance required under subsections (d) and (e) of this section and:

(1) A dispute exists as to who was in control of the shared motor vehicle at the time of the loss; and

(2) The peer-to-peer car sharing program does not have available, did not retain, or fails to provide the information required by this article.

(3) A peer-to-peer car sharing program may seek indemnity from a shared vehicle owner if the shared vehicle owner is determined to have been the operator of the shared vehicle at the time of the loss.

(h) If insurance maintained by a shared vehicle owner or shared vehicle driver in accordance with subsection (e) of this section has lapsed or does not provide the required coverage, insurance maintained by a peer-to-peer car sharing program shall provide the coverage required by

subsection (d) of this section beginning with the first dollar of a claim and have the duty to defend such claim except under circumstances as set forth in this section.

(i) Coverage under an automobile insurance policy maintained by the peer-to-peer car sharing program shall not be dependent on another automobile insurer first denying a claim nor shall another automobile insurance policy be required to first deny a claim.

(j) Nothing in this article may be interpreted as either limiting or restricting:

(1) The liability of the peer-to-peer car sharing program for any act or omission of the peer-to-peer car sharing program itself that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer car sharing program; or

(2) The ability of the peer-to-peer car sharing program to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.

(k) If a dispute arises as to whether the car sharing termination time has transpired, or if a car return calls into question whether the car sharing termination time has transpired, or if a car return calls into question whether the car sharing termination time has occurred, the peer-to-peer car sharing program shall extend primary coverage for the loss. If during the investigation of the claim it becomes apparent that one of the parties to the car sharing program agreement was negligent, engaged in misrepresentation, or is otherwise responsible for the loss, the car sharing program may seek recovery from one or both parties directly through subrogation.

Following discussion,

The question being on the adoption of the amendment offered by Senators Clements and Jeffries to the Judiciary committee amendment to the bill, the same was put and prevailed.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 4474), as just amended, was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 4474 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Beach and Tarr—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4474) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4474—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-6F-1, §17A-6F-2, §17A-6F-3, §17A-6F-4, §17A-6F-5, §17A-6F-6, §17A-6F-7, §17A-6F-8, §17A-6F-9, §17A-6F-10, §17A-6F-11, §17A-6F-12, §17A-6F-13, §17A-6F-14, and §17A-6F-15, all relating to peer-to-peer car sharing programs; defining the scope of this article; defining terms; imposing insurance requirements; requiring notification of implications of a lien on the shared vehicle; providing for certain exclusions from motor vehicle insurance policies; requiring peer-to-peer car sharing programs to maintain certain records; exempting the peer-to-peer car sharing program and the shared vehicle owner from vicarious liability; authorizing a motor vehicle insurer of the shared vehicle to seek contribution against the motor vehicle insurer of the peer-to-peer car sharing program in certain circumstances; requiring peer-to-peer car sharing programs to obtain an insurable interest in a shared vehicle during the car sharing period; requiring driver's license verification and data retention; requiring the peer-to-peer car sharing program to have responsibility for the equipment put in or on the vehicle to facilitate the car sharing transaction; establishing registration, notification, and benchmarks for safety for automobiles used in peer-to-peer car sharing programs; establishing the authority to regulate peer-to-peer car sharing programs at airports; and providing for the collection of taxes.

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

Without objection, the Senate returned to the third order of business.

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

Eng. Com. Sub. for Senate Bill 529, Establishing limitations on claims and benefits against state.

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

Delegates Capito, Steele, and Robinson.

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

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

Senators Weld, Clements, and Woelfel.

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

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

Eng. Com. Sub. for House Bill 4083, Requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls.

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

Delegates Jeffries, D. Hanna, and Staggers.

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

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

Senators Swope, Roberts, and Jeffries.

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

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 4497, Requiring an external defibrillator device at any secondary school athlete event.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Rucker, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Rucker, the following amendment to the bill was reported by the Clerk and adopted:

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

§18-2-25c. Defibrillator required at certain events.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 4497), as just amended, was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 4497 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard,

Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4497) passed.

At the request of Senator Rucker, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4497—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25c, relating to requiring the West Virginia Secondary School Activities Commission to require that an automated external defibrillator device, as well as a posted emergency action plan, be present on the school or event grounds during the duration of all athletic events and practices under the control, supervision and regulation of the commission, and that appropriate school sports personnel be trained in the use of the device; requiring that rules be proposed for promulgation by the state board of education; providing that no individual or entity be held liable for civil damages when the individual or entity in good faith attempted to comply with certain requirements; and naming the law The Alex Miller Law.

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

Eng. House Bill 4523, Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4523) passed with its title.

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

Eng. Com. Sub. for House Bill 4535, Relating to student aide class titles.

Having been removed from the Senate third reading calendar in earlier proceedings today, no further action thereon was taken.

Eng. House Bill 4585, Providing immunity from civil or criminal liability for making good faith reports of suspected or known instances of child abuse or neglect.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4585) passed with its title.

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

Eng. Com. Sub. for House Bill 4587, Modernizing the Public Service Commission's regulation of solid waste motor carriers and solid waste facilities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4587) passed.

On motion of Senator Maynard, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4587—A Bill to amend and reenact §24-2-4a of the Code of West Virginia, 1931, as amended; to amend and reenact §24A-5-2 of said code; to amend said code by adding thereto two new sections, designated §24A-5-2a and §24A-5-2b; all relating to the regulation of the collection, hauling, and disposal of solid waste by motor carriers; authorizing indexed automatic rate increases for solid waste collection and hauling; setting procedures for the approval of rates; authorizing the Public Service Commission to approve alternative pick-up due to adverse conditions; and authorizing the Public Service Commission to promulgate rules.

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

Eng. House Bill 4606, Listing contractor classifications on a contractor license.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed House Bill 4606 pass?”

On this question, the yeas were: Azinger, Blair, Boley, Clements, Cline, Maroney, Maynard, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Trump, and Carmichael (Mr. President)—15.

The nays were: Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Stollings, Tarr, Unger, Weld, and Woelfel—19.

Absent: None.

So, a majority of all the members present and voting not having voted in the affirmative, the President declared the bill (Eng. H. B. 4606) rejected.

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

Eng. House Bill 4607, Authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services.

On third reading, coming up in regular order, with the unreported Government Organization committee amendment pending, and with the right having been granted on yesterday, Friday, March 6, 2020, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Maynard, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the bill was withdrawn.

On motion of Senator Maynard, the following amendment to the bill was reported by the Clerk and adopted:

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

ARTICLE 27. BOARD OF BARBERS AND COSMETOLOGISTS.

§30-27-3. Definitions.

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

(a) “Aesthetics” or “esthetics” means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) Administering cosmetic treatments to enhance or improve the appearance of the skin, including cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating, or performing any other similar procedure on the skin of the human body or scalp;

(2) Applying, by hand or with a mechanical or electrical apparatus, any cosmetics, makeups, oils, powders, clays, antiseptics, tonics, lotions, creams, or chemical preparations necessary for the practice of aesthetics to another person's face, neck, back, shoulders, hands, elbows and feet up to and including the knee;

(3) The rubbing, cleansing, exercising, beautifying, or grooming of another person's face, neck, back, shoulders, hands, elbows, and feet, up to and including the knee;

(4) The waxing and tweezing of hair on another person's body;

(5) The wrapping of another person's body in a body wrap;

(6) Applying artificial eyelashes and eyebrows; and

(7) The lightening of hair on the body except the scalp.

(b) "Aesthetician" or "esthetician" means a person licensed under the provisions of this article who engages in the practice of aesthetics and has completed 600 clock hours of training.

(c) "Applicant" means a person making application for a professional license, license, certificate, registration, permit, or renewal under the provisions of this article.

(d) "Barber" means a person licensed under the provisions of this article who engages in the practice of barbering and has completed a 1,200 clock-hour barber training program without chemical services, or a 1,500 clock-hour barber training program with chemical services, or has successfully completed the barber apprenticeship program.

(e) "Barbering" means any one or any combination of the following acts when done on the head and neck for compensation and not for the treatment of disease:

(1) Shaving, shaping, and trimming the beard, or both;

(2) Cutting, singeing, ~~shampooing~~, arranging, dressing, tinting, bleaching, or applying lotions or tonics on human hair, or a wig or hairpiece; and

(3) Applications, treatments, or rubs of the scalp, face, or neck with oils, creams, lotions, cosmetics, antiseptics, powders, or other preparations in connection with the shaving, cutting, or trimming of the hair or beard.

(f) "Barber crossover" is a person who has completed 1,200 or 1,500 clock hours of training, is licensed as a barber, and completed additional hours of training in nails, aesthetics, and/or chemical services, to the total amount of 2,100 hours, to perform cosmetology.

(g) "Barber permanent waving" means the following acts performed on the head and neck for compensation and not for the treatment of disease:

(1) The bleaching or tinting of hair; and

(2) The permanent waving of hair.

(h) "Barber permanent waviest" means a person who has completed 2,000 clock hours of training and was licensed to perform barbering and barber permanent waving enrolled by August 28, 2012.

(i) "Board" means the West Virginia Board of Barbers and Cosmetologists.

(j) "Certificate" means an instructor certificate to teach in a school under the provisions of this article or a document issued by the board for certification obtained pursuant to §30-27-8b of this code.

(k) "Certificate holder" means a person certified as an instructor to teach in a school under the provisions of this article, or who has obtained a certification pursuant to §30-27-8b of this code.

(l) "Cosmetologist" means a person licensed under the provisions of this article who engages in the practice of cosmetology and who has completed 1,800 clock hours of training.

(m) "Cosmetology" means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

(1) Cutting, styling, shaping, arranging, braiding, weaving, dressing, adding extensions, curling, waving, permanent waving, relaxing, straightening, shampooing, cleansing, singeing, bleaching, tinting, coloring, waxing, tweezing, or similarly, work on human hair, or a wig or hairpiece, by any means, including hands, mechanical, or electrical devices or appliances;

(2) Nail care;

(3) Applying by hand or with a mechanical or electrical device or appliance, any cosmetics, makeups, oils, powders, clays, antiseptics, tonics, lotions, creams or chemical preparations necessary for the practice of aesthetics to another person's face, neck, shoulders, hands, elbows, and feet, up to and including the knee;

(4) The rubbing, cleansing, exercising, beautifying, or grooming of another person's face, neck, shoulders, hands, elbows, and feet, up to and including the knee;

(5) The wrapping of another person's body in a body wrap; and

(6) Performing aesthetics.

(n) "Cosmetology crossover" is a person who has completed 1,800 clock hours of training, is licensed as a cosmetologist, and completes an additional 300 hours of training in clipper cuts and face shaving to perform barbering, for a total of 2,100 hours.

(o) "General supervision" means:

(1) For schools, a master or certified instructor is on the premises and is quickly and easily available; or

(2) For salons, a professional licensee is on the premises and is quickly and easily available.

(p) "Hair styling" means any one or any combination of the following acts when done on the head and neck for compensation and not for the treatment of disease:

Cutting, styling, shaping, arranging, braiding, weaving, dressing, adding extensions, curling, facial hair trimming, scalp treatments, waving, permanent waving, relaxing, straightening, ~~shampooing~~, singeing, bleaching, tinting, coloring, or similar, work on human hair, or a wig or hairpiece, by any means, including hands, mechanical or electrical devices, or appliances.

(q) "Hair stylist" means a person licensed under the provisions of this article who engages in the practice of hair styling and who has completed 1,000 clock hours of training, effective July 1, 2016.

(r) "License" means a professional license, a salon license, or a school license.

(s) "Licensed school" means a facility which has been approved by the West Virginia Council for Community and Technical College Education (CCTCE), Department of Education in conjunction with CCTCE, or Department of Education in conjunction with the Department of Corrections pursuant to §18B-2B-9 of this code to educate persons to be licensed or issued certain permits under the provisions of this article.

(t) "Licensee" means a person, corporation, or firm holding a license issued under the provisions of this article.

(u) "Mobile shop" means any self-contained, self-supporting, enclosed unit which is constructed in either a motorized vehicle or a towable trailer as a portable facility for providing any of the professional services set forth in this article to the public.

~~(u)~~ (v) "Nail care" means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:

- (1) The cleansing, dressing, or polishing of nails of a person;
- (2) Performing artificial nail service; and
- (3) The cosmetic treatment of the feet up to the knee and the hands up to the elbow.

~~(v)~~ (w) "Nail technician" or "manicurist" means a person licensed under the provisions of this article who engages in the practice of nail care and has completed 400 clock hours of training.

~~(w)~~ (x) "Permit" means a work permit.

~~(x)~~ (y) "Permitee" means a person holding a work permit.

~~(y)~~ (z) "Professional license" means a license to practice as an aesthetician, barber, barber crossover, barber permanent waviest, cosmetologist, cosmetologist crossover, hairstylist, or nail technician.

~~(z)~~ (aa) "Registration" means a registration issued by the board to a person who rents or leases a booth or chair from a licensed salon owner and operator, or both, or a registration issued by the board to a person who is a student in a school.

~~(aa)~~ (bb) "Registrant" means a person who holds a registration under the provisions of this article.

~~(bb)~~ (cc) “Salon” means a shop or other facility where a person practices under a professional license.

~~(ee)~~ (dd) “Salon license” means a license to own and operate a salon.

~~(dd)~~ (ee) “Student registration” means a registration issued by the board to a student to study at a school licensed under the provisions of this article.

~~(ee)~~ (ff) “Waxing specialist” means a person certified under the provisions of this article who engages in the practice of waxing and tweezing of hair on another person’s body.

~~(ff)~~ (gg) “Shampoo assistant” means a person certified under the provisions of this article who engages in the practice of shampooing and rinsing hair; removing rollers or permanent rods and cleansing or other sink related functions not requiring the skill of a license. They must work at all times under the direct supervision of a licensed barber, hairstylist or cosmetologist.

~~(gg)~~ (hh) (gg) Hair braiding, threading, and any other item not spelled out are not regulated by the West Virginia Board of Barbers and Cosmetologists.

§30-27-17a. Mobile shops.

(a) Every mobile shop in this state offering services set forth in this article shall be operated under the supervision and management of a professional licensee or certificate holder licensed under this article.

(b) Prior to opening a mobile shop, any person, firm, or corporation owning and/or operating the mobile shop shall meet the following requirements to acquire a mobile shop license to do business:

(1) Provide to the board a physical description and photographs of the exterior of the mobile shop and, if applicable, its vehicle registration number to facilitate ready identification of the mobile shop;

(2) Meet all board requirements and qualifications for a place of business, not incompatible with a mobile facility, as are required by this article;

(3) Notify the board, in writing, at least 20 days before the proposed opening date, so there can be an inspection of the mobile shop: *Provided*, That if an inspection is not made within 10 days of the opening of the mobile shop, or a mobile shop license to open has not been granted or refused, then the mobile shop may open provisionally subject to a later inspection and to all other provisions and rules provided in this article; and

(4) Pay all applicable fees.

(c) Every mobile shop shall be equipped with an electronic device, approved by the board, capable of transmitting its location, as well as an identifying label or call sign, to the board at all times. This device shall be in operation at all times that the mobile shop is open and at additional times specified by the board.

(d) If the mobile shop visits identified locations on a regular schedule, the managing licensee shall provide a copy of the schedule to the board and shall notify the board in writing of any changes to the regular schedule within five days of changing the schedule.

(e) Each mobile unit shall, at a minimum, be equipped with each of the following functioning systems:

(1) A self-contained, potable water supply of not less than 100 gallons, and waste water collection tanks shall be of adequate capacity;

(2) Continuous, on-demand hot water tanks which shall have not less than a six-gallon capacity; and

(3) A cooling and heating system sufficient to maintain a comfortable room temperature in the mobile shop during all hours of operation.

(f) All mobile shop licenses must be renewed annually on or before July 1 and pay a renewal fee.

(g) The mobile shop license shall be permanently displayed in the mobile shop, and a suitable sign shall be displayed at the entrance of the mobile shop which shall plainly indicate the business conducted therein.

There being no further amendments offered,

Having been engrossed, the bill (Eng. H. B. 4607), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Cline, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Hamilton, Hardesty, Mann, Tarr, and Weld—5.

Absent: Blair and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4607) passed.

On motion of Senator Maynard, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 4607—A Bill to amend and reenact §30-27-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact said code by adding thereto a new section, designated §30-27-17a, all relating to authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services; defining “mobile shop”; establishing prerequisites for operation of a mobile shop; removing antiquated language; specifying mandatory features and systems; setting the term of licenses; and requiring shop identification and display of license.

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

Eng. Com. Sub. for House Bill 4615, West Virginia Critical Infrastructure Protection Act.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Friday, March 6, 2020, for further amendments to be received on third reading, was reported by the Clerk.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

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

ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.

§61-10-34. Critical Infrastructure Protection Act; prohibiting certain acts, including trespass and conspiracy to trespass against property designated a critical infrastructure facility; criminal penalties; and civil action.

(a) This section may be referred to as the “West Virginia Critical Infrastructure Protection Act”.

(b) For purposes of this section:

“Critical Infrastructure” means systems and assets, whether physical or virtual, so vital to the United States of America or the State of West Virginia that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, state economic security, national public health or safety, state public health or safety, or any combination of those matters, whether such systems or assets are in operation or are under any state of construction.

“Critical infrastructure facility” means one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property that are reasonably likely to come to the attention of intruders and indicate that entry is forbidden without site authorization:

(1) A petroleum or alumina refinery;

(2) An electrical power generating facility, substation, switching station, electrical control center or electric power lines and associated equipment infrastructure;

(3) A chemical, polymer or rubber manufacturing facility;

(4) A water intake structure, water treatment facility, wastewater treatment plant or pump station;

(5) A natural gas compressor station;

(6) A liquid natural gas terminal or storage facility;

(7) Wireline and wireless telecommunications infrastructure;

(8) A port, railroad switching yard, trucking terminal, or other freight transportation facility;

(9) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;

(10) A transmission facility used by a federally licensed radio or television station;

(11) A steelmaking facility that uses an electric arc furnace to make steel;

(12) A facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program;

(13) A dam that is regulated by the state or federal government;

(14) A natural gas distribution utility facility including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, below- or above-ground pipeline or piping and truck loading or offloading facility, a natural gas storage facility, a natural gas transmission facility, or a natural gas utility distribution facility;

(15) A crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnections, pump station, metering station, below- or above-ground pipeline or piping, and truck loading or offloading facility;

(16) Military facilities, including national guard facilities and equipment storage areas where non-military personnel are prohibited;

(17) Department of Highways facilities and locations near or on roads or highways where the public is prohibited;

(18) Health care facilities;

(19) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility that is enclosed by a fence, other physical barrier or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders; or

(20) A commercial service airport as defined by the Federal Aviation Administration.

(c)(1) Any person who willfully and knowingly trespasses or enters property containing a critical infrastructure facility without permission by the owner of the property or lawful occupant thereof is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$250 nor more than \$1,000, or confined in jail not less than 30 days nor more than one year, or both fined and confined. If the intent of the trespasser is to willfully damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the critical infrastructure facility, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000, or confined in a jail for not more than one year, or both fined and confined.

(2) Any person who willfully damages, destroys, vandalizes, defaces, or tampers with equipment in a critical infrastructure facility is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000, or imprisoned in a state correctional facility for a term of not less than one year nor more than five years, or both fined and imprisoned.

(3) Any person or organization who conspires with any person or organization to commit the offense of trespass against a critical infrastructure facility in violation of subdivision (1) of subsection (c) of this section and the trespass actually occurs is guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than \$2,500 nor more than \$10,000. Any person or organization who conspires with any person or organization to willfully damage, destroy, vandalize, deface, or tamper with equipment in a critical infrastructure facility and the damage, destruction, vandalization, defacing or tampering actually occurs is guilty of a felony and, shall, upon conviction thereof, be fined not less than \$5,000 nor more than \$20,000.

(d)(1) Any person who is arrested for or convicted of an offense under this section may be held civilly liable for any damages to personal or real property while trespassing, in addition to the penalties imposed by this section.

(2) Any person or entity that compensates, provides consideration to, or remunerates a person for trespassing as described in subdivision (1) of subsection (c) of this section may also be held liable for damages to personal or real property committed by the person compensated or remunerated for trespassing.

(e) The provisions of this section do not apply to:

(1) Any person or organization:

(i) monitoring or attentive to compliance with public or worker safety laws, or, wage and hour requirements;

(ii) picketing at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions, or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the managing or maintenance of collective bargaining agreements, and the terms to be included in those agreements;

(iii) engaging in union organizing or recruitment activities, including attempting to reach workers verbally, in writing with pamphlets and investigation of non-union working conditions, or both.

(2) The right to free speech or assembly, including, but not limited to, protesting and picketing.

(3) ~~To~~ A contractor who has a contractual relationship with a critical infrastructure facility and the contractor's employees are acting within their scope of employment performing work at a critical infrastructure facility.

On motion of Senator Lindsay, the following amendments to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 4615) were reported by the Clerk and considered simultaneously:

On page three, section thirty-four, subsection (c), subdivision (2), after the words "equipment in a critical infrastructure facility" by inserting the words "causing damage in excess of \$2,500";

And,

On page three, section thirty-four, subsection (c), subdivision (3), by striking out the words “defacing or tampering actually occurs” and inserting in lieu thereof the following words “defacing or tampering causes damage in excess of \$2,500”.

Following discussion,

The question being on the adoption of Senator Lindsay’s amendments to the Judiciary committee amendment to the bill, the same was put and prevailed.

On motion of Senator Weld, the following amendments to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 4615) were next reported by the Clerk and considered simultaneously:

On page three, section thirty-four, subsection (c), subdivision (3), by striking out the words “Any person or organization who conspires with any person or organization to commit the offense of trespass” and inserting in lieu thereof the words “Any person who conspires with any person to commit the offense of trespass”:

And,

On page three, section thirty-four, subsection (c), subdivision (3), by striking out the words “or organization who conspires with any person or organization to willfully damage” and inserting in lieu thereof the words “who conspires with any person to willfully damage”.

Following discussion,

The question being on the adoption of the Senator Weld’s amendments to the Judiciary committee amendment to the bill, the same was put and prevailed.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 4615), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Maroney, Maynard, Pitsenbarger, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—21.

The nays were: Baldwin, Beach, Facemire, Ihlenfeld, Jeffries, Lindsay, Mann, Palumbo, Plymale, Prezioso, Romano, Stollings, and Unger—13.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4615) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4615—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-10-34, relating to establishing the

West Virginia Critical Infrastructure Protection Act; defining terms; creating criminal offenses of trespass upon property containing a critical infrastructure facility, trespassing upon property containing a critical infrastructure facility with intent to interrupt the lawful operations of the facility, and for trespass with the intent to willfully cause damage to a critical infrastructure facility; defining elements of offenses; establishing criminal offense of conspiracy to commit various trespass; establishing criminal penalties; creating exceptions and defenses; providing for civil liability; and providing nothing in this section will be construed to prevent lawful assembly and petition for redress of grievances.

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

Eng. Com. Sub. for House Bill 4645, Establishing the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4645) passed.

The following amendment to the title of the bill, from the Committee on Finance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4645—A Bill to amend and reenact §4-2-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §4-2-6a; and to amend and reenact §4-3-3c of said code, all relating to the establishment of the Division of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance; clarifying the duties of the Legislative Auditor; creating the Division of Regulatory and Fiscal Affairs as an advisory body to the Legislature; establishing processes for the formulation of fiscal notes and economic impact analyses; requiring state agencies to provide information to the Division of Regulatory and Fiscal Affairs upon request; authorizing certain members of the Legislature to request an economic impact analysis of the rules of the state; permitting the Chairs of the Joint Committee on Government and Finance to request certain performance reviews and analysis of existing or proposed statutes; and clarifying the organization of joint legislative agencies.

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

On motion of Senator Takubo, at 2:47 p.m., the Senate recessed until 3:15 p.m. today.

The Senate reconvened at 3:35 p.m. and, without objection, returned to the third order of business.

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. House Bill 4524, Making the entire state “wet” or permitting the sale of alcoholic liquors for off-premises consumption.

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

Delegates Westfall, Capito, and Hartman.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 4648, The Parenting Fairness Act of 2020.

On third reading, coming up in regular order, with the right having been granted on yesterday, Friday, March 6, 2020, for further amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Trump, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page two, after line twelve, by inserting a new subsection, designated subsection (b), to read as follows:

“(b) A secondary objective of this article is to achieve fairness between the parties.”;

And,

By relettering the remaining subsection.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 4648), as amended on yesterday, Friday, March 6, 2020, and as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Clements, Cline, Hamilton, Jeffries, Mann, Maroney, Maynard, Pitsenbarger, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—21.

The nays were: Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Lindsay, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—13.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4648) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4648—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §48-1-239a and §48-1-239b; and to amend and reenact §48-9-102, all relating to defining “shared legal custody” and “shared physical custody”; and creating a rebuttable presumption that shared physical custody is in a child’s best interest.

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

At the request of Senator Azinger, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate proceeded to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 3:44 p.m. today:

Eng. House Bill 4524, Making the entire state “wet” or permitting the sale of alcoholic liquors for off-premises consumption

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. House Bill 4665, Reducing the amount of rebate going to the Purchasing Improvement Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4665) passed with its title.

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

Eng. House Bill 4697, Removing the restriction that a mini-distillery use raw agricultural products originating on the same premises.

On third reading, coming up in regular order, with the Judiciary committee amendment pending, and with the right having been granted on yesterday, Friday, March 6, 2020, for further amendments to be received on third reading, was reported by the Clerk.

The question being on the adoption of the Judiciary committee amendment to the bill (*shown in the Senate Journal of yesterday, Friday, March 6, 2020, pages 189 to 192, inclusive*).

On motion of Senator Trump, the following amendment to the Judiciary committee amendment to the bill (Eng. H. B. 4697) was reported by the Clerk and adopted:

On page one, section five-b, after the word “article” by striking out the colon and the words “*Provided, however,* That a distillery licensed and operating as of the effective date of this section that applies for designation by the Commissioner as a mini-distillery is eligible to be licensed as a mini-distillery without compliance with the requirements for the percentage use of on-premises grown and in-state raw agricultural products”.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

Having been engrossed, the bill (Eng. H. B. 4697), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: Hamilton, Hardesty, Pitsenbarger, Plymale, and Roberts—5.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4697) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. House Bill 4697—A Bill to amend and reenact §60-1-5b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §60-1-5d; to amend and reenact §60-4-3, §60-4-3a, and §60-4-15 of said code; and to amend and reenact §60-6-1 and §60-6-2 of said code, all relating to distilleries generally and micro-distilleries particularly; defining micro-distillery; establishing a production limit for a micro-distillery; establishing limits on sales of alcoholic liquors manufactured by a micro-distillery; establishing a license fee for micro-distilleries; subjecting micro-distilleries to the same requirements and restrictions applicable to distilleries and mini-distilleries; and correcting an incorrect gallonage limit for mini-distilleries.

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

Eng. House Bill 4737, Clarifying student eligibility for state-sponsored financial aid.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4737) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4737) takes effect from passage.

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

Eng. Com. Sub. for House Bill 4747, Extending electronic submission of various applications and forms for nonprofit and charitable organizations, professionals and licensees.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—30.

The nays were: Mann, Smith, Tarr, and Weld—4.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4747) passed with its title.

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

Without objection, the Senate returned to the third order of business.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 291, Requiring PEIA and health insurance providers provide mental health parity.

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

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

On page eleven, section seven, after line two hundred sixty-seven, by inserting a new subdivision, designated subdivision (6), to read as follows:

(6) After the initial report required by this subsection, annual reports are only required for any year thereafter during which the Public Employees Insurance Agency makes significant changes to how it designs and applies medical management protocols.;

On page seventeen, section four-u, line one hundred twenty-one, after “2021.” by inserting the following: The rules shall require that each carrier first submit the report to the Insurance Commissioner no earlier than one year after the rules are promulgated, and any year thereafter during which the carrier makes significant changes to how it designs and applies medical management protocols.;

On page twenty-two, section three-a, line one hundred twenty, after “2021.” by inserting the following: The rules shall require that each carrier first submit the report to the Insurance Commissioner no earlier than one year after the rules are promulgated, and any year thereafter during which the carrier makes significant changes to how it designs and applies medical management protocols.;

On page twenty-nine, section seven-u, line one hundred eighteen, after “2021.” by inserting the following: The rules shall require that each carrier first submit the report to the Insurance Commissioner no earlier than one year after the rules are promulgated, and any year thereafter during which the carrier makes significant changes to how it designs and applies medical management protocols.;

On page thirty-six, section eight-r, line one hundred twenty, after “2021.” by inserting the following: The rules shall require that each carrier first submit the report to the Insurance Commissioner no earlier than one year after the rules are promulgated, and any year thereafter during which the carrier makes significant changes to how it designs and applies medical management protocols.;

On page forty-one, section eight-u, line one hundred twenty, after “2021.” by inserting the following: The rules shall require that each carrier first submit the report to the Insurance Commissioner no earlier than one year after the rules are promulgated, and any year thereafter during which the carrier makes significant changes to how it designs and applies medical management protocols.;

And,

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 291—A Bill to repeal §33-15-4a of the Code of West Virginia, 1931, as amended; to repeal §33-16-3a of said code; to amend and reenact §5-16-7 of said code; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend and reenact §33-24-4 of said code; to amend said code by adding thereto a new section, designated §33-24-7u; to amend and reenact §33-25-6 of said code; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to requiring the Public Employees Insurance Agency and other health insurance providers to provide mental health parity between behavioral health, mental health, substance use disorders, and medical and surgical procedures; providing definitions; providing for mandatory reporting; providing for rulemaking; and setting forth an effective date.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 291, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 291) passed with its House of Delegates amended title.

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

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 4748, Relating to the increase of fees that private nongovernment notary publics may charge for notarial acts.

On third reading, coming up in regular order, with the right having been granted on yesterday, Friday, March 6, 2020, for amendments to be received on third reading, was reported by the Clerk.

There being no amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 4748) was then read a third time and put upon its passage.

Senators Mann, Unger, Blair, and Maynard, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Mann, Unger, Blair, and Maynard, respectively, would be as members of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—31.

The nays were: Mann, Tarr, and Weld—3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4748) passed with its title.

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

Eng. House Bill 4749, Providing more efficient application processes for private investigators, security guards, and firms.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Sypolt, Takubo, Trump, Woelfel, and Carmichael (Mr. President)—26.

The nays were: Ihlenfeld, Mann, Tarr, Unger, and Weld—5.

Absent: Jeffries, Roberts, and Swope—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4749) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. House Bill 4749—A Bill to amend and reenact §30-18-2, §30-18-3, §30-18-5, §30-18-6, §30-18-9, and §30-18-10 of the Code of West Virginia, 1931, as amended, all relating to providing more efficient application processes for private investigators, security guards, and firms; reducing experience necessary for licensure as private investigator; allowing military service to be included as experience that may be used for licensure; removing conviction for crime involving moral turpitude or dishonesty as disqualification for licensure as private investigator; removing unnecessary requirements for each private investigator and security guard applicant to submit fingerprints and photographs of each applicant to the Secretary of State; permitting private investigators, security guards, and private investigator or security guard firms to obtain liability insurance in lieu of a surety bond; increasing the amount of a surety bond; removing conviction for crime involving moral turpitude or dishonesty as disqualification for licensure as security guard; increasing the licensure renewal term of a private investigator, security guard, and private investigator or security guard firms from one to two years; eliminating disparate application fee

for foreign individuals and businesses for private investigator, private investigator firm, security guard, and security guard business licensure; and limiting amount of renewal fee.

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

Eng. House Bill 4777, Relating to the right of disposition of remains.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senator Mann requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a funeral director.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: Tarr—1.

Absent: Jeffries, Roberts, and Swope—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4777) passed with its title.

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

Eng. Com. Sub. for House Bill 4803, Relating to certification of electrical inspectors.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Maynard, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Maynard, the following amendment to the bill was reported by the Clerk:

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

ARTICLE 3C. CERTIFICATION OF ELECTRICAL INSPECTORS.

§29-3C-5. Denial of license; suspension and revocation of license.

The State Fire Marshal shall deny certification to any applicant, except those exempt under §29-3C-3 of this code, who:

(1) Fails to establish that he or she holds any other required qualifications for certification established pursuant to rules promulgated pursuant to section four of this article; or

(2) Is not a licensed ~~master~~ journeyman or master electrician in accordance with rules promulgated pursuant to section four of this article.

Following discussion,

The question being on the adoption of Senator Maynard's amendment to the bill, the same was put and prevailed.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 4803), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Cline, Facemire, Hardesty, Ihlenfeld, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Sypolt, Takubo, Tarr, Trump, Unger, and Carmichael (Mr. President)—26.

The nays were: Hamilton and Pitsenbarger—2.

Absent: Clements, Jeffries, Roberts, Swope, Weld, and Woelfel—6.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4803) passed.

On motion of Senator Maynard, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4803—A Bill to amend and reenact §29-3C-5 of the Code of West Virginia, 1931, as amended, relating to certification of electrical inspectors.

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

Eng. Com. Sub. for House Bill 4823, Developing a plan for periodic audits of the expenditure of the fees from the emergency 911 telephone system and wireless enhanced 911.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Sypolt, Takubo, Tarr, Trump, Unger, and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Clements, Jeffries, Roberts, Swope, Weld, and Woelfel—6.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4823) passed with its title.

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

Eng. House Bill 4960, Relating to exempting from licensure as an electrician.

Having been removed from the Senate third reading calendar in earlier proceedings today, no further action thereon was taken.

The end of today's third reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill 2419, Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance.

On third reading, coming up in deferred order, with the unreported Judiciary committee amendment pending, and with the right having been granted on Thursday, March 5, 2020, for further amendments to be received on third reading, was again reported by the Clerk.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

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

ARTICLE 1C. BAIL.

§62-1C-1a. Release upon own recognizance authorized Pretrial release; types of release; conditions for release; considerations as to conditions of release.

~~(a) Any other provision of this article to the contrary notwithstanding, when from all the circumstances, the court or magistrate is of the opinion that the defendant or person arrested will appear as may be required of him either before or after conviction, such defendant or person arrested may be released upon his own recognizance.~~

(a) Subject to the provisions of §62-1C-1 of this code, when a person charged with a violation or violations of the criminal laws of this state first appears before a judicial officer:

(1) Except for good cause shown, a judicial officer shall release a person charged with a misdemeanor offense on his or her own recognizance unless that person is charged with:

(A) A misdemeanor offense of actual violence or threat of violence against a person;

(B) A misdemeanor offense where the victim was a minor, as defined in §61-8C-1 of this code;

(C) A misdemeanor offense involving the use of a deadly weapon, as defined in §61-7-2 of this code;

(D) A misdemeanor offense of the Uniform Controlled Substances Act as set forth in chapter 60A of this code;

(E) Misdemeanor offenses of sexual abuse;

(F) A serious misdemeanor traffic offense set forth in §17C-5-1 or §17C-5-2 of this code; or

(G) A misdemeanor offense involving auto tampering, petit larceny or possession, transfer or receiving of stolen property when alleged value on the property involved exceeds \$250.

(2) For the misdemeanor offenses specified in subsection (a) of this section and all other offenses which carry a penalty of incarceration, the arrested person is entitled to be admitted to bail subject to the least restrictive condition or combination of conditions that the judicial officer determines reasonably necessary to assure that person will appear as required, and which will not jeopardize the safety of the arrested person, victims, witnesses, or other persons in the community or the safety and maintenance of evidence. Further conditions may include that the person charged shall:

(A) Not violate any criminal law of this state, another state, or the United States;

(B) Remain in the custody of a person designated by the judicial officer, who agrees to assume supervision and to report any violation of a release condition to the court, if the designated person is reasonably able to assure the judicial officer that the person will appear as required and will not pose a danger to himself or herself or to the safety of any other person or the community;(C) Participate in home incarceration pursuant to §62-11B-1 et seq. of this code;

(D) Participate in an electronic monitoring program if one is available where the person is charged or will reside.

(E) Maintain employment, or, if unemployed, actively seek employment;

(F) Avoid all contact with an alleged victim of the alleged offense and with potential witnesses and other persons as directed by the court;

(G) Refrain from the use or excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in §60A-1-1 et seq. of this code without a prescription from a licensed medical practitioner;

(H) Execute an agreement to forfeit, upon failing to appear as required, property of a sufficient unencumbered value, including money, as is reasonably necessary to assure the appearance of the person as required. The person charged shall provide the court with proof of ownership, the value of the property, and information regarding existing encumbrances of the property as, in the discretion of the judicial officer, is reasonable and necessary collateral to ensure the subsequent appearance of the person as required;

(I) Post a cash bond, or execute a bail bond with solvent sureties who will execute an agreement to forfeit an amount reasonably necessary to assure appearance of the person as required. If other than an approved surety, the surety shall provide the court with information regarding the value of its assets and liabilities and the nature and extent of encumbrances against the surety's property. The surety shall have a net worth of sufficiently unencumbered value to pay the amount of the bail bond; or

(J) Satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of the arrested person, victims, witnesses, other persons in the community, or the safety and maintenance of evidence.

(3) Proper considerations in determining whether to release the arrested person on an unsecured bond, fixing a reasonable amount of bail, or imposing other reasonable conditions of release are:

(A) The ability of the arrested person to give bail;

(B) The nature, number, and gravity of the offenses;

(C) The potential penalty the arrested person faces;

(D) Whether the alleged acts were violent in nature;

(E) The arrested person's prior record of criminal convictions and delinquency adjudications, if any;

(F) The character, health, residence, and reputation of the arrested person;

(G) The character and strength of the evidence which has been presented to the judicial officer;

(H) Whether the arrested person is currently on probation, extended supervision, or parole;

(I) Whether the arrested person is already on bail or subject to other release conditions in other pending cases;

(J) Whether the arrested person has been bound over for trial after a preliminary examination;

(K) Whether the arrested person has in the past forfeited bail or violated a condition of release or was ever a fugitive from justice; and

(L) The policy against unnecessary incarceration of arrested persons pending trial set forth in this section.

(b) In all misdemeanors, cash bail may not exceed three times the maximum fine provided for the offense. If the person is charged with more than one misdemeanor, cash bail may not exceed three times the highest maximum fine of the charged offenses.

(c) Notwithstanding any provisions of this article to the contrary, whenever a person not subject to the provisions of §62-1C-1 of this code remains incarcerated after his or her initial appearance, due to the inability to meet the requirements of a secured bond, the magistrate or judge who set the secured bond shall hold a hearing within 72 hours of setting the initial bail to determine if there is a condition or combination of conditions which can meet the considerations set forth in subdivision (2), subsection (a) of this section.

(d) A judicial officer may upon notice and hearing modify the conditions of release at any time by imposing additional or different conditions.

(e) A prosecuting attorney and defense counsel, unless expressly waived by the defendant, shall appear at all hearings in which bail or bond conditions are at issue.

(f) No judicial officer may recommend the services of a surety who is his or her relative as that term is defined in §6B-1-3 of this code.

On motions of Senators Weld and Trump, the following amendment to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 2419) was reported by the Clerk and adopted:

On page four, section one-a, subsection (e), by striking out the period and adding the following "other than the proceeding at which the conditions of release are initially set."

On motion of Senator Plymale, the following amendments to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 2419) were next reported by the Clerk and considered simultaneously:

On page four, section one-a, by striking out all of subsection (e);

And,

By relettering the remaining subsection.

At the request of Senator Plymale, and by unanimous consent, Senator Plymale's amendments to the Judiciary committee amendment to the bill were withdrawn.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended by Senators Weld and Trump, the same was put and prevailed.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2419), as just amended, was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 2419 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Cline, Hamilton, Hardesty, Ihlenfeld, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Rucker, Smith, Stollings, Sypolt, Takubo, Trump, Unger, and Carmichael (Mr. President)—25.

The nays were: Facemire, Romano, and Tarr—3.

Absent: Clements, Jeffries, Roberts, Swope, Weld, and Woelfel—6.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2419) passed.

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

On motions of Senators Weld and Trump, the following amendment to the title of bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2419—A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to bail generally; authorizing the release of a person charged with a misdemeanor criminal violation when first appearing before a judicial officer; establishing that a judicial officer shall release a person charged with a misdemeanor offense on his or her own recognizance unless charged with certain offenses; establishes that in certain instances and with certain conditions the arrested person is entitled to the least restrictive bail conditions determined to be reasonably necessary to assure appearance as well as ensure safety of persons in the community and maintenance of evidence; establishing that in certain circumstances the arrested person is entitled to bail under least restrictive further conditions;

identifying least restrictive further conditions; establishing considerations to determine whether to release an individual without bail, the reasonable amount of bail, or imposition of other conditions of release; establishing that in all misdemeanor cases, cash bail cannot exceed the maximum fine for the offense; requiring review of bail of an incarcerated person unable to meet the requirements of a secured bond; requiring the presence of a prosecuting attorney and, if not waived, defense counsel at hearings, other than the hearing at which conditions of release are initially set, where bail is at issue; prohibiting judicial officer recommending the services of a surety who is a relative; and, further providing that a judicial officer may modify the conditions of release at any time.

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

Action as to Engrossed Committee Substitute for House Bill 2419 having been concluded, the Senate proceeded to the consideration of

Eng. House Bill 4161, Making it illegal to scleral tattoo a person.

Having been read a third time in earlier proceedings today, and now coming up in deferred order, was again reported by the Clerk.

The question being “Shall Engrossed House Bill 4161 pass?”

On the passage of the bill, the yeas were: Baldwin, Beach, Blair, Boley, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Sypolt, Takubo, Tarr, Trump, Unger, and Carmichael (Mr. President)—27.

The nays were: None.

Absent: Azinger, Clements, Jeffries, Roberts, Swope, Weld, and Woelfel—7.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4161) passed with its title.

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

Action as to Engrossed House Bill 4161 having been concluded, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill 4176, West Virginia Intelligence/Fusion Center Act.

On third reading, coming up in deferred order, with the unreported Government Organization committee amendment pending, and with the right having been granted on Thursday, March 5, 2020, for further amendments to be received on third reading, was again reported by the Clerk.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk;

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

ARTICLE 9. WEST VIRGINIA FUSION CENTER.

§15A-9-1. West Virginia Fusion Center Established.

(a) The Governor shall establish, organize, equip, staff, and maintain a multiagency information fusion center ("Fusion Center") to receive, analyze, and disseminate all hazard, crime, and threat information. The Department of Homeland Security shall operate the facility, as directed by the Governor, with oversight auditing and accountability to the select committee of the Legislature as set forth herein, and in collaboration among federal, state, and local agencies, as well as private sector persons, organizations, entities, or agencies, including, but not limited to, those with the primary purposes of homeland security, counter-terrorism, public safety, public protection, and critical infrastructure: *Provided*, That the Fusion Center shall not knowingly participate in activity, or knowingly cooperate, with any federal agency, or a contractor for any federal agency, when that participation or cooperation involves illegal or improper actions. Further, the Fusion Center shall not allow a federal agency or contractor for a federal agency to work inside the Fusion Center when it knows or has reason to know that such federal agency or federal contractor is presently engaged or intends to engage in unlawful intelligence-gathering activity against a citizen of West Virginia.

(b) The Fusion Center shall collect, integrate, analyze, disseminate, and maintain such information to support local, state, and federal law-enforcement agencies, other governmental agencies, and private persons, organizations, entities, or agencies in detecting, preventing, investigating, preparing for, responding to, and recovering from any possible or actual criminal or terrorist activity, as well as any hazard, including to the state's critical infrastructure, in compliance with applicable state and federal laws and regulations, including 28 CFR 23: *Provided*, That as used in this article, "terrorism" shall mean only foreign or international terrorist groups or individuals, or domestic groups or individuals involved in transnational or domestic terrorism as defined in 6 U.S.C. §485: *Provided, however*, That under no circumstance shall the Fusion Center or its officers, directors, agents, or employees engage in, or be ordered or directed to engage in prohibited non-law enforcement intelligence gathering activities on citizens of the United States as set forth in any federal or state law or in contravention of the Constitution of the United States, nor shall the Fusion Center be solicited for, or cooperate in, any investigation of a public official or candidate for elected office, unless reasonable grounds exist to suspect the subject of the investigation is, or may be, involved in criminal conduct. This provision shall not prohibit the Fusion Center from participating in matters dealing with election fraud, election tampering, or other issues designed to provide the citizens of the state with tamper-free elections, and shall not restrict the Fusion Center from assisting in security matters involving political or dignitary visits to or within the State of West Virginia.

(c) The West Virginia Fusion Center shall be housed within secure facilities in order to access sensitive information, as permitted by state and federal law. Within the secure facilities, the Fusion Center shall house a Homeland Secure Data Network (HSDN) in order to access classified information as permitted by state and federal law and ensure that appropriate security measures are in place for: (1) the secure facilities; (2) data collected or stored at the secure facilities; and (3) personnel working at the secure facilities.

(d) The West Virginia Fusion Center shall do all acts necessary and proper to carry out the powers granted to the board of the State Resiliency Office.

§15A-9-2. Operation of center.

(a) The West Virginia Department of Homeland Security shall operate the West Virginia Fusion Center under the direction of the Governor, with oversight auditing and accountability to

the select committee of the Legislature as set forth herein, and shall cooperate with the United States Department of Homeland Security, local, county, state, or federal government agencies, and private organizations: *Provided*, That the Fusion Center shall not knowingly participate in activity, or knowingly cooperate, with any federal agency, or a contractor for any federal agency, when that participation or cooperation involves illegal or improper actions. Further, the Fusion Center shall not allow a federal agency or contractor for a federal agency to work inside the Fusion Center when it knows or has reason to know that such federal agency or federal contractor is presently engaged or intends to engage in unlawful intelligence-gathering activity against a citizen of West Virginia: *Provided, however*, That all Fusion Center operations shall be subject to applicable state and federal laws and regulations, including, but not limited to, 28 CFR Part 23, and shall at all times strictly abide by all restrictions and prohibitions against conducting non-law enforcement intelligence operations against U.S. citizens as set forth in any federal or state law or in contravention of the Constitution of the United States, including, but not limited to, 50 U.S.C. §3036(d).

(b) The West Virginia Fusion Center shall: (1) Be the primary clearinghouse for the State of West Virginia for the collection, analysis, and proper distribution of information and actionable intelligence as defined in this section; (2) generate intelligence analyses critical for homeland security policy and relevant threat warning in order to protect life, liberty, and property in West Virginia; (3) promote and improve intelligence sharing among public safety and public service agencies at the federal, state, and local levels, and with critical infrastructure and key resource entities within the private sector subject to all restrictions and prohibitions recited in this article; (4) receive and integrate intelligence and information related to terrorism and other homeland security threats; (5) collect, analyze, produce, disseminate, and maintain such intelligence and information, as allowed by law, to support local, state, and federal law enforcement agencies, other governmental agencies, and private organizations in: preventing, preparing for, responding to, and recovering from any possible or actual terrorist attack or other homeland security threat; and (6) maximize intelligence and information sharing in strict accordance with all applicable state and federal laws, restrictions, and prohibitions: *Provided*, That the Fusion Center shall not knowingly participate in activity, or knowingly cooperate, with any federal agency, or a contractor for any federal agency, when that participation or cooperation involves illegal or improper actions. Further, the Fusion Center shall not allow a federal agency or contractor for a federal agency to work inside the Fusion Center when it knows or has reason to know that such federal agency or federal contractor is presently engaged or intends to engage in unlawful intelligence-gathering activity against a citizen of West Virginia.

(c) The Governor shall provide facilities, budget, and administrative support for the West Virginia Fusion Center and its employees and participants. The cabinet secretary shall serve as security manager for the West Virginia Fusion Center.

(d) Private sector persons, organizations, entities, or agencies participating in the West Virginia Fusion Center shall not be considered governmental entities, nor shall employees or agents of private sector persons, organizations, entities, or agencies assigned to the West Virginia Fusion Center be considered state employees; however, private sector entities and their employees or agents are subject to the same confidentiality requirements and held to the same standards as an employee of the West Virginia Fusion Center, including, but not limited to, any and all restrictions and prohibitions against conducting non-law enforcement intelligence operations against U.S. citizens as set forth in federal or state law or in contravention of the Constitution of the United States, including, but not limited to, 50 U.S.C. §3036(d): *Provided*, That the Fusion Center shall not knowingly participate in activity, or knowingly cooperate, with any federal agency, or a contractor for any federal agency, when that participation or cooperation

involves illegal or improper actions. Further, the Fusion Center shall not allow a federal agency or contractor for a federal agency to work inside the Fusion Center when it knows or has reason to know that such federal agency or federal contractor is presently engaged or intends to engage in unlawful intelligence-gathering activity against a citizen of West Virginia.

(e) The operations of the West Virginia Fusion Center shall be overseen by the cabinet secretary and deputy cabinet secretary of the West Virginia Department of Homeland Security, with oversight auditing and accountability to the select committee of the Legislature as set forth herein.

(f) The cabinet secretary and deputy cabinet secretary shall either have a current, valid federal security clearance at the appropriate level, and training and certifications commensurate with the position, or be eligible for that clearance, and be in the process of obtaining the appropriate clearance.

(g) The cabinet secretary and deputy cabinet secretary may adopt policies and procedures for the operation of the West Virginia Fusion Center. The cabinet secretary and deputy cabinet secretary may adopt rules and regulations as may be necessary to carry out the provisions of this act, including rules and regulations concerning the operations of the West Virginia Fusion Center: *Provided*, That all policies, procedures, rules, and regulations shall be subject to any and all restrictions and prohibitions against conducting non-law enforcement intelligence operations against U.S. citizens as set forth in federal or state law or in contravention of the Constitution of the United States, including but not limited to, 50 U.S.C. §3036(d).

(h) Subject to appropriations, the West Virginia Fusion Center shall have the following employees, all in the unclassified service of the civil service act:

(1) A director, who shall be appointed by and serve at the pleasure of the cabinet secretary. The director shall either have a current, valid federal security clearance at the appropriate level, and training and certifications commensurate with the position, or be eligible for that clearance, and be in the process of obtaining the appropriate clearance, and shall:

(A) Be responsible for all operations of the West Virginia Fusion Center and shall report to the cabinet secretary or deputy cabinet secretary;

(B) Be responsible for:

(i) Facilitating and implementing applicable federal standards and programs by the West Virginia Fusion Center;

(ii) Ensuring compliance with all applicable laws and federal requirements, including, but not limited to, any and all restrictions and prohibitions against conducting non-law enforcement intelligence operations against U.S. citizens as set forth in federal or state law or in contravention of the Constitution of the United States, including, but not limited to, 50 U.S.C. §3036(d);

(iii) Maintaining proper separation between military and civilian capacities;

(iv) Providing support, as needed, to the cabinet secretary and deputy cabinet secretary; and

(v) Other duties and responsibilities as may be assigned by the cabinet secretary and deputy cabinet secretary, subject to all restrictions and prohibitions described in this article.

(5) A deputy director, who shall be appointed by and serve at the pleasure of the director. The deputy director shall either have a current, valid federal security clearance at the appropriate level, and training and certifications commensurate with the position, or be eligible for that clearance, and be in the process of obtaining the appropriate clearance, and shall be responsible for assisting the director in: (A) facilitating and implementing applicable federal standards and programs by the West Virginia Fusion Center; (B) ensuring compliance with all applicable laws and federal requirements; (C) maintaining proper separation between military and civilian capacities; (D) providing support, as needed, to the cabinet secretary and deputy cabinet secretary; and (E) other duties and responsibilities as may be assigned by the Fusion Center director.

§15A-9-3. Joint Oversight Committee.

(a) The Speaker of the House of Delegates and President of the Senate shall establish a select committee which shall have oversight of the information collected by the West Virginia Fusion Center to ensure the proper collection, dissemination, storage, and destruction of information or intelligence. The committee shall be composed of: (1) The Speaker of the House of Delegates and four members of the House of Delegates, to be appointed by the Speaker of the House of Delegates, no more than two of whom shall be appointed from the same political party; and (2) the President of the Senate and four members of the Senate, to be appointed by the President of the Senate, no more than two of whom shall be from the same political party; and counsel and staff to the Speaker and the Senate President: *Provided*, That in the event the membership of a political party is less than 15 percent in the House of Delegates or Senate, then the membership of that political party from the legislative house with less than 15 percent membership may be one from that house. The committee shall be chaired by the President of the Senate and the Speaker of the House of Delegates. All members appointed to the select committee by the select committee chairs serve until their successors are appointed as provided in this section. The select committee members, counsel, and staff must have the appropriate security clearance in order to obtain information that is classified and shall be subject to the same rules, regulations, and laws as the employees of the West Virginia Fusion Center for safeguarding both classified and law enforcement sensitive information or intelligence. These select committee members, counsel, and staff shall be advised of the restrictions and protocol for handling such information or intelligence and shall sign a statement of understanding as well as a confidentiality agreement.

(b) Members of the select committee may enter and inspect the West Virginia Fusion Center at any time, during normal business hours, with select committee counsel and staff, with or without notice to the West Virginia Fusion Center.

(c) Meetings of the select committee shall be confidential and the information and materials, in any medium, including hard copy and electronic, coming to the attention of or placed in the custody of the Select Committee shall not be subject to the West Virginia Freedom of Information Act (§29B-1-1 *et seq.* of this code).

(d) The select committee may conduct proceedings in a confidential executive session for the purpose of conducting business, establishing policy, reviewing investigations, and interrogating a witness or witnesses.

(e) All witnesses appearing before the select committee shall testify under oath or affirmation, and any member of the select committee or its counsel may administer oaths or affirmations to such witnesses. To compel witnesses to attend a hearing or produce any books, records, documents, or papers, or any other tangible thing except where the records, documents, data, or

items are protected from disclosure by privilege recognized by state or federal courts, the select committee may issue subpoenas, signed by one of the co-chairs: *Provided*, That the select committee may specifically authorize or delegate the power to any member of the select committee to sign subpoenas on its behalf. The subpoenas shall be served by any person authorized by law to serve and execute legal process, and service shall be made without charge. Witnesses subpoenaed to attend hearings shall be allowed the same mileage and per diem as is allowed witnesses before any petit jury in this state.

(f) If any person subpoenaed to appear at any hearing shall refuse to appear or to answer inquiries there propounded, or shall fail or refuse to produce books, records, documents, papers, or any other tangible thing within his or her control when the same are demanded, the select committee shall report the facts to the circuit court of Kanawha County or any other court of competent jurisdiction and that court may compel obedience to the subpoena as though the subpoena had been issued by that court in the first instance: *Provided*, That prior to seeking circuit court relief, the select committee may, in its discretion, first demand the Secretary of Homeland Security or the director of the West Virginia Fusion Center under whom an employee has failed to appear or which has failed to produce requested or subpoenaed material to appear before the select committee and address the basis for the failure to comply and whether compliance will be forthcoming.

(g) The select committee may direct the West Virginia Fusion Center to send its budgetary accounting to the State Auditor: *Provided*, That if budgetary expenditures are classified, or security or law enforcement sensitive such that disclosure would compromise an investigation, those entry descriptions, but not the expenditure amounts, may be redacted from the West Virginia Fusion Center accounting provided to the State Auditor: *Provided, however*, That the State Auditor shall bring any accounting issues of concern to the attention of the select committee, upon which the select committee shall subpoena the West Virginia Fusion Center for unredacted copies of the accounting items to be presented for explanation and justification of the necessity and legality of the concerns raised by the State Auditor. The select committee may take whatever action it deems necessary, if any, after review and analysis of the subpoenaed unredacted materials.

§15A-9-4. Memoranda of understanding required.

(a) Each governmental and nongovernmental entity participating in the West Virginia Fusion Center shall enter a memorandum of understanding between the West Virginia Fusion Center and the participating entity. The memorandum of understanding shall at a minimum:

(1) Provide a framework and working mechanism for the organization of the West Virginia Fusion Center to address issues that are common to city, county, state, and federal governments' obligations to protect the safety and well-being of citizens and to enhance the success of the Fusion Center in responding to criminal, terrorist, and other threats to public safety through the achievement of coordination and cooperation;

(2) Clarify the working relationships between the governmental and nongovernmental entities and use limitations of shared information; and

(3) Outline the intent of the parties regarding the information provided by the governmental and non-governmental entities to the West Virginia Fusion Center.

(b) Nothing in any agreement shall obligate any nongovernmental entity to provide information nor establish any duty for any nongovernmental entity to assume any police or law enforcement responsibilities.

(c) Failure of any governmental or nongovernmental entity to abide by the restrictions and use limitations set forth by the West Virginia Fusion Center may result in the suspension or termination of use privileges, discipline sanctions imposed by the user's employing agency, or criminal prosecution.

(d) Any and all interagency memoranda of understanding and participating public or private persons, organizations, entities, or agencies described in this section shall be subject to all restrictions and prohibitions described in this section.

§15A-9-5. Confidentiality and immunity from service of process; penalties.

(a) Papers, records, documents, reports, materials, databases, or other evidence or information relative to criminal intelligence, any terrorism investigation, threat assessment, or information on infrastructure which if released would compromise the public safety in the possession of the West Virginia Fusion Center shall be confidential and shall not be subject to the West Virginia Freedom of Information Act (§29B-1-1 et seq. of this code): *Provided*, That this exemption from the West Virginia Freedom of Information Act may be lifted in the event a court determines in a state or federal whistleblower action that unlawful or unauthorized activity has taken place, and shall in no way restrict the Legislature's select oversight committee from access to all such information. Every five years, the West Virginia Fusion Center shall conduct a review of information contained in any database maintained by the West Virginia Fusion Center. Data that has been determined not to have a nexus to criminal or terrorist activity shall be removed from such database. A reasonable suspicion standard shall be applied when determining whether or not information has a nexus to terrorist activity for non-U.S. citizens, but a probable cause standard shall apply for U.S. citizens: *Provided, however*, That all such determinations shall be reported to the Legislature's select oversight committee at regularly scheduled oversight audit and committee meetings.

(b) No person having access to information maintained by the West Virginia Fusion Center shall be subject to subpoena in a civil action in any court of the state to testify concerning a matter of which he has knowledge pursuant to his access to criminal intelligence information maintained by the West Virginia Fusion Center.

(c) No person or agency receiving information from the West Virginia Fusion Center shall release or disseminate that information without prior authorization from the West Virginia Fusion Center.

(d) Intelligence data in the possession of a criminal or juvenile justice agency, state or federal regulatory agency, or peace officer, or disseminated by such agency or peace officer, are confidential records under §29B-1-1 et seq. of this code.

(e) Any person who knowingly disseminates information in violation of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$200 nor more than \$1,000, or be confined in jail for not more than 20 days, or both fined and confined. If such unauthorized dissemination results in death or serious bodily injury to another person, such person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one nor more than five years: *Provided*, That all state and federal

Whistleblower Protection Act protections shall apply to any person whose disclosures are found to have been made to report or protect against violation or attempted violation of any and all restrictions and prohibitions against conducting non-law enforcement intelligence operations against U.S. citizens as set forth in federal or state law or in contravention of the Constitution of the United States, including, but not limited to, 50 U.S.C. §3036(d).

(f) Any person, being an officer or employee of the United States, the State of West Virginia or of any department, agency, or political subdivision thereof, or any person from the private sector or industry assigned to or working with the West Virginia Fusion Center in any capacity, who knowingly publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by law, any critical infrastructure or national intelligence information protected from disclosure by this section coming to him or her in the course of his or her employment, affiliation, or official duties with the West Virginia Fusion Center, or by reason of any examination or investigation made by, return, report, or record made to or filed with, such department or agency, officer or employee thereof, shall be guilty of a felony and, upon conviction, be imprisoned in a state correctional facility for not less than one year, and shall be removed from office or employment and affiliation with the West Virginia Fusion Center: *Provided*, That all state and federal Whistleblower Protection Act protections shall apply to any person whose disclosures are found to have been made to report or protect against violation or attempted violation of any and all restrictions and prohibitions against conducting non-law enforcement intelligence operations against U.S. citizens as set forth in federal or state law or in contravention of the Constitution of the United States, including, but not limited to, 50 U.S.C. §3036(d).

(g) The West Virginia Department of Homeland Security shall provide legal counsel to the West Virginia Fusion Center to serve as privacy and civil liberties counsel to the West Virginia Fusion Center. Such attorney shall advise the West Virginia Fusion Center director and its deputy director on all matters necessary to ensure compliance with all applicable federal and state privacy or civil liberties laws, obligations, restrictions, and prohibitions as set forth herein.

(h) For purposes of this article:

(1) "Criminal intelligence information" means data or information that has been evaluated and determined to be relevant to the identification and criminal activity of individuals or organizations that are reasonably suspected of involvement in criminal activity.

(2) "Critical Infrastructure" means systems and assets as defined in 42 U.S.C. § 5195c(e).

(3) "National Intelligence" means data or information determined to meet the definition stated in 50 U.S.C. §3003 (5): *Provided*, That Fusion Center activities and operations relating to National Intelligence shall at all times strictly abide by all restrictions and prohibitions against conducting non-law enforcement intelligence operations against U.S. citizens as set forth in federal or state law or in contravention of the Constitution of the United States, including, but not limited to, 50 U.S.C. §3036(d).

§15A-9-6. Receipt of information; immunity from liability.

(a) No cause of action for defamation, invasion of privacy, or negligence shall arise against any person by reason of that person's furnishing information concerning any suspected, anticipated, or completed criminal violation or terrorist activity when the information is provided to or received from the West Virginia Fusion Center or any federal, state, or local governmental or private sector entity established for the purpose of detecting and preventing acts of criminal

activity or terrorism: *Provided*, That with regard to any Fusion Center intelligence or information gathering activity or operation against a U.S. Citizen related to alleged terrorism or violation of a law, such allegation must be vetted and confirmed by procedures substantially in compliance with those set forth in laws, rules, and regulations developed in accordance with 50 U.S.C. §3036(d).

(b) No person shall be subject to such cause of action for cooperating with or furnishing evidence or information regarding any suspected criminal violation to the West Virginia Fusion Center.

(c) This section shall not provide immunity for those disclosing or furnishing false information with malice or willful intent to injure any person, nor for any person who does not comply with the procedures set forth in §15A-9-6(a) of this code.

(d) This section does not in any way abrogate or modify common law or statutory privilege or immunity heretofore enjoyed by any person or entity.

§15A-9-7. Costs.

(a) The director, with approval of the cabinet secretary or deputy cabinet secretary, may enter into agreements with participating agencies or organizations, whether public or private, for their participation in the West Virginia Fusion Center. Such agreements: (1) Shall define the duties and responsibilities of each participating agency or organization; (2) may provide for payment by the participating agency or organization of a reasonable share of the cost to establish, maintain, and operate the West Virginia Fusion Center; and (3) shall require compliance with all requirements, restrictions, and prohibitions set forth in this article.

(b)(1) The West Virginia Fusion Center, with approval of the cabinet secretary or deputy cabinet secretary, may accept any gift, grant, payment, moneys, or assets seized by forfeiture as a result of collaborative efforts or contribution from any source, public or private, for the purpose of paying the costs to establish, maintain, or operate the West Virginia Fusion Center. Such gift, grant, payment, moneys, or assets seized by forfeiture as a result of collaborative works or contribution may be in the form of services, equipment, supplies, materials, or funds. All amounts received under this section shall be remitted to the State Treasurer in accordance with chapter 12 of this code, and the amendments thereto. Upon receipt of each such remittance, the State Treasurer shall deposit the entire amount in the State Treasury to the credit of the West Virginia Fusion Center Fund, that is hereby created in the State Treasury and shall be administered by the West Virginia Department of Homeland Security in accordance with this article and subject to regular auditing and oversight by the legislature's select oversight committee.

(2) Moneys in the West Virginia Fusion Center Fund may be used by the director to pay any costs associated with establishing, maintaining, or operating the West Virginia Fusion Center. The director of the West Virginia Fusion Center Fund shall develop policy and procedures for purchasing, and expenditures shall be made in accordance with vouchers approved by the director or the director's designee. Any gift, grant, payment, moneys, or any assets seized by forfeiture as a result of collaborative efforts, or contribution in any form other than funds may be accepted by the director, with approval of the cabinet secretary, and utilized and expended in any manner authorized by law to establish, maintain, or operate the West Virginia Fusion Center: *Provided*, That all moneys used by the director shall be subject to all restrictions and prohibitions set forth in this article, and also to regular auditing and oversight by the Legislature's select oversight committee.

(3) The moneys credited to the fund created in subsection (b) of this section shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the Legislature that the moneys deposited in this fund shall remain intact and inviolate for the purposes set forth in this act.

§15A-9-8. Registration plates to official vehicles used in agency activities.

Notwithstanding any provision of this code to the contrary, the Commissioner of the Division of Motor Vehicles is authorized to issue Class A license plates to authorized state-owned vehicles operated by the West Virginia Fusion Center when the director signs a written affidavit stating that the vehicle or vehicles for which the plates are being requested will be used by the West Virginia Fusion Center in fulfilling its mission.

On motion of Senator Sypolt, the following substitute amendment to the bill (Eng. Com. Sub. for H. B. 4176) was reported by the Clerk and adopted in lieu of the foregoing Government Organization committee amendment to the bill:

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

ARTICLE 9. WEST VIRGINIA FUSION CENTER.

§15A-9-1. West Virginia Fusion Center Established.

(a) The Governor shall establish, organize, equip, staff, and maintain a multiagency information fusion center ("Fusion Center") to receive, analyze, and disseminate all hazard, crime, and threat information. The Department of Homeland Security shall operate the facility, as directed by the Governor, with oversight auditing and accountability to the select committee of the Legislature as set forth herein, and in collaboration among federal, state, and local agencies, as well as private sector persons, organizations, entities, or agencies, including, but not limited to, those with the primary purposes of homeland security, counter-terrorism, public safety, public protection, and critical infrastructure: *Provided*, That the Fusion Center shall not knowingly participate in activity, or knowingly cooperate, with any federal agency, or a contractor for any federal agency, when that participation or cooperation involves illegal or improper actions. Further, the Fusion Center shall not allow a federal agency or contractor for a federal agency to work inside the Fusion Center when it knows or has reason to know that such federal agency or federal contractor is presently engaged or intends to engage in unlawful intelligence-gathering activity against a citizen of West Virginia.

(b) The Fusion Center shall collect, integrate, analyze, disseminate, and maintain such information to support local, state, and federal law-enforcement agencies, other governmental agencies, and private persons, organizations, entities, or agencies in detecting, preventing, investigating, preparing for, responding to, and recovering from any possible or actual criminal or terrorist activity, as well as any hazard, including to the state's critical infrastructure, in compliance with applicable state and federal laws and regulations, including 28 CFR 23: *Provided*, That as used in this article, "terrorism" shall mean only foreign or international terrorist groups or individuals, or domestic groups or individuals involved in transnational or domestic terrorism as defined in 6 U.S.C. §485: *Provided, however*, That under no circumstance shall the Fusion Center or its officers, directors, agents, or employees engage in, or be ordered or directed to engage in prohibited non-law enforcement intelligence gathering activities on citizens of the United States as set forth in any federal or state law or in contravention of the Constitution of the United States, nor shall the Fusion Center engage in any information or intelligence gathering for any political

purpose nor be solicited for, or cooperate in, any investigation of a public official or candidate for elected office, unless reasonable grounds exist to suspect the subject of the investigation is, or may be, involved in criminal conduct. This provision shall not prohibit the Fusion Center from participating in matters dealing with election fraud, election tampering, or other issues designed to provide the citizens of the state with tamper-free elections, and shall not restrict the Fusion Center from assisting in security matters involving political or dignitary visits to or within the State of West Virginia.

(c) The West Virginia Fusion Center shall be housed within secure facilities in order to access sensitive information, as permitted by state and federal law. Within the secure facilities, the Fusion Center shall house a Homeland Secure Data Network (HSDN) in order to access classified information as permitted by state and federal law and ensure that appropriate security measures are in place for: (1) the secure facilities; (2) data collected or stored at the secure facilities; and (3) personnel working at the secure facilities.

(d) The West Virginia Fusion Center shall do all acts necessary and proper to carry out the powers granted to the board of the State Resiliency Office.

§15A-9-2. Operation of center.

(a) The West Virginia Department of Homeland Security shall operate the West Virginia Fusion Center under the direction of the Governor, with oversight auditing and accountability to the select committee of the Legislature as set forth herein, and shall cooperate with the United States Department of Homeland Security, local, county, state, or federal government agencies, and private organizations: *Provided*, That the Fusion Center shall not knowingly participate in activity, or knowingly cooperate, with any federal agency, or a contractor for any federal agency, when that participation or cooperation involves illegal or improper actions. Further, the Fusion Center shall not allow a federal agency or contractor for a federal agency to work inside the Fusion Center when it knows or has reason to know that such federal agency or federal contractor is presently engaged or intends to engage in unlawful intelligence-gathering activity against a citizen of West Virginia: *Provided, however*, That all Fusion Center operations shall be subject to applicable state and federal laws and regulations, including, but not limited to, 28 CFR Part 23, and shall at all times strictly abide by all restrictions and prohibitions against conducting non-law enforcement intelligence operations against U.S. citizens as set forth in any federal or state law or in contravention of the Constitution of the United States, including, but not limited to, 50 U.S.C. §3036(d).

(b) The West Virginia Fusion Center shall: (1) Be the primary clearinghouse for the State of West Virginia for the collection, analysis, and proper distribution of information and actionable intelligence as defined in this section; (2) generate intelligence analyses critical for homeland security policy and relevant threat warning in order to protect life, liberty, and property in West Virginia; (3) promote and improve intelligence sharing among public safety and public service agencies at the federal, state, and local levels, and with critical infrastructure and key resource entities within the private sector subject to all restrictions and prohibitions recited in this article; (4) receive and integrate intelligence and information related to terrorism and other homeland security threats; (5) collect, analyze, produce, disseminate, and maintain such intelligence and information, as allowed by law, to support local, state, and federal law enforcement agencies, other governmental agencies, and private organizations in: preventing, preparing for, responding to, and recovering from any possible or actual terrorist attack or other homeland security threat; and (6) maximize intelligence and information sharing in strict accordance with all applicable state and federal laws, restrictions, and prohibitions: *Provided*, That the Fusion Center shall not

knowingly participate in activity, or knowingly cooperate, with any federal agency, or a contractor for any federal agency, when that participation or cooperation involves illegal or improper actions. Further, the Fusion Center shall not allow a federal agency or contractor for a federal agency to work inside the Fusion Center when it knows or has reason to know that such federal agency or federal contractor is presently engaged or intends to engage in unlawful intelligence-gathering activity against a citizen of West Virginia.

(c) The Governor shall provide facilities, budget, and administrative support for the West Virginia Fusion Center and its employees and participants. The cabinet secretary shall serve as security manager for the West Virginia Fusion Center.

(d) Private sector persons, organizations, entities, or agencies participating in the West Virginia Fusion Center shall not be considered governmental entities, nor shall employees or agents of private sector persons, organizations, entities, or agencies assigned to the West Virginia Fusion Center be considered state employees; however, private sector entities and their employees or agents are subject to the same confidentiality requirements and held to the same standards as an employee of the West Virginia Fusion Center, including, but not limited to, any and all restrictions and prohibitions against conducting non-law enforcement intelligence operations against U.S. citizens as set forth in federal or state law or in contravention of the Constitution of the United States, including, but not limited to, 50 U.S.C. §3036(d): *Provided*, That the Fusion Center shall not knowingly participate in any activity, or knowingly cooperate, with any federal agency, or a contractor for or any person or entity utilizing or collaborating with any federal agency, when that participation or cooperation involves illegal or improper actions. :*Provided*, however, that the Fusion Center shall not allow a federal agency or contractor for a federal agency to work inside the Fusion Center when it knows or has reason to know that such federal agency or federal contractor is presently engaged or intends to engage in unlawful intelligence-gathering activity against a citizen of West Virginia.

(e) The operations of the West Virginia Fusion Center shall be overseen by the cabinet secretary and deputy cabinet secretary of the West Virginia Department of Homeland Security, with oversight auditing and accountability to the select committee of the Legislature as set forth herein.

(f) The cabinet secretary and deputy cabinet secretary shall either have a current, valid federal security clearance at the appropriate level, and training and certifications commensurate with the position, or be eligible for that clearance, and be in the process of obtaining the appropriate clearance.

(g) The cabinet secretary and deputy cabinet secretary may adopt policies and procedures for the operation of the West Virginia Fusion Center. The cabinet secretary and deputy cabinet secretary may adopt rules and regulations as may be necessary to carry out the provisions of this act, including rules and regulations concerning the operations of the West Virginia Fusion Center: *Provided*, That all policies, procedures, rules, and regulations shall be subject to any and all restrictions and prohibitions against conducting non-law enforcement intelligence operations against U.S. citizens as set forth in federal or state law or in contravention of the Constitution of the United States, including but not limited to, 50 U.S.C. §3036(d).

(h) Subject to appropriations, the West Virginia Fusion Center shall have the following employees, all in the unclassified service of the civil service act:

(1) A director, who shall be appointed by and serve at the pleasure of the cabinet secretary. The director shall either have a current, valid federal security clearance at the appropriate level, and training and certifications commensurate with the position, or be eligible for that clearance, and be in the process of obtaining the appropriate clearance, and shall:

(A) Be responsible for all operations of the West Virginia Fusion Center and shall report to the cabinet secretary or deputy cabinet secretary;

(B) Be responsible for:

(i) Facilitating and implementing applicable federal standards and programs by the West Virginia Fusion Center;

(ii) Ensuring compliance with all applicable laws and federal requirements, including, but not limited to, any and all restrictions and prohibitions against conducting non-law enforcement intelligence operations against U.S. citizens as set forth in federal or state law or in contravention of the Constitution of the United States, including, but not limited to, 50 U.S.C. §3036(d);

(iii) Maintaining proper separation between military and civilian capacities;

(iv) Providing support, as needed, to the cabinet secretary and deputy cabinet secretary; and

(v) Other duties and responsibilities as may be assigned by the cabinet secretary and deputy cabinet secretary, subject to all restrictions and prohibitions described in this article.

(5) A deputy director, who shall be appointed by and serve at the pleasure of the director. The deputy director shall either have a current, valid federal security clearance at the appropriate level, and training and certifications commensurate with the position, or be eligible for that clearance, and be in the process of obtaining the appropriate clearance, and shall be responsible for assisting the director in: (A) facilitating and implementing applicable federal standards and programs by the West Virginia Fusion Center; (B) ensuring compliance with all applicable laws and federal requirements; (C) maintaining proper separation between military and civilian capacities; (D) providing support, as needed, to the cabinet secretary and deputy cabinet secretary; and (E) other duties and responsibilities as may be assigned by the Fusion Center director.

§15A-9-3. Joint Oversight Committee.

(a) The Speaker of the House of Delegates and President of the Senate shall establish a select committee which shall have oversight of the information collected by the West Virginia Fusion Center to ensure the proper collection, dissemination, storage, and destruction of information or intelligence. The committee shall be composed of: (1) The Speaker of the House of Delegates and four members of the House of Delegates, to be appointed by the Speaker of the House of Delegates, no more than two of whom shall be appointed from the same political party; and (2) the President of the Senate and four members of the Senate, to be appointed by the President of the Senate, no more than two of whom shall be from the same political party; and counsel and staff to the Speaker and the Senate President: *Provided*, That in the event the membership of a political party is less than 15 percent in the House of Delegates or Senate, then the membership of that political party from the legislative house with less than 15 percent membership may be one from that house. The committee shall be chaired by the President of the Senate and the Speaker of the House of Delegates. All members appointed to the select committee by the select committee chairs serve until their successors are appointed as provided

in this section. The select committee members, counsel, and staff must have the appropriate security clearance in order to obtain information that is classified and shall be subject to the same rules, regulations, and laws as the employees of the West Virginia Fusion Center for safeguarding both classified and law enforcement sensitive information or intelligence. These select committee members, counsel, and staff shall be advised of the restrictions and protocol for handling such information or intelligence and shall sign a statement of understanding as well as a confidentiality agreement.

(b) Members of the select committee may enter and inspect the West Virginia Fusion Center at any time staff is present with select committee counsel and staff, with or without notice to the West Virginia Fusion Center.

(c) Meetings of the select committee shall be confidential and the information and materials, in any medium, including hard copy and electronic, coming to the attention of or placed in the custody of the Select Committee shall not be subject to the West Virginia Freedom of Information Act as set forth in §29B-1-1 et seq. of this code.

(d) The select committee may conduct proceedings in a confidential executive session for the purpose of conducting business, establishing policy, reviewing investigations, and interrogating a witness or witnesses.

(e) All witnesses appearing before the select committee shall testify under oath or affirmation, and any member of the select committee or its counsel may administer oaths or affirmations to such witnesses. To compel witnesses to attend a hearing or produce any books, records, documents, or papers, or any other tangible thing except where the records, documents, data, or items are protected from disclosure by privilege recognized by state or federal courts, the select committee may issue subpoenas, signed by one of the co-chairs: *Provided*, That the select committee may specifically authorize or delegate the power to any member of the select committee to sign subpoenas on its behalf. The subpoenas shall be served by any person authorized by law to serve and execute legal process, and service shall be made without charge. Witnesses subpoenaed to attend hearings shall be allowed the same mileage and per diem as is allowed witnesses before any petit jury in this state.

(f) If any person subpoenaed to appear at any hearing shall refuse to appear or to answer inquiries there propounded, or shall fail or refuse to produce books, records, documents, papers, or any other tangible thing within his or her control when the same are demanded, the select committee shall report the facts to the circuit court of Kanawha County or any other court of competent jurisdiction and that court may compel obedience to the subpoena as though the subpoena had been issued by that court in the first instance: *Provided*, That prior to seeking circuit court relief, the select committee may, in its discretion, first demand the Secretary of Homeland Security or the director of the West Virginia Fusion Center under whom an employee has failed to appear or which has failed to produce requested or subpoenaed material to appear before the select committee and address the basis for the failure to comply and whether compliance will be forthcoming.

(g) The select committee may direct the West Virginia Fusion Center to send its budgetary accounting to the State Auditor: *Provided*, That if budgetary expenditures are classified, or security or law enforcement sensitive such that disclosure would compromise an investigation, those entry descriptions, but not the expenditure amounts, may be redacted from the West Virginia Fusion Center accounting provided to the State Auditor: *Provided, however*, That the State Auditor shall bring any accounting issues of concern to the attention of the select committee.

upon which the select committee shall subpoena the West Virginia Fusion Center for unredacted copies of the accounting items to be presented for explanation and justification of the necessity and legality of the concerns raised by the State Auditor. The select committee may take whatever action it deems necessary, if any, after review and analysis of the subpoenaed unredacted materials.

§15A-9-4. Memoranda of understanding required.

(a) Each governmental and nongovernmental entity participating in the West Virginia Fusion Center shall enter a memorandum of understanding between the West Virginia Fusion Center and the participating entity. The memorandum of understanding shall at a minimum:

(1) Provide a framework and working mechanism for the organization of the West Virginia Fusion Center to address issues that are common to city, county, state, and federal governments' obligations to protect the safety and well-being of citizens and to enhance the success of the Fusion Center in responding to criminal, terrorist, and other threats to public safety through the achievement of coordination and cooperation;

(2) Clarify the working relationships between the governmental and nongovernmental entities and use limitations of shared information; and

(3) Outline the intent of the parties regarding the information provided by the governmental and non-governmental entities to the West Virginia Fusion Center.

(b) Nothing in any agreement shall obligate any nongovernmental entity to provide information nor establish any duty for any nongovernmental entity to assume any police or law enforcement responsibilities.

(c) Failure of any governmental or nongovernmental entity to abide by the restrictions and use limitations set forth by the West Virginia Fusion Center may result in the suspension or termination of use privileges, discipline sanctions imposed by the user's employing agency, or criminal prosecution.

(d) Any and all interagency memoranda of understanding and participating public or private persons, organizations, entities, or agencies described in this section shall be subject to all restrictions and prohibitions described in this section.

§15A-9-5. Confidentiality and immunity from service of process; penalties.

(a) Papers, records, documents, reports, materials, databases, or other evidence or information relative to criminal intelligence, any terrorism investigation, threat assessment, or information on infrastructure which if released would compromise the public safety in the possession of the West Virginia Fusion Center shall be confidential and shall not be subject to the West Virginia Freedom of Information Act (§29B-1-1 et seq. of this code): *Provided*, That this exemption from the West Virginia Freedom of Information Act may be lifted in the event a court determines in a state or federal whistleblower action that unlawful or unauthorized activity has taken place, and shall in no way restrict the Legislature's select oversight committee from access to all such information. Every five years, the West Virginia Fusion Center shall conduct a review of information contained in any database maintained by the West Virginia Fusion Center. Data that has been determined not to have a nexus to criminal or terrorist activity shall be removed from such database. A reasonable suspicion standard shall be applied when determining whether

or not information has a nexus to terrorist activity for non-U.S. citizens, but a probable cause standard shall apply for U.S. citizens: *Provided, however,* That all such determinations shall be reported to the Legislature's select oversight committee at regularly scheduled oversight audit and committee meetings.

(b) No person having access to information maintained by the West Virginia Fusion Center shall be subject to subpoena in a civil action in any court of the state to testify concerning a matter of which he has knowledge pursuant to his access to criminal intelligence information maintained by the West Virginia Fusion Center.

(c) No person or agency receiving information from the West Virginia Fusion Center shall release or disseminate that information without prior authorization from the West Virginia Fusion Center.

(d) Intelligence data in the possession of a criminal or juvenile justice agency, state or federal regulatory agency, or peace officer, or disseminated by such agency or peace officer, are confidential records under §29B-1-1 *et seq.* of this code.

(e) Any person who knowingly disseminates information in violation of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$200 nor more than \$1,000, or be confined in jail for not more than 20 days, or both fined and confined. If such unauthorized dissemination results in death or serious bodily injury to another person, such person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one nor more than five years: *Provided,* That all state and federal Whistleblower Protection Act protections shall apply to any person whose disclosures are found to have been made to report or protect against violation or attempted violation of any and all restrictions and prohibitions against conducting non-law enforcement intelligence operations against U.S. citizens as set forth in federal or state law or in contravention of the Constitution of the United States, including, but not limited to, 50 U.S.C. §3036(d).

(f) Any person, being an officer or employee of the United States, the State of West Virginia or of any department, agency, or political subdivision thereof, or any person from the private sector or industry assigned to or working with the West Virginia Fusion Center in any capacity, who knowingly publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by law, any critical infrastructure or national intelligence information protected from disclosure by this section coming to him or her in the course of his or her employment, affiliation, or official duties with the West Virginia Fusion Center, or by reason of any examination or investigation made by, return, report, or record made to or filed with, such department or agency, officer or employee thereof, shall be guilty of a felony and, upon conviction, be imprisoned in a state correctional facility for not less than one year, and shall be removed from office or employment and affiliation with the West Virginia Fusion Center: *Provided,* That all state and federal Whistleblower Protection Act protections shall apply to any person whose disclosures are found to have been made to report or protect against violation or attempted violation of any and all restrictions and prohibitions against conducting non-law enforcement intelligence operations against U.S. citizens as set forth in federal or state law or in contravention of the Constitution of the United States, including, but not limited to, 50 U.S.C. §3036(d).

(g) The West Virginia Department of Homeland Security shall provide legal counsel to the West Virginia Fusion Center to serve as privacy and civil liberties counsel to the West Virginia Fusion Center. Such attorney shall advise the West Virginia Fusion Center director and its deputy

director on all matters necessary to ensure compliance with all applicable federal and state privacy or civil liberties laws, obligations, restrictions, and prohibitions as set forth herein.

(h) For purposes of this article:

(1) "Criminal intelligence information" means data or information that has been evaluated and determined to be relevant to the identification and criminal activity of individuals or organizations that are reasonably suspected of involvement in criminal activity.

(2) "Critical Infrastructure" means systems and assets as defined in 42 U.S.C. § 5195c(e).

(3) "National Intelligence" means data or information determined to meet the definition stated in 50 U.S.C. §3003 (5): *Provided*, That Fusion Center activities and operations relating to National Intelligence shall at all times strictly abide by all restrictions and prohibitions against conducting non-law enforcement intelligence operations against U.S. citizens as set forth in federal or state law or in contravention of the Constitution of the United States, including, but not limited to, 50 U.S.C. §3036(d).

§15A-9-6. Receipt of information; immunity from liability.

(a) No cause of action for defamation, invasion of privacy, or negligence shall arise against any person by reason of that person's furnishing information concerning any suspected, anticipated, or completed criminal violation or terrorist activity when the information is provided to or received from the West Virginia Fusion Center or any federal, state, or local governmental or private sector entity established for the purpose of detecting and preventing acts of criminal activity or terrorism: *Provided*, That with regard to any Fusion Center intelligence or information gathering activity or operation against a U.S. Citizen related to alleged terrorism or violation of a law, such allegation must be vetted and confirmed by procedures substantially in compliance with those set forth in laws, rules, and regulations developed in accordance with 50 U.S.C. §3036(d).

(b) No person shall be subject to such cause of action for cooperating with or furnishing evidence or information regarding any suspected criminal violation to the West Virginia Fusion Center.

(c) This section shall not provide immunity for those disclosing or furnishing false information with malice or willful intent to injure any person, nor for any person who does not comply with the procedures set forth in §15A-9-6(a) of this code.

(d) This section does not in any way abrogate or modify common law or statutory privilege or immunity heretofore enjoyed by any person or entity.

§15A-9-7. Costs.

(a) The director, with approval of the cabinet secretary or deputy cabinet secretary, may enter into agreements with participating agencies or organizations, whether public or private, for their participation in the West Virginia Fusion Center. Such agreements: (1) Shall define the duties and responsibilities of each participating agency or organization; (2) may provide for payment by the participating agency or organization of a reasonable share of the cost to establish, maintain, and operate the West Virginia Fusion Center; and (3) shall require compliance with all requirements, restrictions, and prohibitions set forth in this article.

(b)(1) The West Virginia Fusion Center, with approval of the cabinet secretary or deputy cabinet secretary, may accept any gift, grant, payment, moneys, or assets seized by forfeiture as a result of collaborative efforts or contribution from any source, public or private, for the purpose of paying the costs to establish, maintain, or operate the West Virginia Fusion Center. Such gift, grant, payment, moneys, or assets seized by forfeiture as a result of collaborative works or contribution may be in the form of services, equipment, supplies, materials, or funds. All amounts received under this section shall be remitted to the State Treasurer in accordance with chapter 12 of this code, and the amendments thereto. Upon receipt of each such remittance, the State Treasurer shall deposit the entire amount in the State Treasury to the credit of the West Virginia Fusion Center Fund, that is hereby created in the State Treasury and shall be administered by the West Virginia Department of Homeland Security in accordance with this article and subject to regular auditing and oversight by the legislature's select oversight committee.

(2) Moneys in the West Virginia Fusion Center Fund may be used by the director to pay any costs associated with establishing, maintaining, or operating the West Virginia Fusion Center. The director of the West Virginia Fusion Center Fund shall develop policy and procedures for purchasing, and expenditures shall be made in accordance with vouchers approved by the director or the director's designee. Any gift, grant, payment, moneys, or any assets seized by forfeiture as a result of collaborative efforts, or contribution in any form other than funds may be accepted by the director, with approval of the cabinet secretary, and utilized and expended in any manner authorized by law to establish, maintain, or operate the West Virginia Fusion Center: *Provided*, That all moneys used by the director shall be subject to all restrictions and prohibitions set forth in this article, and also to regular auditing and oversight by the Legislature's select oversight committee.

(3) The moneys credited to the fund created in subsection (b) of this section shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the Legislature that the moneys deposited in this fund shall remain intact and inviolate for the purposes set forth in this act.

§15A-9-8. Registration plates to official vehicles used in agency activities.

Notwithstanding any provision of this code to the contrary, the Commissioner of the Division of Motor Vehicles is authorized to issue Class A license plates to authorized state-owned vehicles operated by the West Virginia Fusion Center when the director signs a written affidavit stating that the vehicle or vehicles for which the plates are being requested will be used by the West Virginia Fusion Center in fulfilling its mission.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 4176), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, and Carmichael (Mr. President)—29.

The nays were: Baldwin, Beach, and Romano—3.

Absent: Weld and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4176) passed.

At the request of Senator Maynard, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the title of the bill was withdrawn.

On motion of Senator Sypolt, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4176—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-4, §15A-9-5, §15A-9-6, §15A-9-7 and §15A-9-8, all relating to establishing the West Virginia Fusion Center Act; requiring Governor to establish West Virginia Fusion Center and defining its purpose; providing that Department of Homeland Security will operate fusion center and provide legal counsel; establishing positions of fusion center director and deputy director; creating joint select oversight committee and establishing committee membership and powers; mandating entities participating in fusion center enter into memorandum of understanding with center and setting out minimum requirements of memorandum; limiting access to fusion center of certain persons; making certain information in possession of center confidential and not subject to disclosure; providing exceptions to confidentiality of information; establishing immunity from subpoena for individuals possessing criminal intelligence information gained from access to fusion center information; setting criminal penalties for knowing dissemination of fusion center information; providing whistleblower protections; prohibiting certain conduct by fusion center contractors and employees; making persons providing or receiving certain information to or from center immune from civil liability and exceptions thereto; allowing participating agencies to share in costs of operating center; creating West Virginia Fusion Center Fund; authorizing Commissioner of Department of Motor Vehicles to issue license plates for state-owned fusion center vehicles; and prohibiting fusion center from knowingly allowing contractor for federal intelligence agency to work inside fusion center.

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

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate proceeded to the sixth order of business, which agenda the includes the making of main motions.

On motion of Senator Takubo, the Senate reconsidered its action by which in earlier proceedings today it adopted Senator Maynard's amendment to the title of

Eng. Com. Sub. for House Bill 4587, Modernizing the Public Service Commission's regulation of solid waste motor carriers and solid waste facilities.

The bill still being in the possession of the Senate,

The question being on the adoption of Senator Takubo's aforesated motion, the same was put and prevailed.

The vote thereon having been reconsidered,

At the request of Senator Maynard, and by unanimous consent, Senator Maynard's amendment to the title of the bill (*shown in the Senate Journal of today, page 69*) was withdrawn.

On motion of Senator Maynard, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 4587—A Bill to amend and reenact §24-2-4a of the Code of West Virginia, 1931, as amended; to amend and reenact §24A-5-2 of said code; to amend said code by adding thereto two new sections, designated §24A-5-2a and §24A-5-2b; all relating to the regulation of the collection, hauling, and disposal of solid waste by motor carriers; authorizing indexed automatic rate increases for solid waste collection and hauling; setting procedures for the approval of rates; authorizing the Public Service Commission to approve alternative pick-up due to adverse conditions; and authorizing the Public Service Commission to promulgate rules.

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

Without objection, the Senate returned to the third order of business.

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

Eng. Com. Sub. for Senate Bill 150, Budget Bill.

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

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

On page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

TITLE I – GENERAL PROVISIONS.

Section 1. General policy. – The purpose of this bill is to appropriate money necessary for the economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year 2021.

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

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

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

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

The “fiscal year 2021” shall mean the period from July 1, 2020, through June 30, 2021.

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

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

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

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

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

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

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

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

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

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

West Virginia Council for Community and Technical College Education and Higher Education Policy Commission entities operating with special revenue funds and/or federal funds shall pay their proportionate share of the Board of Risk and Insurance Management total insurance premium cost for their respective institutions.

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

“Equipment” shall mean equipment items which have an appreciable and calculable period of usefulness in excess of one year.

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

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

“Lands” shall mean the purchase of real property or interest in real property.

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

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

Appropriations classified in any of the above categories shall be expended only for the purposes as defined above and only for the spending units herein designated: *Provided*, That the secretary of each department shall have the authority to transfer within the department those general revenue funds appropriated to the various agencies of the department: *Provided, however*, That no more than five percent of the general revenue funds appropriated to any one agency or board may be transferred to other agencies or boards within the department: and no funds may be transferred to a “personal services and employee benefits” appropriation unless the source funds are also wholly from a “personal services and employee benefits” line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, That the secretary of each department and the director, commissioner, executive secretary, superintendent, chairman or any other agency head not governed by a departmental secretary as established by Chapter 5F of the Code shall have the authority to transfer funds appropriated to “personal services and employee benefits,” “current expenses,” “repairs and alterations,” “equipment,” “other assets,” “land,” and “buildings” to other appropriations within the same account and no funds from other appropriations shall be transferred to the “personal services and employee benefits” or the “unclassified” appropriation: *And provided further*, That no authority exists hereunder to transfer funds into appropriations to which no funds are legislatively appropriated: *And provided further*, That if the Legislature consolidates, reorganizes or terminates agencies, boards or functions, within any fiscal year the

secretary or other appropriate agency head, or in the case of the termination of a spending unit of the state, the Director of the State Budget Office, in the absence of general law providing otherwise, may transfer the funds formerly appropriated to such agency, board or function, allocating items of appropriation as may be necessary if only part of the item may be allocated, in order to implement such consolidation, reorganization or termination. No funds may be transferred from a Special Revenue Account, dedicated account, capital expenditure account or any other account or fund specifically exempted by the Legislature from transfer, except that the use of the appropriations from the State Road Fund for the office of the Secretary of the Department of Transportation is not a use other than the purpose for which such funds were dedicated and is permitted.

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

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

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

TITLE II – APPROPRIATIONS.

ORDER OF SECTIONS

- SECTION 1. Appropriations from general revenue.
- SECTION 2. Appropriations from state road fund.
- SECTION 3. Appropriations from other funds.
- SECTION 4. Appropriations from lottery net profits.
- SECTION 5. Appropriations from state excess lottery revenue.
- SECTION 6. Appropriations of federal funds.
- SECTION 7. Appropriations from federal block grants.
- SECTION 8. Awards for claims against the state.
- SECTION 9. Appropriations from general revenue surplus accrued.
- SECTION 10. Appropriations from lottery net profits surplus accrued.
- SECTION 11. Appropriations from state excess lottery revenue surplus accrued.
- SECTION 12. Special revenue appropriations.

- SECTION 13. State improvement fund appropriations.
- SECTION 14. Specific funds and collection accounts.
- SECTION 15. Appropriations for refunding erroneous payment.
- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.

Section 1. Appropriations from general revenue. – From the State Fund, General Revenue, there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B the following amounts, as itemized, for expenditure during the fiscal year 2021.

LEGISLATIVE

1 - Senate

Fund 0165 FY 2021 Org 2100

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

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

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

The Clerk of the Senate, with the approval of the President, is authorized to draw his or her requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the Senate, for any bills for supplies and services that may have been incurred by the Senate and

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

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

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

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

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

2 - House of Delegates

Fund 0170 FY 2021 Org 2200

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

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

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

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

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

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

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

3 - *Joint Expenses*

(WV Code Chapter 4)

Fund 0175 FY 2021 Org 2300

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

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

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

JUDICIAL*4 - Supreme Court –**General Judicial*Fund 0180 FY 2021 Org 2400

Personal Services and Employee Benefits (R).....	00100	\$ 111,440,000
Military Service Members Court (R)	09002	300,000
Current Expenses (R)	13000	16,611,000
Repairs and Alterations (R).....	06400	40,000
Equipment (R).....	07000	1,950,000
Judges' Retirement System (R)	11000	838,000
Buildings (R)	25800	10,000
Other Assets (R)	69000	200,000
BRIM Premium (R).....	91300	810,000
Total		<u>\$ 132,199,000</u>

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

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

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

EXECUTIVE*5 - Governor's Office*

(WV Code Chapter 5)

Fund 0101 FY 2021 Org 0100

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

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

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

6 - Governor's Office –

Custodial Fund

(WV Code Chapter 5)

Fund 0102 FY 2021 Org 0100

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

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

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

7 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2021 Org 0100

Milton Flood Wall (R).....	75701	\$	6,000,000
----------------------------	-------	----	-----------

Any unexpended balances remaining in the appropriations for Business and Economic Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation 13500), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), Milton Flood Wall (fund 0105, appropriation 75701), and Natural Disasters – Surplus (fund 0105, appropriation 76400) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

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

8 - Auditor's Office –

General Administration

(WV Code Chapter 12)

Fund 0116 FY 2021 Org 1200

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

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

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

9 - Treasurer's Office

(WV Code Chapter 12)

Fund 0126 FY 2021 Org 1300

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

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

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

10 - Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	6,298,229
Animal Identification Program	03900		131,942
State Farm Museum.....	05500		87,759
Current Expenses (R)	13000		848,115
Gypsy Moth Program (R)	11900		1,003,440
WV Farmers Market.....	12801		150,467
Black Fly Control.....	13700		453,698
HEMP Program.....	13701		350,000
Donated Foods Program.....	36300		45,000
Veterans to Agriculture Program (R)	36301		255,624
Predator Control (R).....	47000		176,400
Bee Research	69100		70,634
Microbiology Program	78500		99,828
Moorefield Agriculture Center.....	78600		975,284
Chesapeake Bay Watershed.....	83000		112,427
Livestock Care Standards Board.....	84300		8,820
BRIM Premium.....	91300		138,905
State FFA-FHA Camp and Conference Center	94101		638,554
Threat Preparedness	94200		73,122
WV Food Banks	96900		426,000
Senior's Farmers' Market Nutrition Coupon Program	97000		55,835
Total		\$	<u>12,400,083</u>

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

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

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

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

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

11 - West Virginia Conservation Agency

(WV Code Chapter 19)

Fund 0132 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	794,191
--	-------	----	---------

Unclassified	09900	77,059
Current Expenses (R)	13000	317,848
Soil Conservation Projects (R)	12000	9,799,709
BRIM Premium.....	91300	<u>34,428</u>
Total		\$ 11,023,235

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

12 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 0135 FY 2021 Org 1400

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

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

13 - Department of Agriculture –

Agricultural Awards Fund

(WV Code Chapter 19)

Fund 0136 FY 2021 Org 1400

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

14 - Department of Agriculture –

West Virginia Agricultural Land Protection Authority

(WV Code Chapter 8A)

Fund 0607 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 99,547
Unclassified	09900	<u>950</u>
Total		\$ 100,497

15 - Attorney General

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

Fund 0150 FY 2021 Org 1500

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

Any unexpended balances remaining in the above appropriations for Personal Services and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas Corpus Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool (fund 0150, appropriation 36200) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

When legal counsel or secretarial help is appointed by the Attorney General for any state spending unit, this account shall be reimbursed from such spending units specifically appropriated account or from accounts appropriated by general language contained within this bill: *Provided*, That the spending unit shall reimburse at a rate and upon terms agreed to by the state spending unit and the Attorney General: *Provided, however*, That if the spending unit and the Attorney General are unable to agree on the amount and terms of the reimbursement, the spending unit and the Attorney General shall submit their proposed reimbursement rates and terms to the Governor for final determination.

16 - Secretary of State

(WV Code Chapters 3, 5, and 59)

Fund 0155 FY 2021 Org 1600

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

Any unexpended balances remaining in the appropriations for Unclassified (fund 0155, appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

17 - State Election Commission

(WV Code Chapter 3)

Fund 0160 FY 2021 Org 1601

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

DEPARTMENT OF ADMINISTRATION

18 - Department of Administration –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0186 FY 2021 Org 0201

Personal Services and Employee Benefits.....	00100	\$	606,584
Unclassified	09900		9,177
Current Expenses	13000		85,009
Repairs and Alterations.....	06400		100
Equipment.....	07000		1,000
Financial Advisor (R).....	30400		27,546
Lease Rental Payments	51600		15,000,000
Design-Build Board	54000		4,000
Other Assets	69000		100
BRIM Premium.....	91300		6,736
Total		\$	<u>15,740,252</u>

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

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

19 - Consolidated Public Retirement Board

(WV Code Chapter 5)

Fund 0195 FY 2021 Org 0205

The Division of Highways, Division of Motor Vehicles, Public Service Commission and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the retirement costs for their respective

divisions. When specific appropriations are not made, such payments may be made from the balances in the various special revenue funds in excess of specific appropriations.

20 - Division of Finance

(WV Code Chapter 5A)

Fund 0203 FY 2021 Org 0209

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

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

21 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2021 Org 0211

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

Any unexpended balances remaining in the above appropriations for Buildings (fund 0230, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900), Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700), and Land (fund 0230, appropriation 73000) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

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

22 - Division of Purchasing

(WV Code Chapter 5A)

Fund 0210 FY 2021 Org 0213

Personal Services and Employee Benefits.....	00100	\$	1,055,926
Unclassified	09900		144
Current Expenses	13000		1,285
Repairs and Alterations.....	06400		200
BRIM Premium.....	91300		<u>6,922</u>
Total		\$	<u>1,064,477</u>

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

23 - Travel Management

(WV Code Chapter 5A)

Fund 0615 FY 2021 Org 0215

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

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

24 - Commission on Uniform State Laws

(WV Code Chapter 29)

Fund 0214 FY 2021 Org 0217

Current Expenses	13000	\$	45,550
------------------------	-------	----	--------

To pay expenses for members of the commission on uniform state laws.

25 - West Virginia Public Employees Grievance Board

(WV Code Chapter 6C)

Fund 0220 FY 2021 Org 0219

Personal Services and Employee Benefits.....	00100	\$	969,627
Unclassified	09900		1,000
Current Expenses	13000		145,295
Equipment.....	07000		50
BRIM Premium.....	91300		8,740
Total.....		\$	<u>1,124,712</u>

26 - Ethics Commission

(WV Code Chapter 6B)

Fund 0223 FY 2021 Org 0220

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

27 - Public Defender Services

(WV Code Chapter 29)

Fund 0226 FY 2021 Org 0221

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

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

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

*28 - Committee for the Purchase of**Commodities and Services from the Handicapped*

(WV Code Chapter 5A)

Fund 0233 FY 2021 Org 0224

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

29 - Public Employees Insurance Agency

(WV Code Chapter 5)

Fund 0200 FY 2021 Org 0225

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

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

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

30 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 0557 FY 2021 Org 0228

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

Any unexpended balances remaining in the appropriations for Forensic Medical Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557, appropriation 74900) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

31 - Real Estate Division

(WV Code Chapter 5A)

Fund 0610 FY 2021 Org 0233

Personal Services and Employee Benefits.....	00100	\$	681,101
Unclassified	09900		1,000
Current Expenses	13000		137,381
Repairs and Alterations.....	06400		100
Equipment.....	07000		2,500

BRIM Premium.....	91300	<u>9,784</u>
Total		\$ 831,866

DEPARTMENT OF COMMERCE

32 - West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 0246 FY 2021 Org 0304

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

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

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

33 - Division of Forestry

(WV Code Chapter 19)

Fund 0250 FY 2021 Org 0305

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

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

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

34 - *Geological and Economic Survey*

(WV Code Chapter 29)

Fund 0253 FY 2021 Org 0306

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

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

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

35 - *West Virginia Development Office*

(WV Code Chapter 5B)

Fund 0256 FY 2021 Org 0307

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

Any unexpended balances remaining in the appropriations for Sales and Marketing Enhancement – Surplus (fund 0256, appropriation 05099), Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Guaranteed Work Force Grant (fund 0256, appropriation 24200), Industrial Park Assistance (fund 0256, appropriation 48000), and Local Economic Development Assistance (fund 0256, appropriation 81900) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

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

36 - Division of Labor

(WV Code Chapters 21, and 47)

Fund 0260 FY 2021 Org 0308

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

37 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2021 Org 0310

Personal Services and Employee Benefits.....	00100	\$	16,956,925
Unclassified	09900		184,711
Current Expenses	13000		196,302
Repairs and Alterations.....	06400		100
Equipment.....	07000		100
Buildings (R)	25800		100
Capital Outlay – Parks (R)	28800		3,000,000
Litter Control Conservation Officers	56400		146,986
Upper Mud River Flood Control.....	65400		164,791
Other Assets	69000		100
Land (R).....	73000		100
Law Enforcement	80600		2,552,994
BRIM Premium.....	91300		<u>45,141</u>
Total		\$	23,248,350

Any unexpended balances remaining in the appropriations for Buildings (fund 0265, appropriation 25800), Capital Outlay – Parks (fund 0265, appropriation 28800), Land (fund 0265, appropriation 73000), and State Park Improvements – Surplus (fund 0265, appropriation 76300)

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

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

38 - Division of Miners' Health, Safety and Training

(WV Code Chapter 22)

Fund 0277 FY 2021 Org 0314

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

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

39 - Board of Coal Mine Health and Safety

(WV Code Chapter 22)

Fund 0280 FY 2021 Org 0319

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

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

40 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 0572 FY 2021 Org 0323

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

*41 - Department of Commerce –**Office of the Secretary*

(WV Code Chapter 19)

Fund 0606 FY 2021 Org 0327

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

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

42 - Office of Energy

(WV Code Chapter 5B)

Fund 0612 FY 2021 Org 0328

Personal Services and Employee Benefits.....	00100	\$	198,299
Unclassified	09900		12,395
Current Expenses	13000		1,029,679
BRIM Premium.....	91300		3,894
Total.....		\$	<u>1,244,267</u>

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

*43 - State Board of Rehabilitation –**Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 0310 FY 2021 Org 0932

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

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

DEPARTMENT OF EDUCATION

44 - State Board of Education –

School Lunch Program

(WV Code Chapters 18, and 18A)

Fund 0303 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$	348,042
Current Expenses	13000		<u>2,118,865</u>
Total		\$	2,466,907

45 - State Board of Education –

State Department of Education

(WV Code Chapters 18, and 18A)

Fund 0313 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$	4,598,523
Teachers' Retirement Savings Realized.....	09500		33,028,000
Unclassified (R).....	09900		420,000
Current Expenses (R)	13000		5,410,000
Center for Professional Development (R).....	11500		150,000
Increased Enrollment	14000		5,090,000
Safe Schools.....	14300		4,704,544
Attendance Incentive Bonus.....	15001		2,056,717
National Teacher Certification (R)	16100		300,000
Jobs & Hope – Childhood Drug Prevention Education	21901		2,500,000
Allowance for County Transfer	26400		238,174
Technology Repair and Modernization	29800		951,003
HVAC Technicians	35500		516,791
Early Retirement Notification Incentive.....	36600		300,000
MATH Program	36800		336,532
Assessment Programs	39600		1,339,588
Benedum Professional Development Collaborative (R).....	42700		429,775
Governor's Honors Academy (R)	47800		1,059,270
21st Century Fellows.....	50700		274,899
English as a Second Language.....	52800		96,000
Teacher Reimbursement.....	57300		297,188
Hospitality Training	60000		272,775
Hi-Y Youth in Government	61600		100,000

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

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

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

Any unexpended balances remaining in the appropriations for Unclassified (fund 0313, appropriation 09900), Current Expenses (fund 0313, appropriation 13000), Center for Professional Development (fund 0313, appropriation 11500), National Teacher Certification (fund 0313, appropriation 16100), Benedum Professional Development Collaborative (fund 0313, appropriation 42700), Governor’s Honors Academy (fund 0313, appropriation 47800), High Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation 72100), School Based Truancy Prevention (fund 0313, appropriation 78101), Communities in Schools (fund 0313, appropriation 78103), and 21st Century Learners (fund 0313, appropriation 88600) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

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

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

From the above appropriation for Educational Program Allowance (fund 0313, appropriation 99600), \$100,000 shall be expended for Webster County Board of Education for Hacker Valley; \$150,000 shall be for the Randolph County Board of Education for Pickens School;

\$100,000 shall be for the Preston County Board of Education for the Aurora School; \$100,000 shall be for the Fayette County Board of Education for Meadow Bridge; \$50,000 shall be for Morgan County Board for Paw Paw Schools; and \$66,250 is for Project Based Learning in STEM fields.

46 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18, and 18A)

Fund 0314 FY 2021 Org 0402

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

Any unexpended balance remaining in the appropriation for Education of Institutionalized Juveniles and Adults (fund 0314, appropriation 47200) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

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

47 - State Board of Education –

State Aid to Schools

(WV Code Chapters 18, and 18A)

Fund 0317 FY 2021 Org 0402

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

School Building Authority	45300	24,000,000
Retirement Systems – Unfunded Liability	77500	<u>323,576,000</u>
Total		\$ 1,860,096,588

48 - State Board of Education –

Vocational Division

(WV Code Chapters 18, and 18A)

Fund 0390 FY 2021 Org 0402

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

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

49 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

(WV Code Chapters 18, and 18A)

Fund 0320 FY 2021 Org 0403

Personal Services and Employee Benefits	00100	\$ 11,379,675
Unclassified	09900	110,000
Current Expenses	13000	2,250,696
Repairs and Alterations	06400	164,675
Equipment	07000	77,000
Buildings (R)	25800	45,000
Capital Outlay and Maintenance (R)	75500	520,000
BRIM Premium	91300	<u>130,842</u>
Total		\$ 14,677,888

Any unexpended balances remaining in the appropriations for Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at

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

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

50 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2021 Org 0432

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

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Buildings (fund 0293, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), Land (fund 0293, appropriation 73000), and Capital Outlay and Maintenance (fund 0293, appropriation 75500) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

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

51 - Library Commission

(WV Code Chapter 10)

Fund 0296 FY 2021 Org 0433

Personal Services and Employee Benefits.....	00100	\$	1,314,744
--	-------	----	-----------

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

52 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 0300 FY 2021 Org 0439

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

53 - Environmental Quality Board

(WV Code Chapter 20)

Fund 0270 FY 2021 Org 0311

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

54 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 0273 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 4,207,200
Water Resources Protection and Management.....	06800	576,278
Current Expenses	13000	86,116
Repairs and Alterations.....	06400	1,500
Unclassified	09900	14,825
Dam Safety	60700	237,824

West Virginia Stream Partners Program.....	63700		77,396
Meth Lab Cleanup.....	65600		139,000
WV Contributions to River Commissions.....	77600		148,485
Office of Water Resources Non-Enforcement Activity	85500		<u>1,009,855</u>
Total		\$	6,498,479

55 - Air Quality Board

(WV Code Chapter 16)

Fund 0550 FY 2021 Org 0325

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

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

56 - Department of Health and Human Resources –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0400 FY 2021 Org 0501

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

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

57 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	12,544,773
Chief Medical Examiner	04500		8,714,647
Unclassified	09900		671,795
Current Expenses	13000		4,588,459

State Aid for Local and Basic Public Health Services	18400	14,160,490
Safe Drinking Water Program (R).....	18700	1,891,323
Women, Infants and Children.....	21000	38,621
Early Intervention	22300	8,134,060
Cancer Registry	22500	206,306
Office of Drug Control Policy (R).....	35401	545,153
Statewide EMS Program Support (R).....	38300	1,695,271
Office of Medical Cannabis (R)	42001	1,459,989
Black Lung Clinics.....	46700	170,885
Vaccine for Children.....	55100	338,235
Tuberculosis Control	55300	329,256
Maternal and Child Health Clinics, Clinicians Medical Contracts and Fees (R).....	57500	5,892,707
Epidemiology Support.....	62600	1,497,192
Primary Care Support	62800	4,263,706
Sexual Assault Intervention and Prevention	72300	125,000
Health Right Free Clinics	72700	3,750,000
Capital Outlay and Maintenance (R)	75500	70,000
Healthy Lifestyles.....	77800	890,000
Maternal Mortality Review	83400	49,933
Diabetes Education and Prevention	87300	97,125
BRIM Premium.....	91300	169,791
State Trauma and Emergency Care System	91800	1,921,322
WVU Charleston Poison Control Hotline	94400	712,942
Total.....		<u>\$ 74,928,981</u>

Any unexpended balances remaining in the appropriations for Safe Drinking Water Program (fund 0407, appropriation 18700), Office of Drug Control Policy (fund 0407, appropriation 35401), Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402), Statewide EMS Program Support (fund 0407, appropriation 38300), Office of Medical Cannabis (fund 0407, appropriation 42001), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), and Tobacco Education Program (fund 0407, appropriation 90600) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

From the above appropriation for Current Expenses (fund 0407, appropriation 13000), an amount not less than \$100,000 is for the West Virginia Cancer Coalition; \$50,000 shall be expended for the West Virginia Aids Coalition; \$100,000 is for Adolescent Immunization Education; \$73,065 is for informal dispute resolution relating to nursing home administrative appeals; \$50,000 is for Hospital Hospitality House of Huntington; and \$200,000 is for Potomac Center Inc. of Romney, West Virginia.

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

58 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,632,588
Current Expenses	13000		14,113
Behavioral Health Program (R)	21900		68,613,953
Jobs & Hope	14902		4,500,000
Family Support Act.....	22100		251,226
Institutional Facilities Operations (R).....	33500		147,729,180
Substance Abuse Continuum of Care (R)	35400		1,840,000
Capital Outlay and Maintenance (R)	75500		2,875,000
Renaissance Program.....	80400		165,996
BRIM Premium.....	91300		1,296,098
Total		\$	<u>228,918,154</u>

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

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

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

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

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

Additional funds have been appropriated in fund 5156, fiscal year 2021, organization 0506, for the operation of the institutional facilities. The secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the Institutional Facilities Operations appropriation to facilitate cost effective and cost saving services at the community level.

59 - Division of Health –

West Virginia Drinking Water Treatment

(WV Code Chapter 16)

Fund 0561 FY 2021 Org 0506

West Virginia Drinking Water Treatment

Revolving Fund-Transfer	68900	\$	647,500
-------------------------------	-------	----	---------

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

60 - Human Rights Commission

(WV Code Chapter 5)

Fund 0416 FY 2021 Org 0510

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

61 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 0403 FY 2021 Org 0511

Personal Services and Employee Benefits	00100	\$	48,929,356
Unclassified	09900		5,688,944
Current Expenses	13000		12,866,637
Child Care Development	14400		3,102,718
Medical Services	18900		297,855,264
Social Services	19500		226,376,781
Family Preservation Program	19600		1,565,000
Family Resource Networks	27400		1,762,464
Domestic Violence Legal Services Fund	38400		400,000
James "Tiger" Morton Catastrophic Illness Fund	45500		105,695
I/DD Waiver	46600		108,541,736
Child Protective Services Case Workers	46800		27,843,073
Title XIX Waiver for Seniors	53300		13,593,620
WV Teaching Hospitals Tertiary/Safety Net	54700		6,356,000
In-Home Family Education	68800		1,000,000
WV Works Separate State Program	69800		135,000
Child Support Enforcement	70500		6,458,806
Temporary Assistance for Needy Families/ Maintenance of Effort	70700		25,819,096
Child Care – Maintenance of Effort Match	70800		5,693,743
Grants for Licensed Domestic Violence Programs and Statewide Prevention	75000		2,500,000
Capital Outlay and Maintenance (R)	75500		11,875

Community Based Services and Pilot Programs for Youth.....	75900	1,000,000
Medical Services Administrative Costs.....	78900	38,234,761
Traumatic Brain Injury Waiver	83500	800,000
Indigent Burials (R)	85100	1,550,000
CHIP Administrative Costs	85601	700,000
CHIP Services.....	85602	6,390,665
BRIM Premium.....	91300	892,642
Rural Hospitals Under 150 Beds	94000	2,596,000
Children's Trust Fund – Transfer.....	95100	220,000
PATH	95400	<u>7,162,452</u>
Total.....		\$ 856,152,328

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0403, appropriation 75500) and Indigent Burials (fund 0403, appropriation 85100) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

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

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

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

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

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

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

From the above appropriation for the Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), 50% of the total shall be divided equally and distributed among the fourteen (14) licensed programs and the West Virginia Coalition Against Domestic Violence (WVCADV). The balance remaining in the appropriation for Grants for

Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), shall be distributed according to the formula established by the Family Protection Services Board.

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

**DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY**

62 - Department of Military Affairs and Public Safety –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 2021 Org 0601

Personal Services and Employee Benefits.....	00100	\$	684,426
Unclassified (R).....	09900		16,386
Current Expenses	13000		168,968
Repairs and Alterations.....	06400		1,500
Equipment.....	07000		1,500
Fusion Center (R)	46900		824,000
Other Assets	69000		2,500
Directed Transfer	70000		32,000
BRIM Premium.....	91300		22,563
WV Fire and EMS Survivor Benefit (R)	93900		200,000
Total.....		\$	<u>1,953,843</u>

Any unexpended balances remaining in the appropriations for Unclassified (fund 0430, appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Justice Reinvestment Training – Surplus (fund 0430, appropriation 69900), WV Fire and EMS Survivor Benefit (fund 0430, appropriation 93900), and Homeland State Security Administrative Agency (fund 0430, appropriation 95300) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

63 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 0433 FY 2021 Org 0603

Unclassified (R).....	09900	\$	106,798
-----------------------	-------	----	---------

College Education Fund.....	23200	4,000,000
Civil Air Patrol	23400	249,664
Mountaineer ChalleNGe Academy.....	70900	4,800,000
Armory Board Transfer.....	70015	2,317,555
Military Authority (R).....	74800	6,260,251
Drug Enforcement and Support.....	74801	1,500,000
Total.....		\$ 19,234,268

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

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

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

From the above appropriation and other state and federal funding, the Adjutant General shall provide an amount not less than \$4,800,000 to the Mountaineer ChalleNGe Academy to meet anticipated program demand.

64 - Adjutant General –

Military Fund

(WV Code Chapter 15)

Fund 0605 FY 2021 Org 0603

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

65 - West Virginia Parole Board

(WV Code Chapter 62)

Fund 0440 FY 2021 Org 0605

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

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

66 - Division of Homeland Security and

Emergency Management

(WV Code Chapter 15)

Fund 0443 FY 2021 Org 0606

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

Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match (fund 0443, appropriation 74900), Early Warning Flood System (fund 0443, appropriation 87700), and Disaster Mitigation (fund 0443, appropriation 95200) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

67 - Division of Corrections and Rehabilitation –

Central Office

(WV Code Chapter 15A)

Fund 0446 FY 2021 Org 0608

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

68 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapter 15A)

Fund 0450 FY 2021 Org 0608

Employee Benefits	01000	\$	1,258,136
Children’s Protection Act (R).....	09000		838,437

Unclassified	09900	1,578,800
Current Expenses (R)	13000	52,016,936
Facilities Planning and Administration (R)	38600	1,274,200
Charleston Correctional Center	45600	3,400,402
Beckley Correctional Center	49000	2,518,874
Anthony Correctional Center	50400	6,096,779
Huttonsville Correctional Center	51400	21,920,001
Northern Correctional Center	53400	8,018,685
Inmate Medical Expenses (R)	53500	21,226,064
Pruntytown Correctional Center	54300	8,597,911
Corrections Academy	56900	1,925,980
Information Technology Services	59901	2,759,052
Martinsburg Correctional Center	66300	4,348,990
Parole Services	68600	5,850,564
Special Services	68700	6,477,777
Investigative Services	71600	3,394,070
Capital Outlay and Maintenance (R)	75500	2,000,000
Salem Correctional Center	77400	11,455,381
McDowell County Correctional Center	79000	2,542,590
Stevens Correctional Center	79100	7,863,195
Parkersburg Correctional Center	82800	3,927,845
St. Mary's Correctional Center	88100	14,497,534
Denmar Correctional Center	88200	5,189,043
Ohio County Correctional Center	88300	2,147,492
Mt. Olive Correctional Complex	88800	22,357,432
Lakin Correctional Center	89600	10,711,864
BRIM Premium	91300	<u>2,527,657</u>
Total		\$ 238,721,691

Any unexpended balances remaining in the appropriations for Children's Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0450, appropriation 67700), Capital Outlay and Maintenance (fund 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation 75501), and Roof Repairs and Mechanical System Upgrades (fund 0450, appropriation 75502) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

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

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

69 - *Division of Corrections and Rehabilitation –**Bureau of Juvenile Services*

(WV Code Chapter 15A)

Fund 0570 FY 2021 Org 0608

Statewide Reporting Centers	26200	\$	7,358,529
Robert L. Shell Juvenile Center.....	26700		2,519,068
Resident Medical Expenses (R).....	53501		3,604,999
Central Office	70100		2,167,320
Capital Outlay and Maintenance (R)	75500		250,000
Gene Spadaro Juvenile Center	79300		2,692,984
BRIM Premium.....	91300		115,967
Kenneth Honey Rubenstein Juvenile Center (R).....	98000		5,808,523
Vicki Douglas Juvenile Center.....	98100		2,389,494
Northern Regional Juvenile Center	98200		2,876,302
Lorrie Yeager Jr. Juvenile Center.....	98300		2,422,880
Sam Perdue Juvenile Center	98400		2,614,497
Tiger Morton Center.....	98500		2,633,060
Donald R. Kuhn Juvenile Center	98600		5,060,657
J.M. "Chick" Buckbee Juvenile Center	98700		2,527,617
Total.....		\$	45,041,897

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

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

70 - *West Virginia State Police*

(WV Code Chapter 15)

Fund 0453 FY 2021 Org 0612

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

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

Any unexpended balances remaining in the appropriations for Communications and Other Equipment (fund 0453, appropriation 55800), and Capital Outlay and Maintenance (fund 0453, appropriation 75500) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

71 - Fire Commission

(WV Code Chapter 29)

Fund 0436 FY 2021 Org 0619

Current Expenses	13000	\$	64,021
------------------------	-------	----	--------

72 - Division of Protective Services

(WV Code Chapter 5F)

Fund 0585 FY 2021 Org 0622

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

Any unexpended balances remaining in the appropriations for Equipment (fund 0585, appropriation 07000), and Unclassified (fund 0585, appropriation 09900) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

73 - Division of Administrative Services

(WV Code Chapter 15A)

Fund 0619 FY 2021 Org 0623

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

74 - *Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 0546 FY 2021 Org 0623

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

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

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

DEPARTMENT OF REVENUE75 - *Office of the Secretary*

(WV Code Chapter 11)

Fund 0465 FY 2021 Org 0701

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

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

76 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2021 Org 0702

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

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and Integrated Tax Assessment System (fund 0470, appropriation 29200) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

77 - State Budget Office

(WV Code Chapter 11B)

Fund 0595 FY 2021 Org 0703

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

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

78 - West Virginia Office of Tax Appeals

(WV Code Chapter 11)

Fund 0593 FY 2021 Org 0709

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

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

79 - Division of Professional and Occupational Licenses –

State Athletic Commission

(WV Code Chapter 29)

Fund 0523 FY 2021 Org 0933

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

DEPARTMENT OF TRANSPORTATION

80 - State Rail Authority

(WV Code Chapter 29)

Fund 0506 FY 2021 Org 0804

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

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

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

81 - Division of Public Transit

(WV Code Chapter 17)

Fund 0510 FY 2021 Org 0805

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

Any unexpended balances remaining in the appropriations for Equipment (fund 0510, appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

82 - Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2021 Org 0807

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

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

DEPARTMENT OF VETERANS' ASSISTANCE*83 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 0456 FY 2021 Org 0613

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

Any unexpended balances remaining in the appropriations for Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*84 - Department of Veterans' Assistance –**Veterans' Home*

(WV Code Chapter 9A)

Fund 0460 FY 2021 Org 0618

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

BUREAU OF SENIOR SERVICES*85 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 0420 FY 2021 Org 0508

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

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

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

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

**WEST VIRGINIA COUNCIL FOR COMMUNITY
AND TECHNICAL COLLEGE EDUCATION**

*86 - West Virginia Council for**Community and Technical College Education –**Control Account*

(WV Code Chapter 18B)

Fund 0596 FY 2021 Org 0420

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

Any unexpended balances remaining in the appropriations for West Virginia Council for Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements – Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation 89300), and Technical Program Development (fund 0596, appropriation 89400) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

From the above appropriation for the Community College Workforce Development (fund 0596, appropriation 87800), \$200,000 shall be expended on the Mine Training Program in Southern West Virginia.

Included in the above appropriation for West Virginia Advance Workforce Development (fund 0596, appropriation 89300) is \$200,000 to be used exclusively for advanced manufacturing and energy industry specific training programs.

87 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2021 Org 0444

Mountwest Community and Technical College.....	48700	\$	6,489,307
--	-------	----	-----------

88 - New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2021 Org 0445

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

89 - Pierpont Community and Technical College

(WV Code Chapter 18B)

Fund 0597 FY 2021 Org 0446

Pierpont Community and Technical College.....	93000	\$	7,820,129
---	-------	----	-----------

90 - Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2021 Org 0447

Blue Ridge Community and Technical College.....	88500	\$	7,830,842
---	-------	----	-----------

91 - West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2021 Org 0464

West Virginia University – Parkersburg	47100	\$	10,319,284
--	-------	----	------------

92 - Southern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0380 FY 2021 Org 0487

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

93 - West Virginia Northern Community and Technical College

(WV Code Chapter 18B)

Fund 0383 FY 2021 Org 0489

West Virginia Northern Community and Technical College	44700	\$	7,285,825
--	-------	----	-----------

94 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2021 Org 0492

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

95 - BridgeValley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2021 Org 0493

BridgeValley Community and Technical College	71700	\$	8,098,811
--	-------	----	-----------

HIGHER EDUCATION POLICY COMMISSION

96 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 0589 FY 2021 Org 0441

Personal Services and Employee Benefits.....	00100	\$	2,710,154
Current Expenses	13000		1,113,606
Higher Education Grant Program	16400		40,619,864
Tuition Contract Program (R)	16500		1,225,120

Underwood-Smith Scholarship Program-Student Awards	16700	628,349
Facilities Planning and Administration.....	38600	1,760,254
Higher Education System Initiatives.....	48801	1,630,000
PROMISE Scholarship – Transfer.....	80000	18,500,000
HEAPS Grant Program (R)	86700	5,014,728
Health Professionals’ Student Loan Program.....	86701	364,000
BRIM Premium.....	91300	17,817
Total.....		<u>\$ 73,583,892</u>

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

The above appropriation for Facilities Planning and Administration (fund 0589, appropriation 38600) is for operational expenses of the West Virginia Education, Research and Technology Park between construction and full occupancy.

The above appropriation for Higher Education Grant Program (fund 0589, appropriation 16400) shall be transferred to the Higher Education Grant Fund (fund 4933, org 0441) established by W.Va. Code §18C-5-3.

The above appropriation for Underwood-Smith Scholarship Program-Student Awards (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teacher Scholarship and Loan Assistance Fund (fund 4922, org 0441) established by W.Va. Code §18C-4-1.

The above appropriation for PROMISE Scholarship – Transfer (fund 0589, appropriation 80000) shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

97 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(WV Code Chapter 18B9)

Fund 0551 FY 2021 Org 0495

WVNET.....	16900	\$	1,747,826
------------	-------	----	-----------

98 - West Virginia University –

School of Medicine

Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2021 Org 0463

WVU School of Health Science – Eastern Division	05600	\$	2,235,352
WVU – School of Health Sciences	17400		15,056,370
WVU – School of Health Sciences – Charleston Division	17500		2,286,711
Rural Health Outreach Programs	37700		164,517
West Virginia University School of Medicine			
BRIM Subsidy	46000		<u>1,203,087</u>
Total		\$	<u>20,946,037</u>

The above appropriation for Rural Health Outreach Programs (fund 0343, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for West Virginia University School of Medicine BRIM Subsidy (fund 0343, appropriation 46000) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the “Total Premium Billed” to the institution as part of the full cost of their malpractice insurance coverage.

99 - West Virginia University –

General Administrative Fund

(WV Code Chapter 18B)

Fund 0344 FY 2021 Org 0463

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

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

100 - Marshall University –

School of Medicine

(WV Code Chapter 18B)

Fund 0347 FY 2021 Org 0471

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

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

The above appropriation for Rural Health Outreach Programs (fund 0347, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for Marshall University Medical School BRIM Subsidy (fund 0347, appropriation 44900) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the "Total Premium Billed" to the institution as part of the full cost of their malpractice insurance coverage.

101 - Marshall University –

General Administration Fund

(WV Code Chapter 18B)

Fund 0348 FY 2021 Org 0471

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

Any unexpended balances remaining in the appropriations for Vista E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

102 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2021 Org 0476

West Virginia School of Osteopathic Medicine	17200	\$	8,879,296
Rural Health Outreach Programs (R)	37700		166,111
West Virginia School of Osteopathic Medicine			
BRIM Subsidy	40300		153,405
Rural Health Initiative – Medical Schools Support.....	58100		397,592
Total		\$	9,596,404

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

The above appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for West Virginia School of Osteopathic Medicine BRIM Subsidy (fund 0336, appropriation 40300) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the "Total Premium Billed" to the institution as part of the full cost of their malpractice insurance coverage.

103 - Bluefield State College

(WV Code Chapter 18B)

Fund 0354 FY 2021 Org 0482

Bluefield State College.....	40800	\$	6,383,221
------------------------------	-------	----	-----------

104 - Concord University

(WV Code Chapter 18B)

Fund 0357 FY 2021 Org 0483

Concord University.....	41000	\$	10,476,415
-------------------------	-------	----	------------

105 - Fairmont State University

(WV Code Chapter 18B)

Fund 0360 FY 2021 Org 0484

Fairmont State University.....	41400	\$	18,600,341
--------------------------------	-------	----	------------

106 - Glenville State College

(WV Code Chapter 18B)

Fund 0363 FY 2021 Org 0485

Glenville State College.....	42800	\$	6,446,942
------------------------------	-------	----	-----------

107 - Shepherd University

(WV Code Chapter 18B)

Fund 0366 FY 2021 Org 0486

Shepherd University.....	43200	\$	12,683,829
--------------------------	-------	----	------------

108 - West Liberty University

(WV Code Chapter 18B)

Fund 0370 FY 2021 Org 0488

West Liberty University	43900	\$	9,102,662
-------------------------------	-------	----	-----------

109 - West Virginia State University

(WV Code Chapter 18B)

Fund 0373 FY 2021 Org 0490

West Virginia State University	44100	\$	11,342,512
West Virginia State University Land Grant Match	95600		<u>2,950,192</u>
Total		\$	<u>14,292,704</u>

From the above appropriation for West Virginia State University (fund 0373, appropriation 44100), \$300,000 shall be for the Healthy Grandfamilies program.

Total TITLE II, Section 1 – General Revenue (Including claims against the state).....			<u>\$ 4,578,900,000</u>
--	--	--	-------------------------

Sec. 2. Appropriations from state road fund. — From the state road fund there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2021.

DEPARTMENT OF TRANSPORTATION

110 - Division of Motor Vehicles

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

Fund 9007 FY 2021 Org 0802

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

111 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2021 Org 0803

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

The above appropriations are to be expended in accordance with the provisions of Chapters 17 and 17C of the code.

The Commissioner of Highways shall have the authority to operate revolving funds within the State Road Fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies.

There is hereby appropriated in addition to the above appropriations, sufficient money for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Sections 17 and 18, Article 2, Chapter 14 of the code.

It is the intent of the Legislature to capture and match all federal funds available for expenditure on the Appalachian highway system at the earliest possible time. Therefore, should amounts in excess of those appropriated be required for the purposes of Appalachian programs, funds in excess of the amount appropriated may be made available upon recommendation of the commissioner and approval of the Governor. Further, for the purpose of Appalachian programs, funds appropriated by appropriation may be transferred to other appropriations upon recommendation of the commissioner and approval of the Governor.

112 - Office of Administrative Hearings

(WV Code Chapter 17C)

Fund 9027 FY 2021 Org 0808

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

Total TITLE II, Section 2 – State Road Fund
 (Including claims against the state)..... \$ 1,357,570,267

Sec. 3. Appropriations from other funds. — From the funds designated there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2,

Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2021.

LEGISLATIVE

113 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 1731 FY 2021 Org 2300

	Appro- piation		Other Funds
Personal Services and Employee Benefits	00100	\$	498,020
Current Expenses	13000		133,903
Repairs and Alterations	06400		1,000
Economic Loss Claim Payment Fund.....	33400		2,000,000
Other Assets	69000		<u>3,700</u>
Total		\$	<u>2,636,623</u>

JUDICIAL

114 - Supreme Court –

Family Court Fund

(WV Code Chapter 51)

Fund 1763 FY 2021 Org 2400

Current Expenses	13000	\$	1,150,000
------------------------	-------	----	-----------

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

115 - Supreme Court –

Court Advanced Technology Subscription Fund

(WV Code Chapter 51)

Fund 1704 FY 2021 Org 2400

Current Expenses	13000	\$	100,000
------------------------	-------	----	---------

116 - Supreme Court –

Adult Drug Court Participation Fund

(WV Code Chapter 62)

Fund 1705 FY 2021 Org 2400

Current Expenses	13000	\$	200,000
------------------------	-------	----	---------

EXECUTIVE

117 - Governor's Office –

Minority Affairs Fund

(WV Code Chapter 5)

Fund 1058 FY 2021 Org 0100

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

118 - Auditor's Office –

Land Operating Fund

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

Fund 1206 FY 2021 Org 1200

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

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the necessary amount for the expenditure of funds other than Personal Services and Employee Benefits to enable the division to pay the direct expenses relating to land sales as provided in Chapter 11A of the West Virginia Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

119 - Auditor's Office –

Local Government Purchasing Card Expenditure Fund

(WV Code Chapter 6)

Fund 1224 FY 2021 Org 1200

Personal Services and Employee Benefits	00100	\$	627,779
---	-------	----	---------

Current Expenses	13000	282,030
Repairs and Alterations	06400	6,000
Equipment.....	07000	10,805
Other Assets	69000	50,000
Statutory Revenue Distribution.....	74100	<u>3,500,000</u>
Total		\$ 4,476,614

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer of revenue distribution requirements to provide a proportionate share of rebates back to the general fund of local governments based on utilization of the program in accordance with W.Va. Code §6-9-2b.

120 - Auditor's Office –

Securities Regulation Fund

(WV Code Chapter 32)

Fund 1225 FY 2021 Org 1200

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

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

(WV Code Chapter 12)

Fund 1233 FY 2021 Org 1200

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

Fifty percent of the deposits made into this fund shall be transferred to the Treasurer's Office – Technology Support and Acquisition Fund (fund 1329, org 1300) for expenditure for the purposes described in W.Va. Code §12-3-10c.

122 - Auditor's Office –

Purchasing Card Administration Fund

(WV Code Chapter 12)

Fund 1234 FY 2021 Org 1200

Personal Services and Employee Benefits.....	00100	\$ 2,824,837
Current Expenses	13000	2,303,622

Repairs and Alterations.....	06400	5,500
Equipment.....	07000	650,000
Other Assets.....	69000	308,886
Statutory Revenue Distribution.....	74100	<u>8,000,000</u>
Total.....		\$ 14,092,845

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer and revenue distribution requirements to the Purchasing Improvement Fund (fund 2264), the Hatfield-McCoy Regional Recreation Authority, and the State Park Operating Fund (fund 3265) per W.Va. Code §12-3-10d.

123 - Auditor's Office –

Chief Inspector's Fund

(WV Code Chapter 6)

Fund 1235 FY 2021 Org 1200

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

124 - Auditor's Office –

Volunteer Fire Department Workers'

Compensation Premium Subsidy Fund

(WV Code Chapters 12 and 33)

Fund 1239 FY 2021 Org 1200

Volunteer Fire Department Workers' Compensation Subsidy.....	83200	\$ 2,500,000
---	-------	--------------

125 - Treasurer's Office

College Prepaid Tuition and Savings Program

Administrative Account

(WV Code Chapter 18)

Fund 1301 FY 2021 Org 1300

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

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

(WV Code Chapter 19)

Fund 1401 FY 2021 Org 1400

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

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

(WV Code Chapter 19)

Fund 1408 FY 2021 Org 1400

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

*128 - Department of Agriculture –**General John McCausland Memorial Farm Fund*

(WV Code Chapter 19)

Fund 1409 FY 2021 Org 1400

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

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

*129 - Department of Agriculture –**Farm Operating Fund*

(WV Code Chapter 19)

Fund 1412 FY 2021 Org 1400

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

130 - Department of Agriculture –

Capital Improvements Fund

(WV Code Chapter 19)

Fund 1413 FY 2021 Org 1400

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

131 - Department of Agriculture –

Donated Food Fund

(WV Code Chapter 19)

Fund 1446 FY 2021 Org 1400

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

132 - Department of Agriculture –

Integrated Predation Management Fund

(WV Code Chapter 7)

Fund 1465 FY 2021 Org 1400

Current Expenses	13000	\$	112,500
------------------------	-------	----	---------

133 - Department of Agriculture –

West Virginia Spay Neuter Assistance Fund

(WV Code Chapter 19)

Fund 1481 FY 2021 Org 1400

Current Expenses	13000	\$	500,000
------------------------	-------	----	---------

134 - Department of Agriculture –

Veterans and Warriors to Agriculture Fund

(WV Code Chapter 19)

Fund 1483 FY 2021 Org 1400

Current Expenses	13000	\$	7,500
------------------------	-------	----	-------

135 - Department of Agriculture –

State FFA-FHA Camp and Conference Center

(WV Code Chapters 18 and 18A)

Fund 1484 FY 2021 Org 1400

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

136 - Attorney General –

Antitrust Enforcement Fund

(WV Code Chapter 47)

Fund 1507 FY 2021 Org 1500

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

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

(WV Code Chapter 47)

Fund 1513 FY 2021 Org 1500

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

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

(WV Code Chapter 47)

Fund 1514 FY 2021 Org 1500

Current Expenses	13000	\$	901,135
------------------------	-------	----	---------

*139 - Secretary of State –**Service Fees and Collection Account*

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2021 Org 1600

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

*140 - Secretary of State –**General Administrative Fees Account*

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2021 Org 1600

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

DEPARTMENT OF ADMINISTRATION

141 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(WV Code Chapter 4)

Fund 2041 FY 2021 Org 0201

Tobacco Settlement Securitization Trustee Pass Thru	65000	\$	80,000,000
---	-------	----	------------

142 - Department of Administration –

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(WV Code Chapter 18)

Fund 2044 FY 2021 Org 0201

Current Expenses	13000	\$	42,143,000
------------------------	-------	----	------------

The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – Teachers’ Accumulation Fund (fund 2600).

143 - Department of Administration –

Division of Finance –

Shared Services Section Fund

(WV Code Chapter 5A)

Fund 2020 FY 2021 Org 0209

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

144 - Division of Information Services and Communications

(WV Code Chapter 5A)

Fund 2220 FY 2021 Org 0210

Personal Services and Employee Benefits	00100	\$	22,464,463
Unclassified	09900		382,354

Current Expenses	13000	13,378,766
Repairs and Alterations	06400	1,000
Equipment	07000	2,050,000
Other Assets	69000	<u>1,045,000</u>
Total		\$ 39,321,583

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Division of Information Services and Communications as provided by law.

Each spending unit operating from the General Revenue Fund, from special revenue funds or receiving reimbursement for postage from the federal government shall be charged monthly for all postage meter service and shall reimburse the revolving fund monthly for all such amounts.

145 - Division of Purchasing –

Vendor Fee Fund

(WV Code Chapter 5A)

Fund 2263 FY 2021 Org 0213

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

146 - Division of Purchasing –

Purchasing Improvement Fund

(WV Code Chapter 5A)

Fund 2264 FY 2021 Org 0213

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

147 - Travel Management –

Aviation Fund

(WV Code Chapter 5A)

Fund 2302 FY 2021 Org 0215

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

148 - Fleet Management Division Fund

(WV Code Chapter 5A)

Fund 2301 FY 2021 Org 0216

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

149 - Division of Personnel

(WV Code Chapter 29)

Fund 2440 FY 2021 Org 0222

Personal Services and Employee Benefits	00100	\$	4,760,683
Unclassified	09900		51,418
Current Expenses	13000		1,262,813
Repairs and Alterations	06400		5,000
Equipment	07000		20,000
Other Assets	69000		60,000
Total		\$	<u>6,159,914</u>

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

150 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 2521 FY 2021 Org 0228

Personal Services and Employee Benefits	00100	\$	251,663
---	-------	----	---------

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

151 - Office of Technology –

Chief Technology Officer Administration Fund

(WV Code Chapter 5A)

Fund 2531 FY 2021 Org 0231

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

From the above fund, the provisions of W.Va. Code §11B-2-18 shall not operate to permit expenditures in excess of the funds authorized for expenditure herein.

DEPARTMENT OF COMMERCE

152 - Division of Forestry

(WV Code Chapter 19)

Fund 3081 FY 2021 Org 0305

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

153 - Division of Forestry –

Timbering Operations Enforcement Fund

(WV Code Chapter 19)

Fund 3082 FY 2021 Org 0305

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

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

(WV Code Chapter 11)

Fund 3084 FY 2021 Org 0305

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

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

(WV Code Chapter 29)

Fund 3100 FY 2021 Org 0306

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

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

*156 - West Virginia Development Office –**Department of Commerce –**Marketing and Communications Operating Fund*

(WV Code Chapter 5B)

Fund 3002 FY 2021 Org 0307

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

*157 - West Virginia Development Office –**Office of Coalfield Community Development*

(WV Code Chapter 5B)

Fund 3162 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$	435,661
Unclassified	09900		8,300
Current Expenses	13000		<u>399,191</u>
Total		\$	843,152

*158 - West Virginia Development Office**Entrepreneurship and Innovation Investment Fund*

(WV Code Chapter 5B)

Fund 3014 FY 2021 Org 0307

Entrepreneurship and Innovation Investment Fund.....	70301	\$	500,000
--	-------	----	---------

*159 - Division of Labor –**HVAC Fund*

(WV Code Chapter 21)

Fund 3186 FY 2021 Org 0308

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

*160 - Division of Labor –**Contractor Licensing Board Fund*

(WV Code Chapter 21)

Fund 3187 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$	2,532,000
Unclassified	09900		21,000
Current Expenses	13000		500,000
Repairs and Alterations.....	06400		5,000
Buildings	25800		5,000
BRIM Premium.....	91300		<u>8,500</u>
Total		\$	3,071,500

*161 - Division of Labor –**Elevator Safety Fund*

(WV Code Chapter 21)

Fund 3188 FY 2021 Org 0308

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

*162 - Division of Labor –**Steam Boiler Fund*

(WV Code Chapter 21)

Fund 3189 FY 2021 Org 0308

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

*163 - Division of Labor –**Crane Operator Certification Fund*

(WV Code Chapter 21)

Fund 3191 FY 2021 Org 0308

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

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

(WV Code Chapter 21)

Fund 3192 FY 2021 Org 0308

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

165 - Division of Labor –

State Manufactured Housing Administration Fund

(WV Code Chapter 21)

Fund 3195 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$	289,199
Unclassified	09900		1,847
Current Expenses	13000		43,700
Repairs and Alterations.....	06400		1,000
Buildings	25800		1,000
BRIM Premium.....	91300		3,404
Total		\$	340,150

166 - Division of Labor –

Weights and Measures Fund

(WV Code Chapter 47)

Fund 3196 FY 2021 Org 0308

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

167 - Division of Labor –

Bedding and Upholstery Fund

(WV Code Chapter 21)

Fund 3198 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$	150,000
Unclassified	09900		2,000
Current Expenses	13000		43,000
Repairs and Alterations.....	06400		2,000

Buildings	25800		1,000
BRIM Premium.....	91300		2,000
Total		\$	200,000

168 - Division of Labor –

Psychophysiological Examiners Fund

(WV Code Chapter 21)

Fund 3199 FY 2021 Org 0308

Current Expenses	13000	\$	4,000
------------------------	-------	----	-------

169 - Division of Natural Resources –

License Fund – Wildlife Resources

(WV Code Chapter 20)

Fund 3200 FY 2021 Org 0310

Wildlife Resources	02300	\$	5,200,996
Administration	15500		1,300,249
Capital Improvements and Land Purchase (R).....	24800		1,300,248
Law Enforcement.....	80600		5,200,996
Total		\$	13,002,489

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

Any unexpended balance remaining in the appropriation for Capital Improvements and Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

170 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(WV Code Chapter 22)

Fund 3202 FY 2021 Org 0310

Current Expenses	13000	\$	125,000
------------------------	-------	----	---------

171 - Division of Natural Resources –

Nongame Fund

(WV Code Chapter 20)

Fund 3203 FY 2021 Org 0310

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

172 - Division of Natural Resources –

Planning and Development Division

(WV Code Chapter 20)

Fund 3205 FY 2021 Org 0310

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

173 - Division of Natural Resources –

Whitewater Study and Improvement Fund

(WV Code Chapter 20)

Fund 3253 FY 2021 Org 0310

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

174 - Division of Natural Resources –

Whitewater Advertising and Promotion Fund

(WV Code Chapter 20)

Fund 3256 FY 2021 Org 0310

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

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

Special Health, Safety and Training Fund

(WV Code Chapter 22A)

Fund 3355 FY 2021 Org 0314

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

176 - Department of Commerce –

Office of the Secretary –

Broadband Enhancement Fund

Fund 3013 FY 2021 Org 0327

Current Expenses	13000	\$	1,780,000
------------------------	-------	----	-----------

177 - Office of Energy –

Energy Assistance

(WV Code Chapter 5B)

Fund 3010 FY 2021 Org 0328

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

178 - State Board of Rehabilitation –

Division of Rehabilitation Services –

West Virginia Rehabilitation Center Special Account

(WV Code Chapter 18)

Fund 8664 FY 2021 Org 0932

Personal Services and Employee Benefits.....	00100	\$	119,738
Current Expenses	13000		1,180,122
Repairs and Alterations.....	06400		85,500
Equipment.....	07000		220,000
Buildings	25800		150,000
Other Assets	69000		150,000
Total.....		\$	1,905,360

DEPARTMENT OF EDUCATION

179 - State Board of Education –

Strategic Staff Development

(WV Code Chapter 18)

Fund 3937 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$	134,000
Unclassified	09900		1,000
Current Expenses	13000		<u>765,000</u>
Total.....		\$	900,000

180 - State Board of Education –

School Construction Fund

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2021 Org 0402

SBA Construction Grants	24000	\$	35,845,818
Directed Transfer	70000		<u>1,371,182</u>
Total.....		\$	37,217,000

The above appropriation for Directed Transfer (fund 3951, appropriation 70000) shall be transferred to the School Building Authority Fund (fund 3959) for the administrative expenses of the School Building Authority.

181 - School Building Authority

(WV Code Chapter 18)

Fund 3959 FY 2021 Org 0404

Personal Services and Employee Benefits.....	00100	\$	1,134,522
Current Expenses	13000		244,100
Repairs and Alterations.....	06400		13,150
Equipment.....	07000		<u>26,000</u>
Total.....		\$	1,417,772

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

182 - Division of Culture and History –

Public Records and Preservation Revenue Account

(WV Code Chapter 5A)

Fund 3542 FY 2021 Org 0432

Personal Services and Employee Benefits.....	00100	\$	226,624
Current Expenses	13000		862,241
Equipment.....	07000		75,000
Buildings	25800		1,000
Other Assets	69000		52,328
Land	73000		1,000
Total.....		\$	1,218,193

DEPARTMENT OF ENVIRONMENTAL PROTECTION

183 - Solid Waste Management Board

(WV Code Chapter 22C)

Fund 3288 FY 2021 Org 0312

Personal Services and Employee Benefits.....	00100	\$	842,305
Current Expenses	13000		2,060,457
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		5,000
Other Assets	69000		4,403
Total.....		\$	2,913,165

184 - Division of Environmental Protection –

Hazardous Waste Management Fund

(WV Code Chapter 22)

Fund 3023 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	779,766
Current Expenses	13000		155,969
Repairs and Alterations.....	06400		500
Equipment.....	07000		1,505
Unclassified	09900		8,072
Other Assets	69000		2,000
Total.....		\$	947,812

185 - Division of Environmental Protection –

Air Pollution Education and Environment Fund

(WV Code Chapter 22)

Fund 3024 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	950,135
Current Expenses	13000		1,026,863
Repairs and Alterations.....	06400		13,000
Equipment.....	07000		53,105

Unclassified	09900	14,647
Other Assets	69000	20,000
Total		<u>\$ 2,077,750</u>

186 - Division of Environmental Protection –

Special Reclamation Fund

(WV Code Chapter 22)

Fund 3321 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 1,627,573
Current Expenses	13000	16,185,006
Repairs and Alterations.....	06400	79,950
Equipment.....	07000	130,192
Other Assets	69000	32,000
Total		<u>\$ 18,054,721</u>

187 - Division of Environmental Protection –

Oil and Gas Reclamation Fund

(WV Code Chapter 22)

Fund 3322 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 143,906
Current Expenses	13000	356,094
Total		<u>\$ 500,000</u>

188 - Division of Environmental Protection –

Oil and Gas Operating Permit and Processing Fund

(WV Code Chapter 22)

Fund 3323 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 3,486,896
Current Expenses	13000	1,249,758
Repairs and Alterations.....	06400	40,600
Equipment.....	07000	8,000
Unclassified	09900	44,700
Other Assets	69000	15,000
Total		<u>\$ 4,844,954</u>

189 - Division of Environmental Protection –

Mining and Reclamation Operations Fund

(WV Code Chapter 22)

Fund 3324 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,566,280
Current Expenses	13000		2,202,231
Repairs and Alterations.....	06400		60,260
Equipment.....	07000		83,000
Unclassified	09900		920
Other Assets	69000		57,500
Total		\$	<u>5,970,191</u>

*190 - Division of Environmental Protection –**Underground Storage Tank**Administrative Fund*

(WV Code Chapter 22)

Fund 3325 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	476,417
Current Expenses	13000		318,420
Repairs and Alterations.....	06400		5,350
Equipment.....	07000		3,610
Unclassified	09900		7,520
Other Assets	69000		3,500
Total		\$	<u>814,817</u>

*191 - Division of Environmental Protection –**Hazardous Waste Emergency Response Fund*

(WV Code Chapter 22)

Fund 3331 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	598,154
Current Expenses	13000		767,905
Repairs and Alterations.....	06400		7,014
Equipment.....	07000		9,000
Unclassified	09900		10,616
Other Assets	69000		3,500
Total		\$	<u>1,396,189</u>

*192 - Division of Environmental Protection –**Solid Waste Reclamation and**Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	825,811
Current Expenses	13000		3,604,737
Repairs and Alterations.....	06400		25,000
Equipment.....	07000		31,500
Unclassified	09900		22,900
Buildings.....	25800		500
Other Assets	69000		1,000
Total.....		\$	<u>4,511,448</u>

*193 - Division of Environmental Protection –**Solid Waste Enforcement Fund*

(WV Code Chapter 22)

Fund 3333 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,274,054
Current Expenses	13000		940,229
Repairs and Alterations.....	06400		30,930
Equipment.....	07000		23,356
Unclassified	09900		31,145
Other Assets	69000		25,554
Total.....		\$	<u>4,325,268</u>

*194 - Division of Environmental Protection –**Air Pollution Control Fund*

(WV Code Chapter 22)

Fund 3336 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	5,934,859
Current Expenses	13000		1,469,467
Repairs and Alterations.....	06400		84,045
Equipment.....	07000		103,601
Unclassified	09900		70,572
Other Assets	69000		52,951
Total.....		\$	<u>7,715,495</u>

*195 - Division of Environmental Protection –**Environmental Laboratory**Certification Fund*

(WV Code Chapter 22)

Fund 3340 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	352,834
Current Expenses	13000		201,146
Repairs and Alterations.....	06400		1,000
Unclassified	09900		1,120
Other Assets	69000		<u>163,000</u>
Total.....		\$	719,100

196 - Division of Environmental Protection –

Stream Restoration Fund

(WV Code Chapter 22)

Fund 3349 FY 2021 Org 0313

Current Expenses	13000	\$	5,182,076
------------------------	-------	----	-----------

197 - Division of Environmental Protection –

Litter Control Fund

(WV Code Chapter 22)

Fund 3486 FY 2021 Org 0313

Current Expenses	13000	\$	60,000
------------------------	-------	----	--------

198 - Division of Environmental Protection –

Recycling Assistance Fund

(WV Code Chapter 22)

Fund 3487 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	660,575
Current Expenses	13000		2,754,258
Repairs and Alterations.....	06400		800
Equipment.....	07000		500
Unclassified	09900		400
Other Assets	69000		<u>2,500</u>
Total.....		\$	3,419,033

199 - Division of Environmental Protection –

Mountaintop Removal Fund

(WV Code Chapter 22)

Fund 3490 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	1,250,562
--	-------	----	-----------

Current Expenses	13000	642,934
Repairs and Alterations.....	06400	30,112
Equipment.....	07000	23,500
Unclassified	09900	1,180
Other Assets	69000	11,520
Total		<u>\$ 1,959,808</u>

200 - Oil and Gas Conservation Commission –

Special Oil and Gas Conservation Fund

(WV Code Chapter 22C)

Fund 3371 FY 2021 Org 0315

Personal Services and Employee Benefits.....	00100	\$ 162,161
Current Expenses	13000	161,225
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	9,481
Other Assets	69000	1,500
Total		<u>\$ 335,367</u>

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

201 - Division of Health –

Ryan Brown Addiction Prevention and Recovery Fund

(WV Code Chapter 19)

Fund 5111 FY 2021 Org 0506

Current Expenses	13000	\$ 10,667,392
------------------------	-------	---------------

202 - Division of Health –

The Vital Statistics Account

(WV Code Chapter 16)

Fund 5144 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 938,484
Unclassified	09900	15,500
Current Expenses	13000	2,757,788
Total		<u>\$ 3,711,772</u>

203 - Division of Health –

Hospital Services Revenue Account

Special Fund

Capital Improvement, Renovation and Operations

(WV Code Chapter 16)

Fund 5156 FY 2021 Org 0506

Institutional Facilities Operations.....	33500	\$	35,555,221
Medical Services Trust Fund – Transfer.....	51200		<u>27,800,000</u>
Total.....		\$	63,355,221

The total amount of these appropriations shall be paid from the Hospital Services Revenue Account Special Fund created by W.Va. Code §16-1-13, and shall be used for operating expenses and for improvements in connection with existing facilities.

Additional funds have been appropriated in fund 0525, fiscal year 2021, organization 0506, for the operation of the institutional facilities. The Secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the appropriation for Institutional Facilities Operations to facilitate cost effective and cost saving services at the community level.

Necessary funds from the above appropriation may be used for medical facilities operations, either in connection with this fund or in connection with the appropriation designated Institutional Facilities Operations in the Consolidated Medical Service Fund (fund 0525, organization 0506).

*204 - Division of Health –**Laboratory Services Fund*

(WV Code Chapter 16)

Fund 5163 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	936,712
Unclassified	09900		18,114
Current Expenses	13000		<u>1,803,327</u>
Total.....		\$	2,758,153

*205 - Division of Health –**The Health Facility Licensing Account*

(WV Code Chapter 16)

Fund 5172 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	645,446
Unclassified	09900		7,113
Current Expenses	13000		<u>98,247</u>
Total.....		\$	750,806

*206 - Division of Health –**Hepatitis B Vaccine*

(WV Code Chapter 16)

Fund 5183 FY 2021 Org 0506

Current Expenses	13000	\$	9,740
------------------------	-------	----	-------

*207 - Division of Health –**Lead Abatement Account*

(WV Code Chapter 16)

Fund 5204 FY 2021 Org 0506

Personal Services and Employee Benefits	00100	\$	19,100
Unclassified	09900		373
Current Expenses	13000		<u>17,875</u>
Total		\$	<u>37,348</u>

*208 - Division of Health –**West Virginia Birth-to-Three Fund*

(WV Code Chapter 16)

Fund 5214 FY 2021 Org 0506

Personal Services and Employee Benefits	00100	\$	691,978
Unclassified	09900		223,999
Current Expenses	13000		<u>28,053,549</u>
Total		\$	<u>28,969,526</u>

*209 - Division of Health –**Tobacco Control Special Fund*

(WV Code Chapter 16)

Fund 5218 FY 2021 Org 0506

Current Expenses	13000	\$	7,579
------------------------	-------	----	-------

*210 - Division of Health –**Medical Cannabis Program Fund*

(WV Code Chapter 16A)

Fund 5420 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	509,658
Current Expenses	13000		<u>2,046,040</u>
Total		\$	2,555,698

*211 - West Virginia Health Care Authority –**Health Care Cost Review Fund*

(WV Code Chapter 16)

Fund 5375 FY 2021 Org 0507

Personal Services and Employee Benefits.....	00100	\$	1,345,380
Unclassified	09900		20,100
Current Expenses	13000		<u>785,445</u>
Total		\$	2,150,925

The above appropriation is to be expended in accordance with and pursuant to the provisions of W.Va. Code §16-29B and from the special revolving fund designated Health Care Cost Review Fund.

*212 - West Virginia Health Care Authority –**Certificate of Need Program Fund*

(WV Code Chapter 16)

Fund 5377 FY 2021 Org 0507

Personal Services and Employee Benefits.....	00100	\$	829,798
Current Expenses	13000		<u>474,967</u>
Total		\$	1,304,765

*213 - Division of Human Services –**Health Care Provider Tax –**Medicaid State Share Fund*

(WV Code Chapter 11)

Fund 5090 FY 2021 Org 0511

Medical Services.....	18900	\$	213,594,315
Medical Services Administrative Costs.....	78900		<u>242,287</u>
Total		\$	213,836,602

The above appropriation for Medical Services Administrative Costs (fund 5090, appropriation 78900) shall be transferred to a special revenue account in the treasury for use by the Department of Health and Human Resources for administrative purposes. The remainder of

all moneys deposited in the fund shall be transferred to the Medical Services Program Fund (fund 5084).

214 - Division of Human Services –

Child Support Enforcement Fund

(WV Code Chapter 48A)

Fund 5094 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$	24,809,509
Unclassified	09900		380,000
Current Expenses	13000		<u>12,810,491</u>
Total		\$	<u>38,000,000</u>

215 - Division of Human Services –

Medical Services Trust Fund

(WV Code Chapter 9)

Fund 5185 FY 2021 Org 0511

Medical Services.....	18900	\$	82,227,707
Medical Services Administrative Costs.....	78900		<u>602,486</u>
Total		\$	<u>82,830,193</u>

The above appropriation to Medical Services shall be used to provide state match of Medicaid expenditures as defined and authorized in subsection (c) of W.Va. Code §9-4A-2a. Expenditures from the fund are limited to the following: payment of backlogged billings, funding for services to future federally mandated population groups and payment of the required state match for Medicaid disproportionate share payments. The remainder of all moneys deposited in the fund shall be transferred to the Division of Human Services accounts.

216 - Division of Human Services –

James “Tiger” Morton Catastrophic Illness Fund

(WV Code Chapter 16)

Fund 5454 FY 2021 Org 0511

Unclassified	09900	\$	7,000
Current Expenses	13000		<u>393,000</u>
Total		\$	<u>400,000</u>

217 - Division of Human Services –

Domestic Violence Legal Services Fund

(WV Code Chapter 48)

Fund 5455 FY 2021 Org 0511

Current Expenses	13000	\$	900,000
------------------------	-------	----	---------

218 - Division of Human Services –

West Virginia Works Separate State College Program Fund

(WV Code Chapter 9)

Fund 5467 FY 2021 Org 0511

Current Expenses	13000	\$	500,000
------------------------	-------	----	---------

219 - Division of Human Services –

West Virginia Works Separate State Two-Parent Program Fund

(WV Code Chapter 9)

Fund 5468 FY 2021 Org 0511

Current Expenses	13000	\$	1,500,000
------------------------	-------	----	-----------

220 - Division of Human Services –

Marriage Education Fund

(WV Code Chapter 9)

Fund 5490 FY 2021 Org 0511

Personal Services and Employee Benefits	00100	\$	10,000
Current Expenses	13000		<u>25,000</u>
Total		\$	35,000

DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

221 - Department of Military Affairs and Public Safety –

Office of the Secretary –

Law-Enforcement, Safety and Emergency Worker

Funeral Expense Payment Fund

(WV Code Chapter 15)

Fund 6003 FY 2021 Org 0601

Current Expenses	13000	\$	32,000
------------------------	-------	----	--------

222 - State Armory Board –

General Armory Fund

(WV Code Chapter 15)

Fund 6057 FY 2021 Org 0603

Personal Services and Employee Benefits.....	00100	\$	1,681,247
Current Expenses	13000		650,000
Repairs and Alterations.....	06400		385,652
Equipment.....	07000		250,000
Buildings	25800		770,820
Other Assets	69000		100,000
Land	73000		200,000
Total		\$	<u>4,037,719</u>

From the above appropriations, the Adjutant General may receive and expend funds to conduct operations and activities to include functions of the Military Authority. The Adjutant General may transfer funds between appropriations, except no funds may be transferred to Personal Services and Employee Benefits (fund 6057, appropriation 00100).

223 - Division of Homeland Security

And Emergency Management –

Statewide Interoperable Radio Network Account

(WV Code Chapter 15)

Fund 6208 FY 2021 Org 0606

Current Expenses	13000	\$	80,000
------------------------	-------	----	--------

224 - Division of Homeland Security and

Emergency Management –

West Virginia Interoperable Radio Project

(WV Code Chapter 24)

Fund 6295 FY 2021 Org 0606

Current Expenses	13000	\$	2,000,000
------------------------	-------	----	-----------

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 6295, appropriation 09600) at the close of fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

225 - Division of Corrections and Rehabilitation –

Parolee Supervision Fees

(WV Code Chapter 15A)

Fund 6362 FY 2021 Org 0608

Personal Services and Employee Benefits.....	00100	\$	1,118,697
Unclassified	09900		9,804
Current Expenses	13000		758,480
Equipment.....	07000		30,000
Other Assets	69000		40,129
Total		\$	<u>1,957,110</u>

226 - Division of Corrections and Rehabilitation –

Regional Jail and Correctional Facility Authority

(WV Code Chapter 15A)

Fund 6675 FY 2021 Org 0608

Personal Services and Employee Benefits.....	00100	\$	544,798
Debt Service	04000		9,000,000
Current Expenses	13000		<u>245,472</u>
Total		\$	<u>9,790,270</u>

227 - West Virginia State Police –

Motor Vehicle Inspection Fund

(WV Code Chapter 17C)

Fund 6501 FY 2021 Org 0612

Personal Services and Employee Benefits.....	00100	\$	1,907,726
Current Expenses	13000		1,488,211
Repairs and Alterations.....	06400		204,500
Equipment.....	07000		3,770,751
Buildings	25800		534,000
Other Assets	69000		5,000
BRIM Premium.....	91300		<u>302,432</u>
Total		\$	<u>8,212,620</u>

The total amount of these appropriations shall be paid from the special revenue fund out of fees collected for inspection stickers as provided by law.

228 - West Virginia State Police –

Forensic Laboratory Fund

(WV Code Chapter 15)

Fund 6511 FY 2021 Org 0612

Personal Services and Employee Benefits.....	00100	\$	1,600,000
Current Expenses	13000		90,000
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		545,000
Total.....		\$	<u>2,240,000</u>

229 - West Virginia State Police –

Drunk Driving Prevention Fund

(WV Code Chapter 15)

Fund 6513 FY 2021 Org 0612

Current Expenses	13000	\$	1,327,000
Equipment.....	07000		3,491,895
BRIM Premium.....	91300		<u>154,452</u>
Total.....		\$	<u>4,973,347</u>

The total amount of these appropriations shall be paid from the special revenue fund out of receipts collected pursuant to W.Va. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

230 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(WV Code Chapter 15)

Fund 6516 FY 2021 Org 0612

Buildings	25800	\$	1,022,778
Land	73000		1,000
BRIM Premium.....	91300		<u>77,222</u>
Total.....		\$	<u>1,101,000</u>

231 - West Virginia State Police –

Surplus Transfer Account

(WV Code Chapter 15)

Fund 6519 FY 2021 Org 0612

Current Expenses	13000	\$	225,000
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		250,000
Buildings	25800		40,000

Other Assets	69000		45,000
BRIM Premium.....	91300		5,000
Total		\$	<u>585,000</u>

232 - West Virginia State Police –

Central Abuse Registry Fund

(WV Code Chapter 15)

Fund 6527 FY 2021 Org 0612

Personal Services and Employee Benefits.....	00100	\$	256,629
Current Expenses	13000		51,443
Repairs and Alterations.....	06400		500
Equipment.....	07000		300,500
Other Assets	69000		300,500
BRIM Premium.....	91300		18,524
Total		\$	<u>928,096</u>

233 - West Virginia State Police –

Bail Bond Enforcer Account

(WV Code Chapter 15)

Fund 6532 FY 2021 Org 0612

Current Expenses	13000	\$	8,300
------------------------	-------	----	-------

234 - West Virginia State Police –

State Police Academy Post Exchange

(WV Code Chapter 15)

Fund 6544 FY 2021 Org 0612

Current Expenses	13000	\$	160,000
Repairs and Alterations.....	06400		40,000
Total		\$	<u>200,000</u>

235 - Fire Commission –

Fire Marshal Fees

(WV Code Chapter 29)

Fund 6152 FY 2021 Org 0619

Personal Services and Employee Benefits.....	00100	\$	3,480,533
Unclassified	09900		3,800

Current Expenses	13000	1,246,550
Repairs and Alterations	06400	58,500
Equipment.....	07000	140,800
BRIM Premium.....	91300	<u>65,000</u>
Total		\$ 4,995,183

236 - Division of Administrative Services –

WV Community Corrections Fund

(WV Code Chapter 62)

Fund 6386 FY 2021 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 161,923
Unclassified	09900	750
Current Expenses	13000	1,846,250
Repairs and Alterations.....	06400	<u>1,000</u>
Total		\$ 2,009,923

237 - Division of Administrative Services –

Court Security Fund

(WV Code Chapter 51)

Fund 6804 FY 2021 Org 0623

Personal Services and Employee Benefits.....	00100	\$ 23,840
Current Expenses	13000	<u>1,478,135</u>
Total		\$ 1,501,975

238 - Division of Administrative Services –

Second Chance Driver's License Program Account

(WV Code Chapter 17B)

Fund 6810 FY 2021 Org 0623

Current Expenses	13000	\$ 25,000
------------------------	-------	-----------

DEPARTMENT OF REVENUE

239 - Division of Financial Institutions

(WV Code Chapter 31A)

Fund 3041 FY 2021 Org 0303

Personal Services and Employee Benefits.....	00100	\$ 2,703,057
Current Expenses	13000	650,475

Equipment.....	07000	<u>8,500</u>
Total		\$ 3,362,032

240 - Office of the Secretary –

State Debt Reduction Fund

(WV Code Chapter 29)

Fund 7007 FY 2021 Org 0701

Retirement Systems – Unfunded Liability.....	77500	\$ 20,000,000
--	-------	---------------

The above appropriation for Retirement System – Unfunded Liability shall be transferred to the Consolidated Public Retirement Board – West Virginia Teachers Retirement System Employers School Aid Formula Funds Holding Account Fund (fund 2606).

241 - Home Rule Board Operations

(WV Code Chapter 8)

Fund 7010 FY 2021 Org 0701

Personal Services and Employee Benefits.....	00100	\$ 25,000
Unclassified	09900	680
Current Expenses	13000	42,000
Repairs and Alterations.....	06400	120
Equipment.....	07000	<u>200</u>
Total		\$ 68,000

242 - Tax Division –

Cemetery Company Account

(WV Code Chapter 35)

Fund 7071 FY 2021 Org 0702

Personal Services and Employee Benefits.....	00100	\$ 25,928
Current Expenses	13000	<u>7,717</u>
Total		\$ 33,645

243 - Tax Division –

Special Audit and Investigative Unit

(WV Code Chapter 11)

Fund 7073 FY 2021 Org 0702

Personal Services and Employee Benefits.....	00100	\$ 696,428
Unclassified	09900	8,500

Current Expenses	13000	273,297
Repairs and Alterations	06400	7,000
Equipment.....	07000	5,000
Total		\$ 990,225

244 - Tax Division –

Wine Tax Administration Fund

(WV Code Chapter 60)

Fund 7087 FY 2021 Org 0702

Personal Services and Employee Benefits.....	00100	\$ 268,973
Current Expenses	13000	5,406
Total		\$ 274,379

245 - Tax Division –

Reduced Cigarette Ignition Propensity

Standard and Fire Prevention Act Fund

(WV Code Chapter 47)

Fund 7092 FY 2021 Org 0702

Current Expenses	13000	\$ 35,000
Equipment.....	07000	15,000
Total		\$ 50,000

246 - Tax Division –

Local Sales Tax and Excise Tax

Administration Fund

(WV Code Chapter 11)

Fund 7099 FY 2021 Org 0702

Personal Services and Employee Benefits.....	00100	\$ 1,543,527
Unclassified	09900	10,000
Current Expenses	13000	784,563
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	5,000
Total		\$ 2,344,090

247 - State Budget Office –

Public Employees Insurance Reserve Fund

(WV Code Chapter 11B)

Fund 7400 FY 2021 Org 0703

Public Employees Insurance Reserve Fund – Transfer.....	90300	\$	6,800,000
---	-------	----	-----------

The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall be transferred to the Medical Services Trust Fund (fund 5185, org 0511) for expenditure.

*248 - State Budget Office –**Public Employees Insurance Agency Financial Stability Fund*

(WV Code Chapter 11B)

Fund 7401 FY 2021 Org 0703

Retiree Premium Offset.....	80101	\$	5,000,000
PEIA Reserve	80102		<u>10,000,000</u>
Total		\$	<u>15,000,000</u>

The above appropriation shall be transferred to special revenue funds to be utilized by the West Virginia Public Employees Insurance Agency for the purposes of permitting the PEIA Finance Board to offset \$5 million in retiree premium increases. Additionally, \$10 million will be put into a reserve fund to stabilize and preserve the future solvency of PEIA. Such amount shall not be included in the calculation of the plan year aggregate premium cost-sharing percentages between employers and employees.

*249 - Insurance Commissioner –**Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2021 Org 0704

Personal Services and Employee Benefits.....	00100	\$	748,764
Current Expenses	13000		1,357,201
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		81,374
Buildings	25800		8,289
Other Assets	69000		<u>11,426</u>
Total		\$	<u>2,210,054</u>

*250 - Insurance Commissioner –**Consumer Advocate*

(WV Code Chapter 33)

Fund 7151 FY 2021 Org 0704

Personal Services and Employee Benefits.....	00100	\$	571,976
Current Expenses	13000		202,152
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		34,225
Buildings	25800		4,865
Other Assets	69000		19,460
Total.....		\$	<u>837,678</u>

251 - Insurance Commissioner –

Insurance Commission Fund

(WV Code Chapter 33)

Fund 7152 FY 2021 Org 0704

Personal Services and Employee Benefits.....	00100	\$	24,169,021
Current Expenses	13000		8,797,758
Repairs and Alterations.....	06400		68,614
Equipment.....	07000		1,728,240
Buildings	25800		25,000
Other Assets	69000		340,661
Total.....		\$	<u>35,129,294</u>

252 - Insurance Commissioner –

Workers' Compensation Old Fund

(WV Code Chapter 23)

Fund 7162 FY 2021 Org 0704

Employee Benefits	01000	\$	50,000
Current Expenses	13000		250,500,000
Total.....		\$	<u>250,550,000</u>

253 - Insurance Commissioner –

Workers' Compensation Uninsured Employers' Fund

(WV Code Chapter 23)

Fund 7163 FY 2021 Org 0704

Current Expenses	13000	\$	15,000,000
------------------------	-------	----	------------

254 - Insurance Commissioner –

Self-Insured Employer Guaranty Risk Pool

(WV Code Chapter 23)

Fund 7164 FY 2021 Org 0704

Current Expenses	13000	\$	9,000,000
------------------------	-------	----	-----------

*255 - Insurance Commissioner –**Self-Insured Employer Security Risk Pool*

(WV Code Chapter 23)

Fund 7165 FY 2021 Org 0704

Current Expenses	13000	\$	14,000,000
------------------------	-------	----	------------

256 - Municipal Bond Commission

(WV Code Chapter 13)

Fund 7253 FY 2021 Org 0706

Personal Services and Employee Benefits.....	00100	\$	282,589
Current Expenses	13000		144,844
Equipment.....	07000		100
Total		\$	427,533

*257 - Racing Commission –**Relief Fund*

(WV Code Chapter 19)

Fund 7300 FY 2021 Org 0707

Medical Expenses – Total	24500	\$	57,000
--------------------------------	-------	----	--------

The total amount of this appropriation shall be paid from the special revenue fund out of collections of license fees and fines as provided by law.

No expenditures shall be made from this fund except for hospitalization, medical care and/or funeral expenses for persons contributing to this fund.

*258 - Racing Commission –**Administration and Promotion Account*

(WV Code Chapter 19)

Fund 7304 FY 2021 Org 0707

Personal Services and Employee Benefits.....	00100	\$	264,564
Current Expenses	13000		85,433
Other Assets	69000		5,000

Total		\$	354,997
-------------	--	----	---------

259 - Racing Commission –

General Administration

(WV Code Chapter 19)

Fund 7305 FY 2021 Org 0707

Personal Services and Employee Benefits	00100	\$	2,352,306
Current Expenses	13000		497,284
Repairs and Alterations	06400		5,000
Other Assets	69000		40,000
Total		\$	2,894,590

260 - Racing Commission –

*Administration, Promotion, Education, Capital Improvement
and Greyhound Adoption Programs*

to include Spaying and Neutering Account

(WV Code Chapter 19)

Fund 7307 FY 2021 Org 0707

Personal Services and Employee Benefits	00100	\$	918,781
Current Expenses	13000		160,099
Other Assets	69000		200,000
Total		\$	1,278,880

261 - Alcohol Beverage Control Administration –

Wine License Special Fund

(WV Code Chapter 60)

Fund 7351 FY 2021 Org 0708

Personal Services and Employee Benefits	00100	\$	147,213
Unclassified	09900		30,750
Current Expenses	13000		54,186
Repairs and Alterations	06400		7,263
Equipment	07000		10,000
Buildings	25800		100,000
Other Assets	69000		100
Total		\$	349,512

To the extent permitted by law, four classified exempt positions shall be provided from Personal Services and Employee Benefits appropriation for field auditors.

262 - Alcohol Beverage Control Administration

(WV Code Chapter 60)

Fund 7352 FY 2021 Org 0708

Personal Services and Employee Benefits.....	00100	\$	5,790,574
Current Expenses	13000		2,890,577
Repairs and Alterations.....	06400		91,000
Equipment.....	07000		108,000
Buildings	25800		375,100
Purchase of Supplies for Resale	41900		76,500,000
Transfer Liquor Profits and Taxes	42500		21,200,000
Other Assets	69000		125,100
Land	73000		100
Total		\$	<u>107,080,451</u>

The total amount of these appropriations shall be paid from a special revenue fund out of liquor revenues and any other revenues available.

The above appropriations include the salary of the commissioner and the salaries, expenses, and equipment of administrative offices, warehouses, and inspectors.

The above appropriations include funding for the Tobacco/Alcohol Education Program.

There is hereby appropriated from liquor revenues, in addition to the above appropriations as needed, the necessary amount for the purchase of liquor as provided by law and the remittance of profits and taxes to the General Revenue Fund.

263 - State Athletic Commission Fund

(WV Code Chapter 29)

Fund 7009 FY 2021 Org 0933

Personal Services and Employee Benefits.....	00100	\$	10,500
Current Expenses	13000		29,500
Total		\$	<u>40,000</u>

DEPARTMENT OF TRANSPORTATION*264 - Division of Motor Vehicles –**Dealer Recovery Fund*

(WV Code Chapter 17)

Fund 8220 FY 2021 Org 0802

Current Expenses	13000	\$	189,000
------------------------	-------	----	---------

265 - Division of Motor Vehicles –

Motor Vehicle Fees Fund

(WV Code Chapter 17B)

Fund 8223 FY 2021 Org 0802

Personal Services and Employee Benefits.....	00100	\$	3,733,074
Current Expenses	13000		4,357,773
Repairs and Alterations.....	06400		16,000
Equipment.....	07000		75,000
Other Assets	69000		10,000
BRIM Premium.....	91300		<u>89,939</u>
Total		\$	<u>8,281,786</u>

266 - Division of Highways –

A. James Manchin Fund

(WV Code Chapter 22)

Fund 8319 FY 2021 Org 0803

Current Expenses	13000	\$	1,650,000
------------------------	-------	----	-----------

DEPARTMENT OF VETERANS' ASSISTANCE

267 - Veterans' Facilities Support Fund

(WV Code Chapter 9A)

Fund 6703 FY 2021 Org 0613

Current Expenses	13000	\$	1,654,234
Other Assets	69000		<u>10,000</u>
Total		\$	<u>1,664,234</u>

268 - Department of Veterans' Assistance –

WV Veterans' Home –

Special Revenue Operating Fund

(WV Code Chapter 9A)

Fund 6754 FY 2021 Org 0618

Current Expenses	13000	\$	289,400
Repairs and Alterations.....	06400		<u>10,600</u>
Total		\$	<u>300,000</u>

BUREAU OF SENIOR SERVICES*269 - Bureau of Senior Services –**Community Based Service Fund**(WV Code Chapter 29)**Fund 5409 FY 2021 Org 0508*

Personal Services and Employee Benefits.....	00100	\$	160,883
Current Expenses	13000		<u>10,348,710</u>
Total.....		\$	10,509,593

The total amount of these appropriations are funded from annual table game license fees to enable the aged and disabled citizens of West Virginia to stay in their homes through the provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION*270 - Higher Education Policy Commission –**System –**Tuition Fee Capital Improvement Fund**(Capital Improvement and Bond Retirement Fund)**Control Account**(WV Code Chapters 18 and 18B)**Fund 4903 FY 2021 Org 0442*

Debt Service	04000	\$	27,713,123
General Capital Expenditures	30600		5,000,000
Facilities Planning and Administration.....	38600		<u>441,111</u>
Total.....		\$	33,154,234

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.Va. Code §18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for Debt Service, may be transferred to special revenue funds for capital improvement projects at the institutions.

*271 - Tuition Fee Revenue Bond Construction Fund**(WV Code Chapters 18 and 18B)**Fund 4906 FY 2021 Org 0442*

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.Va. Code §18-12B-8, which have since been refunded.

272 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2021 Org 0442

Any unexpended balance remaining in the appropriation for Capital Improvements – Total (fund 4908, appropriation 95800) at the close of fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

The total amount of this appropriation shall be paid from the sale of the Series 2017 Community and Technical College Capital Improvement Refunding Revenue Bonds and anticipated interest earnings.

273 - West Virginia University –

West Virginia University Health Sciences Center

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2021 Org 0463

Personal Services and Employee Benefits.....	00100	\$	10,764,347
Current Expenses	13000		4,524,300
Repairs and Alterations.....	06400		425,000
Equipment.....	07000		512,000
Buildings	25800		150,000
Other Assets	69000		50,000
Total		\$	<u>16,425,647</u>

MISCELLANEOUS BOARDS AND COMMISSIONS

274 - Board of Barbers and Cosmetologists –

Barbers and Beauticians Special Fund

(WV Code Chapters 16 and 30)

Fund 5425 FY 2021 Org 0505

Personal Services and Employee Benefits.....	00100	\$	543,993
Current Expenses	13000		<u>239,969</u>
Total		\$	783,962

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Board of Barbers and Cosmetologists as provided by law.

*275 - Hospital Finance Authority –**Hospital Finance Authority Fund*

(WV Code Chapter 16)

Fund 5475 FY 2021 Org 0509

Personal Services and Employee Benefits.....	00100	\$	93,279
Unclassified	09900		1,501
Current Expenses	13000		<u>55,328</u>
Total		\$	150,108

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the Code.

*276 - WV State Board of Examiners for Licensed Practical Nurses –**Licensed Practical Nurses*

(WV Code Chapter 30)

Fund 8517 FY 2021 Org 0906

Personal Services and Employee Benefits.....	00100	\$	495,505
Current Expenses	13000		<u>107,700</u>
Total		\$	603,205

*277 - WV Board of Examiners for Registered Professional Nurses –**Registered Professional Nurses*

(WV Code Chapter 30)

Fund 8520 FY 2021 Org 0907

Personal Services and Employee Benefits.....	00100	\$	1,300,612
Current Expenses	13000		312,655
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		25,000
Other Assets	69000		<u>4,500</u>
Total		\$	1,645,767

278 - Public Service Commission

(WV Code Chapter 24)

Fund 8623 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	12,481,921
Unclassified	09900		147,643
Current Expenses	13000		2,572,202
Repairs and Alterations.....	06400		55,000
Equipment.....	07000		160,000
Buildings	25800		10
PSC Weight Enforcement	34500		4,605,652
Debt Payment/Capital Outlay	52000		350,000
Land	73000		10
BRIM Premium.....	91300		172,216
Total		\$	<u>20,544,654</u>

The total amount of these appropriations shall be paid from a special revenue fund out of collections for special license fees from public service corporations as provided by law.

The Public Service Commission is authorized to transfer up to \$500,000 from this fund to meet the expected deficiencies in the Motor Carrier Division (fund 8625, org 0926) due to the amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

*279 - Public Service Commission –**Gas Pipeline Division –**Public Service Commission Pipeline Safety Fund*

(WV Code Chapter 24B)

Fund 8624 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	294,658
Unclassified	09900		3,851
Current Expenses	13000		93,115
Repairs and Alterations.....	06400		4,000
Total		\$	<u>395,624</u>

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies as provided by law.

*280 - Public Service Commission –**Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8625 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	2,377,514
Unclassified	09900		29,233
Current Expenses	13000		577,557
Repairs and Alterations.....	06400		23,000
Equipment.....	07000		50,000
Total		\$	<u>3,057,304</u>

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as provided by law.

*281 - Public Service Commission –**Consumer Advocate Fund*

(WV Code Chapter 24)

Fund 8627 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	772,994
Current Expenses	13000		276,472
Equipment.....	07000		9,872
BRIM Premium.....	91300		4,660
Total		\$	<u>1,063,998</u>

The total amount of these appropriations shall be supported by cash from a special revenue fund out of collections made by the Public Service Commission.

*282 - Real Estate Commission –**Real Estate License Fund*

(WV Code Chapter 30)

Fund 8635 FY 2021 Org 0927

Personal Services and Employee Benefits.....	00100	\$	607,098
Current Expenses	13000		293,122
Repairs and Alterations.....	06400		2,500
Equipment.....	07000		5,000
Total		\$	<u>907,720</u>

The total amount of these appropriations shall be paid out of collections of license fees as provided by law.

*283 - WV Board of Examiners for Speech-Language**Pathology and Audiology –**Speech-Language Pathology and Audiology Operating Fund*

(WV Code Chapter 30)

Fund 8646 FY 2021 Org 0930

Personal Services and Employee Benefits.....	00100	\$	91,513
Current Expenses	13000		<u>63,499</u>
Total		\$	155,012

*284 - WV Board of Respiratory Care –**Board of Respiratory Care Fund*

(WV Code Chapter 30)

Fund 8676 FY 2021 Org 0935

Personal Services and Employee Benefits.....	00100	\$	94,050
Current Expenses	13000		54,137
Repairs and Alterations.....	06400		<u>400</u>
Total		\$	148,587

*285 - WV Board of Licensed Dietitians –**Dietitians Licensure Board Fund*

(WV Code Chapter 30)

Fund 8680 FY 2021 Org 0936

Personal Services and Employee Benefits.....	00100	\$	20,219
Current Expenses	13000		<u>20,250</u>
Total		\$	40,469

*286 - Massage Therapy Licensure Board –**Massage Therapist Board Fund*

(WV Code Chapter 30)

Fund 8671 FY 2021 Org 0938

Personal Services and Employee Benefits.....	00100	\$	109,555
Current Expenses	13000		<u>42,448</u>
Total		\$	152,003

*287 - Board of Medicine –**Medical Licensing Board Fund*

(WV Code Chapter 30)

Fund 9070 FY 2021 Org 0945

Personal Services and Employee Benefits.....	00100	\$	1,378,807
Current Expenses	13000		1,108,789
Repairs and Alterations.....	06400		8,000
Total		\$	<u>2,495,596</u>

288 - West Virginia Enterprise Resource Planning Board –

Enterprise Resource Planning System Fund

(WV Code Chapter 12)

Fund 9080 FY 2021 Org 0947

Personal Services and Employee Benefits.....	00100	\$	6,856,239
Unclassified	09900		232,000
Current Expenses	13000		13,662,210
Repairs and Alterations.....	06400		300
Equipment.....	07000		302,000
Buildings	25800		2,000
Other Assets	69000		203,500
Total		\$	<u>21,258,249</u>

289 - Board of Treasury Investments –

Board of Treasury Investments Fee Fund

(WV Code Chapter 12)

Fund 9152 FY 2021 Org 0950

Personal Services and Employee Benefits.....	00100	\$	832,889
Unclassified	09900		14,850
Current Expenses	13000		605,714
BRIM Premium.....	91300		31,547
Fees of Custodians, Fund Advisors and Fund Managers	93800		3,500,000
Total		\$	<u>4,985,000</u>

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the consolidated fund of the State as provided in Article 6C, Chapter 12 of the Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

Total TITLE II, Section 3 – Other Funds

(Including claims against the state)..... \$ 1,514,818,528

Sec. 4. Appropriations from lottery net profits. — Net profits of the lottery are to be deposited by the Director of the Lottery to the following accounts in the amounts indicated. The

Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the Director of the Lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 for that purpose. Upon receipt of reimbursement of amounts so transferred, the Director of the Lottery shall deposit the reimbursement amounts to the following accounts as required by this section.

290 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(WV Code Chapter 5)

Fund 2252 FY 2021 Org 0211

	Appropriation		Lottery Funds
Debt Service – Total	31000	\$	10,000,000

291 - West Virginia Development Office –

West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 3067 FY 2021 Org 0304

Tourism – Telemarketing Center	46300	\$	82,080
Tourism – Advertising (R)	61800		2,422,407
Tourism – Operations (R)	66200		<u>4,227,938</u>
Total		\$	<u>6,732,425</u>

Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund 3067, appropriation 61800), and Tourism – Operations (fund 3067, appropriation 66200) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

292 - Division of Natural Resources

(WV Code Chapter 20)

Fund 3267 FY 2021 Org 0310

Personal Services and Employee Benefits	00100	\$	2,428,178
Current Expenses	13000		26,900

Pricketts Fort State Park	32400	106,560
Non-Game Wildlife (R)	52700	386,935
State Parks and Recreation Advertising (R)	61900	494,578
Total		\$ 3,443,151

Any unexpended balances remaining in the appropriations for Unclassified (fund 3267, appropriation 09900), Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

293 - State Board of Education

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2021 Org 0402

FBI Checks	37200	\$ 116,548
Vocational Education Equipment Replacement	39300	800,000
Assessment Program (R)	39600	3,016,444
Literacy Project	89900	350,000
21st Century Technology Infrastructure		
Network Tools and Support (R)	93300	14,600,383
Total		\$ 18,883,375

Any unexpended balances remaining in the appropriations for Unclassified (fund 3951, appropriation 09900), Current Expenses (fund 3951, appropriation 13000), Assessment Program (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

294 - State Department of Education –

School Building Authority –

Debt Service Fund

(WV Code Chapter 18)

Fund 3963 FY 2021 Org 0404

Debt Service – Total	31000	\$ 15,320,363
Directed Transfer	70000	2,679,637
Total		\$ 18,000,000

The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W.Va. Code §29-22-18.

295 - Division of Culture and History –

Lottery Education Fund

(WV Code Chapter 29)

Fund 3534 FY 2021 Org 0432

Huntington Symphony.....	02700	\$	59,058
Preservation WV (R).....	09200		491,921
Fairs and Festivals (R).....	12200		1,346,814
Commission for National and Community Service (R).....	19300		374,980
Archeological Curation/Capital Improvements (R).....	24600		36,276
Historic Preservation Grants (R)	31100		368,428
West Virginia Public Theater	31200		120,019
Greenbrier Valley Theater	42300		115,000
Theater Arts of West Virginia	46400		90,000
Marshall Artists Series	51800		36,005
Grants for Competitive Arts Program (R).....	62400		726,000
West Virginia State Fair	65700		31,241
Save the Music	68000		24,000
Contemporary American Theater Festival.....	81100		57,281
Independence Hall	81200		27,277
Mountain State Forest Festival.....	86400		38,187
WV Symphony	90700		59,058
Wheeling Symphony	90800		59,058
Appalachian Children's Chorus	91600		54,554
Total.....		\$	4,115,157

From the above appropriation for Preservation West Virginia (fund 3534, appropriation 09200) funding shall be provided to the African-American Heritage Family Tree Museum (Fayette) \$2,673, Arts Monongahela (Monongalia) \$11,881, Barbour County Arts and Humanities Council \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum (Wayne) \$720, Children's Theatre of Charleston (Kanawha) \$3,127, Chuck Mathena Center (Mercer) \$62,532, Collis P. Huntington Railroad Historical Society (Cabell) \$5,941, Country Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company \$1,188, Flannigan Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen Memorial Foundation (Berkeley) \$11,006, Grafton Mother's Day Shrine Committee (Taylor) \$8,749, Hardy County Tour and Crafts Association \$11,881, Heartwood in the Hills (Calhoun) \$5,040, Heritage Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic Middleway Conservancy (Jefferson) \$594, Jefferson County Black History Preservation Society \$2,970, Jefferson County Historical Landmark Commission \$4,753, Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society \$5,049, McCoy Theater (Hardy) \$11,881, Memorial Day Patriotic Exercise (Taylor) \$20,000, Morgantown Theater Company (Monongalia) \$11,881, Mountaineer Boys' State (Lewis) \$5,941, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum (Berkeley) \$5,941, Old Opera House Theater Company (Jefferson) \$8,911, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House \$3,564, Raleigh County All Wars Museum \$5,941, Rhododendron Girl's State (Ohio) \$5,941, Roane County 4-H and FFA Youth Livestock Program \$2,970, Society for the Preservation of McGrew House (Preston) \$2,079, Southern West Virginia Veterans' Museum \$3,393, Summers County Historical Landmark Commission \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian Center (Summers) \$5,311, Veterans Committee for Civic Improvement of Huntington (Wayne)

\$2,970, West Virginia Museum of Glass (Lewis) \$2,970, West Virginia Music Hall of Fame (Kanawha) \$20,792, YMCA Camp Horseshoe (Tucker) \$59,406, Youth Museum of Southern West Virginia (Raleigh) \$7,129, Z.D. Ramsdell House (Wayne) \$720.

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to the A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$2,970, Alderson 4th of July Celebration (Greenbrier) \$2,970, Allegheny Echo (Pocahontas) \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683, American Civil War (Grant) \$3,127, American Legion Post 8 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle Show (Lewis) \$891, Annual Don Redman Heritage Concert & Awards (Jefferson) \$938, Annual Ruddle Park Jamboree (Pendleton) \$4,690, Antique Market Fair (Lewis) \$1,188, Apple Butter Festival (Morgan) \$3,564, Arkansaw Homemaker's Heritage Weekend (Hardy) \$2,079, Armed Forces Day-South Charleston (Kanawha) \$1,782, Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Barbour County Fair \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Battelle District Fair (Monongalia) \$2,970, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$2,673, Belleville Homecoming (Wood) \$11,881, Bergoo Down Home Days (Webster) \$1,485, Berkeley County Youth Fair \$10,990, Black Bear 4K Mountain Bike Race (Kanawha) \$684, Black Heritage Festival (Harrison) \$3,564, Black Walnut Festival (Roane) \$5,940, Blast from the Past (Upshur) \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone County Fair \$5,940, Boone County Labor Day Celebration \$2,376, Bradshaw Fall Festival (McDowell) \$1,188, Brandonville Heritage Day (Preston) \$1,048, Braxton County Fair \$6,832, Braxton County Monster Fest / West Virginia Autumn Festival \$1,485, Brooke County Fair \$2,079, Bruceton Mills Good Neighbor Days (Preston) \$1,188, Buckwheat Festival (Preston) \$5,050, Buffalo 4th of July Celebration (Putnam) \$400, Buffalo October Fest (Putnam) \$3,240, Burlington Apple Harvest Festival (Mineral) \$17,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970, Burnsville Freedom Festival (Braxton) \$1,407, Cabell County Fair \$5,940, Calhoun County Wood Festival \$1,188, Campbell's Creek Community Fair (Kanawha) \$1,485, Cape Coalwood Festival Association (McDowell) \$1,485, Capon Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs Ruritan 4th of July (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188, Cedarville Town Festival (Gilmer) \$684, Celebration of America (Monongalia) \$3,564, Chapmanville Apple Butter Festival (Logan) \$684, Chapmanville Fire Department 4th of July (Logan) \$1,782, Charles Town Christmas Festival (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester Fireworks (Hancock) \$891, Chester 4th of July Festivities (Hancock) \$2,970, Chief Logan State Park-Civil War Celebration (Logan) \$4,752, Chilifest West Virginia State Chili Championship (Cabell) \$1,563, Christmas In Our Town (Marion) \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the Park (Brooke) \$2,970, Christmas in the Park (Logan) \$14,851, City of Dunbar Critter Dinner (Kanawha) \$5,940, City of Logan Polar Express (Logan) \$4,456, City of New Martinsville Festival of Memories (Wetzel) \$6,534, Clay County Golden Delicious Apple Festival \$4,158, Clay District Fair (Monongalia) \$1,080, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079, Doddridge County Fair \$4,158, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Fairview 4th of July Celebration (Marion) \$684, Farm Safety Day (Preston) \$1,188, Farmer's Day Festival (Monroe) \$2,330, Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$11,881, Flemington Day Fair and Festival (Taylor) \$2,379, Follansbee Community Days (Brooke) \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison) \$2,432,

Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton) \$4,456, Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis) \$2,970, Frontier Days (Harrison) \$1,782, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,485, Gassaway Days Celebration (Braxton) \$2,970, Gilbert Elementary Fall Blast (Mingo) \$2,188, Gilbert Spring Fling (Mingo) \$3,595, Gilmer County Farm Show \$2,376, Grant County Arts Council \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, Greater Quinwood Days (Greenbrier) \$781, Guyandotte Civil War Days (Cabell) \$5,941, Hamlin 4th of July Celebration (Lincoln) \$2,970, Hampshire Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July Celebration \$11,881, Hampshire County Fair \$5,002, Hancock County Oldtime Fair \$2,970, Hardy County Commission - 4th of July \$5,940, Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970, Heat'n the Hills Chilifest (Lincoln) \$2,970, Heritage Craft Festival (Monroe) \$1,044, Heritage Days Festival (Roane) \$891, Hilltop Festival (Cabell) \$684, Hilltop Festival of Lights (McDowell) \$1,188, Hinton Railroad Days (Summers) \$4,347, Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432, Hundred 4th of July (Wetzel) \$4,307, Hurricane 4th of July Celebration (Putnam) \$2,970, Jaeger Town Fair (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair \$2,970, Jamboree (Pocahontas) \$2,970, Jane Lew Arts and Crafts Fair (Lewis) \$684, Jefferson County Fair Association \$14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire) \$684, John Henry Days Festival (Monroe) \$4,698, Johnnie Johnson Blues and Jazz Festival (Marion) \$2,970, Johnstown Community Fair (Harrison) \$1,485, Junior Heifer Preview Show (Lewis) \$1,188, Kanawha Coal Riverfest-St. Albans 4th of July Festival (Kanawha) \$2,970, Keeper of the Mountains-Kayford (Kanawha) \$1,485, Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, Keystone Reunion Gala (McDowell) \$1,563, King Coal Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, L.Z. Rainelle West Virginia Veterans Reunion (Greenbrier) \$2,970, Lady of Agriculture (Preston) \$684, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$5,940, Larry Joe Harless Community Center Spring Middle School Event (Mingo) \$2,970, Last Blast of Summer (McDowell) \$2,970, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival \$4,752, Lincoln County Winterfest \$2,970, Linside Veterans' Day Parade (Monroe) \$720, Little Levels Heritage Festival (Pocahontas) \$1,188, Lost Creek Community Festival (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley) \$2,813, Mannington District Fair (Marion) \$3,564, Maple Syrup Festival (Randolph) \$684, Marion County FFA Farm Fest \$1,485, Marmet Labor Day Celebration (Kanawha) \$3,078, Marshall County Antique Power Show \$1,485, Mason County Fair \$2,970, , Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County \$11,881, McGrew House History Day (Preston) \$1,188, McNeill's Rangers (Mineral) \$4,752, Meadow Bridge Hometown Festival (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer Bluestone Valley Fair (Mercer) \$1,188, Mercer County Fair \$1,188, Mercer County Heritage Festival \$3,474, Milton Christmas in the Park (Cabell) \$1,485, Milton Old Timey Days (Cabell) \$1,485, Mineral County Veterans Day Parade \$891, Molasses Festival (Calhoun) \$1,188, Monongahfest (Marion) \$3,752, Moon Over Mountwood Fishing Festival (Wood) \$1,782, Morgan County Fair-History Wagon \$891, Moundsville Bass Festival (Marshall) \$2,376, Moundsville July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall Festival (Barbour) \$1,485, Mountain Fest (Monongalia) \$11,881, Mountain Festival (Mercer) \$2,747, Mountain Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music Festival (McDowell) \$1,485, Mountain State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) \$26,732, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia (Kanawha) \$11,881, Music and Barbecue - Banks District VFD (Upshur) \$1,278, New Cumberland Christmas Parade (Hancock) \$1,782, New Cumberland 4th of July (Hancock)

\$2,970, New River Bridge Day Festival (Fayette) \$23,762, Nicholas County Fair \$2,970, Nicholas County Potato Festival \$2,079, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$3,564, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair \$5,346, Ohio River Fest (Jackson) \$4,320, Ohio Valley Beef Association (Wood) \$1,485, Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Central City Fair (Cabell) \$2,970, Old Tyme Christmas (Jefferson) \$1,425, Paden City Labor Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Patty Fest (Monongalia) \$1,188, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970, Pendleton County 4-H Weekend \$1,188, Pendleton County Committee for Arts \$8,910, Pendleton County Fair \$6,253, Pennsboro Country Road Festival (Ritchie) \$1,188, Petersburg 4th of July Celebration (Grant) \$11,881, Petersburg HS Celebration (Grant) \$5,940, Piedmont-Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$891, Pine Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair \$2,970, Poca Heritage Days (Putnam) \$1,782, Pocahontas County Pioneer Days \$4,159, Point Pleasant Stern Wheel Regatta (Mason) \$2,970, Pratt Fall Festival (Kanawha) \$1,485, Princeton Autumnfest (Mercer) \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair \$2,970, Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha) \$1,485, Randolph County Community Arts Council \$1,782, Randolph County Fair \$4,158, Randolph County Ramp and Rails \$1,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier) \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair and Exposition \$2,970, Ritchie County Pioneer Days \$684, River City Festival (Preston) \$684, Roane County Agriculture Field Day \$1,782, Rock the Park (Kanawha) \$3,240, Rocket Boys Festival (Raleigh) \$1,710, Romney Heritage Days (Hampshire) \$1,876, Ronceverte River Festival (Greenbrier) \$2,970, Rowlesburg Labor Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of July (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on the Water (Wetzel) \$1,782, South Charleston Summerfest (Kanawha) \$5,940, Southern Wayne County Fall Festival \$684, Spirit of Grafton Celebration (Taylor) \$6,240, St. Albans City of Lights - December (Kanawha) \$2,970, Sternwheel Festival (Wood) \$1,782, Stoco Reunion (Raleigh) \$1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, Storytelling Festival (Lewis) \$400, Strawberry Festival (Upshur) \$17,821, Sylvester Big Coal River Festival (Boone) \$1,944, Tacy Fair (Barbour) \$684, Taste of Parkersburg (Wood) \$2,970, Taylor County Fair \$3,567, The Gathering at Sweet Creek (Wood) \$1,782, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$7,300, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town of Fayetteville Heritage Festival (Fayette) \$4,456, Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield - Putnam County Homecoming \$3,240, St. Albans Train Fest (Kanawha) \$6,120, Treasure Mountain Festival (Pendleton) \$14,851, Tri-County Fair (Grant) \$22,548, Tucker County Arts Festival and Celebration \$10,692, Tucker County Fair \$2,821, Tucker County Health Fair \$1,188, Turkey Festival (Hardy) \$1,782, Tyler County Fair \$3,088, Union Community Irish Festival (Barbour) \$648, Upper Kanawha Valley Oktoberfest (Kanawha) \$1,485, Upper Ohio Valley Italian Festival (Ohio) \$7,128, Valley District Fair (Preston) \$2,079, Veterans Welcome Home Celebration (Cabell) \$938, Vietnam Veterans of America # 949 Christmas Party (Cabell) \$684, Volcano Days at Mountwood Park (Wood) \$2,970, War Homecoming Fall Festival (McDowell) \$891, Wardensville Fall Festival (Hardy) \$2,970, Wayne County Fair \$2,970, Wayne County Fall Festival \$2,970, Webster County Fair \$3,600, Webster County Wood Chopping Festival \$8,910, Webster Wild Water Weekend (Webster) \$1,188, Weirton July 4th Celebration (Hancock) \$11,881, Welcome Home Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke) \$4,456, Wellsburg Apple Festival of Brooke County \$2,970, West Virginia Blackberry Festival (Harrison) \$2,970, West Virginia Chestnut

Festival (Preston) \$684, West Virginia Coal Festival (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum (Mercer) \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Fireman’s Rodeo (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach Festival (Hampshire) \$3,240, West Virginia Polled Hereford Association (Braxton) \$891, West Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia Water Festival - City of Hinton (Summers) \$9,144, Weston VFD 4th of July Firemen Festival (Lewis) \$1,188, Wetzel County Autumnfest \$3,267, Wetzel County Town and Country Days \$10,098, Wheeling Celtic Festival (Ohio) \$1,166, Wheeling City of Lights (Ohio) \$4,752, Wheeling Sternwheel Regatta (Ohio) \$5,940, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action (Fayette) \$1,485, Wine Festival and Mountain Music Event (Harrison) \$2,970, Wirt County Fair \$1,485, Wirt County Pioneer Days \$1,188, Wyoming County Civil War Days \$1,296, Youth Stockman Beef Expo (Lewis) \$1,188.

Any unexpended balances remaining in the appropriations for Commission for National and Community Service (fund 3534, appropriation 19300), Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic Preservation Grants (fund 3534, appropriation 31100), Grants for Competitive Arts Program (fund 3534, appropriation 62400), and Project ACCESS (fund 3534, appropriation 86500) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

296 - Library Commission –

Lottery Education Fund

(WV Code Chapter 10)

Fund 3559 FY 2021 Org 0433

Books and Films	17900	\$	360,784
Services to Libraries.....	18000		550,000
Grants to Public Libraries.....	18200		9,439,571
Digital Resources.....	30900		219,992
Infomine Network.....	88400		<u>943,353</u>
Total.....		\$	<u>11,513,700</u>

Any unexpended balance remaining in the appropriation for Libraries – Special Projects (fund 3559, appropriation 62500) at the close of fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

297 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 3587 FY 2021 Org 0439

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 3587, appropriation 75500) at the close of fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*298 - Bureau of Senior Services –**Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2021 Org 0508

Personal Services and Employee Benefits.....	00100	\$	209,640
Current Expenses	13000		332,284
Repairs and Alterations.....	06400		1,000
Local Programs Service Delivery Costs	20000		2,435,250
Silver Haired Legislature	20200		18,500
Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens	53900		4,615,503
Roger Tompkins Alzheimer's Respite Care.....	64300		2,302,016
WV Alzheimer's Hotline.....	72400		45,000
Regional Aged and Disabled Resource Center	76700		425,000
Senior Services Medicaid Transfer.....	87100		16,400,070
Legislative Initiatives for the Elderly	90400		9,671,239
Long Term Care Ombudsman.....	90500		297,226
BRIM Premium.....	91300		7,718
In-Home Services and Nutrition for Senior Citizens.....	91700		6,095,941
Total.....		\$	42,856,387

Any unexpended balance remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

Included in the above appropriation for Current Expenses (fund 5405, appropriation 13000), is funding to support an in-home direct care workforce registry.

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

*299 - Higher Education Policy Commission –**Lottery Education –**Higher Education Policy Commission –**Control Account*

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2021 Org 0441

RHI Program and Site Support (R).....	03600	\$	1,912,491
RHI Program and Site Support – RHEP Program Administration	03700		146,653

RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (R).....	03800	88,913
Minority Doctoral Fellowship (R)	16600	129,604
Health Sciences Scholarship (R).....	17600	225,527
Vice Chancellor for Health Sciences – Rural Health Residency Program (R)	60100	62,725
WV Engineering, Science, and Technology Scholarship Program.....	86800	<u>452,831</u>
Total.....		\$ 3,018,744

Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (fund 4925, appropriation 03800), Minority Doctoral Fellowship (fund 4925, appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation 60100) at the close of fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

The above appropriation for WV Engineering, Science, and Technology Scholarship Program (fund 4925, appropriation 86800) shall be transferred to the West Virginia Engineering, Science and Technology Scholarship Fund (fund 4928, org 0441) established by W.Va. Code §18C-6-1.

300 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2021 Org 0442

Debt Service – Total	31000	\$	5,000,000
----------------------------	-------	----	-----------

Any unexpended balance remaining in the appropriation for Capital Outlay and Improvements – Total (fund 4908, appropriation 84700) at the close of fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

301 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(WV Code Chapter 18B)

Fund 4185 FY 2021 Org 0463

WVU Health Sciences – RHI Program and Site Support (R)	03500	\$	1,181,728
MA Public Health Program and Health Science Technology (R).....	62300		52,445

Health Sciences Career Opportunities Program (R).....	86900		336,987
HSTA Program (R).....	87000		1,761,948
Center for Excellence in Disabilities (R)	96700		<u>313,517</u>
Total		\$	<u>3,646,625</u>

Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

302 - Higher Education Policy Commission –

Lottery Education –

Marshall University – School of Medicine

(WV Code Chapter 18B)

Fund 4896 FY 2021 Org 0471

Marshall Medical School –			
RHI Program and Site Support (R)	03300	\$	427,075
Vice Chancellor for Health Sciences –			
Rural Health Residency Program (R)	60100		<u>171,361</u>
Total		\$	<u>598,436</u>

Any unexpended balances remaining in the appropriations for Marshall Medical School – RHI Program and Site Support (fund 4896, appropriation 03300) and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4896, appropriation 60100) at the close of fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

Total TITLE II, Section 4 – Lottery Revenue..... \$ 127,808,000

Sec. 5. Appropriations from state excess lottery revenue fund. — In accordance with W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following appropriations shall be deposited and disbursed by the Director of the Lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are sufficient to meet all the appropriations required made pursuant to this section, then the Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

303 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2021 Org 0705

	Appropriation		Excess Lottery Funds
Directed Transfer	70000	\$	10,000,000

The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.Va. Code §11-21-21. The amount of the required transfer shall be determined solely by the State Tax Commissioner and shall be completed by the Director of the Lottery upon the commissioner’s request.

304 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2021 Org 0705

General Revenue Fund – Transfer.....	70011	\$	65,000,000
--------------------------------------	-------	----	------------

The above appropriation shall be transferred to the General Revenue Fund as determined by the Director of the Lottery in accordance with W.Va. Code §29-22-18a.

305 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2021 Org 0441

PROMISE Scholarship – Transfer.....	80000	\$	29,000,000
-------------------------------------	-------	----	------------

The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

306 - Economic Development Authority –

Economic Development Project Fund

Fund 9065 FY 2021 Org 0944

Debt Service – Total	31000	\$	19,000,000
----------------------------	-------	----	------------

Pursuant to W.Va. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the economic development project fund pursuant to section four of this title and W.Va. Code §29-22-18, subsection (f).

*307 - Department of Education –**School Building Authority*Fund 3514 FY 2021 Org 0404

Debt Service – Total	31000	\$	19,000,000
----------------------------	-------	----	------------

*308 - West Virginia Infrastructure Council –**West Virginia Infrastructure Transfer Fund*Fund 3390 FY 2021 Org 0316

Directed Transfer	70000	\$	46,000,000
-------------------------	-------	----	------------

The above appropriation shall be allocated pursuant to W.Va. Code §29-22-18d and §31-15-9.

*309 - Higher Education Policy Commission –**Higher Education Improvement Fund*Fund 4297 FY 2021 Org 0441

Directed Transfer	70000	\$	15,000,000
-------------------------	-------	----	------------

The above appropriation shall be transferred to fund 4903, org 0442 as authorized by Senate Concurrent Resolution No. 41.

*310 - Division of Natural Resources –**State Park Improvement Fund*Fund 3277 FY 2021 Org 0310

Current Expenses (R)	13000	\$	23,300
Repairs and Alterations (R).....	06400		161,200
Equipment (R).....	07000		200,000
Buildings (R)	25800		100,000
Other Assets (R)	69000		1,020,500
Total		\$	1,505,000

Any unexpended balances remaining in the above appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Unclassified (fund 3277, appropriation 09900), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

311 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2021 Org 0944

Debt Service	04000	\$	2,032,000
--------------------	-------	----	-----------

312 - Economic Development Authority –

State Parks Lottery Revenue Debt Service Fund

Fund 9068 FY 2021 Org 0944

Debt Service	04000	\$	4,395,000
--------------------	-------	----	-----------

313 - Racing Commission –

Fund 7308 FY 2021 Org 0707

Special Breeders Compensation (WVC §29-22-18a, subsection (l))	21800	\$	2,000,000
---	-------	----	-----------

314 - Lottery Commission –

Distributions to Statutory Funds and Purposes

Fund 7213 FY 2021 Org 0705

Parking Garage Fund – Transfer	70001	\$	500,000
2004 Capitol Complex Parking Garage Fund – Transfer	70002		216,478
Capitol Dome and Improvements Fund – Transfer	70003		1,796,256
Capitol Renovation and Improvement Fund – Transfer	70004		2,381,252
Development Office Promotion Fund – Transfer	70005		1,298,864
Research Challenge Fund – Transfer	70006		1,731,820
Tourism Promotion Fund – Transfer	70007		4,808,142
Cultural Facilities and Capitol Resources Matching Grant Program Fund – Transfer	70008		1,250,535
State Debt Reduction Fund – Transfer	70010		20,000,000
General Revenue Fund – Transfer	70011		1,167,799
West Virginia Racing Commission Racetrack Video Lottery Account	70012		3,463,637
Historic Resort Hotel Fund	70013		24,010
Licensed Racetrack Regular Purse Fund	70014		22,383,247
Total		\$	61,022,040

315 - Governor's Office

(WV Code Chapter 5)

Fund 1046 FY 2021 Org 0100

Any unexpended balance remaining in the appropriation for Publication of Papers and Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

316 - Office of Technology

(WV Code Chapter 5A)

Fund 2532 FY 2021 Org 0231

Any unexpended balances remaining in the appropriations for Cyber Security (fund 2532, appropriation 99001), Enterprise Data Center (fund 2532, appropriation 99002), and Enterprise Telephony Modernization (fund 2532, appropriation 99003) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

317 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 3170 FY 2021 Org 0307

Any unexpended balances remaining in the appropriations for Unclassified – Total (fund 3170, appropriation 09600), Recreational Grants or Economic Development Loans (fund 3170, appropriation 25300), and Connectivity Research and Development – Lottery Surplus (fund 3170, appropriation 92300) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

*318 - Higher Education Policy Commission –**Administration –**Control Account*

(WV Code Chapter 18B)

Fund 4932 FY 2021 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

319 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2021 Org 0511

Medical Services.....	18900	\$	66,302,960
-----------------------	-------	----	------------

320 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapters 15A)

Fund 6283 FY 2021 Org 0608

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 6283, appropriation 75500) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

Total TITLE II, Section 5 – Excess Lottery Funds..... \$ 340,257,000

Sec. 6. Appropriations of federal funds. — In accordance with Article 11, Chapter 4 of the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2021.

LEGISLATIVE

321 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 8738 FY 2021 Org 2300

	Appropriation		Federal Funds
Economic Loss Claim Payment Fund.....	33400	\$	1,400,000

JUDICIAL

322 - Supreme Court

Fund 8867 FY 2021 Org 2400

Personal Services and Employee Benefits.....	00100	\$	1,813,000
Current Expenses	13000		1,557,000
Repairs and Alterations.....	06400		100,000
Equipment.....	07000		250,000
Other Assets	69000		<u>280,000</u>
Total		\$	<u>4,000,000</u>

EXECUTIVE

323 - Department of Agriculture

(WV Code Chapter 19)

Fund 8736 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	2,628,780
Unclassified	09900		50,534
Current Expenses	13000		3,828,661
Repairs and Alterations.....	06400		650,000
Equipment.....	07000		910,500
Buildings.....	25800		1,000,000
Other Assets	69000		50,000
Land	73000		500,000
Total.....		\$	9,618,475

324 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 8737 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	658,571
Unclassified	09900		8,755
Current Expenses	13000		136,012
Repairs and Alterations.....	06400		5,500
Equipment.....	07000		114,478
Total.....		\$	923,316

325 - Department of Agriculture –

State Conservation Committee

(WV Code Chapter 19)

Fund 8783 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	97,250
Current Expenses	13000		15,599,974
Total.....		\$	15,697,224

326 - Department of Agriculture –

Land Protection Authority

Fund 8896 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	46,526
Unclassified	09900		5,004
Current Expenses	13000		448,920
Total.....		\$	500,450

*327 - Attorney General –**Medicaid Fraud Unit*Fund 8882 FY 2021 Org 1500

Personal Services and Employee Benefits.....	00100	\$	1,038,458
Unclassified	09900		15,336
Current Expenses	13000		456,638
Repairs and Alterations.....	06400		4,313
Equipment.....	07000		7,500
Other Assets	69000		11,336
Total		\$	<u>1,533,581</u>

*328 - Secretary of State –**State Election Fund*

(WV Code Chapter 3)

Fund 8854 FY 2021 Org 1600

Personal Services and Employee Benefits.....	00100	\$	210,240
Unclassified	09900		7,484
Current Expenses	13000		415,727
Repairs and Alterations.....	06400		15,000
Other Assets	69000		100,000
Total		\$	<u>748,451</u>

DEPARTMENT OF COMMERCE*329 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2021 Org 0305

Personal Services and Employee Benefits.....	00100	\$	1,640,060
Unclassified	09900		51,050
Current Expenses	13000		5,232,560
Repairs and Alterations.....	06400		155,795
Equipment.....	07000		100,000
Other Assets	69000		1,808,300
Total		\$	<u>8,987,765</u>

330 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 8704 FY 2021 Org 0306

Personal Services and Employee Benefits.....	00100	\$	54,432
--	-------	----	--------

Unclassified	09900	2,803
Current Expenses	13000	195,639
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	7,500
Other Assets	69000	15,000
Total		<u>\$ 280,374</u>

331 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 8705 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$ 789,921
Unclassified	09900	50,000
Current Expenses	13000	<u>4,504,019</u>
Total		<u>\$ 5,343,940</u>

332 - West Virginia Development Office –

Office of Economic Opportunity

(WV Code Chapter 5)

Fund 8901 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$ 497,289
Repairs and Alterations.....	06400	250
Equipment.....	07000	6,000
Unclassified	09900	106,795
Current Expenses	13000	<u>10,069,166</u>
Total		<u>\$ 10,679,500</u>

333 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 8706 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$ 409,251
Unclassified	09900	5,572
Current Expenses	13000	167,098
Repairs and Alterations.....	06400	<u>500</u>
Total		<u>\$ 582,421</u>

334 - Division of Natural Resources

(WV Code Chapter 20)

Fund 8707 FY 2021 Org 0310

Personal Services and Employee Benefits.....	00100	\$ 8,237,073
--	-------	--------------

Unclassified	09900	107,693
Current Expenses	13000	7,887,660
Repairs and Alterations.....	06400	566,250
Equipment.....	07000	2,126,141
Administration	15500	50,325
Buildings	25800	951,000
Other Assets	69000	7,088,880
Land	73000	2,893,920
Total.....		<u>\$ 29,908,942</u>

335 - Division of Miners' Health,

Safety and Training

(WV Code Chapter 22)

Fund 8709 FY 2021 Org 0314

Personal Services and Employee Benefits.....	00100	\$ 642,799
Current Expenses	13000	<u>150,000</u>
Total.....		<u>\$ 792,799</u>

336 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 8835 FY 2021 Org 0323

Unclassified	09900	\$ 5,127
Current Expenses	13000	507,530
Reed Act 2002 – Unemployment Compensation.....	62200	2,850,000
Reed Act 2002 – Employment Services	63000	<u>1,650,000</u>
Total.....		<u>\$ 5,012,657</u>

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.Va. Code §21A-9-9, the above appropriation to Unclassified and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of administration of the state's unemployment insurance program or job service activities, subject to each and every restriction, limitation or obligation imposed on the use of the funds by those federal and state statutes.

337 - Office of Energy

(WV Code Chapter 5B)

Fund 8892 FY 2021 Org 0328

Personal Services and Employee Benefits.....	00100	\$ 426,385
Unclassified	09900	7,350
Current Expenses	13000	<u>2,816,076</u>
Total.....		<u>\$ 3,249,811</u>

338 - *State Board of Rehabilitation* –*Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 8734 FY 2021 Org 0932

Personal Services and Employee Benefits.....	00100	\$	11,863,244
Current Expenses	13000		34,440,940
Repairs and Alterations.....	06400		350,400
Equipment.....	07000		<u>1,275,870</u>
Total.....		\$	47,930,454

339 - *State Board of Rehabilitation* –*Division of Rehabilitation Services* –*Disability Determination Services*

(WV Code Chapter 18)

Fund 8890 FY 2021 Org 0932

Personal Services and Employee Benefits.....	00100	\$	12,476,122
Current Expenses	13000		13,383,206
Repairs and Alterations.....	06400		1,100
Equipment.....	07000		<u>83,350</u>
Total.....		\$	25,943,778

DEPARTMENT OF EDUCATION340 - *State Board of Education* –*State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$	5,785,359
Unclassified	09900		2,000,000
Current Expenses	13000		222,367,820
Repairs and Alterations.....	06400		10,000
Equipment.....	07000		10,000
Other Assets	69000		<u>10,000</u>
Total.....		\$	230,183,179

341 - *State Board of Education* –*School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,881,766
Unclassified	09900		1,150,500
Current Expenses	13000		148,281,265
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		100,000
Other Assets	69000		25,000
Total.....		\$	151,458,531

342 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$	1,896,249
Unclassified	09900		155,000
Current Expenses	13000		14,820,081
Repairs and Alterations.....	06400		10,000
Equipment.....	07000		10,000
Other Assets	69000		10,000
Total.....		\$	16,901,330

343 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$	3,477,006
Unclassified	09900		1,000,000
Current Expenses	13000		113,346,390
Repairs and Alterations.....	06400		10,000
Equipment.....	07000		10,000
Other Assets	69000		10,000
Total.....		\$	117,853,396

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

344 - Commission for National and Community Service

(WV Code Chapter 5F)

Fund 8841 FY 2021 Org 0432

Personal Services and Employee Benefits.....	00100	\$	437,040
Current Expenses	13000		5,587,325
Repairs and Alterations.....	06400		1,000
Total		\$	6,025,365

345 - Division of Culture and History

(WV Code Chapter 29)

Fund 8718 FY 2021 Org 0432

Personal Services and Employee Benefits.....	00100	\$	810,436
Current Expenses	13000		1,947,372
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		1,000
Buildings	25800		1,000
Other Assets	69000		1,000
Land	73000		360
Total		\$	2,762,168

346 - Library Commission

(WV Code Chapter 10)

Fund 8720 FY 2021 Org 0433

Personal Services and Employee Benefits.....	00100	\$	353,396
Current Expenses	13000		1,076,162
Equipment.....	07000		543,406
Total		\$	1,972,964

347 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 8721 FY 2021 Org 0439

Equipment.....	07000	\$	200,000
----------------	-------	----	---------

DEPARTMENT OF ENVIRONMENTAL PROTECTION*348 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 8708 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	31,406,529
Current Expenses	13000		153,850,118
Repairs and Alterations.....	06400		739,783
Equipment.....	07000		1,712,238
Unclassified	09900		1,923,580

Other Assets	69000	2,177,261
Land	73000	80,000
Total		<u>\$ 191,889,509</u>

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

349 - Consolidated Medical Service Fund

(WV Code Chapter 16)

Fund 8723 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 1,532,219
Unclassified	09900	73,307
Current Expenses	13000	<u>36,583,302</u>
Total		<u>\$ 38,188,828</u>

350 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 8802 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 14,610,947
Unclassified	09900	856,614
Current Expenses	13000	69,201,885
Equipment.....	07000	456,972
Buildings	25800	155,000
Other Assets	69000	<u>380,000</u>
Total		<u>\$ 85,661,418</u>

351 - Division of Health –

West Virginia Safe Drinking Water Treatment

(WV Code Chapter 16)

Fund 8824 FY 2021 Org 0506

West Virginia Drinking Water Treatment Revolving Fund – Transfer	68900	\$ 16,000,000
---	-------	---------------

352 - Human Rights Commission

(WV Code Chapter 5)

Fund 8725 FY 2021 Org 0510

Personal Services and Employee Benefits.....	00100	\$ 449,874
Unclassified	09900	5,050

Current Expenses	13000	<u>64,950</u>
Total		\$ 519,874

353 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2021 Org 0511

Personal Services and Employee Benefits	00100	\$ 76,486,842
Unclassified	09900	22,855,833
Current Expenses	13000	112,110,500
Medical Services	18900	3,598,409,155
Medical Services Administrative Costs	78900	132,247,536
CHIP Administrative Costs	85601	4,539,496
CHIP Services	85602	47,422,974
Federal Economic Stimulus	89100	<u>5,000,000</u>
Total		\$ 3,999,072,336

DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

354 - Office of the Secretary

(WV Code Chapter 5F)

Fund 8876 FY 2021 Org 0601

Unclassified	09900	\$ 5,000
Current Expenses	13000	<u>495,000</u>
Total		\$ 500,000

355 - Adjutant General –

State Militia

(WV Code Chapter 15)

Fund 8726 FY 2021 Org 0603

Unclassified	09900	\$ 982,705
Mountaineer ChalleNGe Academy	70900	4,978,680
Martinsburg Starbase	74200	439,622
Charleston Starbase	74300	424,685
Military Authority	74800	<u>93,601,594</u>
Total		\$ 100,427,286

The Adjutant General shall have the authority to transfer between appropriations.

356 - Adjutant General –

West Virginia National Guard Counterdrug Forfeiture Fund

(WV Code Chapter 15)

Fund 8785 FY 2021 Org 0603

Personal Services and Employee Benefits.....	00100	\$	1,350,000
Current Expenses	13000		300,000
Equipment.....	07000		350,000
Total		\$	<u>2,000,000</u>

*357 - Division of Homeland Security and**Emergency Management*

(WV Code Chapter 15)

Fund 8727 FY 2021 Org 0606

Personal Services and Employee Benefits.....	00100	\$	1,260,422
Current Expenses	13000		20,429,281
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		100,000
Total		\$	<u>21,794,703</u>

358 - Division of Corrections and Rehabilitation

(WV Code Chapters 15A)

Fund 8836 FY 2021 Org 0608

Unclassified	09900	\$	1,100
Current Expenses	13000		108,900
Total		\$	<u>110,000</u>

359 - West Virginia State Police

(WV Code Chapter 15)

Fund 8741 FY 2021 Org 0612

Personal Services and Employee Benefits.....	00100	\$	2,480,877
Current Expenses	13000		2,125,971
Repairs and Alterations.....	06400		42,000
Equipment.....	07000		2,502,285
Buildings	25800		750,500
Other Assets	69000		144,500
Land	73000		500
Total		\$	<u>8,046,633</u>

360 - Fire Commission

(WV Code Chapter 29)

Fund 8819 FY 2021 Org 0619

Current Expenses	13000	\$	80,000
------------------------	-------	----	--------

361 - Division of Administrative Services

(WV Code Chapter 15)

Fund 8803 FY 2021 Org 0623

Personal Services and Employee Benefits.....	00100	\$	1,222,258
Unclassified	09900		25,381,973
Current Expenses	13000		1,750
Repairs and Alterations.....	06400		<u>25,185</u>
Total		\$	<u>26,631,166</u>

DEPARTMENT OF REVENUE*362 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2021 Org 0704

Current Expenses	13000	\$	3,000,000
------------------------	-------	----	-----------

DEPARTMENT OF TRANSPORTATION*363 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2021 Org 0802

Personal Services and Employee Benefits.....	00100	\$	501,394
Current Expenses	13000		5,498,106
Repairs and Alterations.....	06400		<u>500</u>
Total		\$	<u>6,000,000</u>

364 - Division of Public Transit

(WV Code Chapter 17)

Fund 8745 FY 2021 Org 0805

Personal Services and Employee Benefits.....	00100	\$	922,070
Current Expenses	13000		8,663,149
Repairs and Alterations.....	06400		2,500
Equipment.....	07000		2,801,714
Buildings	25800		1,250,000
Other Assets	69000		<u>100,000</u>
Total		\$	<u>13,739,433</u>

DEPARTMENT OF VETERANS' ASSISTANCE*365 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2021 Org 0613

Personal Services and Employee Benefits.....	00100	\$	2,947,485
Current Expenses	13000		2,840,300
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		25,000
Buildings	25800		250,000
Land	73000		500
Veterans' Cemetery	80800		175,000
Total		\$	<u>6,258,285</u>

*366 - Department of Veterans' Assistance –**Veterans' Home*

(WV Code Chapter 9A)

Fund 8728 FY 2021 Org 0618

Personal Services and Employee Benefits.....	00100	\$	906,850
Current Expenses	13000		601,700
Repairs and Alterations.....	06400		60,500
Equipment.....	07000		10,500
Buildings	25800		500
Other Assets	69000		500
Land	73000		100
Total		\$	<u>1,580,650</u>

BUREAU OF SENIOR SERVICES*367 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 8724 FY 2021 Org 0508

Personal Services and Employee Benefits.....	00100	\$	767,364
Current Expenses	13000		13,811,853
Repairs and Alterations.....	06400		3,000
Total		\$	<u>14,582,217</u>

MISCELLANEOUS BOARDS AND COMMISSIONS*368 - Public Service Commission –**Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8743 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	1,352,576
Current Expenses	13000		368,953
Repairs and Alterations.....	06400		39,000
Equipment.....	07000		1,000
Total.....		\$	<u>1,761,529</u>

369 - *Public Service Commission* –*Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	621,039
Current Expenses	13000		124,628
Equipment.....	07000		3,000
Unclassified	09900		4,072
Total.....		\$	<u>752,739</u>

370 - *National Coal Heritage Area Authority*

(WV Code Chapter 29)

Fund 8869 FY 2021 Org 0941

Personal Services and Employee Benefits.....	00100	\$	163,405
Current Expenses	13000		633,417
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		3,000
Other Assets	69000		2,000
Total.....		\$	<u>806,822</u>

Total TITLE II, Section 6 - Federal Funds

(Including claims against the state)..... \$ 5,240,174,645

Sec. 7. Appropriations from federal block grants. — The following items are hereby appropriated from federal block grants to be available for expenditure during the fiscal year 2021.

371 - *West Virginia Development Office* –*Community Development*Fund 8746 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$	10,658,978
Unclassified	09900		2,375,000
Current Expenses	13000		<u>224,476,883</u>

Total \$ 237,510,861

372 - Department of Commerce

West Virginia Development Office –

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$	362,389
Unclassified	09900		125,000
Current Expenses	13000		12,002,111
Repairs and Alterations.....	06400		1,500
Equipment.....	07000		9,000
Total		\$	<u>12,500,000</u>

373 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2021 Org 0323

Personal Services and Employee Benefits.....	00100	\$	2,999,497
Unclassified	09900		23,023
Current Expenses	13000		39,263,511
Repairs and Alterations.....	06400		1,600
Equipment.....	07000		500
Buildings	25800		1,100
Total		\$	<u>42,289,231</u>

374 - Division of Health –

Maternal and Child Health

Fund 8750 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	2,268,209
Unclassified	09900		81,439
Current Expenses	13000		5,794,267
Total		\$	<u>8,143,915</u>

375 - Division of Health –

Preventive Health

Fund 8753 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	268,337
Unclassified	09900		22,457

Current Expenses	13000	1,895,366
Equipment.....	07000	<u>165,642</u>
Total		\$ 2,351,802

376 - Division of Health –

Substance Abuse Prevention and Treatment

Fund 8793 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 657,325
Unclassified	09900	115,924
Current Expenses	13000	<u>10,853,740</u>
Total		\$ 11,626,989

377 - Division of Health –

Community Mental Health Services

Fund 8794 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 551,368
Unclassified	09900	33,533
Current Expenses	13000	<u>4,883,307</u>
Total		\$ 5,468,208

378 - Division of Human Services –

Energy Assistance

Fund 8755 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 1,860,574
Unclassified	09900	350,000
Current Expenses	13000	<u>33,182,151</u>
Total		\$ 35,392,725

379 - Division of Human Services –

Social Services

Fund 8757 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 8,806,005
Unclassified	09900	171,982
Current Expenses	13000	<u>8,870,508</u>
Total		\$ 17,848,495

380 - Division of Human Services –

Temporary Assistance for Needy Families

Fund 8816 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$	20,559,397
Unclassified	09900		1,250,000
Current Expenses	13000		<u>105,851,386</u>
Total		\$	<u>127,660,783</u>

381 - Division of Human Services –

Child Care and Development

Fund 8817 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$	2,797,226
Unclassified	09900		350,000
Current Expenses	13000		<u>47,000,307</u>
Total		\$	<u>50,147,533</u>

Total TITLE II, Section 7 – Federal Block Grants		\$	<u>550,940,542</u>
--	--	----	--------------------

Sec. 8. Awards for claims against the state. — There are hereby appropriated for fiscal year 2021, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$1,397,579, special revenue funds in the amount of \$6,433, state road funds in the amount of \$844,164, and federal revenue funds in the amount of \$280,346 for payment of claims against the state.

Sec. 9. Appropriations from general revenue fund surplus accrued. — The following item is hereby appropriated from the state fund, general revenue, and is to be available for expenditure during the fiscal year 2021 out of surplus funds only, accrued from the fiscal year ending June 30, 2020, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus as of July 31, 2020 from the fiscal year ending June 30, 2020, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2020, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available as of the date mandated to meet the appropriation in this section and shall be allocated first to provide the necessary funds to meet the first appropriation of this section and each subsequent appropriation in the order listed in this section.

382 - West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 0246 FY 2021 Org 0304

Tourism – Brand Promotion – Surplus	#####	\$	5,000,000
---	-------	----	-----------

383 - Governor's Office

(WV Code Chapter 5)

Fund 0101 FY 2021 Org 010

Community Food Program – Surplus	#####	\$	1,000,000
--	-------	----	-----------

384 - State Board of Education –

Vocational Division

(WV Code Chapters 18, and 18A)

Fund 0390 FY 2021 Org 0402

Jobs & Hope - Surplus	#####	\$	3,500,000
-----------------------------	-------	----	-----------

385 - State Board of Education –

State Department of Education

(WV Code Chapters 18, and 18A)

Fund 0313 FY 2021 Org 0402

Jobs & Hope – Childhood Drug Prevention Education - Surplus	#####	\$	<u>2,500,000</u>
--	-------	----	------------------

386 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2021 Org 0506

Jobs & Hope - Surplus	#####	\$	4,500,000
-----------------------------	-------	----	-----------

Total TITLE II, Section 9 – Surplus Accrued.....		\$	<u>16,500,000</u>
--	--	----	-------------------

Sec. 10. Appropriations from lottery net profits surplus accrued. — The following item is hereby appropriated from the lottery net profits, and is to be available for expenditure during the fiscal year 2021 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2020, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2020.

In the event that surplus revenues available from the fiscal year ending June 30, 2020, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

387 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2021 Org 0508

In-Home Services and Nutrition for		
Senior Citizens – Lottery Surplus	76699	\$ 750,000
Senior Services Medicaid Transfer – Lottery Surplus	68199	<u>16,000,000</u>
Total		\$ <u>16,750,000</u>
Total TITLE II, Section 10 – Surplus Accrued		<u>\$ 16,750,000</u>

Sec. 11. Appropriations from state excess lottery revenue surplus accrued. — The following item is hereby appropriated from the state excess lottery revenue fund, and is to be available for expenditure during the fiscal year 2021 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2020, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2020.

In the event that surplus revenues available from the fiscal year ending June 30, 2020, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

388 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2021 Org 0511

Medical Services – Lottery Surplus	68100	\$ 17,000,000
Total TITLE II, Section 11 – Surplus Accrued		<u>\$ 17,000,000</u>

Sec. 12. Special revenue appropriations. — There are hereby appropriated for expenditure during the fiscal year 2021 appropriations made by general law from special revenues which are not paid into the state fund as general revenue under the provisions of W.Va. Code §12-2-2: *Provided*, That none of the money so appropriated by this section shall be available for expenditure except in compliance with the provisions of W.Va. Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending unit has filed with the director of the budget and the legislative auditor prior to the beginning of each fiscal year:

(a) An estimate of the amount and sources of all revenues accruing to such fund; and

(b) A detailed expenditure schedule showing for what purposes the fund is to be expended.

During Fiscal Year 2021, the following funds are hereby available and are to be transferred to the appropriate funds as specified from available balances per the following:

389 -Attorney General
Consumer Protection Recovery Fund
(WV Code Chapter 46A)
Fund 1509 FY 2021 Org 1500

Directed Transfer 70000 \$ 6,100,000

From the above appropriation for Directed Transfer (Fund 1509, appropriation 70000), \$100,000 shall be transferred to the Supreme Court – Family Court Fund (Fund 1763), \$1,000,000 shall be transferred to the West Virginia State Police – Forensic Laboratory Fund (Fund 6511) and \$5,000,000 shall be transferred to the Department of Health and Human Resources, Division of Health – Ryan Brown Addiction Prevention and Recovery Fund (Fund 5111).

Total TITLE II, Section 12 – Appropriations for Special Revenue

Appropriations \$ 6,100,000

Sec. 13. State improvement fund appropriations. — Bequests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2021, for the purpose of making studies and recommendations relative to improvements of the administration and management of spending units in the executive branch of state government, shall be deposited in the state treasury in a separate account therein designated state improvement fund.

There are hereby appropriated all moneys so deposited during the fiscal year 2021 to be expended as authorized by the Governor, for such studies and recommendations which may encompass any problems of organization, procedures, systems, functions, powers or duties of a state spending unit in the executive branch, or the betterment of the economic, social, educational, health and general welfare of the state or its citizens.

Sec. 14. Specific funds and collection accounts. — A fund or collection account which by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful demands upon the fund or collection account and shall be expended according to the provisions of Article 3, Chapter 12 of the Code.

Sec. 15. Appropriations for refunding erroneous payment. — Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid, for refund to the proper person.

When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of the proper amount. The Auditor shall issue his or her warrant to the Treasurer and the Treasurer shall pay the warrant out of the fund into which the amount was originally paid.

Sec. 16. Sinking fund deficiencies. — There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance fund of the West Virginia housing development fund which is under the supervision and control of the municipal bond commission as provided by W.Va. Code §31-18-20b, or in the funds of the

municipal bond commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the municipal bond commission as may be necessary for these purposes.

The municipal bond commission shall reimburse the state of West Virginia through the Governor from the first remittance collected from the West Virginia housing development fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

Sec. 17. Appropriations for local governments. — There are hereby appropriated for payment to counties, districts and municipal corporations such amounts as will be necessary to pay taxes due counties, districts and municipal corporations and which have been paid into the treasury:

- (a) For redemption of lands;
- (b) By public service corporations;
- (c) For tax forfeitures.

Sec. 18. Total appropriations. — Where only a total sum is appropriated to a spending unit, the total sum shall include personal services and employee benefits, annual increment, current expenses, repairs and alterations, buildings, equipment, other assets, land, and capital outlay, where not otherwise specifically provided and except as otherwise provided in TITLE I – GENERAL PROVISIONS, Sec. 3.

Sec. 19. General school fund. — The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.Va. Code §18-9A-16.

TITLE III – ADMINISTRATION

Sec. 1. Appropriations conditional. — The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state government, are conditioned upon the compliance by the spending unit with the requirements of Article 2, Chapter 11B of the Code.

Where spending units or parts of spending units have been absorbed by or combined with other spending units, it is the intent of this act that appropriations and reappropriations shall be to the succeeding or later spending unit created, unless otherwise indicated.

Sec. 2. Constitutionality. — If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.

On motion of Senator Blair, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 150) was reported by the Clerk:

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

TITLE I – GENERAL PROVISIONS.

Section 1. General policy. – The purpose of this bill is to appropriate money necessary for the economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year 2021.

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

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

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

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

The “fiscal year 2021” shall mean the period from July 1, 2020, through June 30, 2021.

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

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

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

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

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

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

“Employee benefits” shall mean social security matching, workers’ compensation, unemployment compensation, pension and retirement contributions, public employees insurance matching, personnel fees or any other benefit normally paid by the employer as a direct cost of employment. Should the appropriation be insufficient to cover such costs, the remainder of such cost shall be paid by each spending unit from its “unclassified” appropriation, or its “current expenses” appropriation or other appropriate appropriation. Each spending unit is hereby

authorized and required to make such payments in accordance with the provisions of Article 2, Chapter 11B of the Code.

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

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

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

West Virginia Council for Community and Technical College Education and Higher Education Policy Commission entities operating with special revenue funds and/or federal funds shall pay their proportionate share of the Board of Risk and Insurance Management total insurance premium cost for their respective institutions.

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

“Equipment” shall mean equipment items which have an appreciable and calculable period of usefulness in excess of one year.

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

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

“Lands” shall mean the purchase of real property or interest in real property.

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

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

Appropriations classified in any of the above categories shall be expended only for the purposes as defined above and only for the spending units herein designated: *Provided*, That the secretary of each department shall have the authority to transfer within the department those general revenue funds appropriated to the various agencies of the department: *Provided, however*, That no more than five percent of the general revenue funds appropriated to any one agency or board may be transferred to other agencies or boards within the department: and no funds may be transferred to a "personal services and employee benefits" appropriation unless the source funds are also wholly from a "personal services and employee benefits" line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, That the secretary of each department and the director, commissioner, executive secretary, superintendent, chairman or any other agency head not governed by a departmental secretary as established by Chapter 5F of the Code shall have the authority to transfer funds appropriated to "personal services and employee benefits," "current expenses," "repairs and alterations," "equipment," "other assets," "land," and "buildings" to other appropriations within the same account and no funds from other appropriations shall be transferred to the "personal services and employee benefits" or the "unclassified" appropriation: *And provided further*, That no authority exists hereunder to transfer funds into appropriations to which no funds are legislatively appropriated: *And provided further*, That if the Legislature consolidates, reorganizes or terminates agencies, boards or functions, within any fiscal year the secretary or other appropriate agency head, or in the case of the termination of a spending unit of the state, the Director of the State Budget Office, in the absence of general law providing otherwise, may transfer the funds formerly appropriated to such agency, board or function, allocating items of appropriation as may be necessary if only part of the item may be allocated, in order to implement such consolidation, reorganization or termination. No funds may be transferred from a Special Revenue Account, dedicated account, capital expenditure account or any other account or fund specifically exempted by the Legislature from transfer, except that the use of the appropriations from the State Road Fund for the office of the Secretary of the Department of Transportation is not a use other than the purpose for which such funds were dedicated and is permitted.

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

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

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

TITLE II – APPROPRIATIONS.

ORDER OF SECTIONS

SECTION 1. Appropriations from general revenue.

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

Section 1. Appropriations from general revenue. – From the State Fund, General Revenue, there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B the following amounts, as itemized, for expenditure during the fiscal year 2021.

LEGISLATIVE

1 - Senate

Fund 0165 FY 2021 Org 2100

	Appropriation		General Revenue Fund
Compensation of Members (R)	00300	\$	1,010,000

Compensation and Per Diem of Officers and Employees (R).....	00500	4,011,332
Current Expenses and Contingent Fund (R)	02100	276,392
Repairs and Alterations (R).....	06400	50,000
Computer Supplies (R).....	10100	20,000
Computer Systems (R).....	10200	60,000
Printing Blue Book (R).....	10300	125,000
Expenses of Members (R)	39900	370,000
BRIM Premium (R).....	91300	<u>29,482</u>
Total.....		\$ 5,952,206

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

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

The Clerk of the Senate, with the approval of the President, is authorized to draw his or her requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the Senate, for any bills for supplies and services that may have been incurred by the Senate and not included in the appropriation bill, for supplies and services incurred in preparation for the opening, the conduct of the business and after adjournment of any regular or extraordinary session, and for the necessary operation of the Senate offices, the requisitions for which are to be accompanied by bills to be filed with the Auditor.

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

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

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

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

*2 - House of Delegates*Fund 0170 FY 2021 Org 2200

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

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

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

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

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

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

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

3 - Joint Expenses

(WV Code Chapter 4)

Fund 0175 FY 2021 Org 2300

Joint Committee on Government and Finance (R)	10400	\$	6,725,138
Legislative Printing (R).....	10500		260,000
Legislative Rule-Making Review Committee (R).....	10600		147,250
Legislative Computer System (R).....	10700		1,447,500
Legislative Fees & Dues (R).....	10701		600,000
BRIM Premium (R).....	91300		<u>60,569</u>
Total.....		\$	9,240,457

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

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

JUDICIAL*4 - Supreme Court –**General Judicial*Fund 0180 FY 2021 Org 2400

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

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

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

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

EXECUTIVE*5 - Governor's Office*

(WV Code Chapter 5)

Fund 0101 FY 2021 Org 0100

Personal Services and Employee Benefits.....	00100	\$	3,250,758
Current Expenses (R)	13000		800,000
Repairs and Alterations.....	06400		25,000
National Governors Association	12300		60,700
Herbert Henderson Office of Minority Affairs	13400		396,726
Community Food Program	18500		1,000,000
Office of Resiliency	18600		596,157
BRIM Premium.....	91300		183,645
Total		\$	6,312,986

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

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

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

(WV Code Chapter 5)

Fund 0102 FY 2021 Org 0100

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

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

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

*7 - Governor's Office –**Civil Contingent Fund*

(WV Code Chapter 5)

Fund 0105 FY 2021 Org 0100

Milton Flood Wall (R).....	75701	\$	6,000,000
Public Health Emergency Response Fund	xxxxx		<u>2,000,000</u>
Total			8,000,000

Any unexpended balances remaining in the appropriations for Business and Economic Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation 13500), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), Milton Flood Wall (fund 0105, appropriation 75701), and Natural Disasters – Surplus (fund 0105, appropriation 76400) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

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

*8 - Auditor's Office –**General Administration*

(WV Code Chapter 12)

Fund 0116 FY 2021 Org 1200

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

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

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

9 - Treasurer's Office

(WV Code Chapter 12)

Fund 0126 FY 2021 Org 1300

Personal Services and Employee Benefits.....	00100	\$	2,570,242
Unclassified	09900		31,463

Current Expenses (R)	13000	772,684
Abandoned Property Program.....	11800	41,794
Other Assets	69000	10,000
ABLE Program	69201	150,000
BRIM Premium.....	91300	59,169
Total		<u>\$ 3,635,352</u>

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

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

10 - Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$ 6,298,229
Animal Identification Program	03900	131,942
State Farm Museum.....	05500	87,759
Current Expenses (R)	13000	848,115
Gypsy Moth Program (R)	11900	1,003,440
WV Farmers Market.....	12801	150,467
Black Fly Control.....	13700	453,698
HEMP Program.....	13701	350,000
Donated Foods Program.....	36300	45,000
Veterans to Agriculture Program (R)	36301	255,624
Predator Control (R).....	47000	176,400
Bee Research	69100	70,634
Microbiology Program	78500	99,828
Moorefield Agriculture Center.....	78600	975,284
Chesapeake Bay Watershed.....	83000	112,427
Livestock Care Standards Board.....	84300	8,820
BRIM Premium.....	91300	138,905
State FFA-FHA Camp and Conference Center	94101	738,554
Threat Preparedness	94200	73,122
WV Food Banks	96900	426,000
Senior's Farmers' Market Nutrition Coupon Program	97000	55,835
Total		<u>\$ 12,500,083</u>

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

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

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

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

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

11 - West Virginia Conservation Agency

(WV Code Chapter 19)

Fund 0132 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	794,191
Unclassified	09900		77,059
Current Expenses (R)	13000		317,848
Soil Conservation Projects (R)	12000		9,799,709
BRIM Premium.....	91300		<u>34,428</u>
Total		\$	11,023,235

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

12 - Department of Agriculture –

Meat Inspection Fund

(WV Code Chapter 19)

Fund 0135 FY 2021 Org 1400

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

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

13 - Department of Agriculture –

Agricultural Awards Fund

(WV Code Chapter 19)

Fund 0136 FY 2021 Org 1400

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

14 - Department of Agriculture –

West Virginia Agricultural Land Protection Authority

(WV Code Chapter 8A)

Fund 0607 FY 2021 Org 1400

Personal Services and Employee Benefits	00100	\$	99,547
Unclassified	09900		<u>950</u>
Total		\$	100,497

15 - Attorney General

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

Fund 0150 FY 2021 Org 1500

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

Any unexpended balances remaining in the above appropriations for Personal Services and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas Corpus Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool (fund 0150, appropriation 36200) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

When legal counsel or secretarial help is appointed by the Attorney General for any state spending unit, this account shall be reimbursed from such spending units specifically appropriated account or from accounts appropriated by general language contained within this bill: *Provided*, That the spending unit shall reimburse at a rate and upon terms agreed to by the state spending unit and the Attorney General: *Provided, however*, That if the spending unit and the Attorney General are unable to agree on the amount and terms of the reimbursement, the spending unit

and the Attorney General shall submit their proposed reimbursement rates and terms to the Governor for final determination.

16 - Secretary of State

(WV Code Chapters 3, 5, and 59)

Fund 0155 FY 2021 Org 1600

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

Any unexpended balances remaining in the appropriations for Unclassified (fund 0155, appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

17 - State Election Commission

(WV Code Chapter 3)

Fund 0160 FY 2021 Org 1601

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

DEPARTMENT OF ADMINISTRATION

18 - Department of Administration –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0186 FY 2021 Org 0201

Personal Services and Employee Benefits.....	00100	\$	606,584
Unclassified	09900		9,177
Current Expenses	13000		85,009
Repairs and Alterations.....	06400		100
Equipment.....	07000		1,000
Financial Advisor (R).....	30400		27,546
Lease Rental Payments.....	51600		15,000,000
Design-Build Board.....	54000		4,000
Other Assets	69000		100

BRIM Premium.....	91300	<u>6,736</u>
Total		\$ 15,740,252

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

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

19 - Consolidated Public Retirement Board

(WV Code Chapter 5)

Fund 0195 FY 2021 Org 0205

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

20 - Division of Finance

(WV Code Chapter 5A)

Fund 0203 FY 2021 Org 0209

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

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

21 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2021 Org 0211

Personal Services and Employee Benefits.....	00100	\$	2,722,499
Unclassified	09900		20,000
Current Expenses	13000		1,148,349
Repairs and Alterations.....	06400		500
Equipment.....	07000		5,000
Fire Service Fee.....	12600		14,000

Preservation and Maintenance of Statues and Monuments		
on Capitol Grounds	37100	68,000
Capital Outlay, Repairs and Equipment (R).....	58900	23,660,888
BRIM Premium.....	91300	<u>129,983</u>
Total		\$ 27,769,219

Any unexpended balances remaining in the above appropriations for Buildings (fund 0230, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900), Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700), and Land (fund 0230, appropriation 73000) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

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

22 - Division of Purchasing

(WV Code Chapter 5A)

Fund 0210 FY 2021 Org 0213

Personal Services and Employee Benefits.....	00100	\$ 1,055,926
Unclassified	09900	144
Current Expenses	13000	1,285
Repairs and Alterations.....	06400	200
BRIM Premium.....	91300	<u>6,922</u>
Total		\$ 1,064,477

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

23 - Travel Management

(WV Code Chapter 5A)

Fund 0615 FY 2021 Org 0215

Personal Services and Employee Benefits.....	00100	\$ 802,363
Unclassified	09900	12,032
Current Expenses	13000	440,247
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	5,000
Buildings (R)	25800	100

Other Assets	69000		<u>100</u>
Total		\$	1,260,842

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

24 - Commission on Uniform State Laws

(WV Code Chapter 29)

Fund 0214 FY 2021 Org 0217

Current Expenses	13000	\$	45,550
------------------------	-------	----	--------

To pay expenses for members of the commission on uniform state laws.

25 - West Virginia Public Employees Grievance Board

(WV Code Chapter 6C)

Fund 0220 FY 2021 Org 0219

Personal Services and Employee Benefits	00100	\$	969,627
Unclassified	09900		1,000
Current Expenses	13000		145,295
Equipment	07000		50
BRIM Premium	91300		<u>8,740</u>
Total		\$	1,124,712

26 - Ethics Commission

(WV Code Chapter 6B)

Fund 0223 FY 2021 Org 0220

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

27 - Public Defender Services

(WV Code Chapter 29)

Fund 0226 FY 2021 Org 0221

Personal Services and Employee Benefits	00100	\$	1,899,483
Unclassified	09900		314,700

Current Expenses	13000	12,740
Public Defender Corporations	35200	19,538,435
Appointed Counsel Fees (R).....	78800	12,709,713
BRIM Premium.....	91300	<u>10,575</u>
Total		\$ 34,485,646

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

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

28 - Committee for the Purchase of

Commodities and Services from the Handicapped

(WV Code Chapter 5A)

Fund 0233 FY 2021 Org 0224

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

29 - Public Employees Insurance Agency

(WV Code Chapter 5)

Fund 0200 FY 2021 Org 0225

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

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

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

30 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 0557 FY 2021 Org 0228

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

Any unexpended balances remaining in the appropriations for Forensic Medical Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557, appropriation 74900) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

31 - Real Estate Division

(WV Code Chapter 5A)

Fund 0610 FY 2021 Org 0233

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

DEPARTMENT OF COMMERCE

32 - West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 0246 FY 2021 Org 0304

Tourism – Brand Promotion (R)	61803	\$	10,000,000
Tourism – Public Relations (R).....	61804		1,500,000
Tourism – Events and Sponsorships (R).....	61805		500,000
Tourism – Industry Development (R).....	61806		500,000
State Parks and Recreation Advertising (R)	61900		<u>1,500,000</u>
Total		\$	14,000,000

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

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

33 - Division of Forestry

(WV Code Chapter 19)

Fund 0250 FY 2021 Org 0305

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

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

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

34 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 0253 FY 2021 Org 0306

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

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

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

35 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 0256 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$	4,500,420
Unclassified	09900		108,055

Current Expenses	13000	5,815,277
National Youth Science Camp	13200	241,570
Local Economic Development Partnerships (R)	13300	1,250,000
ARC Assessment.....	13600	152,585
Guaranteed Work Force Grant (R).....	24200	976,579
Mainstreet Program	79400	167,467
Local Economic Development Assistance (R).....	18900	1,750,000
BRIM Premium.....	91300	3,157
Hatfield McCoy Recreational Trail.....	96000	198,415
Total.....		<u>\$ 15,163,525</u>

Any unexpended balances remaining in the appropriations for Sales and Marketing Enhancement – Surplus (fund 0256, appropriation 05099), Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Guaranteed Work Force Grant (fund 0256, appropriation 24200), Industrial Park Assistance (fund 0256, appropriation 48000), and Local Economic Development Assistance (fund 0256, appropriation 81900) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

From the above appropriation for Current Expenses (fund 0256, appropriation 13000), \$1,800,000 shall be used for the Eastern West Virginia Regional Airport; \$50,000 shall be used for the Western Potomac Economic Partnership; \$100,000 shall be used for Techconnect West Virginia and \$100,000 shall be used for Advantage Valley.

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

36 - Division of Labor

(WV Code Chapters 21, and 47)

Fund 0260 FY 2021 Org 0308

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

37 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2021 Org 0310

Personal Services and Employee Benefits.....	00100	\$	16,956,925
Unclassified	09900		184,711
Current Expenses	13000		196,302
Repairs and Alterations.....	06400		100
Equipment.....	07000		100
Buildings (R)	25800		100
Capital Outlay – Parks (R)	28800		3,000,000
Litter Control Conservation Officers	56400		146,986
Upper Mud River Flood Control.....	65400		164,791
Other Assets	69000		100
Land (R).....	73000		100
Law Enforcement	80600		2,552,994
BRIM Premium.....	91300		45,141
Total		\$	23,248,350

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

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

38 - Division of Miners' Health, Safety and Training

(WV Code Chapter 22)

Fund 0277 FY 2021 Org 0314

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

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

39 - Board of Coal Mine Health and Safety

(WV Code Chapter 22)

Fund 0280 FY 2021 Org 0319

Personal Services and Employee Benefits.....	00100	\$	233,981
Unclassified	09900		3,480
Current Expenses	13000		118,138

Total		\$	355,599
-------------	--	----	---------

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

40 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 0572 FY 2021 Org 0323

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

41 - Department of Commerce –

Office of the Secretary

(WV Code Chapter 19)

Fund 0606 FY 2021 Org 0327

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

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

42 - Office of Energy

(WV Code Chapter 5B)

Fund 0612 FY 2021 Org 0328

Personal Services and Employee Benefits	00100	\$	198,299
Unclassified	09900		12,395
Current Expenses	13000		1,029,679
BRIM Premium	91300		<u>3,894</u>
Total		\$	1,244,267

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

43 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 0310 FY 2021 Org 0932

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

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

DEPARTMENT OF EDUCATION*44 - State Board of Education –**School Lunch Program*

(WV Code Chapters 18, and 18A)

Fund 0303 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$	348,042
Current Expenses	13000		<u>2,118,865</u>
Total		\$	2,466,907

*45 - State Board of Education –**State Department of Education*

(WV Code Chapters 18, and 18A)

Fund 0313 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$	4,598,523
Teachers' Retirement Savings Realized.....	09500		33,028,000
Unclassified (R).....	09900		500,000
Current Expenses (R)	13000		5,330,000
Center for Professional Development (R).....	11500		150,000
Increased Enrollment	14000		5,090,000
Safe Schools.....	14300		5,104,544
Attendance Incentive Bonus.....	15001		2,056,717
National Teacher Certification (R)	16100		300,000

Jobs & Hope – Childhood Drug Prevention Education	21901	5,000,000
Allowance for County Transfer	26400	238,174
Technology Repair and Modernization	29800	951,003
HVAC Technicians	35500	516,791
Early Retirement Notification Incentive	36600	300,000
MATH Program	36800	336,532
Assessment Programs	39600	1,339,588
Benedum Professional Development Collaborative (R)	42700	429,775
Governor’s Honors Academy (R)	47800	1,059,270
21st Century Fellows	50700	274,899
English as a Second Language	52800	96,000
Teacher Reimbursement	57300	297,188
Hospitality Training	60000	272,775
Youth in Government	61600	100,000
High Acuity Special Needs (R)	63400	1,500,000
Foreign Student Education	63600	100,294
State Board of Education Administrative Costs	68400	277,403
IT Academy (R)	72100	500,000
Early Literacy Program	75600	5,705,624
School Based Truancy Prevention (R)	78101	2,032,238
Mastery Based Education	78104	125,000
Communities in Schools (R)	78103	4,900,000
21st Century Learners (R)	88600	1,756,470
BRIM Premium	91300	342,859
21st Century Assessment and Professional Development	93100	2,006,978
21st Century Technology Infrastructure Network Tools and Support	93300	7,636,586
Mountain State Digital Literacy Program	xxxxx	415,500
Special Olympic Games	96600	25,000
Educational Program Allowance	99600	516,250
Total		<u>\$ 95,209,981</u>

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

From the above appropriation for Unclassified (fund 0313, appropriation 09900) \$80,000 shall be used for creating a career exploration tool for students.

From the above appropriation for Current Expenses (fund 0313, appropriation 13000), \$2,000,000 shall be used for the Department of Education Child Nutrition Program – Non-traditional Child Hunger Solutions, \$750,000 shall be used for Local Education Projects.

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

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

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

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

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

From the above appropriation for Educational Program Allowance (fund 0313, appropriation 99600), \$100,000 shall be expended for Morgan County Board of Education for Paw Paw Schools; \$150,000 shall be for the Randolph County Board of Education for Pickens School; \$100,000 shall be for the Preston County Board of Education for the Aurora School; \$100,000 shall be for the Fayette County Board of Education for Meadow Bridge and \$66,250 is for Project Based Learning in STEM fields.

46 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18, and 18A)

Fund 0314 FY 2021 Org 0402

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

Any unexpended balance remaining in the appropriation for Education of Institutionalized Juveniles and Adults (fund 0314, appropriation 47200) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

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

47 - State Board of Education –

State Aid to Schools

(WV Code Chapters 18, and 18A)

Fund 0317 FY 2021 Org 0402

Other Current Expenses	02200	\$ 170,216,073
Advanced Placement	05300	734,729
Professional Educators	15100	897,576,715
Service Personnel	15200	301,789,240
Fixed Charges	15300	106,219,537
Transportation	15400	78,177,730
Professional Student Support Services	65500	62,148,699
Improved Instructional Programs	15600	51,956,792
21st Century Strategic Technology Learning Growth	93600	26,408,349
Teacher and Leader Induction	93601	<u>5,443,468</u>
Basic Foundation Allowances		1,700,671,332
Less Local Share		(476,083,702)
Adjustments		<u>(2,716,826)</u>
Total Basic State Aid		1,221,870,804
Public Employees' Insurance Matching	01200	222,461,499
Teachers' Retirement System	01900	66,511,000
School Building Authority	45300	24,000,000
Retirement Systems – Unfunded Liability	77500	<u>304,728,000</u>
Total		\$ 1,839,571,303

48 - State Board of Education –

Vocational Division

(WV Code Chapters 18, and 18A)

Fund 0390 FY 2021 Org 0402

Personal Services and Employee Benefits	00100	\$ 1,339,713
Unclassified	09900	268,800
Current Expenses	13000	883,106
Wood Products – Forestry Vocational Program	14600	79,873
Albert Yanni Vocational Program	14700	132,123
Vocational Aid	14800	24,229,691
Adult Basic Education	14900	5,271,228
Jobs & Hope	14902	3,100,000
Program Modernization	30500	884,313
High School Equivalency Diploma Testing (R)	72600	803,397
FFA Grant Awards	83900	11,496
Pre-Engineering Academy Program	84000	<u>265,294</u>
Total		\$ 37,269,034

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

49 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

(WV Code Chapters 18, and 18A)

Fund 0320 FY 2021 Org 0403

Personal Services and Employee Benefits.....	00100	\$	11,379,675
Unclassified	09900		110,000
Current Expenses	13000		2,250,696
Repairs and Alterations.....	06400		164,675
Equipment.....	07000		77,000
Buildings (R)	25800		45,000
Capital Outlay and Maintenance (R)	75500		520,000
BRIM Premium.....	91300		130,842
Total		\$	14,677,888

Any unexpended balances remaining in the appropriations for Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

50 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2021 Org 0432

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

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

67700), Land (fund 0293, appropriation 73000), and Capital Outlay and Maintenance (fund 0293, appropriation 75500) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

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

51 - Library Commission

(WV Code Chapter 10)

Fund 0296 FY 2021 Org 0433

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

52 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 0300 FY 2021 Org 0439

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

53 - Environmental Quality Board

(WV Code Chapter 20)

Fund 0270 FY 2021 Org 0311

Personal Services and Employee Benefits.....	00100	\$	82,539
--	-------	----	--------

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

54 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 0273 FY 2021 Org 0313

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

55 - Air Quality Board

(WV Code Chapter 16)

Fund 0550 FY 2021 Org 0325

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

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

56 - Department of Health and Human Resources –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0400 FY 2021 Org 0501

Personal Services and Employee Benefits.....	00100	\$ 384,638
Unclassified	09900	6,459

Current Expenses	13000	50,613
Commission for the Deaf and Hard of Hearing	70400	<u>225,534</u>
Total		\$ 667,244

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

57 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2021 Org 0506

Personal Services and Employee Benefits	00100	\$ 12,544,773
Chief Medical Examiner	04500	8,714,647
Unclassified	09900	671,795
Current Expenses	13000	5,588,459
State Aid for Local and Basic Public Health Services	18400	14,160,490
Safe Drinking Water Program (R).....	18700	1,891,323
Women, Infants and Children.....	21000	38,621
Early Intervention	22300	8,134,060
Cancer Registry	22500	206,306
Office of Drug Control Policy (R)	35401	545,153
Statewide EMS Program Support (R).....	38300	1,695,271
Office of Medical Cannabis (R)	42001	1,459,989
Black Lung Clinics.....	46700	170,885
Vaccine for Children.....	55100	338,235
Tuberculosis Control	55300	329,256
Maternal and Child Health Clinics, Clinicians		
Medical Contracts and Fees (R)	57500	5,892,707
Epidemiology Support.....	62600	1,497,192
Primary Care Support	62800	4,263,706
Sexual Assault Intervention and Prevention	72300	250,000
Health Right Free Clinics	72700	3,750,000
Capital Outlay and Maintenance (R)	75500	70,000
Healthy Lifestyles.....	77800	890,000
Maternal Mortality Review	83400	49,933
Diabetes Education and Prevention	87300	97,125
BRIM Premium.....	91300	169,791
State Trauma and Emergency Care System	91800	1,921,322
WVU Charleston Poison Control Hotline	94400	<u>712,942</u>
Total		\$ 76,053,981

Any unexpended balances remaining in the appropriations for Safe Drinking Water Program (fund 0407, appropriation 18700), Office of Drug Control Policy (fund 0407, appropriation 35401), Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402), Statewide EMS Program Support (fund 0407, appropriation 38300), Office of Medical Cannabis (fund 0407, appropriation 42001), Maternal and Child Health Clinics, Clinicians and Medical Contracts and

Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), and Tobacco Education Program (fund 0407, appropriation 90600) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

From the above appropriation for Current Expenses (fund 0407, appropriation 13000), an amount not less than \$100,000 is for the West Virginia Cancer Coalition; \$50,000 shall be expended for the West Virginia Aids Coalition; \$100,000 is for Adolescent Immunization Education; \$73,065 is for informal dispute resolution relating to nursing home administrative appeals; \$50,000 is for Hospital Hospitality House of Huntington; \$200,000 is for Potomac Center Inc. of Romney, West Virginia; and \$1,000,000 shall be used for the administration of the Telestroke program.

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

58 - Consolidated Medical Services Fund

(WV Code Chapter 16)

Fund 0525 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	1,632,588
Current Expenses	13000		14,113
Behavioral Health Program (R)	21900		68,613,953
Jobs & Hope	14902		200,000
Family Support Act.....	22100		251,226
Institutional Facilities Operations (R).....	33500		147,729,180
Substance Abuse Continuum of Care (R)	35400		1,840,000
Capital Outlay and Maintenance (R)	75500		2,875,000
Renaissance Program.....	80400		165,996
BRIM Premium.....	91300		1,296,098
Total		\$	<u>224,618,154</u>

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

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

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

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

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

Additional funds have been appropriated in fund 5156, fiscal year 2021, organization 0506, for the operation of the institutional facilities. The secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the Institutional Facilities Operations appropriation to facilitate cost effective and cost saving services at the community level.

59 - Division of Health –

West Virginia Drinking Water Treatment

(WV Code Chapter 16)

Fund 0561 FY 2021 Org 0506

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

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

60 - Human Rights Commission

(WV Code Chapter 5)

Fund 0416 FY 2021 Org 0510

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

61 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 0403 FY 2021 Org 0511

Personal Services and Employee Benefits	00100	\$ 50,356,249
Unclassified	09900	5,688,944
Current Expenses	13000	11,708,336
Child Care Development	14400	3,102,718
Medical Services	18900	297,855,264
Social Services	19500	226,476,781
Family Preservation Program	19600	1,565,000
Family Resource Networks	27400	1,762,464
Domestic Violence Legal Services Fund	38400	400,000
James "Tiger" Morton Catastrophic Illness Fund	45500	105,695
I/DD Waiver	46600	108,541,736
Child Protective Services Case Workers	46800	27,843,073
Title XIX Waiver for Seniors	53300	13,593,620
WV Teaching Hospitals Tertiary/Safety Net	54700	6,356,000
In-Home Family Education	68800	1,000,000
WV Works Separate State Program	69800	135,000
Child Support Enforcement	70500	6,458,806
Temporary Assistance for Needy Families/ Maintenance of Effort	70700	25,819,096
Child Care – Maintenance of Effort Match	70800	5,693,743
Grants for Licensed Domestic Violence Programs and Statewide Prevention	75000	2,500,000
Capital Outlay and Maintenance (R)	75500	11,875
Community Based Services and Pilot Programs for Youth	75900	1,000,000
Medical Services Administrative Costs	78900	38,234,761
Traumatic Brain Injury Waiver	83500	800,000
Indigent Burials (R)	85100	1,550,000
CHIP Administrative Costs	85601	700,000
CHIP Services	85602	6,390,665
BRIM Premium	91300	892,642
Rural Hospitals Under 150 Beds	94000	2,596,000
Children's Trust Fund – Transfer	95100	220,000
PATH	95400	7,162,452
Total		<u>\$ 856,520,920</u>

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0403, appropriation 75500) and Indigent Burials (fund 0403, appropriation 85100) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

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

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

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

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

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

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

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

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

DEPARTMENT OF HOMELAND SECURITY

62 - Department of Homeland Security –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0430 FY 2021 Org 0601

Personal Services and Employee Benefits.....	00100	\$	684,426
Unclassified (R).....	09900		16,386
Current Expenses	13000		168,968
Repairs and Alterations.....	06400		1,500
Equipment.....	07000		1,500
Fusion Center (R)	46900		2,724,000
Other Assets	69000		2,500
Directed Transfer	70000		32,000
BRIM Premium.....	91300		22,563
WV Fire and EMS Survivor Benefit (R)	93900		<u>200,000</u>

Total \$ 3,853,843

Any unexpended balances remaining in the appropriations for Unclassified (fund 0430, appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Justice Reinvestment Training – Surplus (fund 0430, appropriation 69900), WV Fire and EMS Survivor Benefit (fund 0430, appropriation 93900), and Homeland State Security Administrative Agency (fund 0430, appropriation 95300) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

63 - West Virginia Parole Board

(WV Code Chapter 62)

Fund 0440 FY 2021 Org 0605

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

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

64 - Division of Emergency Management

(WV Code Chapter 15)

Fund 0443 FY 2021 Org 0606

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

Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match (fund 0443, appropriation 74900), Early Warning Flood System (fund 0443, appropriation 87700),

and Disaster Mitigation (fund 0443, appropriation 95200) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

65 - Division of Corrections and Rehabilitation –

Central Office

(WV Code Chapter 15A)

Fund 0446 FY 2021 Org 0608

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

66 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapter 15A)

Fund 0450 FY 2021 Org 0608

Employee Benefits	01000	\$	1,258,136
Children's Protection Act (R).....	09000		838,437
Unclassified	09900		1,578,800
Current Expenses (R)	13000		52,016,936
Facilities Planning and Administration (R).....	38600		1,274,200
Charleston Correctional Center	45600		3,400,402
Beckley Correctional Center.....	49000		2,518,874
Anthony Correctional Center	50400		6,096,779
Huttonsville Correctional Center.....	51400		21,920,001
Northern Correctional Center	53400		8,018,685
Inmate Medical Expenses (R)	53500		21,226,064
Pruntytown Correctional Center	54300		8,597,911
Corrections Academy.....	56900		1,925,980
Information Technology Services	59901		2,759,052
Martinsburg Correctional Center	66300		4,348,990
Parole Services.....	68600		5,850,564
Special Services	68700		6,477,777
Investigative Services	71600		3,394,070
Capital Outlay and Maintenance (R)	75500		2,000,000
Salem Correctional Center	77400		11,455,381
McDowell County Correctional Center	79000		2,542,590
Stevens Correctional Center	79100		7,863,195
Parkersburg Correctional Center.....	82800		3,927,845
St. Mary's Correctional Center	88100		14,497,534
Denmar Correctional Center	88200		5,189,043
Ohio County Correctional Center	88300		2,147,492
Mt. Olive Correctional Complex.....	88800		22,357,432
Lakin Correctional Center	89600		10,711,864

BRIM Premium.....	91300	<u>2,527,657</u>
Total.....		\$ 238,721,691

Any unexpended balances remaining in the appropriations for Children's Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0450, appropriation 67700), Capital Outlay and Maintenance (fund 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation 75501), and Roof Repairs and Mechanical System Upgrades (fund 0450, appropriation 75502) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

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

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

67 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(WV Code Chapter 15A)

Fund 0570 FY 2021 Org 0608

Statewide Reporting Centers	26200	\$	7,358,529
Robert L. Shell Juvenile Center.....	26700		2,519,068
Resident Medical Expenses (R).....	53501		3,604,999
Central Office	70100		2,167,320
Capital Outlay and Maintenance (R)	75500		250,000
Gene Spadaro Juvenile Center	79300		2,692,984
BRIM Premium.....	91300		115,967
Kenneth Honey Rubenstein Juvenile Center (R).....	98000		5,808,523
Vicki Douglas Juvenile Center.....	98100		2,389,494
Northern Regional Juvenile Center	98200		2,876,302
Lorrie Yeager Jr. Juvenile Center.....	98300		2,422,880
Sam Perdue Juvenile Center	98400		2,614,497
Tiger Morton Center	98500		2,633,060
Donald R. Kuhn Juvenile Center	98600		5,060,657
J.M. "Chick" Buckbee Juvenile Center	98700		<u>2,527,617</u>
Total.....		\$	45,041,897

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

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

68 - West Virginia State Police

(WV Code Chapter 15)

Fund 0453 FY 2021 Org 0612

Personal Services and Employee Benefits.....	00100	\$	62,255,235
Children's Protection Act.....	09000		1,009,529
Current Expenses	13000		10,384,394
Repairs and Alterations.....	06400		450,523
Trooper Class	52100		3,207,832
Barracks Lease Payments	55600		237,898
Communications and Other Equipment (R).....	55800		1,070,968
Trooper Retirement Fund.....	60500		11,487,590
Handgun Administration Expense	74700		77,892
Capital Outlay and Maintenance (R)	75500		250,000
Retirement Systems – Unfunded Liability.....	77500		16,648,000
Automated Fingerprint Identification System	89800		2,211,693
BRIM Premium.....	91300		5,743,921
Total.....		\$	115,035,475

Any unexpended balances remaining in the appropriations for Communications and Other Equipment (fund 0453, appropriation 55800), and Capital Outlay and Maintenance (fund 0453, appropriation 75500) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

69 - Fire Commission

(WV Code Chapter 29)

Fund 0436 FY 2021 Org 0619

Current Expenses	13000	\$	64,021
------------------------	-------	----	--------

70 - *Division of Protective Services*

(WV Code Chapter 5F)

Fund 0585 FY 2021 Org 0622

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

Any unexpended balances remaining in the appropriations for Equipment (fund 0585, appropriation 07000), and Unclassified (fund 0585, appropriation 09900) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

71 - *Division of Administrative Services*

(WV Code Chapter 15A)

Fund 0619 FY 2021 Org 0623

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

72 - *Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 0546 FY 2021 Org 0623

Personal Services and Employee Benefits.....	00100	\$	570,979
Current Expenses	13000		133,360
Repairs and Alterations.....	06400		1,804
Child Advocacy Centers (R).....	45800		2,206,954
Community Corrections (R).....	56100		4,595,222
Justice Reinvestment Initiative	89501		2,332,101
Statistical Analysis Program.....	59700		49,819
Sexual Assault Forensic Examination Commission (R).....	71400		77,525
Qualitative Analysis and Training for Youth Services (R)	76200		332,446
Law Enforcement Professional Standards.....	83800		164,272
BRIM Premium.....	91300		<u>2,123</u>
Total.....		\$	10,466,605

Any unexpended balances remaining in the appropriations for Child Advocacy Centers (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100), Sexual Assault Forensic Examination Commission (fund 0546 appropriation 71400), Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200), and Law Enforcement

Training – Surplus (fund 0546, appropriation 83899) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

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

DEPARTMENT OF REVENUE

73 - Office of the Secretary

(WV Code Chapter 11)

Fund 0465 FY 2021 Org 0701

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

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

74 - Tax Division

(WV Code Chapter 11)

Fund 0470 FY 2021 Org 0702

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

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and Integrated Tax Assessment System (fund 0470, appropriation 29200) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

75 - State Budget Office

(WV Code Chapter 11B)

Fund 0595 FY 2021 Org 0703

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

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

76 - West Virginia Office of Tax Appeals

(WV Code Chapter 11)

Fund 0593 FY 2021 Org 0709

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

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

*77 - Division of Professional and Occupational Licenses –**State Athletic Commission*

(WV Code Chapter 29)

Fund 0523 FY 2021 Org 0933

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

DEPARTMENT OF TRANSPORTATION*78 - State Rail Authority*

(WV Code Chapter 29)

Fund 0506 FY 2021 Org 0804

Personal Services and Employee Benefits.....	00100	\$	361,627
--	-------	----	---------

Current Expenses	13000	3,087,707
Other Assets (R)	69000	1,270,019
BRIM Premium.....	91300	<u>201,541</u>
Total		\$ 4,920,894

From the above appropriation for Current Expenses (fund 0506, appropriation 13000), \$2,800,000 shall be transferred to the State Rail Authority – Commuter Rail Access Fund (fund 8402).

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

79 - Division of Public Transit

(WV Code Chapter 17)

Fund 0510 FY 2021 Org 0805

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

Any unexpended balances remaining in the appropriations for Equipment (fund 0510, appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

80 - Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2021 Org 0807

Personal Services and Employee Benefits.....	00100	\$ 223,740
Current Expenses (R)	13000	591,839
Repairs and Alterations.....	06400	100
BRIM Premium.....	91300	<u>4,438</u>
Total		\$ 820,117

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

DEPARTMENT OF VETERANS' ASSISTANCE

81 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 0456 FY 2021 Org 0613

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

Any unexpended balances remaining in the appropriations for Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

82 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 0460 FY 2021 Org 0618

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

BUREAU OF SENIOR SERVICES

83 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 0420 FY 2021 Org 0508

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

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

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

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

**WEST VIRGINIA COUNCIL FOR COMMUNITY
AND TECHNICAL COLLEGE EDUCATION**

84 - West Virginia Council for

Community and Technical College Education –

Control Account

(WV Code Chapter 18B)

Fund 0596 FY 2021 Org 0420

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

Any unexpended balances remaining in the appropriations for West Virginia Council for Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements – Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation 89300), and Technical Program Development (fund 0596, appropriation 89400) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

From the above appropriation for the Community College Workforce Development (fund 0596, appropriation 87800), \$200,000 shall be expended on the Mine Training Program in Southern West Virginia.

Included in the above appropriation for West Virginia Advance Workforce Development (fund 0596, appropriation 89300) is \$200,000 to be used exclusively for advanced manufacturing and energy industry specific training programs.

85 - Mountwest Community and Technical College

(WV Code Chapter 18B)

Fund 0599 FY 2021 Org 0444

Mountwest Community and Technical College.....	48700	\$	6,489,307
--	-------	----	-----------

86 - New River Community and Technical College

(WV Code Chapter 18B)

Fund 0600 FY 2021 Org 0445

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

87 - Pierpont Community and Technical College

(WV Code Chapter 18B)

Fund 0597 FY 2021 Org 0446

Pierpont Community and Technical College.....	93000	\$	7,820,129
---	-------	----	-----------

88 - Blue Ridge Community and Technical College

(WV Code Chapter 18B)

Fund 0601 FY 2021 Org 0447

Blue Ridge Community and Technical College.....	88500	\$	7,830,842
---	-------	----	-----------

89 - West Virginia University at Parkersburg

(WV Code Chapter 18B)

Fund 0351 FY 2021 Org 0464

West Virginia University – Parkersburg.....	47100	\$	10,319,284
---	-------	----	------------

90 - Southern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0380 FY 2021 Org 0487

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

91 - West Virginia Northern Community and Technical College

(WV Code Chapter 18B)

Fund 0383 FY 2021 Org 0489

West Virginia Northern Community and Technical College	44700	\$	7,285,825
--	-------	----	-----------

92 - Eastern West Virginia Community and Technical College

(WV Code Chapter 18B)

Fund 0587 FY 2021 Org 0492

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

93 - BridgeValley Community and Technical College

(WV Code Chapter 18B)

Fund 0618 FY 2021 Org 0493

BridgeValley Community and Technical College.....	71700	\$	8,098,811
---	-------	----	-----------

HIGHER EDUCATION POLICY COMMISSION*94 - Higher Education Policy Commission –**Administration –**Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2021 Org 0441

Personal Services and Employee Benefits.....	00100	\$	2,710,154
Current Expenses	13000		1,113,606
Higher Education Grant Program	16400		40,619,864
Tuition Contract Program (R)	16500		1,225,120
Underwood-Smith Scholarship Program-Student Awards	16700		628,349
Facilities Planning and Administration.....	38600		1,760,254
Higher Education System Initiatives.....	48801		1,630,000
PROMISE Scholarship – Transfer.....	80000		18,500,000
HEAPS Grant Program (R)	86700		5,014,728
Mental Health Provider Loan Repayment.....	XXXXX		330,000
RHI Program and Site Support –			
RHEP Program Administration.....	03700		80,000
Health Professionals' Student Loan Program.....	86701		400,000
BRIM Premium.....	91300		17,817
Total.....		\$	74,029,892

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

The above appropriation for Facilities Planning and Administration (fund 0589, appropriation 38600) is for operational expenses of the West Virginia Education, Research and Technology Park between construction and full occupancy.

The above appropriation for Higher Education Grant Program (fund 0589, appropriation 16400) shall be transferred to the Higher Education Grant Fund (fund 4933, org 0441) established by W.Va. Code §18C-5-3.

The above appropriation for Underwood-Smith Scholarship Program-Student Awards (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teacher Scholarship and Loan Assistance Fund (fund 4922, org 0441) established by W.Va. Code §18C-4-1.

The above appropriation for PROMISE Scholarship – Transfer (fund 0589, appropriation 80000) shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

95 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(WV Code Chapter 18B9)

Fund 0551 FY 2021 Org 0495

WVNET.....	16900	\$	1,747,826
------------	-------	----	-----------

96 - West Virginia University –

School of Medicine

Medical School Fund

(WV Code Chapter 18B)

Fund 0343 FY 2021 Org 0463

WVU School of Health Science – Eastern Division	05600	\$	2,235,352
WVU – School of Health Sciences	17400		15,056,370
WVU – School of Health Sciences – Charleston Division.....	17500		2,286,711
Rural Health Outreach Programs	37700		164,517
West Virginia University School of Medicine			
BRIM Subsidy	46000		<u>1,203,087</u>
Total.....		\$	<u>20,946,037</u>

The above appropriation for Rural Health Outreach Programs (fund 0343, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for West Virginia University School of Medicine BRIM Subsidy (fund 0343, appropriation 46000) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the “Total Premium Billed” to the institution as part of the full cost of their malpractice insurance coverage.

97 - *West Virginia University –**General Administrative Fund*

(WV Code Chapter 18B)

Fund 0344 FY 2021 Org 0463

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

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

98 - *Marshall University –**School of Medicine*

(WV Code Chapter 18B)

Fund 0347 FY 2021 Org 0471

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

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

The above appropriation for Rural Health Outreach Programs (fund 0347, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for Marshall University Medical School BRIM Subsidy (fund 0347, appropriation 44900) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the "Total Premium Billed" to the institution as part of the full cost of their malpractice insurance coverage.

99 - *Marshall University –**General Administration Fund*

(WV Code Chapter 18B)

Fund 0348 FY 2021 Org 0471

Marshall University.....	44800	\$	46,761,199
Luke Lee Listening Language and Learning Lab.....	44801		149,015
Vista E-Learning (R).....	51900		229,019
State Priorities – Brownfield Professional Development (R)	53100		309,606
Marshall University Graduate College Writing Project (R)	80700		25,412
WV Autism Training Center (R).....	93200		<u>1,808,381</u>
Total.....		\$	<u>49,282,632</u>

Any unexpended balances remaining in the appropriations for Vista E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

100 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2021 Org 0476

West Virginia School of Osteopathic Medicine	17200	\$	8,879,296
Rural Health Outreach Programs (R)	37700		166,111
West Virginia School of Osteopathic Medicine BRIM Subsidy	40300		153,405
Rural Health Initiative – Medical Schools Support	58100		<u>397,592</u>
Total.....		\$	<u>9,596,404</u>

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

The above appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for West Virginia School of Osteopathic Medicine BRIM Subsidy (fund 0336, appropriation 40300) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the “Total Premium Billed” to the institution as part of the full cost of their malpractice insurance coverage.

101 - Bluefield State College

(WV Code Chapter 18B)

Fund 0354 FY 2021 Org 0482

Bluefield State College.....	40800	\$	6,383,221
------------------------------	-------	----	-----------

<i>102 - Concord University</i>		
(WV Code Chapter 18B)		
Fund <u>0357</u> FY <u>2021</u> Org <u>0483</u>		
Concord University.....	41000	\$ 10,476,415
<i>103 - Fairmont State University</i>		
(WV Code Chapter 18B)		
Fund <u>0360</u> FY <u>2021</u> Org <u>0484</u>		
Fairmont State University.....	41400	\$ 18,600,341
<i>104 - Glenville State College</i>		
(WV Code Chapter 18B)		
Fund <u>0363</u> FY <u>2021</u> Org <u>0485</u>		
Glenville State College.....	42800	\$ 6,446,942
<i>105 - Shepherd University</i>		
(WV Code Chapter 18B)		
Fund <u>0366</u> FY <u>2021</u> Org <u>0486</u>		
Shepherd University.....	43200	\$ 12,683,829
<i>106 - West Liberty University</i>		
(WV Code Chapter 18B)		
Fund <u>0370</u> FY <u>2021</u> Org <u>0488</u>		
West Liberty University	43900	\$ 9,102,662
<i>107 - West Virginia State University</i>		
(WV Code Chapter 18B)		
Fund <u>0373</u> FY <u>2021</u> Org <u>0490</u>		
West Virginia State University	44100	\$ 11,342,512
West Virginia State University Land Grant Match.....	95600	<u>2,950,192</u>
Total.....		\$ 14,292,704

From the above appropriation for West Virginia State University (fund 0373, appropriation 44100), \$300,000 shall be for the Healthy Grandfamilies program.

MISCELLANEOUS BOARDS AND COMMISSIONS*108 - Adjutant General –**State Militia*

(WV Code Chapter 15)

Fund 0433 FY 2021 Org 0603

Unclassified (R).....	09900	\$	106,798
College Education Fund.....	23200		4,000,000
Civil Air Patrol	23400		249,664
Mountaineer ChalleNGe Academy.....	70900		4,800,000
Armory Board Transfer.....	70015		2,317,555
Military Authority (R).....	74800		6,260,251
Drug Enforcement and Support.....	74801		1,500,000
Total		\$	<u>19,234,268</u>

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

From the above appropriations an amount approved by the Adjutant General may be transferred to the State Armory Board for operation and maintenance of National Guard Armories.

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

From the above appropriation and other state and federal funding, the Adjutant General shall provide an amount not less than \$4,800,000 to the Mountaineer ChalleNGe Academy to meet anticipated program demand.

*109 - Adjutant General –**Military Fund*

(WV Code Chapter 15)

Fund 0605 FY 2021 Org 0603

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

Total TITLE II, Section 1 – General Revenue

(Including claims against the state)..... \$ 4,574,513,367

Sec. 2. Appropriations from state road fund. — From the state road fund there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2021.

DEPARTMENT OF TRANSPORTATION*110 - Division of Motor Vehicles*

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

Fund 9007 FY 2021 Org 0802

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

111 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2021 Org 0803

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

The above appropriations are to be expended in accordance with the provisions of Chapters 17 and 17C of the code.

The Commissioner of Highways shall have the authority to operate revolving funds within the State Road Fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies.

There is hereby appropriated in addition to the above appropriations, sufficient money for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Sections 17 and 18, Article 2, Chapter 14 of the code.

It is the intent of the Legislature to capture and match all federal funds available for expenditure on the Appalachian highway system at the earliest possible time. Therefore, should amounts in excess of those appropriated be required for the purposes of Appalachian programs, funds in excess of the amount appropriated may be made available upon recommendation of the commissioner and approval of the Governor. Further, for the purpose of Appalachian programs, funds appropriated by appropriation may be transferred to other appropriations upon recommendation of the commissioner and approval of the Governor.

112 - Office of Administrative Hearings

(WV Code Chapter 17C)

Fund 9027 FY 2021 Org 0808

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

Total TITLE II, Section 2 – State Road Fund

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

Sec. 3. Appropriations from other funds. — From the funds designated there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2021.

LEGISLATIVE

113 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 1731 FY 2021 Org 2300

		Appro- piation	Other Funds
Personal Services and Employee Benefits.....	00100	\$	498,020
Current Expenses	13000		133,903
Repairs and Alterations.....	06400		1,000
Economic Loss Claim Payment Fund.....	33400		2,000,000
Other Assets	69000		3,700
Total		\$	<u>2,636,623</u>

JUDICIAL*114 - Supreme Court –**Family Court Fund*

(WV Code Chapter 51)

Fund 1763 FY 2021 Org 2400

Current Expenses	13000	\$	1,150,000
------------------------	-------	----	-----------

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

*115 - Supreme Court –**Court Advanced Technology Subscription Fund*

(WV Code Chapter 51)

Fund 1704 FY 2021 Org 2400

Current Expenses	13000	\$	100,000
------------------------	-------	----	---------

*116 - Supreme Court –**Adult Drug Court Participation Fund*

(WV Code Chapter 62)

Fund 1705 FY 2021 Org 2400

Current Expenses	13000	\$	200,000
------------------------	-------	----	---------

EXECUTIVE*117 - Governor's Office –**Minority Affairs Fund*

(WV Code Chapter 5)

Fund 1058 FY 2021 Org 0100

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

*118 - Auditor's Office –**Land Operating Fund*

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

Fund 1206 FY 2021 Org 1200

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

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the necessary amount for the expenditure of funds other than Personal Services and Employee Benefits to enable the division to pay the direct expenses relating to land sales as provided in Chapter 11A of the West Virginia Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

*119 - Auditor's Office –**Local Government Purchasing Card Expenditure Fund*

(WV Code Chapter 6)

Fund 1224 FY 2021 Org 1200

Personal Services and Employee Benefits.....	00100	\$	627,779
Current Expenses	13000		282,030
Repairs and Alterations.....	06400		6,000
Equipment.....	07000		10,805
Other Assets	69000		50,000
Statutory Revenue Distribution.....	74100		<u>3,500,000</u>
Total		\$	<u>4,476,614</u>

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer of revenue distribution requirements to provide a proportionate share of rebates back to the general fund of local governments based on utilization of the program in accordance with W.Va. Code §6-9-2b.

*120 - Auditor's Office –**Securities Regulation Fund*

(WV Code Chapter 32)

Fund 1225 FY 2021 Org 1200

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

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

(WV Code Chapter 12)

Fund 1233 FY 2021 Org 1200

Current Expenses	13000	\$	10,000
Other Assets	69000		5,000
Total.....		\$	15,000

Fifty percent of the deposits made into this fund shall be transferred to the Treasurer's Office – Technology Support and Acquisition Fund (fund 1329, org 1300) for expenditure for the purposes described in W.Va. Code §12-3-10c.

122 - Auditor's Office –

Purchasing Card Administration Fund

(WV Code Chapter 12)

Fund 1234 FY 2021 Org 1200

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

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer and revenue distribution requirements to the Purchasing Improvement Fund (fund 2264), the Hatfield-McCoy Regional Recreation Authority, and the State Park Operating Fund (fund 3265) per W.Va. Code §12-3-10d.

123 - Auditor's Office –

Chief Inspector's Fund

(WV Code Chapter 6)

Fund 1235 FY 2021 Org 1200

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

124 - Auditor's Office –

Volunteer Fire Department Workers'

Compensation Premium Subsidy Fund

(WV Code Chapters 12 and 33)

Fund 1239 FY 2021 Org 1200

Volunteer Fire Department Workers' Compensation Subsidy.....	83200	\$	2,500,000
---	-------	----	-----------

125 - Treasurer's Office

College Prepaid Tuition and Savings Program

Administrative Account

(WV Code Chapter 18)

Fund 1301 FY 2021 Org 1300

Personal Services and Employee Benefits.....	00100	\$	810,372
Unclassified	09900		14,000
Current Expenses	13000		897,559
Total		\$	<u>1,721,931</u>

126 - Department of Agriculture –

Agriculture Fees Fund

(WV Code Chapter 19)

Fund 1401 FY 2021 Org 1400

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

127 - Department of Agriculture –

West Virginia Rural Rehabilitation Program

(WV Code Chapter 19)

Fund 1408 FY 2021 Org 1400

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

*128 - Department of Agriculture –**General John McCausland Memorial Farm Fund*

(WV Code Chapter 19)

Fund 1409 FY 2021 Org 1400

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

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

*129 - Department of Agriculture –**Farm Operating Fund*

(WV Code Chapter 19)

Fund 1412 FY 2021 Org 1400

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

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

(WV Code Chapter 19)

Fund 1413 FY 2021 Org 1400

Unclassified	09900		10,000
--------------------	-------	--	--------

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

131 - Department of Agriculture –

Donated Food Fund

(WV Code Chapter 19)

Fund 1446 FY 2021 Org 1400

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

132 - Department of Agriculture –

Integrated Predation Management Fund

(WV Code Chapter 7)

Fund 1465 FY 2021 Org 1400

Current Expenses	13000	\$ 112,500
------------------------	-------	------------

133 - Department of Agriculture –

West Virginia Spay Neuter Assistance Fund

(WV Code Chapter 19)

Fund 1481 FY 2021 Org 1400

Current Expenses	13000	\$ 500,000
------------------------	-------	------------

134 - Department of Agriculture –

Veterans and Warriors to Agriculture Fund

(WV Code Chapter 19)

Fund 1483 FY 2021 Org 1400

Current Expenses	13000	\$	7,500
------------------------	-------	----	-------

135 - Department of Agriculture –

State FFA-FHA Camp and Conference Center

(WV Code Chapters 18 and 18A)

Fund 1484 FY 2021 Org 1400

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

136 - Attorney General –

Antitrust Enforcement Fund

(WV Code Chapter 47)

Fund 1507 FY 2021 Org 1500

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

137 - Attorney General –

Preneed Burial Contract Regulation Fund

(WV Code Chapter 47)

Fund 1513 FY 2021 Org 1500

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

138 - Attorney General –

Preneed Funeral Guarantee Fund

(WV Code Chapter 47)

Fund 1514 FY 2021 Org 1500

Current Expenses	13000	\$	901,135
------------------------	-------	----	---------

139 - Secretary of State –

Service Fees and Collection Account

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2021 Org 1600

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

140 - Secretary of State –

General Administrative Fees Account

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2021 Org 1600

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

DEPARTMENT OF ADMINISTRATION

141 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(WV Code Chapter 4)

Fund 2041 FY 2021 Org 0201

Tobacco Settlement Securitization Trustee Pass Thru	65000	\$	80,000,000
---	-------	----	------------

142 - Department of Administration –

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(WV Code Chapter 18)

Fund 2044 FY 2021 Org 0201

Current Expenses	13000	\$	33,028,000
------------------------	-------	----	------------

The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – Teachers’ Accumulation Fund (fund 2600).

*143 - Department of Administration –**Division of Finance –**Shared Services Section Fund*

(WV Code Chapter 5A)

Fund 2020 FY 2021 Org 0209

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

144 - Division of Information Services and Communications

(WV Code Chapter 5A)

Fund 2220 FY 2021 Org 0210

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

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Division of Information Services and Communications as provided by law.

Each spending unit operating from the General Revenue Fund, from special revenue funds or receiving reimbursement for postage from the federal government shall be charged monthly for all postage meter service and shall reimburse the revolving fund monthly for all such amounts.

*145 - Division of Purchasing –**Vendor Fee Fund*

(WV Code Chapter 5A)

Fund 2263 FY 2021 Org 0213

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

*146 - Division of Purchasing –**Purchasing Improvement Fund*

(WV Code Chapter 5A)

Fund 2264 FY 2021 Org 0213

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

*147 - Travel Management –**Aviation Fund*

(WV Code Chapter 5A)

Fund 2302 FY 2021 Org 0215

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

148 - Fleet Management Division Fund

(WV Code Chapter 5A)

Fund 2301 FY 2021 Org 0216

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

149 - Division of Personnel

(WV Code Chapter 29)

Fund 2440 FY 2021 Org 0222

Personal Services and Employee Benefits.....	00100	\$	4,760,683
Unclassified	09900		51,418
Current Expenses	13000		1,262,813
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		20,000
Other Assets	69000		60,000
Total.....		\$	6,159,914

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

150 - West Virginia Prosecuting Attorneys Institute

(WV Code Chapter 7)

Fund 2521 FY 2021 Org 0228

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

151 - Office of Technology –

Chief Technology Officer Administration Fund

(WV Code Chapter 5A)

Fund 2531 FY 2021 Org 0231

Personal Services and Employee Benefits.....	00100	\$	414,722
Unclassified	09900		6,949
Current Expenses	13000		227,116
Repairs and Alterations.....	06400		1,000

Equipment.....	07000	50,000
Other Assets	69000	10,000
Total		<u>\$ 709,787</u>

From the above fund, the provisions of W.Va. Code §11B-2-18 shall not operate to permit expenditures in excess of the funds authorized for expenditure herein.

DEPARTMENT OF COMMERCE

152 - Division of Forestry

(WV Code Chapter 19)

Fund 3081 FY 2021 Org 0305

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

153 - Division of Forestry –

Timbering Operations Enforcement Fund

(WV Code Chapter 19)

Fund 3082 FY 2021 Org 0305

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

154 - Division of Forestry –

Severance Tax Operations

(WV Code Chapter 11)

Fund 3084 FY 2021 Org 0305

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

155 - Geological and Economic Survey –

Geological and Analytical Services Fund

(WV Code Chapter 29)

Fund 3100 FY 2021 Org 0306

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

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

*156 - West Virginia Development Office –**Department of Commerce –**Marketing and Communications Operating Fund*

(WV Code Chapter 5B)

Fund 3002 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$	1,724,082
Equipment.....	07000		36,000
Unclassified	09900		30,000
Current Expenses	13000		1,315,078
Total.....		\$	<u>3,105,160</u>

*157 - West Virginia Development Office –**Office of Coalfield Community Development*

(WV Code Chapter 5B)

Fund 3162 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$	435,661
Unclassified	09900		8,300
Current Expenses	13000		399,191
Total.....		\$	<u>843,152</u>

*158 - West Virginia Development Office**Entrepreneurship and Innovation Investment Fund*

(WV Code Chapter 5B)

Fund 3014 FY 2021 Org 0307

Entrepreneurship and Innovation Investment Fund.....	70301	\$	500,000
--	-------	----	---------

159 - Division of Labor –

West Virginia Jobs Act Fund

(WV Code Chapter 21)

Fund 3176 FY 2021 Org 0308

Current Expenses	13000		75,000
Equipment.....	07000		25,500
Total		\$	<u>100,000</u>

160 - Division of Labor –

HVAC Fund

(WV Code Chapter 21)

Fund 3186 FY 2021 Org 0308

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

161 - Division of Labor –

Contractor Licensing Board Fund

(WV Code Chapter 21)

Fund 3187 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$	2,532,000
Unclassified	09900		21,000
Current Expenses	13000		500,000
Repairs and Alterations.....	06400		5,000
Buildings	25800		5,000
BRIM Premium.....	91300		8,500
Total		\$	<u>3,071,500</u>

162 - Division of Labor –

Elevator Safety Fund

(WV Code Chapter 21)

Fund 3188 FY 2021 Org 0308

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

163 - Division of Labor –

Steam Boiler Fund

(WV Code Chapter 21)

Fund 3189 FY 2021 Org 0308

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

164 - Division of Labor –

Crane Operator Certification Fund

(WV Code Chapter 21)

Fund 3191 FY 2021 Org 0308

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

165 - Division of Labor –

Amusement Rides and Amusement Attraction Safety Fund

(WV Code Chapter 21)

Fund 3192 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$	187,462
Unclassified	09900		1,281
Current Expenses	13000		44,520

Repairs and Alterations.....	06400	2,000
Buildings	25800	1,000
BRIM Premium.....	91300	8,500
Total		<u>\$ 244,763</u>

166 - Division of Labor –

State Manufactured Housing Administration Fund

(WV Code Chapter 21)

Fund 3195 FY 2021 Org 0308

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

167 - Division of Labor –

Weights and Measures Fund

(WV Code Chapter 47)

Fund 3196 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$ 0
Current Expenses	13000	100,000
Unclassified	09900	1,200
Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
BRIM Premium.....	91300	0
Total		<u>\$ 121,200</u>

168 - Division of Labor –

Bedding and Upholstery Fund

(WV Code Chapter 21)

Fund 3198 FY 2021 Org 0308

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

Total		\$	200,000
-------------	--	----	---------

169 - Division of Labor –

Psychophysiological Examiners Fund

(WV Code Chapter 21)

Fund 3199 FY 2021 Org 0308

Current Expenses	13000	\$	4,000
------------------------	-------	----	-------

170 - Division of Natural Resources –

License Fund – Wildlife Resources

(WV Code Chapter 20)

Fund 3200 FY 2021 Org 0310

Wildlife Resources	02300	\$	5,200,996
Administration	15500		1,300,249
Capital Improvements and Land Purchase (R).....	24800		1,300,248
Law Enforcement.....	80600		5,200,996
Total		\$	13,002,489

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

Any unexpended balance remaining in the appropriation for Capital Improvements and Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

171 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(WV Code Chapter 22)

Fund 3202 FY 2021 Org 0310

Current Expenses	13000	\$	125,000
------------------------	-------	----	---------

172 - Division of Natural Resources –

Nongame Fund

(WV Code Chapter 20)

Fund 3203 FY 2021 Org 0310

Personal Services and Employee Benefits.....	00100	\$	688,103
--	-------	----	---------

Current Expenses	13000		201,810
Equipment.....	07000		106,615
Total		\$	<u>996,528</u>

173 - Division of Natural Resources –

Planning and Development Division

(WV Code Chapter 20)

Fund 3205 FY 2021 Org 0310

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

174 - Division of Natural Resources –

Whitewater Study and Improvement Fund

(WV Code Chapter 20)

Fund 3253 FY 2021 Org 0310

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

175 - Division of Natural Resources –

Whitewater Advertising and Promotion Fund

(WV Code Chapter 20)

Fund 3256 FY 2021 Org 0310

Unclassified	09900	\$	200
Current Expenses	13000		<u>19,800</u>
Total		\$	<u>20,000</u>

176 - Division of Miners' Health, Safety and Training –

Special Health, Safety and Training Fund

(WV Code Chapter 22A)

Fund 3355 FY 2021 Org 0314

Personal Services and Employee Benefits.....	00100	\$	501,228
WV Mining Extension Service	02600		150,000
Unclassified	09900		40,985
Current Expenses	13000		1,954,557
Buildings	25800		2,481,358
Land	73000		1,000,000
Total		\$	<u>6,128,128</u>

*177 - Department of Commerce –**Office of the Secretary –**Broadband Enhancement Fund*Fund 3013 FY 2021 Org 0327

Personal Services and Employee Benefits.....	00100	\$	131,682
Current Expenses	13000	\$	<u>1,648,318</u>
Total			1,780,000

*178 - Office of Energy –**Energy Assistance*

(WV Code Chapter 5B)

Fund 3010 FY 2021 Org 0328

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

*179 - State Board of Rehabilitation –**Division of Rehabilitation Services –**West Virginia Rehabilitation Center Special Account*

(WV Code Chapter 18)

Fund 8664 FY 2021 Org 0932

Personal Services and Employee Benefits.....	00100	\$	119,738
Current Expenses	13000		1,180,122
Repairs and Alterations.....	06400		85,500
Equipment.....	07000		220,000
Buildings	25800		150,000
Other Assets	69000		150,000
Total		\$	<u>1,905,360</u>

DEPARTMENT OF EDUCATION

180 - State Board of Education –

Strategic Staff Development

(WV Code Chapter 18)

Fund 3937 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$	134,000
Unclassified	09900		1,000
Current Expenses	13000		<u>765,000</u>
Total.....		\$	900,000

181 - State Board of Education –

School Construction Fund

(WV Code Chapters 18 and 18A)

Fund 3952 FY 2021 Org 0402

SBA Construction Grants	24000	\$	35,845,818
Directed Transfer	70000		<u>1,371,182</u>
Total.....		\$	37,217,000

The above appropriation for Directed Transfer (fund 3951, appropriation 70000) shall be transferred to the School Building Authority Fund (fund 3959) for the administrative expenses of the School Building Authority.

182 - School Building Authority

(WV Code Chapter 18)

Fund 3959 FY 2021 Org 0404

Personal Services and Employee Benefits.....	00100	\$	1,134,522
Current Expenses	13000		244,100
Repairs and Alterations.....	06400		13,150
Equipment.....	07000		<u>26,000</u>
Total.....		\$	1,417,772

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

183 - Division of Culture and History –

Public Records and Preservation Revenue Account

(WV Code Chapter 5A)

Fund 3542 FY 2021 Org 0432

Personal Services and Employee Benefits.....	00100	\$	226,624
Current Expenses	13000		862,241
Equipment.....	07000		75,000
Buildings	25800		1,000
Other Assets	69000		52,328
Land	73000		1,000
Total.....		\$	<u>1,218,193</u>

DEPARTMENT OF ENVIRONMENTAL PROTECTION

184 - Solid Waste Management Board

(WV Code Chapter 22C)

Fund 3288 FY 2021 Org 0312

Personal Services and Employee Benefits.....	00100	\$	842,305
Current Expenses	13000		2,060,457
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		5,000
Other Assets	69000		4,403
Total.....		\$	<u>2,913,165</u>

185 - Division of Environmental Protection –

Hazardous Waste Management Fund

(WV Code Chapter 22)

Fund 3023 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	779,766
Current Expenses	13000		155,969
Repairs and Alterations.....	06400		500
Equipment.....	07000		1,505
Unclassified	09900		8,072
Other Assets	69000		2,000
Total.....		\$	<u>947,812</u>

186 - Division of Environmental Protection –

Air Pollution Education and Environment Fund

(WV Code Chapter 22)

Fund 3024 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	950,135
Current Expenses	13000		1,026,863
Repairs and Alterations.....	06400		13,000
Equipment.....	07000		53,105

Unclassified	09900	14,647
Other Assets	69000	20,000
Total		<u>\$ 2,077,750</u>

187 - Division of Environmental Protection –

Special Reclamation Fund

(WV Code Chapter 22)

Fund 3321 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 1,627,573
Current Expenses	13000	16,185,006
Repairs and Alterations.....	06400	79,950
Equipment.....	07000	130,192
Other Assets	69000	32,000
Total		<u>\$ 18,054,721</u>

188 - Division of Environmental Protection –

Oil and Gas Reclamation Fund

(WV Code Chapter 22)

Fund 3322 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 143,906
Current Expenses	13000	356,094
Total		<u>\$ 500,000</u>

189 - Division of Environmental Protection –

Oil and Gas Operating Permit and Processing Fund

(WV Code Chapter 22)

Fund 3323 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 3,486,896
Current Expenses	13000	1,249,758
Repairs and Alterations.....	06400	40,600
Equipment.....	07000	8,000
Unclassified	09900	44,700
Other Assets	69000	15,000
Total		<u>\$ 4,844,954</u>

190 - Division of Environmental Protection –

Mining and Reclamation Operations Fund

(WV Code Chapter 22)

Fund 3324 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,566,280
Current Expenses	13000		2,202,231
Repairs and Alterations.....	06400		60,260
Equipment.....	07000		83,000
Unclassified	09900		920
Other Assets	69000		57,500
Total		\$	<u>5,970,191</u>

*191 - Division of Environmental Protection –**Underground Storage Tank**Administrative Fund*

(WV Code Chapter 22)

Fund 3325 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	476,417
Current Expenses	13000		318,420
Repairs and Alterations.....	06400		5,350
Equipment.....	07000		3,610
Unclassified	09900		7,520
Other Assets	69000		3,500
Total		\$	<u>814,817</u>

*192 - Division of Environmental Protection –**Hazardous Waste Emergency Response Fund*

(WV Code Chapter 22)

Fund 3331 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	598,154
Current Expenses	13000		767,905
Repairs and Alterations.....	06400		7,014
Equipment.....	07000		9,000
Unclassified	09900		10,616
Other Assets	69000		3,500
Total		\$	<u>1,396,189</u>

*193 - Division of Environmental Protection –**Solid Waste Reclamation and**Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	825,811
Current Expenses	13000		3,604,737
Repairs and Alterations.....	06400		25,000
Equipment.....	07000		31,500
Unclassified	09900		22,900
Buildings.....	25800		500
Other Assets	69000		1,000
Total.....		\$	<u>4,511,448</u>

*194 - Division of Environmental Protection –**Solid Waste Enforcement Fund*

(WV Code Chapter 22)

Fund 3333 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	3,274,054
Current Expenses	13000		940,229
Repairs and Alterations.....	06400		30,930
Equipment.....	07000		23,356
Unclassified	09900		31,145
Other Assets	69000		25,554
Total.....		\$	<u>4,325,268</u>

*195 - Division of Environmental Protection –**Air Pollution Control Fund*

(WV Code Chapter 22)

Fund 3336 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	5,934,859
Current Expenses	13000		1,469,467
Repairs and Alterations.....	06400		84,045
Equipment.....	07000		103,601
Unclassified	09900		70,572
Other Assets	69000		52,951
Total.....		\$	<u>7,715,495</u>

*196 - Division of Environmental Protection –**Environmental Laboratory**Certification Fund*

(WV Code Chapter 22)

Fund 3340 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	352,834
Current Expenses	13000		201,146
Repairs and Alterations.....	06400		1,000
Unclassified	09900		1,120
Other Assets	69000		<u>163,000</u>
Total.....		\$	719,100

197 - Division of Environmental Protection –

Stream Restoration Fund

(WV Code Chapter 22)

Fund 3349 FY 2021 Org 0313

Current Expenses	13000	\$	5,182,076
------------------------	-------	----	-----------

198 - Division of Environmental Protection –

Litter Control Fund

(WV Code Chapter 22)

Fund 3486 FY 2021 Org 0313

Current Expenses	13000	\$	60,000
------------------------	-------	----	--------

199 - Division of Environmental Protection –

Recycling Assistance Fund

(WV Code Chapter 22)

Fund 3487 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	660,575
Current Expenses	13000		2,754,258
Repairs and Alterations.....	06400		800
Equipment.....	07000		500
Unclassified	09900		400
Other Assets	69000		<u>2,500</u>
Total.....		\$	3,419,033

200 - Division of Environmental Protection –

Mountaintop Removal Fund

(WV Code Chapter 22)

Fund 3490 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$	1,250,562
--	-------	----	-----------

Current Expenses	13000	642,934
Repairs and Alterations.....	06400	30,112
Equipment.....	07000	23,500
Unclassified	09900	1,180
Other Assets	69000	11,520
Total		<u>\$ 1,959,808</u>

201 - Oil and Gas Conservation Commission –

Special Oil and Gas Conservation Fund

(WV Code Chapter 22C)

Fund 3371 FY 2021 Org 0315

Personal Services and Employee Benefits.....	00100	\$ 162,161
Current Expenses	13000	161,225
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	9,481
Other Assets	69000	1,500
Total		<u>\$ 335,367</u>

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

202 - Division of Health –

Ryan Brown Addiction Prevention and Recovery Fund

(WV Code Chapter 19)

Fund 5111 FY 2021 Org 0506

Current Expenses	13000	\$ 10,667,392
------------------------	-------	---------------

203 - Division of Health –

The Vital Statistics Account

(WV Code Chapter 16)

Fund 5144 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 938,484
Unclassified	09900	15,500
Current Expenses	13000	<u>2,757,788</u>
Total		<u>\$ 3,711,772</u>

204 - Division of Health –

Hospital Services Revenue Account

Special Fund

Capital Improvement, Renovation and Operations

(WV Code Chapter 16)

Fund 5156 FY 2021 Org 0506

Institutional Facilities Operations.....	33500	\$	35,555,221
Medical Services Trust Fund – Transfer.....	51200		<u>27,800,000</u>
Total.....		\$	63,355,221

The total amount of these appropriations shall be paid from the Hospital Services Revenue Account Special Fund created by W.Va. Code §16-1-13, and shall be used for operating expenses and for improvements in connection with existing facilities.

Additional funds have been appropriated in fund 0525, fiscal year 2021, organization 0506, for the operation of the institutional facilities. The Secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the appropriation for Institutional Facilities Operations to facilitate cost effective and cost saving services at the community level.

Necessary funds from the above appropriation may be used for medical facilities operations, either in connection with this fund or in connection with the appropriation designated Institutional Facilities Operations in the Consolidated Medical Service Fund (fund 0525, organization 0506).

*205 - Division of Health –**Laboratory Services Fund*

(WV Code Chapter 16)

Fund 5163 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	936,712
Unclassified	09900		18,114
Current Expenses	13000		<u>1,803,327</u>
Total.....		\$	2,758,153

*206 - Division of Health –**The Health Facility Licensing Account*

(WV Code Chapter 16)

Fund 5172 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	645,446
Unclassified	09900		7,113
Current Expenses	13000		<u>98,247</u>
Total.....		\$	750,806

*207 - Division of Health –**Hepatitis B Vaccine*

(WV Code Chapter 16)

Fund 5183 FY 2021 Org 0506

Current Expenses	13000	\$	9,740
------------------------	-------	----	-------

*208 - Division of Health –**Lead Abatement Account*

(WV Code Chapter 16)

Fund 5204 FY 2021 Org 0506

Personal Services and Employee Benefits	00100	\$	19,100
Unclassified	09900		373
Current Expenses	13000		<u>17,875</u>
Total		\$	<u>37,348</u>

*209 - Division of Health –**West Virginia Birth-to-Three Fund*

(WV Code Chapter 16)

Fund 5214 FY 2021 Org 0506

Personal Services and Employee Benefits	00100	\$	691,978
Unclassified	09900		223,999
Current Expenses	13000		<u>30,134,400</u>
Total		\$	<u>31,050,377</u>

*210 - Division of Health –**Tobacco Control Special Fund*

(WV Code Chapter 16)

Fund 5218 FY 2021 Org 0506

Current Expenses	13000	\$	7,579
------------------------	-------	----	-------

*211 - Division of Health –**Medical Cannabis Program Fund*

(WV Code Chapter 16A)

Fund 5420 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	509,658
Current Expenses	13000		<u>2,046,040</u>
Total		\$	2,555,698

*212 - West Virginia Health Care Authority –**Health Care Cost Review Fund*

(WV Code Chapter 16)

Fund 5375 FY 2021 Org 0507

Personal Services and Employee Benefits.....	00100	\$	1,345,380
Unclassified	09900		20,100
Current Expenses	13000		<u>785,445</u>
Total		\$	2,150,925

The above appropriation is to be expended in accordance with and pursuant to the provisions of W.Va. Code §16-29B and from the special revolving fund designated Health Care Cost Review Fund.

*213 - West Virginia Health Care Authority –**Certificate of Need Program Fund*

(WV Code Chapter 16)

Fund 5377 FY 2021 Org 0507

Personal Services and Employee Benefits.....	00100	\$	829,798
Current Expenses	13000		<u>474,967</u>
Total		\$	1,304,765

*214 - Division of Human Services –**Health Care Provider Tax –**Medicaid State Share Fund*

(WV Code Chapter 11)

Fund 5090 FY 2021 Org 0511

Medical Services.....	18900	\$	213,594,315
Medical Services Administrative Costs.....	78900		<u>242,287</u>
Total		\$	213,836,602

The above appropriation for Medical Services Administrative Costs (fund 5090, appropriation 78900) shall be transferred to a special revenue account in the treasury for use by the Department of Health and Human Resources for administrative purposes. The remainder of

all moneys deposited in the fund shall be transferred to the Medical Services Program Fund (fund 5084).

215 - Division of Human Services –

Child Support Enforcement Fund

(WV Code Chapter 48A)

Fund 5094 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$	24,809,509
Unclassified	09900		380,000
Current Expenses	13000		<u>12,810,491</u>
Total		\$	<u>38,000,000</u>

216 - Division of Human Services –

Medical Services Trust Fund

(WV Code Chapter 9)

Fund 5185 FY 2021 Org 0511

Medical Services.....	18900	\$	83,168,707
Medical Services Administrative Costs.....	78900		<u>602,486</u>
Total		\$	<u>83,771,193</u>

The above appropriation to Medical Services shall be used to provide state match of Medicaid expenditures as defined and authorized in subsection (c) of W.Va. Code §9-4A-2a. Expenditures from the fund are limited to the following: payment of backlogged billings, funding for services to future federally mandated population groups and payment of the required state match for Medicaid disproportionate share payments. The remainder of all moneys deposited in the fund shall be transferred to the Division of Human Services accounts.

217 - Division of Human Services –

James “Tiger” Morton Catastrophic Illness Fund

(WV Code Chapter 16)

Fund 5454 FY 2021 Org 0511

Unclassified	09900	\$	7,000
Current Expenses	13000		<u>393,000</u>
Total		\$	<u>400,000</u>

218 - Division of Human Services –

Domestic Violence Legal Services Fund

(WV Code Chapter 48)

Fund 5455 FY 2021 Org 0511

Current Expenses	13000	\$	900,000
------------------------	-------	----	---------

*219 - Division of Human Services –**West Virginia Works Separate State College Program Fund*

(WV Code Chapter 9)

Fund 5467 FY 2021 Org 0511

Current Expenses	13000	\$	500,000
------------------------	-------	----	---------

*220 - Division of Human Services –**West Virginia Works Separate State Two-Parent Program Fund*

(WV Code Chapter 9)

Fund 5468 FY 2021 Org 0511

Current Expenses	13000	\$	1,500,000
------------------------	-------	----	-----------

*221 - Division of Human Services –**Marriage Education Fund*

(WV Code Chapter 9)

Fund 5490 FY 2021 Org 0511

Personal Services and Employee Benefits	00100	\$	10,000
Current Expenses	13000		<u>25,000</u>
Total		\$	35,000

DEPARTMENT OF HOMELAND SECURITY*222 - Department of Homeland Security –**Office of the Secretary –**Law-Enforcement, Safety and Emergency Worker**Funeral Expense Payment Fund*

(WV Code Chapter 15)

Fund 6003 FY 2021 Org 0601

Current Expenses	13000	\$	32,000
------------------------	-------	----	--------

*223 - Division of Emergency Management –
Statewide Interoperable Radio Network Account
(WV Code Chapter 15)*

Fund 6208 FY 2021 Org 0606

Current Expenses	13000	\$	80,000
------------------------	-------	----	--------

*224 - Division Emergency Management –
West Virginia Interoperable Radio Project
(WV Code Chapter 24)*

Fund 6295 FY 2021 Org 0606

Current Expenses	13000	\$	2,000,000
------------------------	-------	----	-----------

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 6295, appropriation 09600) at the close of fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

*225 - Division of Corrections and Rehabilitation –
Parolee Supervision Fees
(WV Code Chapter 15A)*

Fund 6362 FY 2021 Org 0608

Personal Services and Employee Benefits	00100	\$	1,118,697
Unclassified	09900		9,804
Current Expenses	13000		758,480
Equipment.....	07000		30,000
Other Assets	69000		40,129
Total		\$	1,957,110

*226 - Division of Corrections and Rehabilitation –
Regional Jail and Correctional Facility Authority
(WV Code Chapter 15A)*

Fund 6675 FY 2021 Org 0608

Personal Services and Employee Benefits	00100	\$	544,798
Debt Service	04000		9,000,000
Current Expenses	13000		245,472
Total		\$	9,790,270

*227 - West Virginia State Police –**Motor Vehicle Inspection Fund*

(WV Code Chapter 17C)

Fund 6501 FY 2021 Org 0612

Personal Services and Employee Benefits.....	00100	\$	1,907,726
Current Expenses	13000		1,488,211
Repairs and Alterations.....	06400		204,500
Equipment.....	07000		3,770,751
Buildings	25800		534,000
Other Assets	69000		5,000
BRIM Premium.....	91300		<u>302,432</u>
Total		\$	<u>8,212,620</u>

The total amount of these appropriations shall be paid from the special revenue fund out of fees collected for inspection stickers as provided by law.

*228 - West Virginia State Police –**Forensic Laboratory Fund*

(WV Code Chapter 15)

Fund 6511 FY 2021 Org 0612

Personal Services and Employee Benefits.....	00100	\$	1,600,000
Current Expenses	13000		90,000
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		<u>545,000</u>
Total		\$	<u>2,240,000</u>

*229 - West Virginia State Police –**Drunk Driving Prevention Fund*

(WV Code Chapter 15)

Fund 6513 FY 2021 Org 0612

Current Expenses	13000	\$	1,327,000
Equipment.....	07000		3,491,895
BRIM Premium.....	91300		<u>154,452</u>
Total		\$	<u>4,973,347</u>

The total amount of these appropriations shall be paid from the special revenue fund out of receipts collected pursuant to W.Va. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

230 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(WV Code Chapter 15)

Fund 6516 FY 2021 Org 0612

Buildings	25800	\$	1,022,778
Land	73000		1,000
BRIM Premium.....	91300		<u>77,222</u>
Total		\$	<u>1,101,000</u>

231 - West Virginia State Police –

Surplus Transfer Account

(WV Code Chapter 15)

Fund 6519 FY 2021 Org 0612

Current Expenses	13000	\$	225,000
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		250,000
Buildings	25800		40,000
Other Assets	69000		45,000
BRIM Premium.....	91300		<u>5,000</u>
Total		\$	<u>585,000</u>

232 - West Virginia State Police –

Central Abuse Registry Fund

(WV Code Chapter 15)

Fund 6527 FY 2021 Org 0612

Personal Services and Employee Benefits.....	00100	\$	256,629
Current Expenses	13000		51,443
Repairs and Alterations.....	06400		500
Equipment.....	07000		300,500
Other Assets	69000		300,500
BRIM Premium.....	91300		<u>18,524</u>
Total		\$	<u>928,096</u>

233 - West Virginia State Police –

Bail Bond Enforcer Account

(WV Code Chapter 15)

Fund 6532 FY 2021 Org 0612

Current Expenses	13000	\$	8,300
------------------------	-------	----	-------

234 - West Virginia State Police –

State Police Academy Post Exchange

(WV Code Chapter 15)

Fund 6544 FY 2021 Org 0612

Current Expenses	13000	\$	160,000
Repairs and Alterations	06400		40,000
Total		\$	<u>200,000</u>

235 - Fire Commission –

Fire Marshal Fees

(WV Code Chapter 29)

Fund 6152 FY 2021 Org 0619

Personal Services and Employee Benefits	00100	\$	3,480,533
Unclassified	09900		3,800
Current Expenses	13000		1,246,550
Repairs and Alterations	06400		58,500
Equipment	07000		140,800
BRIM Premium	91300		65,000
Total		\$	<u>4,995,183</u>

236 - Division of Administrative Services –

WV Community Corrections Fund

(WV Code Chapter 62)

Fund 6386 FY 2021 Org 0623

Personal Services and Employee Benefits	00100	\$	161,923
Unclassified	09900		750
Current Expenses	13000		1,846,250
Repairs and Alterations	06400		1,000
Total		\$	<u>2,009,923</u>

237 - Division of Administrative Services –

Court Security Fund

(WV Code Chapter 51)

Fund 6804 FY 2021 Org 0623

Personal Services and Employee Benefits.....	00100	\$	23,840
Current Expenses	13000		<u>1,478,135</u>
Total		\$	1,501,975

238 - Division of Administrative Services –

Second Chance Driver's License Program Account

(WV Code Chapter 17B)

Fund 6810 FY 2021 Org 0623

Current Expenses	13000	\$	125,000
------------------------	-------	----	---------

DEPARTMENT OF REVENUE

239 - Division of Financial Institutions

(WV Code Chapter 31A)

Fund 3041 FY 2021 Org 0303

Personal Services and Employee Benefits.....	00100	\$	2,703,057
Current Expenses	13000		650,475
Equipment.....	07000		<u>8,500</u>
Total		\$	3,362,032

240 - Office of the Secretary –

State Debt Reduction Fund

(WV Code Chapter 29)

Fund 7007 FY 2021 Org 0701

Retirement Systems – Unfunded Liability.....	77500	\$	20,000,000
--	-------	----	------------

The above appropriation for Retirement System – Unfunded Liability shall be transferred to the Consolidated Public Retirement Board – West Virginia Teachers Retirement System Employers School Aid Formula Funds Holding Account Fund (fund 2606).

241 - Home Rule Board Operations

(WV Code Chapter 8)

Fund 7010 FY 2021 Org 0701

Personal Services and Employee Benefits.....	00100	\$	25,000
Unclassified	09900		680
Current Expenses	13000		42,000
Repairs and Alterations.....	06400		120
Equipment.....	07000		<u>200</u>

Total		\$	68,000
-------------	--	----	--------

242 - Tax Division –

Cemetery Company Account

(WV Code Chapter 35)

Fund 7071 FY 2021 Org 0702

Personal Services and Employee Benefits	00100	\$	25,928
Current Expenses	13000		<u>7,717</u>
Total		\$	33,645

243 - Tax Division –

Special Audit and Investigative Unit

(WV Code Chapter 11)

Fund 7073 FY 2021 Org 0702

Personal Services and Employee Benefits	00100	\$	696,428
Unclassified	09900		8,500
Current Expenses	13000		273,297
Repairs and Alterations	06400		7,000
Equipment	07000		<u>5,000</u>
Total		\$	990,225

244 - Tax Division –

Wine Tax Administration Fund

(WV Code Chapter 60)

Fund 7087 FY 2021 Org 0702

Personal Services and Employee Benefits	00100	\$	268,973
Current Expenses	13000		<u>5,406</u>
Total		\$	274,379

245 - Tax Division –

Reduced Cigarette Ignition Propensity

Standard and Fire Prevention Act Fund

(WV Code Chapter 47)

Fund 7092 FY 2021 Org 0702

Current Expenses	13000	\$	35,000
------------------------	-------	----	--------

Equipment.....	07000	<u>15,000</u>
Total		\$ 50,000

246 - Tax Division –

Local Sales Tax and Excise Tax

Administration Fund

(WV Code Chapter 11)

Fund 7099 FY 2021 Org 0702

Personal Services and Employee Benefits.....	00100	\$ 1,543,527
Unclassified	09900	10,000
Current Expenses	13000	784,563
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	<u>5,000</u>
Total		\$ 2,344,090

247 - State Budget Office –

Public Employees Insurance Reserve Fund

(WV Code Chapter 11B)

Fund 7400 FY 2021 Org 0703

Public Employees Insurance Reserve Fund – Transfer.....	90300	\$ 6,800,000
---	-------	--------------

The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall be transferred to the Medical Services Trust Fund (fund 5185, org 0511) for expenditure.

248 - State Budget Office –

Public Employees Insurance Agency Financial Stability Fund

(WV Code Chapter 11B)

Fund 7401 FY 2021 Org 0703

Retiree Premium Offset.....	80101	\$ 5,000,000
PEIA Reserve	80102	<u>10,000,000</u>
Total		\$ 15,000,000

The above appropriation shall be transferred to special revenue funds to be utilized by the West Virginia Public Employees Insurance Agency for the purposes of permitting the PEIA Finance Board to offset \$5 million in retiree premium increases. Additionally, \$10 million will be put into a reserve fund to stabilize and preserve the future solvency of PEIA. Such amount shall not be included in the calculation of the plan year aggregate premium cost-sharing percentages between employers and employees.

249 - Insurance Commissioner –

Examination Revolving Fund

(WV Code Chapter 33)

Fund 7150 FY 2021 Org 0704

Personal Services and Employee Benefits.....	00100	\$	748,764
Current Expenses	13000		1,357,201
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		81,374
Buildings	25800		8,289
Other Assets	69000		11,426
Total		\$	<u>2,210,054</u>

250 - Insurance Commissioner –

Consumer Advocate

(WV Code Chapter 33)

Fund 7151 FY 2021 Org 0704

Personal Services and Employee Benefits.....	00100	\$	571,976
Current Expenses	13000		202,152
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		34,225
Buildings	25800		4,865
Other Assets	69000		19,460
Total		\$	<u>837,678</u>

251 - Insurance Commissioner –

Insurance Commission Fund

(WV Code Chapter 33)

Fund 7152 FY 2021 Org 0704

Personal Services and Employee Benefits.....	00100	\$	24,169,021
Current Expenses	13000		8,797,758
Repairs and Alterations.....	06400		68,614
Equipment.....	07000		1,728,240
Buildings	25800		25,000
Other Assets	69000		340,661
Total		\$	<u>35,129,294</u>

252 - Insurance Commissioner –

Workers' Compensation Old Fund

(WV Code Chapter 23)

Fund 7162 FY 2021 Org 0704

Employee Benefits	01000	\$	50,000
Current Expenses	13000		<u>250,500,000</u>
Total		\$	250,550,000

*253 - Insurance Commissioner –**Workers' Compensation Uninsured Employers' Fund*

(WV Code Chapter 23)

Fund 7163 FY 2021 Org 0704

Current Expenses	13000	\$	15,000,000
------------------------	-------	----	------------

*254 - Insurance Commissioner –**Self-Insured Employer Guaranty Risk Pool*

(WV Code Chapter 23)

Fund 7164 FY 2021 Org 0704

Current Expenses	13000	\$	9,000,000
------------------------	-------	----	-----------

*255 - Insurance Commissioner –**Self-Insured Employer Security Risk Pool*

(WV Code Chapter 23)

Fund 7165 FY 2021 Org 0704

Current Expenses	13000	\$	14,000,000
------------------------	-------	----	------------

256 - Municipal Bond Commission

(WV Code Chapter 13)

Fund 7253 FY 2021 Org 0706

Personal Services and Employee Benefits	00100	\$	282,589
Current Expenses	13000		144,844
Equipment	07000		<u>100</u>
Total		\$	427,533

*257 - Racing Commission –**Relief Fund*

(WV Code Chapter 19)

Fund 7300 FY 2021 Org 0707

Medical Expenses – Total	24500	\$	57,000
--------------------------------	-------	----	--------

The total amount of this appropriation shall be paid from the special revenue fund out of collections of license fees and fines as provided by law.

No expenditures shall be made from this fund except for hospitalization, medical care and/or funeral expenses for persons contributing to this fund.

*258 - Racing Commission –**Administration and Promotion Account*

(WV Code Chapter 19)

Fund 7304 FY 2021 Org 0707

Personal Services and Employee Benefits	00100	\$	264,564
Current Expenses	13000		85,433
Other Assets	69000		5,000
Total		\$	354,997

*259 - Racing Commission –**General Administration*

(WV Code Chapter 19)

Fund 7305 FY 2021 Org 0707

Personal Services and Employee Benefits	00100	\$	2,352,306
Current Expenses	13000		497,284
Repairs and Alterations	06400		5,000
Other Assets	69000		40,000
Total		\$	2,894,590

260 - Racing Commission –

*Administration, Promotion, Education, Capital Improvement
and Greyhound Adoption Programs*

to include Spaying and Neutering Account

(WV Code Chapter 19)

Fund 7307 FY 2021 Org 0707

Personal Services and Employee Benefits.....	00100	\$	918,781
Current Expenses	13000		160,099
Other Assets	69000		<u>200,000</u>
Total		\$	1,278,880

*261 - Alcohol Beverage Control Administration –**Wine License Special Fund*

(WV Code Chapter 60)

Fund 7351 FY 2021 Org 0708

Personal Services and Employee Benefits.....	00100	\$	147,213
Unclassified	09900		30,750
Current Expenses	13000		54,186
Repairs and Alterations.....	06400		7,263
Equipment.....	07000		10,000
Buildings	25800		100,000
Other Assets	69000		<u>100</u>
Total		\$	349,512

To the extent permitted by law, four classified exempt positions shall be provided from Personal Services and Employee Benefits appropriation for field auditors.

262 - Alcohol Beverage Control Administration

(WV Code Chapter 60)

Fund 7352 FY 2021 Org 0708

Personal Services and Employee Benefits.....	00100	\$	5,790,574
Current Expenses	13000		2,890,577
Repairs and Alterations.....	06400		91,000
Equipment.....	07000		108,000
Buildings	25800		375,100
Purchase of Supplies for Resale	41900		76,500,000
Transfer Liquor Profits and Taxes	42500		21,200,000
Other Assets	69000		125,100
Land	73000		<u>100</u>
Total		\$	107,080,451

The total amount of these appropriations shall be paid from a special revenue fund out of liquor revenues and any other revenues available.

The above appropriations include the salary of the commissioner and the salaries, expenses, and equipment of administrative offices, warehouses, and inspectors.

The above appropriations include funding for the Tobacco/Alcohol Education Program.

There is hereby appropriated from liquor revenues, in addition to the above appropriations as needed, the necessary amount for the purchase of liquor as provided by law and the remittance of profits and taxes to the General Revenue Fund.

263 - State Athletic Commission Fund

(WV Code Chapter 29)

Fund 7009 FY 2021 Org 0933

Personal Services and Employee Benefits.....	00100	\$	10,500
Current Expenses	13000		<u>29,500</u>
Total.....		\$	40,000

DEPARTMENT OF TRANSPORTATION

264 - Division of Motor Vehicles –

Dealer Recovery Fund

(WV Code Chapter 17)

Fund 8220 FY 2021 Org 0802

Current Expenses	13000	\$	189,000
------------------------	-------	----	---------

265 - Division of Motor Vehicles –

Motor Vehicle Fees Fund

(WV Code Chapter 17B)

Fund 8223 FY 2021 Org 0802

Personal Services and Employee Benefits.....	00100	\$	3,733,074
Current Expenses	13000		4,357,773
Repairs and Alterations.....	06400		16,000
Equipment.....	07000		75,000
Other Assets	69000		10,000
BRIM Premium.....	91300		<u>89,939</u>
Total.....		\$	8,281,786

266 - Division of Highways –

A. James Manchin Fund

(WV Code Chapter 22)

Fund 8319 FY 2021 Org 0803

Current Expenses	13000	\$	2,500,000
------------------------	-------	----	-----------

*267 - State Rail Authority -
West Virginia Commuter Rail Access Fund*

(WV Code Chapter 29)

Fund 8402 FY 2021 Org 0804

Current Expenses	13000	\$	2,800,000
------------------------	-------	----	-----------

DEPARTMENT OF VETERANS' ASSISTANCE

268 - Veterans' Facilities Support Fund

(WV Code Chapter 9A)

Fund 6703 FY 2021 Org 0613

Current Expenses	13000	\$	1,654,234
Other Assets	69000		10,000
Total		\$	1,664,234

269 - Department of Veterans' Assistance -

WV Veterans' Home -

Special Revenue Operating Fund

(WV Code Chapter 9A)

Fund 6754 FY 2021 Org 0618

Current Expenses	13000	\$	289,400
Repairs and Alterations	06400		10,600
Total		\$	300,000

BUREAU OF SENIOR SERVICES

270 - Bureau of Senior Services -

Community Based Service Fund

(WV Code Chapter 29)

Fund 5409 FY 2021 Org 0508

Personal Services and Employee Benefits	00100	\$	160,883
Current Expenses	13000		10,348,710
Total		\$	10,509,593

The total amount of these appropriations are funded from annual table game license fees to enable the aged and disabled citizens of West Virginia to stay in their homes through the provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION

271 - Higher Education Policy Commission –

System –

Tuition Fee Capital Improvement Fund

(Capital Improvement and Bond Retirement Fund)

Control Account

(WV Code Chapters 18 and 18B)

Fund 4903 FY 2021 Org 0442

Debt Service	04000	\$	27,713,123
General Capital Expenditures	30600		5,000,000
Facilities Planning and Administration	38600		441,111
Total		\$	33,154,234

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.Va. Code §18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for Debt Service, may be transferred to special revenue funds for capital improvement projects at the institutions.

272 - Tuition Fee Revenue Bond Construction Fund

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2021 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.Va. Code §18-12B-8, which have since been refunded.

273 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2021 Org 0442

Any unexpended balance remaining in the appropriation for Capital Improvements – Total (fund 4908, appropriation 95800) at the close of fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

The total amount of this appropriation shall be paid from the sale of the Series 2017 Community and Technical College Capital Improvement Refunding Revenue Bonds and anticipated interest earnings.

274 - West Virginia University –

West Virginia University Health Sciences Center

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2021 Org 0463

Personal Services and Employee Benefits.....	00100	\$	10,764,347
Current Expenses	13000		4,524,300
Repairs and Alterations.....	06400		425,000
Equipment.....	07000		512,000
Buildings	25800		150,000
Other Assets	69000		50,000
Total		\$	<u>16,425,647</u>

MISCELLANEOUS BOARDS AND COMMISSIONS

275 - Board of Barbers and Cosmetologists –

Barbers and Beauticians Special Fund

(WV Code Chapters 16 and 30)

Fund 5425 FY 2021 Org 0505

Personal Services and Employee Benefits.....	00100	\$	543,993
Current Expenses	13000		234,969
Repairs and Alterations.....	06400		5,000
Total		\$	<u>783,962</u>

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Board of Barbers and Cosmetologists as provided by law.

*276 - Hospital Finance Authority –**Hospital Finance Authority Fund*

(WV Code Chapter 16)

Fund 5475 FY 2021 Org 0509

Personal Services and Employee Benefits.....	00100	\$	93,279
Unclassified	09900		1,501
Current Expenses	13000		<u>55,328</u>
Total		\$	150,108

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the Code.

*277 - WV State Board of Examiners for Licensed Practical Nurses –**Licensed Practical Nurses*

(WV Code Chapter 30)

Fund 8517 FY 2021 Org 0906

Personal Services and Employee Benefits.....	00100	\$	495,505
Current Expenses	13000		<u>107,700</u>
Total		\$	603,205

*278 - WV Board of Examiners for Registered Professional Nurses –**Registered Professional Nurses*

(WV Code Chapter 30)

Fund 8520 FY 2021 Org 0907

Personal Services and Employee Benefits.....	00100	\$	1,300,612
Current Expenses	13000		312,655
Repairs and Alterations.....	06400		3,000
Equipment.....	07000		25,000
Other Assets	69000		<u>4,500</u>
Total		\$	1,645,767

279 - Public Service Commission

(WV Code Chapter 24)

Fund 8623 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	12,481,921
Unclassified	09900		147,643
Current Expenses	13000		<u>2,572,202</u>

Repairs and Alterations.....	06400	55,000
Equipment.....	07000	160,000
Buildings.....	25800	10
PSC Weight Enforcement.....	34500	4,605,652
Debt Payment/Capital Outlay.....	52000	350,000
Land.....	73000	10
BRIM Premium.....	91300	172,216
Total.....		\$ 20,544,654

The total amount of these appropriations shall be paid from a special revenue fund out of collections for special license fees from public service corporations as provided by law.

The Public Service Commission is authorized to transfer up to \$500,000 from this fund to meet the expected deficiencies in the Motor Carrier Division (fund 8625, org 0926) due to the amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

280 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(WV Code Chapter 24B)

Fund 8624 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$ 294,658
Unclassified.....	09900	3,851
Current Expenses.....	13000	93,115
Repairs and Alterations.....	06400	4,000
Total.....		\$ 395,624

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies as provided by law.

281 - Public Service Commission –

Motor Carrier Division

(WV Code Chapter 24A)

Fund 8625 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$ 2,377,514
Unclassified.....	09900	29,233
Current Expenses.....	13000	577,557
Repairs and Alterations.....	06400	23,000
Equipment.....	07000	50,000
Total.....		\$ 3,057,304

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as provided by law.

282 - Public Service Commission –

Consumer Advocate Fund

(WV Code Chapter 24)

Fund 8627 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	876,994
Current Expenses	13000		386,472
Equipment.....	07000		9,872
BRIM Premium.....	91300		4,660
Total		\$	<u>1,277,998</u>

The total amount of these appropriations shall be supported by cash from a special revenue fund out of collections made by the Public Service Commission.

283 - Real Estate Commission –

Real Estate License Fund

(WV Code Chapter 30)

Fund 8635 FY 2021 Org 0927

Personal Services and Employee Benefits.....	00100	\$	607,098
Current Expenses	13000		293,122
Repairs and Alterations.....	06400		2,500
Equipment.....	07000		5,000
Total		\$	<u>907,720</u>

The total amount of these appropriations shall be paid out of collections of license fees as provided by law.

284 - WV Board of Examiners for Speech-Language

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(WV Code Chapter 30)

Fund 8646 FY 2021 Org 0930

Personal Services and Employee Benefits.....	00100	\$	91,513
Current Expenses	13000		63,499
Total		\$	<u>155,012</u>

285 - WV Board of Respiratory Care –

Board of Respiratory Care Fund

(WV Code Chapter 30)

Fund 8676 FY 2021 Org 0935

Personal Services and Employee Benefits.....	00100	\$	94,050
Current Expenses	13000		54,137
Repairs and Alterations.....	06400		400
Total.....		\$	<u>148,587</u>

286 - WV Board of Licensed Dietitians –

Dietitians Licensure Board Fund

(WV Code Chapter 30)

Fund 8680 FY 2021 Org 0936

Personal Services and Employee Benefits.....	00100	\$	20,219
Current Expenses	13000		<u>20,250</u>
Total.....		\$	40,469

287 - Massage Therapy Licensure Board –

Massage Therapist Board Fund

(WV Code Chapter 30)

Fund 8671 FY 2021 Org 0938

Personal Services and Employee Benefits.....	00100	\$	109,555
Current Expenses	13000		<u>42,448</u>
Total.....		\$	152,003

288 - Board of Medicine –

Medical Licensing Board Fund

(WV Code Chapter 30)

Fund 9070 FY 2021 Org 0945

Personal Services and Employee Benefits.....	00100	\$	1,378,807
Current Expenses	13000		1,108,789
Repairs and Alterations.....	06400		<u>8,000</u>
Total.....		\$	2,495,596

289 - West Virginia Enterprise Resource Planning Board –

Enterprise Resource Planning System Fund

(WV Code Chapter 12)

Fund 9080 FY 2021 Org 0947

Personal Services and Employee Benefits	00100	\$	6,856,239
Unclassified	09900		232,000
Current Expenses	13000		13,662,210
Repairs and Alterations	06400		300
Equipment	07000		302,000
Buildings	25800		2,000
Other Assets	69000		203,500
Total		\$	<u>21,258,249</u>

290 - Board of Treasury Investments –

Board of Treasury Investments Fee Fund

(WV Code Chapter 12)

Fund 9152 FY 2021 Org 0950

Personal Services and Employee Benefits	00100	\$	832,889
Unclassified	09900		14,850
Current Expenses	13000		605,714
BRIM Premium	91300		31,547
Fees of Custodians, Fund Advisors and Fund Managers	93800		3,500,000
Total		\$	<u>4,985,000</u>

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the consolidated fund of the State as provided in Article 6C, Chapter 12 of the Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

291 - State Armory Board –

General Armory Fund

(WV Code Chapter 15)

Fund 6057 FY 2021 Org 0603

Personal Services and Employee Benefits	00100	\$	1,681,247
Current Expenses	13000		650,000
Repairs and Alterations	06400		385,652
Equipment	07000		250,000

Buildings	25800	520,820
Other Assets	69000	350,000
Land	73000	200,000
Total		<u>\$ 4,037,719</u>

From the above appropriations, the Adjutant General may receive and expend funds to conduct operations and activities to include functions of the Military Authority. The Adjutant General may transfer funds between appropriations, except no funds may be transferred to Personal Services and Employee Benefits (fund 6057, appropriation 00100).

Total TITLE II, Section 3 – Other Funds (Including claims against the state).....		<u>\$ 1,513,410.079</u>
--	--	-------------------------

Sec. 4. Appropriations from lottery net profits. — Net profits of the lottery are to be deposited by the Director of the Lottery to the following accounts in the amounts indicated. The Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the Director of the Lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 for that purpose. Upon receipt of reimbursement of amounts so transferred, the Director of the Lottery shall deposit the reimbursement amounts to the following accounts as required by this section.

292 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(WV Code Chapter 5)

Fund 2252 FY 2021 Org 0211

	Appropriation		Lottery Funds
Debt Service – Total	31000	\$	10,000,000

293 - West Virginia Development Office –

West Virginia Tourism Office

(WV Code Chapter 5B)

Fund 3067 FY 2021 Org 0304

Tourism – Telemarketing Center.....	46300	\$	82,080
Tourism – Advertising (R)	61800		2,422,407
Tourism – Operations (R).....	66200		<u>4,227,938</u>

Total \$ 6,732,425

Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund 3067, appropriation 61800), and Tourism – Operations (fund 3067, appropriation 66200) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

294 - Division of Natural Resources

(WV Code Chapter 20)

Fund 3267 FY 2021 Org 0310

Personal Services and Employee Benefits.....	00100	\$	2,428,178
Current Expenses	13000		26,900
Pricketts Fort State Park	32400		106,560
Non-Game Wildlife (R).....	52700		386,935
State Parks and Recreation Advertising (R).....	61900		494,578
Total		\$	<u>3,443,151</u>

Any unexpended balances remaining in the appropriations for Unclassified (fund 3267, appropriation 09900), Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

295 - State Board of Education

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2021 Org 0402

FBI Checks	37200	\$	116,548
Vocational Education Equipment Replacement.....	39300		800,000
Assessment Program (R).....	39600		3,016,444
Literacy Project	89900		350,000
21st Century Technology Infrastructure			
Network Tools and Support (R).....	93300		<u>14,600,383</u>
Total		\$	<u>18,883,375</u>

Any unexpended balances remaining in the appropriations for Unclassified (fund 3951, appropriation 09900), Current Expenses (fund 3951, appropriation 13000), Assessment Program (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

296 - State Department of Education –

School Building Authority –

Debt Service Fund

(WV Code Chapter 18)

Fund 3963 FY 2021 Org 0404

Debt Service – Total	31000	\$	15,320,363
Directed Transfer	70000		<u>2,679,637</u>
Total		\$	18,000,000

The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W.Va. Code §29-22-18.

The above appropriation for Directed Transfer (fund 3963, appropriation 70000) may be transferred to the Department of Education, State Board of Education, School Building Authority, School Construction Fund, fund 3952, organization 0404 to be used for school construction and maintenance projects.

*297 - Division of Culture and History –**Lottery Education Fund*

(WV Code Chapter 29)

Fund 3534 FY 2021 Org 0432

Huntington Symphony	02700	\$	59,058
Preservation WV (R)	09200		491,921
Fairs and Festivals (R)	12200		1,346,814
Commission for National and Community Service (R)	19300		374,980
Archeological Curation/Capital Improvements (R)	24600		36,276
Historic Preservation Grants (R)	31100		368,428
West Virginia Public Theater	31200		120,019
Greenbrier Valley Theater	42300		115,000
Theater Arts of West Virginia	46400		90,000
Marshall Artists Series	51800		36,005
Grants for Competitive Arts Program (R)	62400		726,000
West Virginia State Fair	65700		31,241
Save the Music	68000		24,000
Contemporary American Theater Festival	81100		57,281
Independence Hall	81200		27,277
Mountain State Forest Festival	86400		38,187
WV Symphony	90700		59,058
Wheeling Symphony	90800		59,058
Appalachian Children's Chorus	91600		<u>54,554</u>
Total		\$	4,115,157

From the above appropriation for Preservation West Virginia (fund 3534, appropriation 09200) funding shall be provided to the African-American Heritage Family Tree Museum (Fayette) \$2,673, Arts Monongahela (Monongalia) \$11,881, Barbour County Arts and Humanities Council \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum (Wayne) \$720, Children's Theatre of Charleston

(Kanawha) \$3,127, Chuck Mathena Center (Mercer) \$62,532, Collis P. Huntington Railroad Historical Society (Cabell) \$5,941, Country Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company \$1,188, Flannigan Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen Memorial Foundation (Berkeley) \$11,006, Grafton Mother's Day Shrine Committee (Taylor) \$8,749, Hardy County Tour and Crafts Association \$11,881, Heartwood in the Hills (Calhoun) \$5,040, Heritage Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic Middleway Conservancy (Jefferson) \$594, Jefferson County Black History Preservation Society \$2,970, Jefferson County Historical Landmark Commission \$4,753, Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society \$5,049, McCoy Theater (Hardy) \$11,881, Memorial Day Patriotic Exercise (Taylor) \$20,000, Morgantown Theater Company (Monongalia) \$11,881, Mountaineer Boys' State (Lewis) \$5,941, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum (Berkeley) \$5,941, Old Opera House Theater Company (Jefferson) \$8,911, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House \$3,564, Raleigh County All Wars Museum \$5,941, Rhododendron Girl's State (Ohio) \$5,941, Roane County 4-H and FFA Youth Livestock Program \$2,970, Society for the Preservation of McGrew House (Preston) \$2,079, Southern West Virginia Veterans' Museum \$3,393, Summers County Historic Landmark Commission \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian Center (Summers) \$5,311, Veterans Committee for Civic Improvement of Huntington (Wayne) \$2,970, West Virginia Museum of Glass (Lewis) \$2,970, West Virginia Music Hall of Fame (Kanawha) \$20,792, Camp Horseshoe (Tucker) \$59,406, Youth Museum of Southern West Virginia (Raleigh) \$7,129, Z.D. Ramsdell House (Wayne) \$720.

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to the A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$2,970, Alderson 4th of July Celebration (Greenbrier) \$2,970, Allegheny Echo (Pocahontas) \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683, American Civil War (Grant) \$3,127, American Legion Post 8 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle Show (Lewis) \$891, Annual Don Redman Heritage Concert & Awards (Jefferson) \$938, Annual Ruddle Park Jamboree (Pendleton) \$4,690, Antique Market Fair (Lewis) \$1,188, Apple Butter Festival (Morgan) \$3,564, Arkansaw Homemaker's Heritage Weekend (Hardy) \$2,079, Armed Forces Day-South Charleston (Kanawha) \$1,782, Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Barbour County Fair \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Battelle District Fair (Monongalia) \$2,970, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$2,673, Belleville Homecoming (Wood) \$11,881, Bergoo Down Home Days (Webster) \$1,485, Berkeley County Youth Fair \$10,990, Black Bear 4K Mountain Bike Race (Kanawha) \$684, Black Heritage Festival (Harrison) \$3,564, Black Walnut Festival (Roane) \$5,940, Blast from the Past (Upshur) \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone County Fair \$5,940, Boone County Labor Day Celebration \$2,376, Bradshaw Fall Festival (McDowell) \$1,188, Brandonville Heritage Day (Preston) \$1,048, Braxton County Fair \$6,832, Braxton County Monster Fest / West Virginia Autumn Festival \$1,485, Brooke County Fair \$2,079, Bruceton Mills Good Neighbor Days (Preston) \$1,188, Buckwheat Festival (Preston) \$5,050, Buffalo 4th of July Celebration (Putnam) \$400, Buffalo October Fest (Putnam) \$3,240, Burlington Apple Harvest Festival (Mineral) \$17,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970, Burnsville Freedom Festival (Braxton) \$1,407, Cabell County Fair \$5,940, Calhoun County Wood Festival \$1,188, Campbell's Creek Community Fair (Kanawha) \$1,485, Cape Coalwood Festival Association (McDowell) \$1,485, Capon Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs Ruritan 4th of July (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188,

Cedarville Town Festival (Gilmer) \$684, Celebration of America (Monongalia) \$3,564, Chapmanville Apple Butter Festival (Logan) \$684, Chapmanville Fire Department 4th of July (Logan) \$1,782, Charles Town Christmas Festival (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester Fireworks (Hancock) \$891, Chester 4th of July Festivities (Hancock) \$2,970, Chief Logan State Park-Civil War Celebration (Logan) \$4,752, Chilifest West Virginia State Chili Championship (Cabell) \$1,563, Christmas In Our Town (Marion) \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the Park (Brooke) \$2,970, Christmas in the Park (Logan) \$14,851, City of Dunbar Critter Dinner (Kanawha) \$5,940, City of Logan Polar Express (Logan) \$4,456, City of New Martinsville Festival of Memories (Wetzel) \$6,534, Clay County Golden Delicious Apple Festival \$4,158, Clay District Fair (Monongalia) \$1,080, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079, Doddridge County Fair \$4,158, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Fairview 4th of July Celebration (Marion) \$684, Farm Safety Day (Preston) \$1,188, Farmer's Day Festival (Monroe) \$2,330, Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$11,881, Flemington Day Fair and Festival (Taylor) \$2,379, Follansbee Community Days (Brooke) \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison) \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton) \$4,456, Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis) \$2,970, Frontier Days (Harrison) \$1,782, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,485, Gassaway Days Celebration (Braxton) \$2,970, Gilbert Elementary Fall Blast (Mingo) \$2,188, Gilbert Spring Fling (Mingo) \$3,595, Gilmer County Farm Show \$2,376, Grant County Arts Council \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, Greater Quinwood Days (Greenbrier) \$781, Guyandotte Civil War Days (Cabell) \$5,941, Hamlin 4th of July Celebration (Lincoln) \$2,970, Hampshire Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July Celebration \$11,881, Hampshire County Fair \$5,002, Hancock County Oldtime Fair \$2,970, Hardy County Commission - 4th of July \$5,940, Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970, Heat'n the Hills Chilifest (Lincoln) \$2,970, Heritage Craft Festival (Monroe) \$1,044, Heritage Days Festival (Roane) \$891, Hilltop Festival (Cabell) \$684, Hilltop Festival of Lights (McDowell) \$1,188, Hinton Railroad Days (Summers) \$4,347, Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432, Hundred 4th of July (Wetzel) \$4,307, Hurricane 4th of July Celebration (Putnam) \$2,970, Jaeger Town Fair (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair \$2,970, Jamboree (Pocahontas) \$2,970, Jane Lew Arts and Crafts Fair (Lewis) \$684, Jefferson County Fair Association \$14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire) \$684, John Henry Days Festival (Monroe) \$4,698, Johnnie Johnson Blues and Jazz Festival (Marion) \$2,970, Johnstown Community Fair (Harrison) \$1,485, Junior Heifer Preview Show (Lewis) \$1,188, Kanawha Coal Riverfest-St. Albans 4th of July Festival (Kanawha) \$2,970, Keeper of the Mountains-Kayford (Kanawha) \$1,485, Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, Keystone Reunion Gala (McDowell) \$1,563, King Coal Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, L.Z. Rainelle West Virginia Veterans Reunion (Greenbrier) \$2,970, Lady of Agriculture (Preston) \$684, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$5,940, Larry Joe Harless Community Center Spring Middle School Event (Mingo) \$2,970, Last Blast of Summer (McDowell) \$2,970, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival \$4,752, Lincoln County Winterfest \$2,970, Lindsie Veterans' Day Parade (Monroe) \$720, Little Levels Heritage Festival

(Pocahontas) \$1,188, Lost Creek Community Festival (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley) \$2,813, Mannington District Fair (Marion) \$3,564, Maple Syrup Festival (Randolph) \$684, Marion County FFA Farm Fest \$1,485, Marmet Labor Day Celebration (Kanawha) \$3,078, Marshall County Antique Power Show \$1,485, Mason County Fair \$2,970, , Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County \$11,881, McGrew House History Day (Preston) \$1,188, McNeill's Rangers (Mineral) \$4,752, Meadow Bridge Hometown Festival (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer Bluestone Valley Fair (Mercer) \$1,188, Mercer County Fair \$1,188, Mercer County Heritage Festival \$3,474, Milton Christmas in the Park (Cabell) \$1,485, Milton Old Timey Days (Cabell) \$1,485, Mineral County Veterans Day Parade \$891, Molasses Festival (Calhoun) \$1,188, Monongahfest (Marion) \$3,752, Moon Over Mountwood Fishing Festival (Wood) \$1,782, Morgan County Fair-History Wagon \$891, Moundsville Bass Festival (Marshall) \$2,376, Moundsville July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall Festival (Barbour) \$1,485, Mountain Fest (Monongalia) \$11,881, Mountain Festival (Mercer) \$2,747, Mountain Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music Festival (McDowell) \$1,485, Mountain State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) \$26,732, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia (Kanawha) \$11,881, Music and Barbecue - Banks District VFD (Upshur) \$1,278, New Cumberland Christmas Parade (Hancock) \$1,782, New Cumberland 4th of July (Hancock) \$2,970, New River Bridge Day Festival (Fayette) \$23,762, Nicholas County Fair \$2,970, Nicholas County Potato Festival \$2,079, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$3,564, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair \$5,346, Ohio River Fest (Jackson) \$4,320, Ohio Valley Beef Association (Wood) \$1,485, Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Central City Fair (Cabell) \$2,970, Old Tyme Christmas (Jefferson) \$1,425, Paden City Labor Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Patty Fest (Monongalia) \$1,188, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970, Pendleton County 4-H Weekend \$1,188, Pendleton County Committee for Arts \$8,910, Pendleton County Fair \$6,253, Pennsboro Country Road Festival (Ritchie) \$1,188, Petersburg 4th of July Celebration (Grant) \$11,881, Petersburg HS Celebration (Grant) \$5,940, Piedmont-Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$891, Pine Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair \$2,970, Poca Heritage Days (Putnam) \$1,782, Pocahontas County Pioneer Days \$4,159, Point Pleasant Stern Wheel Regatta (Mason) \$2,970, Pratt Fall Festival (Kanawha) \$1,485, Princeton Autumnfest (Mercer) \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair \$2,970, Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha) \$1,485, Randolph County Community Arts Council \$1,782, Randolph County Fair \$4,158, Randolph County Ramp and Rails \$1,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier) \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair and Exposition \$2,970, Ritchie County Pioneer Days \$684, River City Festival (Preston) \$684, Roane County Agriculture Field Day \$1,782, Rock the Park (Kanawha) \$3,240, Rocket Boys Festival (Raleigh) \$1,710, Romney Heritage Days (Hampshire) \$1,876, Ronceverte River Festival (Greenbrier) \$2,970, Rowlesburg Labor Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of July (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on the Water (Wetzel) \$1,782, South Charleston Summerfest (Kanawha) \$5,940, Southern Wayne County Fall Festival \$684, Spirit of Grafton Celebration (Taylor) \$6,240, St. Albans City of Lights - December (Kanawha) \$2,970, Sternwheel Festival (Wood) \$1,782, Stoco Reunion (Raleigh) \$1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis)

\$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, Strawberry Festival (Upshur) \$17,821, Sylvester Big Coal River Festival (Boone) \$1,944, Tacy Fair (Barbour) \$684, Taste of Parkersburg (Wood) \$2,970, Taylor County Fair \$3,567, The Gathering at Sweet Creek (Wood) \$1,782, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$7,300, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town of Fayetteville Heritage Festival (Fayette) \$4,456, Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield - Putnam County Homecoming \$3,240, St. Albans Train Fest (Kanawha) \$6,120, Treasure Mountain Festival (Pendleton) \$14,851, Tri-County Fair (Grant) \$22,548, Tucker County Arts Festival and Celebration \$10,692, Tucker County Fair \$2,821, Tucker County Health Fair \$1,188, Turkey Festival (Hardy) \$1,782, Tyler County Fair \$3,088, Union Community Irish Festival (Barbour) \$648, Upper Kanawha Valley Oktoberfest (Kanawha) \$1,485, Upper Ohio Valley Italian Festival (Ohio) \$7,128, Valley District Fair (Preston) \$2,079, Veterans Welcome Home Celebration (Cabell) \$938, Vietnam Veterans of America # 949 Christmas Party (Cabell) \$684, Volcano Days at Mountwood Park (Wood) \$2,970, War Homecoming Fall Festival (McDowell) \$891, Wardensville Fall Festival (Hardy) \$2,970, Wayne County Fair \$2,970, Wayne County Fall Festival \$2,970, Webster County Fair \$3,600, Webster County Wood Chopping Festival \$8,910, Webster Wild Water Weekend (Webster) \$1,188, Weirton July 4th Celebration (Hancock) \$11,881, Welcome Home Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke) \$4,456, Wellsburg Apple Festival of Brooke County \$2,970, West Virginia Blackberry Festival (Harrison) \$2,970, West Virginia Chestnut Festival (Preston) \$684, West Virginia Coal Festival (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum (Mercer) \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Fireman's Rodeo (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach Festival (Hampshire) \$3,240, West Virginia Polled Hereford Association (Braxton) \$891, West Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia Water Festival - City of Hinton (Summers) \$9,144, Weston VFD 4th of July Firemen Festival (Lewis) \$1,188, Wetzel County Autumnfest \$3,267, Wetzel County Town and Country Days \$10,098, Wheeling Celtic Festival (Ohio) \$1,166, Wheeling City of Lights (Ohio) \$4,752, Wheeling Sternwheel Regatta (Ohio) \$5,940, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action (Fayette) \$1,485, Wine Festival and Mountain Music Event (Harrison) \$2,970, Wirt County Fair \$1,485, Wirt County Pioneer Days \$1,188, Wyoming County Civil War Days \$1,296, Youth Stockman Beef Expo (Lewis) \$1,188.

Any unexpended balances remaining in the appropriations for Commission for National and Community Service (fund 3534, appropriation 19300), Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic Preservation Grants (fund 3534, appropriation 31100), Grants for Competitive Arts Program (fund 3534, appropriation 62400), and Project ACCESS (fund 3534, appropriation 86500) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

298 - Library Commission –

Lottery Education Fund

(WV Code Chapter 10)

Fund 3559 FY 2021 Org 0433

Books and Films	17900	\$	360,784
Services to Libraries.....	18000		550,000

Grants to Public Libraries	18200	9,439,571
Digital Resources	30900	219,992
Infomine Network	88400	<u>943,353</u>
Total		\$ 11,513,700

Any unexpended balance remaining in the appropriation for Libraries – Special Projects (fund 3559, appropriation 62500) at the close of fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

299 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 3587 FY 2021 Org 0439

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 3587, appropriation 75500) at the close of fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

300 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2021 Org 0508

Personal Services and Employee Benefits	00100	\$ 209,640
Current Expenses	13000	332,284
Repairs and Alterations	06400	1,000
Local Programs Service Delivery Costs	20000	2,435,250
Silver Haired Legislature	20200	18,500
Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens	53900	4,615,503
Roger Tompkins Alzheimer's Respite Care	64300	2,302,016
WV Alzheimer's Hotline	72400	45,000
Regional Aged and Disabled Resource Center	76700	425,000
Senior Services Medicaid Transfer	87100	16,400,070
Legislative Initiatives for the Elderly	90400	9,671,239
Long Term Care Ombudsman	90500	297,226
BRIM Premium	91300	7,718
In-Home Services and Nutrition for Senior Citizens	91700	<u>6,095,941</u>
Total		\$ 42,856,387

Any unexpended balance remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

Included in the above appropriation for Current Expenses (fund 5405, appropriation 13000), is funding to support an in-home direct care workforce registry.

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

301 - Higher Education Policy Commission –

Lottery Education –

Higher Education Policy Commission –

Control Account

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2021 Org 0441

RHI Program and Site Support (R).....	03600	\$	1,912,491
RHI Program and Site Support –			
RHEP Program Administration	03700		146,653
RHI Program and Site Support – Grad Med			
Ed and Fiscal Oversight (R).....	03800		88,913
Minority Doctoral Fellowship (R)	16600		129,604
Health Sciences Scholarship (R).....	17600		225,527
Vice Chancellor for Health Sciences –			
Rural Health Residency Program (R)	60100		62,725
WV Engineering, Science, and			
Technology Scholarship Program.....	86800		<u>452,831</u>
Total		\$	<u>3,018,744</u>

Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (fund 4925, appropriation 03800), Minority Doctoral Fellowship (fund 4925, appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation 60100) at the close of fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

The above appropriation for WV Engineering, Science, and Technology Scholarship Program (fund 4925, appropriation 86800) shall be transferred to the West Virginia Engineering, Science and Technology Scholarship Fund (fund 4928, org 0441) established by W.Va. Code §18C-6-1.

302 - Community and Technical College –

Capital Improvement Fund

(WV Code Chapter 18B)

Fund 4908 FY 2021 Org 0442

Debt Service – Total	31000	\$	5,000,000
----------------------------	-------	----	-----------

Any unexpended balance remaining in the appropriation for Capital Outlay and Improvements – Total (fund 4908, appropriation 84700) at the close of fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

303 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(WV Code Chapter 18B)

Fund 4185 FY 2021 Org 0463

WVU Health Sciences –			
RHI Program and Site Support (R)	03500	\$	1,181,728
MA Public Health Program and Health Science Technology (R)	62300		52,445
Health Sciences Career Opportunities Program (R)	86900		336,987
HSTA Program (R)	87000		1,761,948
Center for Excellence in Disabilities (R)	96700		313,517
Total		\$	3,646,625

Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

304 - Higher Education Policy Commission –

Lottery Education –

Marshall University – School of Medicine

(WV Code Chapter 18B)

Fund 4896 FY 2021 Org 0471

Marshall Medical School –			
RHI Program and Site Support (R)	03300	\$	427,075
Vice Chancellor for Health Sciences –			
Rural Health Residency Program (R)	60100		171,361
Total		\$	598,436

Any unexpended balances remaining in the appropriations for Marshall Medical School – RHI Program and Site Support (fund 4896, appropriation 03300) and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4896, appropriation 60100) at the close of fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

Total TITLE II, Section 4 – Lottery Revenue..... \$ 127,808,000

Sec. 5. Appropriations from state excess lottery revenue fund. — In accordance with W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following appropriations shall be deposited and disbursed by the Director of the Lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are sufficient to meet all the appropriations required made pursuant to this section, then the Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

305 - Lottery Commission –

Refundable Credit

Fund 7207 FY 2021 Org 0705

	Appropriation		Excess Lottery Funds
Directed Transfer	70000	\$	10,000,000

The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.Va. Code §11-21-21. The amount of the required transfer shall be determined solely by the State Tax Commissioner and shall be completed by the Director of the Lottery upon the commissioner’s request.

306 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2021 Org 0705

General Revenue Fund – Transfer.....	70011	\$	65,000,000
--------------------------------------	-------	----	------------

The above appropriation shall be transferred to the General Revenue Fund as determined by the Director of the Lottery in accordance with W.Va. Code §29-22-18a.

307 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2021 Org 0441

PROMISE Scholarship – Transfer.....	80000	\$	29,000,000
-------------------------------------	-------	----	------------

The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

308 - Economic Development Authority –

Economic Development Project Fund

Fund 9065 FY 2021 Org 0944

Debt Service – Total	31000	\$	19,000,000
----------------------------	-------	----	------------

Pursuant to W.Va. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the economic development project fund pursuant to section four of this title and W.Va. Code §29-22-18, subsection (f).

309 - Department of Education –

School Building Authority

Fund 3514 FY 2021 Org 0404

Debt Service – Total	31000	\$	19,000,000
Direct Transfer	70000		100
Total		\$	19,000,100

The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W. Va. Code §29-22-18a

The above appropriation for Directed Transfer (fund 3514, appropriation 70000) may be transferred to the Department of Education, State Board of Education, School Building Authority, School Construction Fund, fund 3952, organization 0404 to be used for school construction and maintenance projects.

310 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2021 Org 0316

Directed Transfer	70000	\$	46,000,000
-------------------------	-------	----	------------

The above appropriation shall be allocated pursuant to W.Va. Code §29-22-18d and §31-15-9.

311 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2021 Org 0441

Directed Transfer	70000	\$	15,000,000
-------------------------	-------	----	------------

The above appropriation shall be transferred to fund 4903, org 0442 as authorized by Senate Concurrent Resolution No. 41.

312 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2021 Org 0310

Current Expenses (R)	13000	\$	23,300
Repairs and Alterations (R)	06400		161,200
Equipment (R)	07000		200,000
Buildings (R)	25800		100,000
Other Assets (R)	69000		1,020,500
Total		\$	1,505,000

Any unexpended balances remaining in the above appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Unclassified (fund 3277, appropriation 09900), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

313 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2021 Org 0944

Debt Service	04000	\$	2,032,000
--------------------	-------	----	-----------

314 - Economic Development Authority –

State Parks Lottery Revenue Debt Service Fund

Fund 9068 FY 2021 Org 0944

Debt Service	04000	\$	4,395,000
--------------------	-------	----	-----------

315 - Racing Commission –

Fund 7308 FY 2021 Org 0707

Special Breeders Compensation (WVC §29-22-18a, subsection (l))	21800	\$	2,000,000
---	-------	----	-----------

*316 - Lottery Commission –**Distributions to Statutory Funds and Purposes*Fund 7213 FY 2021 Org 0705

Parking Garage Fund – Transfer.....	70001	\$	500,000
2004 Capitol Complex Parking Garage Fund – Transfer	70002		216,478
Capitol Dome and Improvements Fund – Transfer.....	70003		1,796,256
Capitol Renovation and Improvement Fund – Transfer	70004		2,381,252
Development Office Promotion Fund – Transfer	70005		1,298,864
Research Challenge Fund – Transfer	70006		1,731,820
Tourism Promotion Fund – Transfer.....	70007		4,808,142
Cultural Facilities and Capitol Resources Matching			
Grant Program Fund – Transfer	70008		1,250,535
State Debt Reduction Fund – Transfer.....	70010		20,000,000
General Revenue Fund – Transfer.....	70011		1,167,799
West Virginia Racing Commission Racetrack			
Video Lottery Account	70012		3,463,637
Historic Resort Hotel Fund	70013		24,010
Licensed Racetrack Regular Purse Fund.....	70014		<u>22,383,247</u>
Total.....		\$	61,022,040

317 - Governor's Office

(WV Code Chapter 5)

Fund 1046 FY 2021 Org 0100

Any unexpended balance remaining in the appropriation for Publication of Papers and Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

318 - Office of Technology

(WV Code Chapter 5A)

Fund 2532 FY 2021 Org 0231

Any unexpended balances remaining in the appropriations for Cyber Security (fund 2532, appropriation 99001), Enterprise Data Center (fund 2532, appropriation 99002), and Enterprise Telephony Modernization (fund 2532, appropriation 99003) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

319 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 3170 FY 2021 Org 0307

Any unexpended balances remaining in the appropriations for Unclassified – Total (fund 3170, appropriation 09600), Recreational Grants or Economic Development Loans (fund 3170, appropriation 25300), and Connectivity Research and Development – Lottery Surplus (fund 3170, appropriation 92300) at the close of the fiscal year 2020 are hereby reappropriated for expenditure during the fiscal year 2021.

320 - Higher Education Policy Commission –

Administration –

Control Account

(WV Code Chapter 18B)

Fund 4932 FY 2021 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

321 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2021 Org 0511

Medical Services.....	18900	\$	66,302,960
-----------------------	-------	----	------------

322 - Division of Corrections and Rehabilitation –

Correctional Units

(WV Code Chapters 15A)

Fund 6283 FY 2021 Org 0608

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 6283, appropriation 75500) at the close of the fiscal year 2020 is hereby reappropriated for expenditure during the fiscal year 2021.

Total TITLE II, Section 5 – Excess Lottery Funds.....		\$	<u>340,257,000</u>
---	--	----	--------------------

Sec. 6. Appropriations of federal funds. — In accordance with Article 11, Chapter 4 of the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2021.

LEGISLATIVE

323 - Crime Victims Compensation Fund

(WV Code Chapter 14)

Fund 8738 FY 2021 Org 2300

	Appropriation		Federal Funds
Economic Loss Claim Payment Fund.....	33400	\$	1,400,000

JUDICIAL*324 - Supreme Court*Fund 8867 FY 2021 Org 2400

Personal Services and Employee Benefits.....	00100	\$	1,813,000
Current Expenses	13000		1,557,000
Repairs and Alterations.....	06400		100,000
Equipment.....	07000		250,000
Other Assets	69000		280,000
Total		\$	4,000,000

EXECUTIVE*325 - Department of Agriculture*

(WV Code Chapter 19)

Fund 8736 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	2,628,780
Unclassified	09900		50,534
Current Expenses	13000		3,828,661
Repairs and Alterations.....	06400		650,000
Equipment.....	07000		910,500
Buildings.....	25800		1,000,000
Other Assets	69000		50,000
Land	73000		500,000
Total		\$	9,618,475

*326 - Department of Agriculture –**Meat Inspection Fund*

(WV Code Chapter 19)

Fund 8737 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	658,571
Unclassified	09900		8,755
Current Expenses	13000		136,012
Repairs and Alterations.....	06400		5,500
Equipment.....	07000		114,478
Total		\$	923,316

327 - Department of Agriculture –

State Conservation Committee

(WV Code Chapter 19)

Fund 8783 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	97,250
Current Expenses	13000		15,599,974
Total		\$	15,697,224

328 - Department of Agriculture –

Land Protection Authority

Fund 8896 FY 2021 Org 1400

Personal Services and Employee Benefits.....	00100	\$	46,526
Unclassified	09900		5,004
Current Expenses	13000		448,920
Total		\$	500,450

329 - Attorney General –

Medicaid Fraud Unit

Fund 8882 FY 2021 Org 1500

Personal Services and Employee Benefits.....	00100	\$	1,038,458
Unclassified	09900		15,336
Current Expenses	13000		456,638
Repairs and Alterations.....	06400		4,313
Equipment.....	07000		7,500
Other Assets	69000		11,336
Total		\$	1,533,581

330 - Secretary of State –

State Election Fund

(WV Code Chapter 3)

Fund 8854 FY 2021 Org 1600

Personal Services and Employee Benefits.....	00100	\$	210,240
Unclassified	09900		7,484
Current Expenses	13000		415,727
Repairs and Alterations.....	06400		15,000
Other Assets	69000		100,000
Total		\$	748,451

DEPARTMENT OF COMMERCE*331 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2021 Org 0305

Personal Services and Employee Benefits.....	00100	\$	1,640,060
Unclassified	09900		51,050
Current Expenses	13000		5,232,560
Repairs and Alterations.....	06400		155,795
Equipment.....	07000		100,000
Other Assets	69000		<u>1,808,300</u>
Total		\$	<u>8,987,765</u>

332 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 8704 FY 2021 Org 0306

Personal Services and Employee Benefits.....	00100	\$	54,432
Unclassified	09900		2,803
Current Expenses	13000		195,639
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		7,500
Other Assets	69000		<u>15,000</u>
Total		\$	<u>280,374</u>

333 - West Virginia Development Office

(WV Code Chapter 5B)

Fund 8705 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$	1,039,921
Unclassified	09900		50,000
Current Expenses	13000		<u>4,504,019</u>
Total		\$	<u>5,593,940</u>

*334 - West Virginia Development Office –**Office of Economic Opportunity*

(WV Code Chapter 5)

Fund 8901 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$	497,289
Repairs and Alterations.....	06400		250
Equipment.....	07000		6,000

Unclassified	09900	106,795
Current Expenses	13000	<u>10,069,166</u>
Total		\$ 10,679,500

335 - Division of Labor

(WV Code Chapters 21 and 47)

Fund 8706 FY 2021 Org 0308

Personal Services and Employee Benefits.....	00100	\$ 409,251
Unclassified	09900	5,572
Current Expenses	13000	167,098
Repairs and Alterations.....	06400	<u>500</u>
Total		\$ 582,421

336 - Division of Natural Resources

(WV Code Chapter 20)

Fund 8707 FY 2021 Org 0310

Personal Services and Employee Benefits.....	00100	\$ 10,064,006
Unclassified	09900	107,693
Current Expenses	13000	7,887,660
Repairs and Alterations.....	06400	566,250
Equipment.....	07000	2,126,141
Administration	15500	50,325
Buildings	25800	951,000
Other Assets	69000	7,088,880
Land	73000	<u>2,893,920</u>
Total		\$ 31,735,875

337 - Division of Miners' Health,

Safety and Training

(WV Code Chapter 22)

Fund 8709 FY 2021 Org 0314

Personal Services and Employee Benefits.....	00100	\$ 642,799
Current Expenses	13000	<u>150,000</u>
Total		\$ 792,799

338 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 8835 FY 2021 Org 0323

Unclassified	09900	\$ 5,127
--------------------	-------	----------

Current Expenses	13000	507,530
Reed Act 2002 – Unemployment Compensation	62200	2,850,000
Reed Act 2002 – Employment Services	63000	<u>1,650,000</u>
Total		\$ 5,012,657

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.Va. Code §21A-9-9, the above appropriation to Unclassified and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of administration of the state's unemployment insurance program or job service activities, subject to each and every restriction, limitation or obligation imposed on the use of the funds by those federal and state statutes.

339 - Office of Energy

(WV Code Chapter 5B)

Fund 8892 FY 2021 Org 0328

Personal Services and Employee Benefits	00100	\$ 426,385
Unclassified	09900	7,350
Current Expenses	13000	<u>2,816,076</u>
Total		\$ 3,249,811

340 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 8734 FY 2021 Org 0932

Personal Services and Employee Benefits	00100	\$ 11,863,244
Current Expenses	13000	34,440,940
Repairs and Alterations	06400	350,400
Equipment	07000	<u>1,275,870</u>
Total		\$ 47,930,454

341 - State Board of Rehabilitation –

Division of Rehabilitation Services –

Disability Determination Services

(WV Code Chapter 18)

Fund 8890 FY 2021 Org 0932

Personal Services and Employee Benefits	00100	\$ 12,476,122
Current Expenses	13000	13,383,206
Repairs and Alterations	06400	1,100
Equipment	07000	<u>83,350</u>

Total..... \$ 25,943,778

DEPARTMENT OF EDUCATION

342 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 5,785,359
Unclassified	09900	2,000,000
Current Expenses	13000	222,367,820
Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
Other Assets	69000	10,000
Total		<u>\$ 230,183,179</u>

343 - State Board of Education –

School Lunch Program

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 1,881,766
Unclassified	09900	1,150,500
Current Expenses	13000	148,281,265
Repairs and Alterations.....	06400	20,000
Equipment.....	07000	100,000
Other Assets	69000	25,000
Total		<u>\$ 151,458,531</u>

344 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$ 1,896,249
Unclassified	09900	155,000
Current Expenses	13000	15,820,081
Repairs and Alterations.....	06400	10,000
Equipment.....	07000	10,000
Other Assets	69000	10,000
Total		<u>\$ 17,901,330</u>

345 - State Board of Education –

Aid for Exceptional Children

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2021 Org 0402

Personal Services and Employee Benefits.....	00100	\$	3,477,006
Unclassified	09900		1,000,000
Current Expenses	13000		123,346,390
Repairs and Alterations.....	06400		10,000
Equipment.....	07000		10,000
Other Assets	69000		10,000
Total		\$	<u>127,853,396</u>

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

346 - Commission for National and Community Service

(WV Code Chapter 5F)

Fund 8841 FY 2021 Org 0432

Personal Services and Employee Benefits.....	00100	\$	437,040
Current Expenses	13000		5,587,325
Repairs and Alterations.....	06400		1,000
Total		\$	<u>6,025,365</u>

347 - Division of Culture and History

(WV Code Chapter 29)

Fund 8718 FY 2021 Org 0432

Personal Services and Employee Benefits.....	00100	\$	810,436
Current Expenses	13000		1,947,372
Repairs and Alterations.....	06400		1,000
Equipment.....	07000		1,000
Buildings	25800		1,000
Other Assets	69000		1,000
Land	73000		360
Total		\$	<u>2,762,168</u>

348 - Library Commission

(WV Code Chapter 10)

Fund 8720 FY 2021 Org 0433

Personal Services and Employee Benefits.....	00100	\$	353,396
Current Expenses	13000		1,076,162

Equipment.....	07000	<u>543,406</u>
Total		\$ 1,972,964

349 - Educational Broadcasting Authority

(WV Code Chapter 10)

Fund 8721 FY 2021 Org 0439

Equipment.....	07000	\$ 200,000
----------------	-------	------------

DEPARTMENT OF ENVIRONMENTAL PROTECTION

350 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 8708 FY 2021 Org 0313

Personal Services and Employee Benefits.....	00100	\$ 31,406,529
Current Expenses	13000	153,850,118
Repairs and Alterations.....	06400	739,783
Equipment.....	07000	1,712,238
Unclassified	09900	1,923,580
Other Assets	69000	2,177,261
Land	73000	<u>80,000</u>
Total		\$ 191,889,509

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

351 - Consolidated Medical Service Fund

(WV Code Chapter 16)

Fund 8723 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 1,532,219
Unclassified	09900	73,307
Current Expenses	13000	<u>36,583,302</u>
Total		\$ 38,188,828

352 - Division of Health –

Central Office

(WV Code Chapter 16)

Fund 8802 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 14,610,947
Unclassified	09900	856,614
Current Expenses	13000	69,201,885

Equipment.....	07000	456,972
Buildings	25800	155,000
Other Assets	69000	380,000
Total		<u>\$ 85,661,418</u>

353 - Division of Health –

West Virginia Safe Drinking Water Treatment

(WV Code Chapter 16)

Fund 8824 FY 2021 Org 0506

West Virginia Drinking Water Treatment Revolving Fund – Transfer	68900	\$ 16,000,000
---	-------	---------------

354 - Human Rights Commission

(WV Code Chapter 5)

Fund 8725 FY 2021 Org 0510

Personal Services and Employee Benefits.....	00100	\$ 449,874
Unclassified	09900	5,050
Current Expenses	13000	64,950
Total		<u>\$ 519,874</u>

355 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 76,486,842
Unclassified	09900	22,855,833
Current Expenses	13000	112,110,500
Medical Services.....	18900	3,598,409,155
Medical Services Administrative Costs.....	78900	132,247,536
CHIP Administrative Costs	85601	4,539,496
CHIP Services.....	85602	47,422,974
Federal Economic Stimulus.....	89100	5,000,000
Total		<u>\$ 3,999,072,336</u>

DEPARTMENT OF HOMELAND SECURITY

356 - Office of the Secretary

(WV Code Chapter 5F)

Fund 8876 FY 2021 Org 0601

Unclassified	09900	\$ 5,000
--------------------	-------	----------

Current Expenses	13000	<u>495,000</u>
Total		\$ 500,000

357 - Division of Emergency Management

(WV Code Chapter 15)

Fund 8727 FY 2021 Org 0606

Personal Services and Employee Benefits.....	00100	\$ 1,260,422
Current Expenses	13000	20,429,281
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	<u>100,000</u>
Total		\$ 21,794,703

358 - Division of Corrections and Rehabilitation

(WV Code Chapters 15A)

Fund 8836 FY 2021 Org 0608

Unclassified	09900	\$ 1,100
Current Expenses	13000	<u>108,900</u>
Total		\$ 110,000

359 - West Virginia State Police

(WV Code Chapter 15)

Fund 8741 FY 2021 Org 0612

Personal Services and Employee Benefits.....	00100	\$ 2,480,877
Current Expenses	13000	2,125,971
Repairs and Alterations.....	06400	42,000
Equipment.....	07000	2,502,285
Buildings	25800	750,500
Other Assets	69000	144,500
Land	73000	<u>500</u>
Total		\$ 8,046,633

360 - Fire Commission

(WV Code Chapter 29)

Fund 8819 FY 2021 Org 0619

Current Expenses	13000	\$ 80,000
------------------------	-------	-----------

361 - Division of Administrative Services

(WV Code Chapter 15)

Fund 8803 FY 2021 Org 0623

Personal Services and Employee Benefits.....	00100	\$	1,222,258
Unclassified	09900		25,185
Current Expenses	13000		25,381,973
Repairs and Alterations.....	06400		1,750
Total		\$	26,631,166

DEPARTMENT OF REVENUE*362 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2021 Org 0704

Current Expenses	13000	\$	3,000,000
------------------------	-------	----	-----------

DEPARTMENT OF TRANSPORTATION*363 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2021 Org 0802

Personal Services and Employee Benefits.....	00100	\$	551,394
Current Expenses	13000		5,448,106
Repairs and Alterations.....	06400		500
Total		\$	6,000,000

364 - Division of Public Transit

(WV Code Chapter 17)

Fund 8745 FY 2021 Org 0805

Personal Services and Employee Benefits.....	00100	\$	922,070
Current Expenses	13000		8,663,149
Repairs and Alterations.....	06400		2,500
Equipment.....	07000		2,801,714
Buildings	25800		1,250,000
Other Assets	69000		100,000
Total		\$	13,739,433

365 - Aeronautics Commission

(WV Code Chapter 29)

Fund 8831 FY 2021 Org 0807

Current Expenses	13000		400,000
------------------------	-------	--	---------

Other Assets	69000		100
Total		\$	400,100

DEPARTMENT OF VETERANS' ASSISTANCE

366 - Department of Veterans' Assistance

(WV Code Chapter 9A)

Fund 8858 FY 2021 Org 0613

Personal Services and Employee Benefits.....	00100	\$	2,947,485
Current Expenses	13000		2,840,300
Repairs and Alterations.....	06400		20,000
Equipment.....	07000		25,000
Buildings	25800		250,000
Land	73000		500
Veterans' Cemetery	80800		175,000
Total		\$	6,258,285

367 - Department of Veterans' Assistance –

Veterans' Home

(WV Code Chapter 9A)

Fund 8728 FY 2021 Org 0618

Personal Services and Employee Benefits.....	00100	\$	906,850
Current Expenses	13000		601,700
Repairs and Alterations.....	06400		60,500
Equipment.....	07000		10,500
Buildings	25800		500
Other Assets	69000		500
Land	73000		100
Total		\$	1,580,650

BUREAU OF SENIOR SERVICES

368 - Bureau of Senior Services

(WV Code Chapter 29)

Fund 8724 FY 2021 Org 0508

Personal Services and Employee Benefits.....	00100	\$	767,364
Current Expenses	13000		13,811,853
Repairs and Alterations.....	06400		3,000
Total		\$	14,582,217

MISCELLANEOUS BOARDS AND COMMISSIONS*369 - Public Service Commission –**Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8743 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	1,352,576
Current Expenses	13000		368,953
Repairs and Alterations.....	06400		39,000
Equipment.....	07000		<u>935,500</u>
Total		\$	<u>2,696,029</u>

*370 - Public Service Commission –**Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2021 Org 0926

Personal Services and Employee Benefits.....	00100	\$	621,039
Current Expenses	13000		124,628
Equipment.....	07000		3,000
Unclassified	09900		<u>4,072</u>
Total		\$	<u>752,739</u>

371 - National Coal Heritage Area Authority

(WV Code Chapter 29)

Fund 8869 FY 2021 Org 0941

Personal Services and Employee Benefits.....	00100	\$	163,405
Current Expenses	13000		633,417
Repairs and Alterations.....	06400		5,000
Equipment.....	07000		3,000
Other Assets	69000		<u>2,000</u>
Total		\$	<u>806,822</u>

*372 - Adjutant General –**State Militia*

(WV Code Chapter 15)

Fund 8726 FY 2021 Org 0603

Unclassified	09900	\$	982,705
--------------------	-------	----	---------

Mountaineer ChalleNGe Academy	70900	7,200,000
Martinsburg Starbase.....	74200	439,622
Charleston Starbase	74300	424,685
Military Authority	74800	<u>91,380,274</u>
Total		\$ 100,427,286

The Adjutant General shall have the authority to transfer between appropriations.

373 - Adjutant General –

West Virginia National Guard Counterdrug Forfeiture Fund

(WV Code Chapter 15)

Fund 8785 FY 2021 Org 0603

Personal Services and Employee Benefits.....	00100	\$ 1,350,000
Current Expenses	13000	150,000
Repairs and Alterations.....	06400	50,000
Buildings	25800	100,000
Land	73000	50,000
Other Assets	69000	100,000
Equipment.....	07000	<u>200,000</u>
Total		\$ 2,000,000

Total TITLE II, Section 6 - Federal Funds
(Including claims against the state)..... \$ 5,254,586,178

Sec. 7. Appropriations from federal block grants. — The following items are hereby appropriated from federal block grants to be available for expenditure during the fiscal year 2021.

374 - West Virginia Development Office –

Community Development

Fund 8746 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$ 10,658,978
Unclassified	09900	2,375,000
Current Expenses	13000	<u>224,476,883</u>
Total		\$ 237,510,861

375 - Department of Commerce

West Virginia Development Office –

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2021 Org 0307

Personal Services and Employee Benefits.....	00100	\$	362,389
Unclassified	09900		125,000
Current Expenses	13000		12,002,111
Repairs and Alterations.....	06400		1,500
Equipment.....	07000		9,000
Total		\$	12,500,000

376 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2021 Org 0323

Personal Services and Employee Benefits.....	00100	\$	2,999,497
Unclassified	09900		23,023
Current Expenses	13000		39,263,511
Repairs and Alterations.....	06400		1,600
Equipment.....	07000		500
Buildings	25800		1,100
Total		\$	42,289,231

377 - Division of Health –

Maternal and Child Health

Fund 8750 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	2,268,209
Unclassified	09900		81,439
Current Expenses	13000		5,794,267
Total		\$	8,143,915

378 - Division of Health –

Preventive Health

Fund 8753 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	268,337
Unclassified	09900		22,457
Current Expenses	13000		1,895,366
Equipment.....	07000		165,642
Total		\$	2,351,802

379 - Division of Health –

Substance Abuse Prevention and Treatment

Fund 8793 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$	657,325
Unclassified	09900		115,924

Current Expenses	13000	<u>10,853,740</u>
Total		\$ 11,626,989

380 - Division of Health –

Community Mental Health Services

Fund 8794 FY 2021 Org 0506

Personal Services and Employee Benefits.....	00100	\$ 551,368
Unclassified	09900	33,533
Current Expenses	13000	<u>4,883,307</u>
Total		\$ 5,468,208

381 - Division of Human Services –

Energy Assistance

Fund 8755 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 1,860,574
Unclassified	09900	350,000
Current Expenses	13000	<u>38,182,151</u>
Total		\$ 40,392,725

382 - Division of Human Services –

Social Services

Fund 8757 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 8,806,005
Unclassified	09900	171,982
Current Expenses	13000	<u>8,870,508</u>
Total		\$ 17,848,495

383 - Division of Human Services –

Temporary Assistance for Needy Families

Fund 8816 FY 2021 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 20,559,397
Unclassified	09900	1,250,000
Current Expenses	13000	<u>105,851,386</u>
Total		\$ 127,660,783

384 - Division of Human Services –

Child Care and Development

Fund 8817 FY 2021 Org 0511

Personal Services and Employee Benefits	00100	\$	2,797,226
Unclassified	09900		350,000
Current Expenses	13000		<u>47,000,307</u>
Total		\$	<u>50,147,533</u>
Total TITLE II, Section 7 – Federal Block Grants			<u>\$ 555,940,542</u>

Sec. 8. Awards for claims against the state. — There are hereby appropriated for fiscal year 2021, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$1,397,579, special revenue funds in the amount of \$6,433, state road funds in the amount of \$844,164, and federal revenue funds in the amount of \$280,346 for payment of claims against the state.

Sec. 9. Appropriations from general revenue fund surplus accrued. — The following item is hereby appropriated from the state fund, general revenue, and is to be available for expenditure during the fiscal year 2021 out of surplus funds only, accrued from the fiscal year ending June 30, 2020, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus as of July 31, 2020 from the fiscal year ending June 30, 2020, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2020, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available as of the date mandated to meet the appropriation in this section and shall be allocated first to provide the necessary funds to meet the first appropriation of this section and each subsequent appropriation in the order listed in this section.

385 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2021 Org 0100

Milton Flood Wall - Surplus(R)	XXXXX	\$	6,000,000
Total TITLE II, Section 9 – Surplus Accrued.....		\$	<u>6,000,000</u>

Sec. 10. Appropriations from lottery net profits surplus accrued. — The following item is hereby appropriated from the lottery net profits, and is to be available for expenditure during the fiscal year 2021 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2020, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2020.

In the event that surplus revenues available from the fiscal year ending June 30, 2020, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

386 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2021 Org 0508

In-Home Services and Nutrition for			
Senior Citizens – Lottery Surplus	76699	\$	750,000
Senior Services Medicaid Transfer – Lottery Surplus	68199		<u>16,000,000</u>
Total		\$	<u>16,750,000</u>
 Total TITLE II, Section 10 – Surplus Accrued			<u>\$ 16,750,000</u>

Sec. 11. Appropriations from state excess lottery revenue surplus accrued. — The following item is hereby appropriated from the state excess lottery revenue fund, and is to be available for expenditure during the fiscal year 2021 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2020, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2020.

In the event that surplus revenues available from the fiscal year ending June 30, 2020, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

387 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2021 Org 0511

Medical Services – Lottery Surplus	68100	\$	17,000,000
 Total TITLE II, Section 11 – Surplus Accrued			<u>\$ 17,000,000</u>

Sec. 12. Special revenue appropriations. — There are hereby appropriated for expenditure during the fiscal year 2021 appropriations made by general law from special revenues which are not paid into the state fund as general revenue under the provisions of W.Va. Code §12-2-2: *Provided*, That none of the money so appropriated by this section shall be available for expenditure except in compliance with the provisions of W.Va. Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending unit has filed with the director of the budget and the legislative auditor prior to the beginning of each fiscal year:

- (a) An estimate of the amount and sources of all revenues accruing to such fund; and

(b) A detailed expenditure schedule showing for what purposes the fund is to be expended.

During Fiscal Year 2021, the following funds are hereby available and are to be transferred to the appropriate funds as specified from available balances per the following:

388 -Attorney General

Consumer Protection Recovery Fund

(WV Code Chapter 46A)

Fund 1509 FY 2021 Org 1500

Directed Transfer	70000	\$	6,100,000
-------------------------	-------	----	-----------

From the above appropriation for Directed Transfer (Fund 1509, appropriation 70000), \$100,000 shall be transferred to the Supreme Court – Family Court Fund (Fund 1763), \$1,000,000 shall be transferred to the West Virginia State Police – Forensic Laboratory Fund (Fund 6511) and \$5,000,000 shall be transferred to the Department of Health and Human Resources, Division of Health – Ryan Brown Addiction Prevention and Recovery Fund (Fund 5111).

389 - Attorney General

Medicaid Fraud Control Fund

(WV Code Chapter 9)

Fund 1506 FY 2021 Org 1500

Directed Transfer	70000	\$	941,000
-------------------------	-------	----	---------

From the above appropriation for Directed Transfer (Fund 1509, appropriation 70000), \$941,000 shall be transferred to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund (Fund 5185).Total TITLE II, Section 12 – Appropriations for Special Revenue

Appropriations		\$	<u>7,041,000</u>
----------------------	--	----	------------------

Sec. 13. State improvement fund appropriations. — Bequests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2021, for the purpose of making studies and recommendations relative to improvements of the administration and management of spending units in the executive branch of state government, shall be deposited in the state treasury in a separate account therein designated state improvement fund.

There are hereby appropriated all moneys so deposited during the fiscal year 2021 to be expended as authorized by the Governor, for such studies and recommendations which may encompass any problems of organization, procedures, systems, functions, powers or duties of a state spending unit in the executive branch, or the betterment of the economic, social, educational, health and general welfare of the state or its citizens.

Sec. 14. Specific funds and collection accounts. — A fund or collection account which by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful demands upon the fund or collection account and shall be expended according to the provisions of Article 3, Chapter 12 of the Code.

Sec. 15. Appropriations for refunding erroneous payment. — Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid, for refund to the proper person.

When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of the proper amount. The Auditor shall issue his or her warrant to the Treasurer and the Treasurer shall pay the warrant out of the fund into which the amount was originally paid.

Sec. 16. Sinking fund deficiencies. — There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance fund of the West Virginia housing development fund which is under the supervision and control of the municipal bond commission as provided by W.Va. Code §31-18-20b, or in the funds of the municipal bond commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the municipal bond commission as may be necessary for these purposes.

The municipal bond commission shall reimburse the state of West Virginia through the Governor from the first remittance collected from the West Virginia housing development fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

Sec. 17. Appropriations for local governments. — There are hereby appropriated for payment to counties, districts and municipal corporations such amounts as will be necessary to pay taxes due counties, districts and municipal corporations and which have been paid into the treasury:

- (a) For redemption of lands;
- (b) By public service corporations;
- (c) For tax forfeitures.

Sec. 18. Total appropriations. — Where only a total sum is appropriated to a spending unit, the total sum shall include personal services and employee benefits, annual increment, current expenses, repairs and alterations, buildings, equipment, other assets, land, and capital outlay, where not otherwise specifically provided and except as otherwise provided in TITLE I – GENERAL PROVISIONS, Sec. 3.

Sec. 19. General school fund. — The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.Va. Code §18-9A-16.

TITLE III – ADMINISTRATION

Sec. 1. Appropriations conditional. — The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state government, are conditioned upon the compliance by the spending unit with the requirements of Article 2, Chapter 11B of the Code.

Where spending units or parts of spending units have been absorbed by or combined with other spending units, it is the intent of this act that appropriations and reappropriations shall be to the succeeding or later spending unit created, unless otherwise indicated.

Sec. 2. Constitutionality. — If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.

Following discussion,

The question being on the adoption of Senator Blair's amendment to the House of Delegates amendment to the bill, the same was put and prevailed.

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

Engrossed Committee Substitute for Senate Bill 150, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Tarr—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 150) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Tarr—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 150) takes effect from passage.

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

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

Eng. Com. Sub. for House Bill 4558, Creating a personal income tax credit for volunteer firefighters in West Virginia.

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

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

Senators Sypolt, Weld, and Palumbo.

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

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 4388, Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising.

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

Delegates Howell, C. Martin, and Staggers

At the request of Senator Beach, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 5:12 p.m., the Senate recessed until 6:15 p.m. today.

The Senate reconvened at 6:37 p.m. and resumed business under the second order and the introduction of guests.

Senator Trump announced that in the meeting previously held, the Committee on Rules had returned to the Senate calendar, on third reading, **Eng. Com. Sub. for House Bill 2961** and **Eng. House Bill 4960**, under Rule 17 of the Rules of the Senate.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 2961, Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly.

On third reading, coming up in regular order, with the right having been granted on yesterday, Friday, March 6, 2020, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Maroney, the following amendment to the bill was reported by the Clerk and adopted:

On page six, section nine, after line fifty, by inserting two new subsections, designated subsections (g) and (h), to read as follows:

(g) By July 1, 2020, a public water system supplying water to the public within the state shall immediately, but in no instance later than six hours, report the occurrence and the lifting of each advisory to local departments of health and to local office of emergency management 911 answering point.

(h) By July 1, 2021, a public water system shall make available to interested customers boiled water advisories promptly through a text and a voice alert mass notification system.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2961), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Romano, Rucker, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2961) passed.

On motion of Senator Maroney, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2961—A Bill to amend and reenact §16-1-9 and §16-1-9a of the Code of West Virginia, 1931, as amended, all relating to permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly; public health and sanitation of water; requiring the appropriate water utility to install the backflow prevention assembly at the meter on certain categories of facilities; requiring the appropriate water utility to maintain the backflow prevention assembly; providing for consumer choice; requiring risk assessment; imposing civil penalties; requiring the water utility to provide information relating to maintenance and necessity for any backflow prevention assembly; providing for exemption; and improving dissemination of boiled water advisories to affected communities through local health departments and local emergency management 911 answering points; requiring boiled water advisories to be communicated through alert mass notification systems.

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

Eng. House Bill 4960, Relating to exempting from licensure as an electrician.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On this question, the yeas were: Azinger, Blair, Boley, Clements, Cline, Maroney, Maynard, Roberts, Swope, Sypolt, Tarr, Trump, and Carmichael (Mr. President)—13.

The nays were: Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Palumbo, Pitsenbarger, Plymale, Prezioso, Smith, Stollings, Unger, Weld, and Woelfel—18.

Absent: Romano, Rucker, and Takubo—3.

So, a majority of all the members present and voting not having voted in the affirmative, the President declared the bill (Eng. H. B. 4960) rejected.

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

Without objection, the Senate returned to the third order of business.

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

Eng. Com. Sub. for Senate Bill 213, Relating to administration of trusts.

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

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

Eng. Com. Sub. for Senate Bill 213—A Bill to amend and reenact §44D-1-103, §44D-1-105, and §44D-1-108 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-6-603 of said code; to amend and reenact §44D-7-703 of said code; to amend and reenact §44D-8-808 of said code; and to amend said code by adding thereto a new article, designated §44D-8A-801, §44D-8A-802, §44D-8A-803, §44D-8A-804, §44D-8A-805, §44D-8A-806, §44D-8A-807, §44D-8A-808, §44D-8A-809, §44D-8A-810, §44D-8A-811, §44D-8A-812, §44D-8A-813, §44D-8A-814, §44D-8A-815, §44D-8A-816, and §44D-8A-817, all relating to the administration of trusts; providing definitions; establishing default and mandatory rules; establishing when terms of a trust designating the principal place of administration are valid; establishing grantor's powers and powers of withdrawal; enacting the West Virginia Uniform Directed Trust Act; specifying applicability; setting forth exclusions; establishing powers, duties and liabilities of a trust director; providing limitations on trust director power; establishing duties and liabilities of a directed trustee; establishing duty of trustee to provide certain information to a trust director or trustee; providing that a trust may relieve a cotrustee from duty and liability with respect to another cotrustee's exercise or nonexercised of power; providing limitations on actions against a trust director; establishing defenses in actions against a trust director; establishing person jurisdiction of West Virginia courts over a trust director; providing that certain statutory rules apply to a trust director; and providing effective date.

On motions of Senators Weld and Takubo, the following amendment to the House of Delegates amendment to the title of the bill (Eng. Com. Sub. for S. B. 213) was reported by the Clerk and adopted:

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

Eng. Com. Sub. for Senate Bill 213—A Bill to amend and reenact §44D-1-103, §44D-1-105, and §44D-1-108 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-6-603 of said code; to amend and reenact §44D-7-703 of said code; to amend and reenact §44D-8-808 of said code; and to amend said code by adding thereto a new article, designated §44D-8A-801, §44D-8A-802, §44D-8A-803, §44D-8A-804, §44D-8A-805, §44D-8A-806, §44D-8A-807, §44D-8A-808, §44D-8A-809, §44D-8A-810, §44D-8A-811, §44D-8A-812, §44D-8A-813, §44D-8A-814, §44D-8A-815, §44D-8A-816, and §44D-8A-817, all relating to the administration of trusts; providing definitions; establishing default and mandatory rules; establishing when terms of a trust designating the principal place of administration are valid; permitting a trustee to follow a direction contrary to the terms of a trust instrument; enacting the West Virginia Uniform Directed Trust Act; specifying applicability; setting forth exclusions; establishing powers, duties and liabilities of a trust director; providing limitations on trust director power; establishing duties and liabilities of a directed trustee; establishing duty of trustees and trust directors to provide certain information to a trust director or trustee; providing limitations on duties of trustee's and trust directors; providing that the terms of a trust may relieve a cotrustee from duty and liability with respect to another cotrustee's exercise or nonexercise of a power; providing limitations on actions against a trust director; establishing defenses in actions against a trust director; establishing personal jurisdiction of West Virginia courts over a trust director; providing that certain statutory rules apply to a trust director; and providing an effective date.

On motion of Senators Weld, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Committee Substitute for Senate Bill 213, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 213) passed with its Senate amended title.

Senator Weld moved that the bill take effect July 1, 2020.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 213) takes effect July 1, 2020.

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

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

Eng. Senate Bill 42, Permitting faith-based electives in classroom drug prevention programs.

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

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

On page two, section seven-b, line thirty-nine, after the word “electives” by inserting a comma and the words “along with non-faith-based electives,”;

And,

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

Eng. Senate Bill 42—A Bill to amend and reenact §18-2-7b of the Code of West Virginia, 1931, as amended, relating to permitting the county boards of education to include faith-based and non-faith-based electives for drug awareness in classrooms and requiring the state board of education to promulgate a rule.

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

Engrossed Senate Bill 42, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 42) passed with its House of Delegates amended title.

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

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

Eng. Com. Sub. for Senate Bill 175, Requiring certain agencies maintain website which contains specific information.

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

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

On page one, section seven, line two, after the word "information" by inserting the words "in a searchable form by the public";

On page one, section seven, line six, after the word "each" by striking out the words "staff member" and inserting in lieu thereof the words "administrative agency officials";

On page one, section seven, line eight, after the word "information" by striking out the words "of its staff members";

On page two, section seven, line twelve, by striking out all of subdivision (4);

And by renumbering the remaining subdivisions;

On page two, section seven, line sixteen, by striking out all of subdivision (8);

And by renumbering the remaining subdivisions;

On page two, section three rr, line one, by striking out the word "may" and inserting in lieu thereof the word "shall";

On page two, section three rr, line five, after the word "address" by inserting a colon and the following proviso: "Provided, That the county commission may withhold contact information from disclosure that it deems necessary to protect their safety, the safety of their coworkers, and the integrity of law-enforcement operations";

On page three, section one, line five, after the word "address" by inserting a colon and the following proviso: "Provided, That the municipality may withhold contact information from disclosure that it deems necessary to protect their safety, the safety of their coworkers, and the integrity of law-enforcement operations";

On page four, section one, after line twelve by adding the following:

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.

ARTICLE 2. DIVISION OF MOTOR VEHICLES.

§17A-2-26. Enrollment of persons with communication disability.

(a) As used in this section:

(1) "Communication disability" has the same meaning as in §17A-2-27 of this code.

(2) "Disability that can impair communication" has the same meaning as in §17A-2-27 of this code.

(3) "Legal guardian" has the same meaning as in §49-1-205 of this code.

(4) "Ward" means a person for whom a legal guardian has been appointed.

(b) The Division of Motor Vehicles shall establish and maintain an enrollment list of persons who enroll under this section as being diagnosed with a communication disability or a disability that can impair communication.

(c) Any person diagnosed with a communication disability or a disability that can impair communication who is 18 years of age or older may enroll with the division for inclusion in the enrollment list by submitting a completed verification form to the division.

(d) Any parent or guardian of a minor child or a ward diagnosed with a communication disability or a disability that can impair communication may enroll the minor child or the ward with the division for inclusion in the enrollment list by submitting a completed verification form to the division.

(e) (1) The division shall include in the enrollment list information provided on a completed verification form that the division determines is necessary for a law-enforcement officer to identify a person as diagnosed with a communication disability or a disability that can impair communication. The division shall make the enrollment list available to state and local law-enforcement officers through a law-enforcement automated data system.

(2) Information in the enrollment list is not a public record subject to inspection or copying under Chapter 29B of this code.

(f) A person diagnosed with a communication disability or a disability that can impair communication who is included in the enrollment list, or the parent or guardian of a minor child or a ward diagnosed with a communication disability or a disability that can impair communication who is included in the enrollment list, may request removal of the person, minor or ward, as applicable, from the enrollment list. The person, parent or guardian shall do so by completing the verification form with only the information required under subsection (c), subdivisions (1), (2), (3), (8) and (9) of §17A-2-27 of this code, as applicable, and submitting the form to the division. Upon receipt of a properly completed verification form requesting the removal of a person with a communication disability or a disability that can impair communication from the enrollment list, the division shall immediately remove that person from the enrollment list.

(g) The division may propose rules for promulgation in accordance with the provisions of §29A-3-1 *et seq.* of this code to carry out the requirements of this section.

§17A-2-27. Form for inclusion in enrollment list with a communication disability.

(a) As used in this section:

(1) "Communication disability" means a human condition involving an impairment in the human's ability to receive, send, process or comprehend concepts or verbal, nonverbal or graphic symbol systems that may result in a primary disability or may be secondary to other disabilities.

(2) "Disability that can impair communication" means a human condition with symptoms that can impair the human's ability to receive, send, process or comprehend concepts or verbal, nonverbal or graphic symbol systems.

(3) "Legal guardian" has the same meaning as in §49-1-205 of this code.

(4) "Health care provider" means a person as defined in §16-30-3 of this code.

(5) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the residency review committee of the American Medical Association, the committee on post-graduate education of the American Osteopathic Association, or the American Osteopathic Board of Neurology and Psychiatry.

(6) "Psychologist" means a person licensed under the provisions of §30-21-1 et seq. of this code.

(b) The form shall include the following information:

(1) The name of the person diagnosed with a communication disability or a disability that can impair communication;

(2) The name of the person completing the form on behalf of the person diagnosed with a communication disability or a disability that can impair communication, if applicable;

(3) The relationship between the person completing the form and the person diagnosed with a communication disability or a disability that can impair communication, if applicable;

(4) The driver's license number or state identification card number issued to the person diagnosed with a communication disability or a disability that can impair communication, if that person has such a number;

(5) The license plate number of each vehicle owned, operated or regularly occupied by the person diagnosed with a communication disability or a disability that can impair communication, or enrolled in that person's name;

(6) A physician's, psychiatrist's, or psychologist's signed certification that the person has been diagnosed with a communication disability or a disability that can impair communication;

(7) The name, business address, business telephone number and medical license number of the physician, psychiatrist or psychologist making the certification;

(8) The signature of the person diagnosed with a communication disability or a disability that can impair communication, or the signature of the person completing the form on behalf of such a person, that may indicate the desire to be removed from the data base; and

(9) Option to explain – A place where the person or persons may include a short explanation of the type of disability, possible symptoms, and measures which could alleviate or lessen the symptoms.

(c) Any of the following persons may complete the verification form:

(1) Any person diagnosed with a communication disability or a disability that can impair communication who is 18 years of age or older;

(2) The parent or parents of a minor child diagnosed with a communication disability or a disability that can impair communication;

(3) The guardian of a person diagnosed with a communication disability or a disability that can impair communication, regardless of the age of the person.

(d) The Division of Motor Vehicles shall make the verification form electronically available on each of their respective websites.;

And,

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

Eng. Com. Sub. for Senate Bill 175—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-7; to amend and reenact §7-1-3rr of said code; to amend said code by adding thereto a new article, designated §8-39-1, and by amending said code by adding thereto two new sections, designated §17A-2-26 and §17A-2-27; all relating to governmental entities distribution of information; requiring executive branch agencies to maintain websites that contain specific information; requiring county commissions to maintain websites with specific information; requiring county commissions to provide certain information to the Secretary of State; allowing municipalities to maintain websites with specific information available to the public at no charge; providing for exceptions to disclosing certain information in defined circumstances; requiring information to be updated; requiring updated information to be provided to the Office of Technology; requiring the Division of Motor Vehicles to establish and maintain an enrollment list of persons who have communication disabilities; authorizing the Division of Motor Vehicles to promulgate rules; exempting Division of Motor Vehicles enrollment list from the freedom of information act; providing for submission of certain information to the Division of Motor Vehicles; and authorizing the Division of Motor Vehicles to provide enrollment list information to law enforcement officers through automated data system.

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

Engrossed Committee Substitute for Senate Bill 175, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 175) passed with its House of Delegates amended title.

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

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

Eng. Com. Sub. for Senate Bill 230, Requiring State Board of Education provide routine education in suicide prevention.

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

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

On page two, section forty, after line thirty, by adding a new subsection, designated subsection (d), to read as follows:

(d) The provisions of this section shall be known as "Jamie's Law.";

And,

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

Eng. Com. Sub. for Senate Bill 230—A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended, relating to suicide prevention awareness training and dissemination of information; providing findings; requiring State Board of Education to provide routine education in suicide prevention under guidelines established by board; requiring dissemination of information; and naming provisions of section "Jamie's Law".

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

Engrossed Committee Substitute for Senate Bill 230, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 230) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 230) takes effect from passage.

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

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

Eng. Com. Sub. for Senate Bill 261, Creating criminal penalties for introducing ransomware into computer with intent to extort.

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

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

On page five, section four, line six, after the word “for” by inserting the words “a determinate sentence of”;

On page five, section four, line ten, after the word “for” by inserting the words “a determinate sentence of”;

And,

On page five, section four, line nineteen, after the word “for” by inserting the words “a determinate sentence of”.

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

Engrossed Committee Substitute for Senate Bill 261, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 261) passed with its title.

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

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

Eng. Com. Sub. for Senate Bill 269, Establishing advisory council on rare diseases.

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

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

On page two, section one, line sixteen, after the word “years” by inserting a period and striking out the remainder of the subsection.;

On page two, section one, line twenty-four, by striking out all of subsection (c);

And by relettering the remaining subsections;

On page four, section three, line twenty-seven, after the word “council” by inserting the following: “The advisory council shall terminate on January 1, 2023.”;

And,

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

Eng. Com. Sub. for Senate Bill 269—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, and §16-5AA-6, all relating to establishing an advisory council on rare diseases; creating the advisory council; providing for its composition; setting terms of members; defining terms; defining duties, subject to the availability of resources; defining powers of the advisory council; setting out particular discretionary duties of the Secretary of the Department of Health and Human Resources; terminating the council; and establishing a special revenue account.

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

Engrossed Committee Substitute for Senate Bill 269, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 269) passed with its House of Delegates amended title.

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

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

Eng. Senate Bill 510, Making permanent land reuse agency or municipal land bank's right of first refusal on certain tax sale properties.

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

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

On page three, section nine, line fifty-nine, by striking out "\$100,000" and inserting in lieu thereof "\$50,000";

On page four, section nine, after line seventy-nine, by inserting the following:

"(4) Effective July 1, 2025, the provisions of subdivisions (2) and (3) of this subsection shall sunset and have no further force and effect.

(5) Prior to January 1, 2025, any land reuse agency or municipal land bank which exercises the authority granted by this subsection shall submit to the Joint Committee on Government and Finance a report on the entity's activities related to the purchase of tax-delinquent properties and any benefits realized from the authority granted by this subsection."

And,

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

Eng. Senate Bill 510—A Bill to amend and reenact §31-18E-9 of the Code of West Virginia, 1931, as amended, relating to the right of first refusal which land reuse agencies and municipal land banks have on tax-delinquent properties; expanding the circumstances when the right of first refusal may be used; clarifying provisions related to the right of first refusal; authorizing land reuse agencies and municipal land banks to reject adjacent property owner's request to purchase property in certain circumstances; providing a sunset date; and requiring the submission of a report.

Senator Takubo moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion,

The question being on the adoption of Senator Takubo's aforesaid motion, the same was put and prevailed.

Engrossed Senate Bill 510, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: Maynard, Rucker, and Tarr—3.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 510) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect July 1, 2020, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 530, Relating to taxation of aircraft.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page fourteen, section nine, line three hundred forty-six, after the word “state” by inserting the words “on or after July 1, 2020”;

On page fourteen, section nine, line three hundred forty-six, by striking out the word “Authority” and inserting in lieu thereof the word “Administration”;

On page fourteen, section nine, line three hundred forty-six, by striking out the word “Authority” and inserting in lieu thereof the word “Administration”;

On page sixteen, section nine, line three hundred eighty-two, after the word “to” by inserting the word “former”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 530—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to taxation of the sale of certain aircraft; exempting from consumer sales and service tax the sale of aircraft sold in this state and registered in another state and removed from this state within 60 days; and providing conditions of exemption.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 530, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—28.

The nays were: Baldwin, Ihlenfeld, Jeffries, Lindsay, Romano, and Woelfel—6.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 530) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect July 1, 2020.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—28.

The nays were: Baldwin, Ihlenfeld, Jeffries, Lindsay, Romano, and Woelfel—6.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 530) takes effect July 1, 2020.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant His Excellency, the Governor, the Honorable Jim Justice, privileges of the floor for the day.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

On motion of Senator Takubo, at 7:10 p.m., the Senate recessed to permit His Excellency, the Governor, the Honorable Jim Justice to address the Senate.

The Senate reconvened at 7:13 p.m. tonight and again proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 641, Allowing WVCHIP flexibility in rate setting.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page two, section six-d, lines twenty-five through twenty-seven, by striking out all of subsection (e);

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 641—A Bill to amend and reenact §5-16B-6d of the Code of West Virginia, 1931, as amended, relating to the children’s health insurance program; removing how reimbursements rates are calculated; and making other technical changes.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 641, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Takubo, Tarr, Trump, Unger, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Palumbo, Sypolt, and Weld—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 641) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 647, Permitting physician’s assistants and advanced practice registered nurses issue do-not-resuscitate orders.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page three, section six, line sixty, after the word “physician” by inserting the words “physician’s assistant or advanced practice registered nurse”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 647—A Bill to amend and reenact §16-30C-6 of the Code of West Virginia, 1931, as amended, relating to permitting physician assistants and advanced practice registered nurses to issue do-not-resuscitate orders.

Senator Takubo moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion

The question being on the adoption of Senator Takubo's aforesaid motion, the same was put and prevailed.

Engrossed Senate Bill 647, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Palumbo and Weld—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 647) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 692, Clarifying persons indicted or charged jointly for felony offense can move to have separate trial.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page one, section eight, line thirteen, after the word "determined" by changing the period to a colon and inserting the following proviso: *Provided, That in a trial of one or more felony offenses, the court may deny the motion if it finds that requiring the appearance at multiple trials will cause the victim of the violence or sexual assault undue mental or emotional distress.*;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 692—A Bill to amend and reenact §62-3-8 of the Code of West Virginia, 1931, as amended, relating to clarifying that persons charged with a felony offense or offenses are entitled to a separate trial as to their guilt or innocence upon moving therefor; clarifying that the statutory right to a separate trial preempts any provisions of law or judicial rule to the contrary; and adding a proviso that the court may deny the motion for separate trials if the court finds that requiring victim appearance at multiple trials will cause a victim of violence or sexual assault undue mental or emotional distress.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 692, as amended by the House of Delegates, was then put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 692 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Clements, Cline, Mann, Maroney, Maynard, Pitsenbarger, Prezioso, Roberts, Rucker, Smith, Swope, Sypolt, Tarr, Trump, Weld, and Carmichael (Mr. President)—19.

The nays were: Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, Stollings, Takubo, Unger, and Woelfel—15.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 692) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate again proceeded to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 7:22 p.m. tonight:

Eng. Com. Sub. for Senate Bill 529, Establishing limitations on claims and benefits against state.

The Clerk announced the following conference committee report had been filed at 7:23 p.m. tonight:

Eng. Com. Sub. for House Bill 4558, Creating a personal income tax credit for volunteer firefighters in West Virginia

At the request Senator Rucker, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 707, Relating to nursing career pathways.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page two, section eleven-a, lines thirteen through fifteen, by striking out all of subsection (b) and inserting in lieu thereof the following:

The State Superintendent of Schools, the Chancellor for the Higher Education Policy Commission, and the Chancellor for the Community and Technical College System shall convene the West Virginia Nursing Career Pathway Workgroup consisting of;

On pages two and three, section eleven-a, line thirty-five through thirty-nine, after the word “completion.” by striking out the remainder of the subsection and inserting in lieu thereof the following:

The career pathway shall align affordable, effective and sustainable secondary to post-secondary nursing programs to increase credential attainment for a broad and diverse student population.;

On page three, section eleven-a, line forty-five, after the word “college” by adding the words “or career and technical education center”;

On page three, section eleven-a, lines fifty-five and fifty-six, by striking out the words “every month that the commission meets” and inserting in lieu thereof a comma and the words “as requested, but at least annually,”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 707—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-11a, relating to making a nursing career pathway available to students statewide; setting forth legislative findings; requiring that a nursing career pathway workgroup be convened; charging the workgroup with developing a career pathway to address the unmet need for nursing assistants, licensed practical nurses, registered nurses, and registered nurses with a bachelor’s degree in nursing; requiring the nursing career pathway to be made available to students statewide; requiring report to the Legislative Oversight Commission on Education Accountability, as requested, but at least annually, on the progress in implementing the career pathway; and requiring consideration of certain specified ideas in establishing the pathway.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 707, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 707) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 707) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 739, Authorizing PSC protect consumers of distressed and failing water and wastewater utilities.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-17. Sale or lease of municipal public utility.

In any case where a municipality owns a gas system, an electric system, a waterworks system, a sewer system or other public utility and a majority of not less than 60 percent of the members of the governing body thereof ~~shall deem~~ determines it for the best interest of ~~such the~~ the municipality that ~~such the~~ the utility be sold or leased, the governing body may so sell or lease ~~such the~~ the gas system, electric system, waterworks system, sewer system or other public utility upon such terms and conditions as ~~said the~~ the governing body in its discretion considers in the best interest of the municipality: *Provided*, That ~~such the~~ the sale or lease may be made only upon: (1)

The publication of notice of a hearing before the governing body of the municipality, as a Class I legal advertisement in compliance with ~~the provisions of §59-3-1 et seq.~~ of this code, in a newspaper published and of general circulation in the municipality, ~~such the~~ publication to be made not earlier than 20 days and not later than seven days prior to the hearing; and (2) the approval by the Public Service Commission of West Virginia. The governing body, upon the approval of the sale or lease by a majority of its members of not less than 60 percent of the members of the governing body, shall have full power and authority to proceed to execute or effect ~~such the~~ sale or lease in accordance with the terms and conditions prescribed in the ordinance approved as aforesaid, and shall have power to do any and all things necessary or incident thereto: *Provided, however,* That if at any time after ~~such the~~ approval and before the execution of the authority under the ordinance, any person should present to the governing body an offer to buy ~~such the~~ public utility at a price which exceeds by at least five percent the sale price which shall have been so approved and authorized or to lease the same upon terms which the governing body, in its discretion, shall consider more advantageous to the municipality than the terms of the lease which shall have been previously approved as aforesaid, the governing body shall have the power to accept ~~such the~~ subsequent offer, and to make ~~such the~~ sale or ~~such the~~ lease to the person making the offer, upon approval of the offer by a majority of not less than 60 percent of the members of the governing body; but, if a sale shall have been approved by the governing body as aforesaid, and the subsequent proposition be for a lease, or, if a lease shall have been approved by the governing body, and the subsequent proposition shall be for a sale, the governing body shall have the authority to accept the same upon approval of the offer by a majority of not less than 60 percent of the members of the governing body. The person making ~~such the~~ proposition shall furnish bond, with security to be approved by the governing body, in a penalty of not less than 25 percent of ~~such the~~ proposed bid, conditioned to carry ~~such the~~ proposition into execution, if the same shall be approved by the governing body. In any case where any such public utility shall be sold or leased by the governing body as hereinabove provided, no part of the moneys derived from ~~such the~~ sale or lease shall be applied to the payment of current expenses of the municipality, but the proceeds of ~~such the~~ sale or lease shall may be applied in payment and discharge of any indebtedness created in respect to ~~such the~~ public utility, and in case there be no indebtedness, the governing body, in its discretion, shall have the power and authority to expend all such moneys when received for the purchase or construction of fire fighting equipment and buildings for housing ~~such the~~ equipment, a municipal building or city hall, and the necessary land upon which to locate the same, for capital investments in public works projects, vehicles and equipment and law-enforcement vehicles and equipment, for the demolition of dilapidated and abandoned buildings, or for the construction of paved streets, avenues, roads, alleys, ways, sidewalks, sewers, storm water systems, floodwalls, and other like permanent improvements, for fulfilling municipal pension and other post-employment benefit obligations, or for reducing taxes, and for no other purposes. In case there be a surplus after the payment of ~~such the~~ indebtedness, the surplus shall be used as aforesaid.

The requirements of this section shall not apply to the sale or lease of any part of the properties of any such public utility determined by the governing body to be unnecessary for the efficient rendering of the service of ~~such the~~ utility.

ARTICLE 16. MUNICIPAL PUBLIC WORKS; REVENUE BOND FINANCING.

PART VI. IMPOSITION OF RATES, FEES OR CHARGES.

§8-16-18. Rates, fees or charges for services rendered by works.

The governing body shall have plenary power and authority and it shall be its duty, by ordinance, to establish and maintain just and equitable rates, fees or charges for the use and services rendered, or the improvement or protection of property, not to include highways, road and drainage easements, and/or stormwater facilities constructed, owned and/or operated by the West Virginia Division of Highways, provided or afforded, by such works, to be paid by the person using the same, receiving the services thereof, or owning the property improved or protected thereby, and may readjust rates, fees or charges from time to time.

When two or more municipalities take joint action under the provisions of this article, the rates, fees or charges shall be established by each participating municipality, with the concurrence of the other participating municipality or municipalities as to the amount of the rates, fees or charges, and such rates, fees or charges may be the same with respect to each municipality, or they may be different.

Rates, fees or charges heretofore or hereafter established and maintained for the improvement or protection of property, not to include highways, road and drainage easements, and/or stormwater facilities constructed, owned and/or operated by the West Virginia Division of Highways, provided or afforded by a municipal flood control system or flood walls, to be paid by the person owning the property improved or protected thereby, shall be collectible and enforceable from the time provided in any such ordinance, any provision of this or any other law to the contrary notwithstanding, if, at such time, such works, though not yet fully completed, are nearing completion and the governing body is reasonably assured that the works will be completed and placed in operation without unreasonable delay.

All rates, fees or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of repair (including replacements), maintenance and operation of the works, and for the payment of the sums herein required to be paid into the sinking fund. Revenues collected pursuant to the provisions of this section are considered the revenues of the works. No such rates, fees or charges ~~shall~~ may be established until after a public hearing at which all the users of the works and owners of the property served, or to be served thereby, and others interested, shall have an opportunity to be heard concerning the proposed rates, fees or charges.

After introduction of the proposed ordinance fixing the rates, fees or charges and before the same is finally adopted, notice of such hearing, setting forth the proposed schedule of such rates, fees or charges, shall be given by publishing the same as a ~~Class I~~ Class I legal advertisement in compliance with ~~the provisions of~~ §59-3-1 *et seq.* of this code, and the publication area for the publication shall be such municipality or each such municipality, as the case may be. Said notice shall be published at least five days before the date fixed in such notice for the hearing, which hearing may be adjourned from time to time. No other or further notice to parties in interest ~~shall~~ be is required.

After such hearing the ordinance establishing rates, fees or charges, either as originally proposed or introduced, or as modified and amended, shall be adopted and put into effect. A copy of the schedule of such rates, fees and charges so established shall be kept on file in the office of the board having charge of such works, and also in the office of the governing body or bodies, and shall be open to inspection by all parties in interest.

The rates, fees or charges so established for any class of users or property served shall be extended to cover any additional class of users or property thereafter served which fall within the same class, without the necessity of any hearing or notice. Any change or adjustment of rates, fees or charges may be made in the same manner as such rates, fees or charges were originally

established as provided in this section. The aggregate of the rates, fees or charges shall always be sufficient for the expenses of repair (including replacements), maintenance and operation, and for the sinking fund payments.

If any rate, fee or charge so established ~~shall not be~~ is not paid within 30 days after the same is due, the amount thereof, together with a penalty of 10 percent and reasonable attorney's fees, may be recovered by the board in a civil action in the name of the municipality or municipalities, and in the case of rates, fees or charges due for services rendered, such rates, fees or charges, if not paid when due, may, if the governing body so provide in the ordinance provided for under §8-16-7 of this code, constitute a lien upon the premises served by such works, which lien may be foreclosed against such lot, parcel of land or building so served, in accordance with the laws relating to the foreclosure of liens on real property. Upon failure of any person receiving any such service to pay for the same when due, the board may discontinue such service without notice.

ARTICLE 19. MUNICIPAL AND COUNTY WATERWORKS AND ELECTRIC POWER SYSTEMS.

§8-19-4. Estimate of cost; ordinance or order for issuance of revenue bonds; interest on bonds; rates for services; exemption from taxation.

Whenever a municipality or county commission, ~~shall~~ under the provisions of this article, ~~determine~~ decides to acquire, by purchase or otherwise, construct, establish, extend or equip a waterworks system or an electric power system, or to construct any additions, betterments or improvements to any waterworks or electric power system, it shall cause an estimate to be made of the cost thereof, and may, by ordinance or order, provide for the issuance of revenue bonds under the provisions of this article, which ordinance or order shall set forth a brief description of the contemplated undertaking, the estimated cost thereof, the amount, rate or rates of interest, the time and place of payment and other details in connection with the issuance of the bonds. The bonds shall be in such form and shall be negotiated and sold in such manner and upon such terms as the governing body of such municipality or county commission may, by ordinance or order, specify. All the bonds and the interest thereon shall be exempt from all taxation by this state, or any county, municipality or county commission, political subdivision or agency thereof. Notwithstanding any other provision of this code to the contrary, the real and personal property which a municipality or county has acquired and constructed according to the provisions of this article, and any leasehold interest therein held by other persons, shall be ~~deemed~~ considered public property and shall be exempt from taxation by the state, or any county, municipality or other levying body, so long as the same is owned by the municipality or county: *Provided*, That with respect to electric power systems, this exemption for real and personal property shall be applicable only for the real and personal property: (1) Physically situate within the municipal or county boundaries of the municipality or county which acquired or constructed the electric power system and there was in place prior to the effective date of the amendments to this section made in the year 1992 an agreement between the municipality and the county commission for payments in lieu of tax; or (2) acquired or constructed with the written agreement of the county school board, county commission and any municipal authority within whose jurisdiction the electric power system is or is to be physically situate. Notwithstanding anything contained in this statute to the contrary, this exemption shall be applicable to any leasehold or similar interest held by persons other than a municipality or county only if acquired or constructed with the written agreement of the county school board, county commission and any municipal authority within whose jurisdiction the electric power system is or is to be physically situate: *Provided, however*, That payments made to any county commission, county school board or municipality in lieu of tax pursuant to such an agreement shall be distributed as if the payments resulted from *ad valorem* property

taxation. The bonds shall bear interest at a rate per annum set by the municipality or county commission, payable at such times, and shall be payable as to principal at such times, not exceeding 50 years from their date, and at such place or places, within or without the state, as shall be prescribed in the ordinance or order providing for their issuance. Unless the governing body of the municipality or county commission shall otherwise determine, the ordinance or order shall also declare that a statutory mortgage lien shall exist upon the property so to be acquired, constructed, established, extended or equipped, fix minimum rates or charges for water or electricity to be collected prior to the payment of all of said bonds and shall pledge the revenues derived from the waterworks or electric power system for the purpose of paying the bonds and interest thereon, which pledge shall definitely fix and determine the amount of revenues which shall be necessary to be set apart and applied to the payment of the principal of and interest upon the bonds and the proportion of the balance of the revenues, which are to be set aside as a proper and adequate depreciation account, and the remainder shall be set aside for the reasonable and proper maintenance and operation thereof. The rates or charges to be charged for the services from the waterworks or electric power system shall be sufficient at all times to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof as and when the same become due, and reasonable reserves therefor, and to provide for the repair, maintenance and operation of the waterworks or electric power system, and to provide an adequate depreciation fund, and to make any other payments which shall be required or provided for in the ordinance or order authorizing the issuance of said bonds: Provided, That the notice given by the municipality or county commission for a change in rates or charges to be charged for the services from the waterworks or electric power system, shall be provided by Class I legal advertisement in a newspaper of general circulation in its service territory not less than one week prior to the public hearing of the governing body of the municipality or the county commission required for the approval of the change in rates or charges.

ARTICLE 20. COMBINED SYSTEMS.

§8-20-10. Power and authority of municipality to enact ordinances and make rules and fix rates, fees or charges; deposit required for new customers; change in rates, fees or charges; failure to cure delinquency; delinquent rates, discontinuance of service; reconnecting deposit; return of deposit; fees or charges as liens; civil action for recovery thereof; deferral of filing fees and costs in magistrate court action; limitations with respect to foreclosure.

(a)(1) The governing body of a municipality availing itself of the provisions of this article shall have plenary power and authority to make, enact and enforce all necessary rules for the repair, maintenance, operation and management of the combined system of the municipality and for the use thereof. The governing body of a municipality also has the plenary power and authority to make, enact and enforce all necessary rules and ordinances for the care and protection of any such system for the health, comfort and convenience of the public, to provide a clean water supply, to provide properly treated sewage insofar as it is reasonably possible to do and, if applicable, to properly collecting and controlling the stormwater as is reasonably possible to do: *Provided, That no municipality may make, enact or enforce any rule, regulation or ordinance regulating any highways, road or drainage easements or storm water facilities constructed, owned or operated by the West Virginia Division of Highways.*

(2) A municipality has the plenary power and authority to charge the users for the use and service of a combined system and to establish required deposits, rates, fees or charges for such purpose. Separate deposits, rates, fees or charges may be fixed for the water and sewer services respectively and, if applicable, the stormwater services, or combined rates, fees or for the

combined water and sewer services, and, if applicable, the storm water services. Such deposits, rates, fees or charges, whether separate or combined, shall be sufficient at all times to pay the cost of repair, maintenance and operation of the combined system, provide an adequate reserve fund, an adequate depreciation fund and pay the principal and interest upon all revenue bonds issued under this article. Deposits, rates, fees or charges shall be established, revised and maintained by ordinance and become payable as the governing body may determine by ordinance. The rates, fees or charges shall be changed, from time to time, as necessary, consistent with the provisions of this article: Provided, That the notice given by the municipality for a change in rates or charges to be charged for the services from the waterworks or electric power system, shall be provided by Class I legal advertisement in a newspaper of general circulation in its service territory not less than one week prior to the public hearing of the governing body of the municipality required for the approval of the change in rates or charges.

(3) All new applicants for service shall indicate to the municipality or governing body whether they are an owner or tenant with respect to the service location. An entity providing stormwater service shall provide a tenant a report of the stormwater fee charged for the entire property and, if appropriate, that portion of the fee to be assessed to the tenant.

(4) The municipality or governing body, but only one of them, may collect from all new applicants for service a deposit of \$100 or two twelfths of the average annual usage of the applicant's specific customer class, whichever is greater, to secure the payment of water and sewage service rates, fees and charges in the event they become delinquent as provided in this section. In any case where a deposit is forfeited to pay service rates, fees and charges which were delinquent and the user's service is disconnected or terminated, service may not be reconnected or reinstated by the municipality or governing body until another deposit equal to \$100 or a sum equal to two twelfths of the average usage for the applicant's specific customer class, whichever is greater, is remitted to the municipality or governing body. After 12 months of prompt payment history, the municipality or governing body shall return the deposit to the customer or credit the customer's account with interest at a rate to be set by the Public Service Commission: *Provided*, That where the customer is a tenant, the municipality or governing body is not required to return the deposit until the time the tenant discontinues service with the municipality governing body. Whenever any rates, fees, rentals or charges for services or facilities furnished remain unpaid for a period of 20 days after they become due, the user of the services and facilities provided is delinquent and the user is liable at law until all rates, fees and charges are fully paid. The municipality or governing body may terminate water services to a delinquent user of either water or sewage facilities, or both, 10 days after the water or sewage services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments: *Provided further*, That any termination of water service must comply with all rules and orders of the Public Service Commission: *Provided, however*, That nothing contained within the rules of the Public Service Commission ~~shall be deemed to require any~~ requires agents or employees of the municipality or governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(b) Whenever any rates, fees or charges for services or facilities furnished remain unpaid for a period of 20 days after they become due, the user of the services and facilities provided shall be delinquent and the municipality or governing body may apply any deposit against any delinquent fee. The user is liable until such time as all rates, fees and charges are fully paid.

(c) All rates, fees or charges for water service, sewer service and, if applicable, stormwater service, whenever delinquent, as provided by ordinance of the municipality, shall be liens of equal dignity, rank and priority with the lien on such premises of state, county, school and municipal

taxes for the amount thereof upon the real property served. The municipality has the plenary power and authority to enforce such lien in a civil action to recover the money due for services rendered plus court fees and costs and reasonable attorney's fees: *Provided*, That an owner of real property may not be held liable for the delinquent rates, fees or charges for services or facilities of a tenant, nor shall any lien attach to real property for the reason of delinquent rates, fees or charges for services or facilities of a tenant of the real property, unless the owner has contracted directly with the municipality to purchase such services or facilities.

(d) Municipalities are hereby granted a deferral of filing fees or other fees and costs incidental to filing an action in magistrate court for collection of the delinquent rates and charges. If the municipality collects the delinquent account, plus fees and costs, from its customer or other responsible party, the municipality shall pay to the magistrate court the filing fees or other fees and costs which were previously deferred.

(e) No municipality may foreclose upon the premises served by it for delinquent rates, fees or charges for which a lien is authorized by this section except through a civil action in the circuit court of the county wherein the municipality lies. In every such action, the court shall be required to make a finding based upon the evidence and facts presented that the municipality has exhausted all other remedies for collection of debts with respect to such delinquencies prior to bringing the action. In no event shall foreclosure procedures be instituted by any municipality or on its behalf unless the delinquency has been in existence or continued for a period of two years from the date of the first delinquency for which foreclosure is being sought.

(f) Notwithstanding any other provision contained in this article, a municipality which has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community, as defined in 40 C.F.R. §122.26, has the authority to enact ordinances or regulations which allow for the issuance of orders, the right to enter properties and the right to impose reasonable fines and penalties regarding correction of violations of municipal stormwater ordinances or regulations within the municipal watershed served by the municipal stormwater system, as long as such rules, regulations, fines or acts are not contrary to any rules or orders of the Public Service Commission.

(g) Notice of a violation of a municipal stormwater ordinance or regulation shall be served in person to the alleged violator or by certified mail, return receipt requested. The notice shall state the nature of the violation, the potential penalty, the action required to correct the violation and the time limit for making the correction. Should a person, after receipt of proper notice, fail to correct violation of the municipal stormwater ordinance or regulation, the municipality may correct or have the corrections of the violation made and bring the party into compliance with the applicable stormwater ordinance or regulation. The municipality may collect the costs of correcting the violation from the person by instituting a civil action, as long as such actions are not contrary to any rules or orders of the Public Service Commission.

(h) A municipality which has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community shall prepare an annual report detailing the collection and expenditure of rates, fees or charges and make it available for public review at the place of business of the governing body and the stormwater utility main office.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.

§16-13-16. Rates for service; deposit required for new customers; forfeiture of deposit; reconnecting deposit; tenant's deposit; change or readjustment; hearing; lien and recovery; discontinuance of services.

A governing body has the power and duty, by ordinance, to establish and maintain just and equitable rates, fees or charges for the use of and the service rendered by:

(a) Sewerage works, to be paid by the owner of each ~~and every~~ lot, parcel of real estate or building that is connected with and uses ~~such~~ the works by or through any part of the sewerage system of the municipality or that in any way uses or is served by ~~such~~ the works; and

(b) Stormwater works, to be paid by the owner of each ~~and every~~ lot, parcel of real estate or building that in any way uses or is served by ~~such~~ the stormwater works or whose property is improved or protected by the stormwater works or any user of such stormwater works.

(c) The governing body may change and readjust ~~such~~ the rates, fees or charges from time to time. However, no rates, fees or charges for stormwater services may be assessed against highways, road and drainage easements or stormwater facilities constructed, owned or operated by the West Virginia Division of Highways.

(d) All new applicants for service shall indicate to the governing body whether they are an owner or tenant with respect to the service location. An entity providing stormwater service shall provide a tenant a report of the stormwater fee charged for the entire property and, if appropriate, that portion of the fee to be assessed to the tenant.

(e) The governing body may collect from all new applicants for service a deposit of \$50 or two twelfths of the average annual usage of the applicant's specific customer class, whichever is greater, to secure the payment of service rates, fees and charges in the event they become delinquent as provided in this section. In any case where a deposit is forfeited to pay service rates, fees and charges which were delinquent at the time of disconnection or termination of service, service may not be reconnected or reinstated by the governing body until another deposit equal to \$50 or a sum equal to two twelfths of the average usage for the applicant's specific customer class, whichever is greater, is remitted to the governing body. After 12 months of prompt payment history, the governing body shall return the deposit to the customer or credit the customer's account with interest at a rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a tenant, the governing body is not required to return the deposit until the time the tenant discontinues service with the governing body. Whenever any rates, fees, rentals or charges for services or facilities furnished remain unpaid for a period of 20 days after they become due, the user of the services and facilities provided is delinquent. The user is liable until all rates, fees and charges are fully paid. The governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of sewer facilities 10 days after the sewer services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments: *Provided, however*, That nothing contained within the rules of the Public Service Commission ~~shall be deemed to require any~~ may require agents or employees of the governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(f) ~~Such~~ The rates, fees or charges shall be sufficient in each year for the payment of the proper and reasonable expense of operation, repair, replacements and maintenance of the works

and for the payment of the sums herein required to be paid into the sinking fund. Revenues collected pursuant to this section shall be considered the revenues of the works.

(g) No such rates, fees or charges ~~shall~~ may be established until after a public hearing, at which all the users of the works and owners of property served or to be served thereby and others interested shall have an opportunity to be heard concerning the proposed rates, fees or charges.

(h) After introduction of the ordinance fixing ~~such~~ the rates, fees or charges, and before the same is finally enacted, notice of ~~such~~ the hearing, setting forth the proposed schedule of rates, fees or charges, shall be given by publication as a ~~Class II-0~~ Class I legal advertisement in compliance with ~~the provisions of §59-3-1 et seq.~~ of this code and the publication area for ~~such~~ the publication shall be the municipality. The first publication shall be made at least ~~ten~~ five days before the date fixed in the notice for the hearing.

(i) After the hearing, which may be adjourned, from time to time, the ordinance establishing rates, fees or charges, either as originally introduced or as modified and amended, shall be passed and put into effect. A copy of the schedule of the rates, fees and charges shall be kept on file in the office of the board having charge of the operation of ~~such~~ the works, and also in the office of the clerk of the municipality, and shall be open to inspection by all parties interested. The rates, fees or charges established for any class of users or property served shall be extended to cover any additional premises thereafter served which fall within the same class, without the necessity of any hearing or notice.

(j) Any change or readjustment of ~~such~~ the rates, fees or charges may be made in the same manner as the rates, fees or charges were originally established as hereinbefore provided: *Provided*, That if a change or readjustment be made substantially pro rata, as to all classes of service, no hearing or notice shall be required. The aggregate of the rates, fees or charges shall always be sufficient for the expense of operation, repair and maintenance and for the sinking fund payments.

(k) All rates, fees or charges, if not paid when due, shall constitute a lien upon the premises served by ~~such~~ the works. If any service rate, fees or charge is not paid within 20 days after it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the board in a civil action in the name of the municipality. The lien may be foreclosed against ~~such~~ the lot, parcel of land or building in accordance with the laws relating thereto. Where both water and sewer services are furnished by any municipality to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof.

(l) Whenever any rates, rentals, fees or charges for services or facilities furnished shall remain unpaid for a period of 20 days after they become due, the property and the owner thereof, as well as the user of the services and facilities shall be delinquent until such time as all rates, fees and charges are fully paid. When any payment for rates, rentals, fees or charges becomes delinquent, the governing body may use the security deposit to satisfy the delinquent payment.

(m) The board collecting the rates, fees or charges shall be obligated under reasonable rules to shut off and discontinue both water and sewer services to all delinquent users of water, sewer or stormwater facilities and shall not restore either water facilities or sewer facilities to any delinquent user of any such facilities until all delinquent rates, fees or charges for water, sewer and stormwater facilities, including reasonable interest and penalty charges, have been paid in full, as long as ~~such~~ the actions are not contrary to any rules or orders of the Public Service

Commission: *Provided*, That nothing contained within the rules of the Public Service Commission ~~shall be deemed~~ may be considered to require any agents or employees of the municipality or governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

ARTICLE 13A. PUBLIC SERVICE DISTRICTS.

§16-13A-9. Rules; service rates and charges; discontinuance of service; required water and sewer connections; lien for delinquent fees.

(a)(1) The board may make, enact, and enforce all needful rules in connection with the acquisition, construction, improvement, extension, management, maintenance, operation, care, protection, and the use of any public service properties owned or controlled by the district. The board shall establish, in accordance with this article, rates, fees, and charges for the services and facilities it furnishes, which shall be sufficient at all times, notwithstanding the provisions of any other law or laws, to pay the cost of maintenance, operation, and depreciation of the public service properties and principal of and interest on all bonds issued, other obligations incurred under the provisions of this article, and all reserve or other payments provided for in the proceedings which authorized the issuance of any bonds under this article. The schedule of the rates, fees, and charges may be based upon:

(A) The consumption of water or gas on premises connected with the facilities, taking into consideration domestic, commercial, industrial, and public use of water and gas;

(B) The number and kind of fixtures connected with the facilities located on the various premises;

(C) The number of persons served by the facilities;

(D) Any combination of clauses (A), (B), and (C) of this paragraph; or

(E) Any other basis or classification which the board may determine to be fair and reasonable, taking into consideration the location of the premises served and the nature and extent of the services and facilities furnished. However, no rates, fees or charges for stormwater services may be assessed against highways, road, and drainage easements or stormwater facilities constructed, owned, or operated by the West Virginia Division of Highways.

(2) The board of a public service district with at least 4,500 customers and annual combined gross revenue of \$3 million ~~or more from its separate or combined water and sewer services providing water or sewer service separately or in combination~~ may make, enact, and enforce all needful rules in connection with the enactment or amendment of rates, fees, and charges of the district. At a minimum, these rules shall provide for:

(A) Adequate prior public notice of the contemplated rates, fees, and charges by causing a notice of intent to effect such a change to be provided to the customers of the district for the month immediately preceding the month in which the contemplated change is to be considered at a hearing by the board. ~~Such~~ The notice shall include a statement that a change in rates, fees, and charges is being considered, the time, date, and location of the hearing of the board at which the change will be considered and that the proposed rates, fees, and charges are on file at the office of the district for review during regular business hours. ~~Such~~ The notice shall be printed on, or mailed with, the monthly billing statement, or provided in a separate mailing.

(B) Adequate prior public notice of the contemplated rates, fees, and charges by causing to be published, after the first reading and approval of a resolution of the board considering ~~such~~ the revised rates, fees, and charges but not less than one week prior to the public hearing of the board on ~~such~~ the resolution, as a Class I legal advertisement, of the proposed action, in compliance with the provisions of §59-3-1 *et seq.* of this code. The publication area for publication shall be all territory served by the district. If the district provides service in more than one county, publication shall be made in a newspaper of general circulation in each county that the district provides service.

(C) The public notice of the proposed action shall summarize the current rates, fees, and charges and the proposed changes to said rates, fees and charges; the date, time, and place of the public hearing on the resolution approving ~~such~~ the revised rates, fees, and charges and the place or places within the district where the proposed resolution approving the revised rates, fees, and charges may be inspected by the public. A reasonable number of copies of the proposed resolution shall be kept at the place or places and be made available for public inspection. The notice shall also advise that interested parties may appear at the public hearing before the board and be heard with respect to the proposed revised rates, fees and charges.

(D) The resolution proposing the revised rates, fees, and charges shall be read at two meetings of the board with at least two weeks intervening between each meeting. The public hearing may be conducted by the board prior to, or at, the meeting at which the resolution is considered for adoption on the second reading.

(E) Rates, fees, and charges approved by resolution of the board shall be forwarded in writing to the county commission with the authority to appoint the members of the board. The county commission shall publish notice of the proposed revised rates, fees, and charges by a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code. Within 45 days of receipt of the proposed rates, fees, and charges, the county commission shall take action to approve, modify, or reject the proposed rates, fees, and charges, in its sole discretion. If, after 45 days, the county commission has not taken final action to approve, modify, or reject the proposed rates, fees and charges, as presented to the county commission, shall be effective with no further action by the board or county commission. In any event, this 45-day period shall be mandatory unless extended by the official action of both the board proposing the rates, fees, and charges, and the appointing county commission.

(F) Enactment of the proposed or modified rates, fees, and charges shall follow an affirmative vote by the county commission and shall be effective no sooner than 45 days following action. The 45-day waiting period may be waived by public vote of the county commission only if the commission finds and declares the district to be in financial distress such that the 45-day waiting period would be detrimental to the ability of the district to deliver continued and compliant public services.

(G) The public service district, or a customer aggrieved by the changed rates or charges who presents to the circuit court a petition signed by at least 750 customers or 25 percent of the customers served by the public service district, whichever is fewer, when dissatisfied by the approval, modification, or rejection by the county commission of the proposed rates, fees, and charges under the provisions of this subdivision may file a complaint regarding the rates, fees, and charges resulting from the action of, or failure to act by, the county commission in the circuit court of the county in which the county commission sits: *Provided*, That any complaint or petition filed hereunder shall be filed within 30 days of the county commission's final action approving, modifying, or rejecting ~~such~~ the rates, fees and charges, or the expiration of the 45-day period

from the receipt by the county commission, in writing, of the rates, fees, and charges approved by resolution of the board, without final action by the county commission to approve, modify, or reject ~~such~~ the rates, fees, and charges, and the circuit court shall resolve ~~said~~ the complaint: *Provided, however,* That the rates, fees, and charges so fixed by the county commission, or those adopted by the district upon which the county commission failed to act, shall remain in full force and effect, until set aside, altered, or amended by the circuit court in an order to be followed in the future.

(3) Where water, sewer, stormwater, or gas services, or any combination thereof, are all furnished to any premises, the schedule of charges may be billed as a single amount for the aggregate of the charges. The board shall require all users of services and facilities furnished by the district to designate on every application for service whether the applicant is a tenant or an owner of the premises to be served. If the applicant is a tenant, he or she shall state the name and address of the owner or owners of the premises to be served by the district. Notwithstanding the provisions of §24-3-8 of this code to the contrary, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage of the applicant's specific customer class or \$50 with the district to secure the payment of service rates, fees, and charges in the event they become delinquent as provided in this section. If a district provides both water and sewer service, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage for water service or \$50 and the greater of a sum equal to two twelfths of the average annual usage for wastewater service of the applicant's specific customer class or \$50. In any case where a deposit is forfeited to pay service rates, fees, and charges which were delinquent at the time of disconnection or termination of service, no reconnection or reinstatement of service may be made by the district until another deposit equal to the greater of a sum equal to two twelfths of the average usage for the applicant's specific customer class or \$50 has been remitted to the district. After 12 months of prompt payment history, the district shall return the deposit to the customer or credit the customer's account at a rate as the Public Service Commission may prescribe: *Provided,* That where the customer is a tenant, the district is not required to return the deposit until the time the tenant discontinues service with the district. Whenever any rates, fees, rentals, or charges for services or facilities furnished remain unpaid for a period of 20 days after the same become due and payable, the user of the services and facilities provided is delinquent and the user is liable at law until all rates, fees, and charges are fully paid. The board may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water or gas services to all delinquent users of either water or gas facilities, or both, 10 days after the water or gas services become delinquent: *Provided, however,* That nothing contained within the rules of the Public Service Commission ~~shall be deemed~~ may be considered to require any agents or employees of the board to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(b) ~~In the event that~~ If any publicly or privately owned utility, city, incorporated town, other municipal corporation or other public service district included within the district owns and operates separate water facilities, sewer facilities, or stormwater facilities, and the district owns and operates another kind of facility, either water or sewer, or both, as the case may be, then the district and the publicly or privately owned utility, city, incorporated town or other municipal corporation or other public service district shall covenant and contract with each other to shut off and discontinue the supplying of water service for the nonpayment of sewer or stormwater service fees and charges: *Provided,* That any contracts entered into by a public service district pursuant to this section shall be submitted to the Public Service Commission for approval. Any public service district which provides water and sewer service, water and stormwater service or water, sewer and stormwater service has the right to terminate water service for delinquency in payment of water, sewer or stormwater bills. Where one public service district is providing sewer service

and another public service district or a municipality included within the boundaries of the sewer or stormwater district is providing water service and the district providing sewer or stormwater service experiences a delinquency in payment, the district or the municipality included within the boundaries of the sewer or stormwater district that is providing water service, upon the request of the district providing sewer or stormwater service to the delinquent account, shall terminate its water service to the customer having the delinquent sewer or stormwater account: *Provided, however,* That any termination of water service must comply with all rules and orders of the Public Service Commission: *Provided further,* That nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the public service districts to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(c) Any district furnishing sewer facilities within the district may require or may, by petition to the circuit court of the county in which the property is located, compel or may require the Bureau for Public Health to compel all owners, tenants, or occupants of any houses, dwellings, and buildings located near any sewer facilities where sewage will flow by gravity or be transported by other methods approved by the Bureau for Public Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of §16-1-9 of this code, from the houses, dwellings, or buildings into the sewer facilities, to connect with and use the sewer facilities and to cease the use of all other means for the collection, treatment, and disposal of sewage and waste matters from the houses, dwellings, and buildings where there is gravity flow or transportation by any other methods approved by the Bureau for Public Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of §16-1-9 of this code and the houses, dwellings, and buildings can be adequately served by the sewer facilities of the district and it is declared that the mandatory use of the sewer facilities provided for in this subsection is necessary and essential for the health and welfare of the inhabitants and residents of the districts and of the state. If the public service district requires the property owner to connect with the sewer facilities even when sewage from dwellings may not flow to the main line by gravity and the property owner incurs costs for any changes in the existing dwellings' exterior plumbing in order to connect to the main sewer line, the public service district board shall authorize the district to pay all reasonable costs for the changes in the exterior plumbing, including, but not limited to, installation, operation, maintenance, and purchase of a pump or any other method approved by the Bureau for Public Health. Maintenance and operation costs for the extra installation should be reflected in the users charge for approval of the Public Service Commission. The circuit court shall adjudicate the merits of the petition by summary hearing to be held not later than 30 days after service of petition to the appropriate owners, tenants, or occupants.

(d) Whenever any district has made available sewer facilities to any owner, tenant, or occupant of any house, dwelling, or building located near the sewer facility and the engineer for the district has certified that the sewer facilities are available to and are adequate to serve the owner, tenant, or occupant and sewage will flow by gravity or be transported by other methods approved by the Bureau for Public Health from the house, dwelling, or building into the sewer facilities, the district may charge, and the owner, tenant, or occupant shall pay, the rates and charges for services established under this article only after 30 days' notice of the availability of the facilities has been received by the owner, tenant, or occupant. Rates and charges for sewage services shall be based upon actual water consumption or the average monthly water consumption based upon the owner's, tenant's, or occupant's specific customer class.

(e) The owner, tenant, or occupant of any real property may be determined and declared to be served by a stormwater system only after each of the following conditions is met: (1) The district has been designated by the Environmental Protection Agency as an entity to serve a West

Virginia Separate Storm Sewer System community, as defined in 40 C. F. R. §122.26; (2) the district's authority has been properly expanded to operate and maintain a stormwater system; (3) the district has made available a stormwater system where stormwater from the real property affects or drains into the stormwater system; and (4) the real property is located in the Municipal Separate Storm Sewer System's designated service area. It is further hereby found, determined, and declared that the mandatory use of the stormwater system is necessary and essential for the health and welfare of the inhabitants and residents of the district and of the state. The district may charge and the owner, tenant, or occupant shall pay the rates, fees, and charges for stormwater services established under this article only after 30 days' notice of the availability of the stormwater system has been received by the owner. An entity providing stormwater service shall provide a tenant a report of the stormwater fee charged for the entire property and, if appropriate, that portion of the fee to be assessed to the tenant.

(f) All delinquent fees, rates, and charges of the district for either water facilities, sewer facilities, gas facilities, or stormwater systems or stormwater management programs are liens on the premises served of equal dignity, rank, and priority with the lien on the premises of state, county, school, and municipal taxes. Nothing contained within the rules of the Public Service Commission ~~shall be deemed to~~ may require any agents or employees of the public service districts to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill. In addition to the other remedies provided in this section, public service districts are granted a deferral of filing fees or other fees and costs incidental to the bringing and maintenance of an action in magistrate court for the collection of delinquent water, sewer, stormwater, or gas bills. If the district collects the delinquent account, plus reasonable costs, from its customer or other responsible party, the district shall pay to the magistrate the normal filing fee and reasonable costs which were previously deferred. In addition, each public service district may exchange with other public service districts a list of delinquent accounts: *Provided*, That an owner of real property may not be held liable for the delinquent rates or charges for services or facilities of a tenant, nor may any lien attach to real property for the reason of delinquent rates or charges for services or facilities of a tenant of the real property unless the owner has contracted directly with the public service district to purchase the services or facilities.

(g) Anything in this section to the contrary notwithstanding, any establishment, as defined in §22-11-3 of this code, now or hereafter operating its own sewage disposal system pursuant to a permit issued by the Department of Environmental Protection, as prescribed by §22-11-11 of this code, is exempt from the provisions of this section.

~~(h) A public service district which has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community shall prepare an annual report detailing the collection and expenditure of rates, fees, or charges and make it available for public review at the place of business of the governing body and the stormwater utility main office~~

(i) ~~(h)~~ Notwithstanding any code provision to the contrary, a public service district may accept payment for all fees and charges due, in the form of a payment by a credit or check card transaction or a direct withdrawal from a bank account. The public service district may set a fee to be added to each transaction equal to the charge paid by the public service district for use of the credit or check card or direct withdrawal by the payor. The amount of ~~such~~ the fee shall be disclosed to the payor prior to the transaction and no other fees for the use of a credit or check card or direct withdrawal may be imposed upon the payor and the whole of ~~such~~ the charge or convenience fee shall be borne by the payor: *Provided*, That to the extent a public service district desires to accept payments in the forms described in this subsection and does not have access

to the equipment or receive the services necessary to do so, the public service district shall first obtain three bids for services and equipment necessary to affect the forms of transactions described in this subsection and use the lowest qualified bid received. Acceptance of a credit or check card or direct withdrawal as a form of payment shall comport with the rules and requirements set forth by the credit or check card provider or banking institution.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1. Jurisdiction of commission; waiver of jurisdiction.

(a) The jurisdiction of the commission shall extend to all public utilities in this state and shall include any utility engaged in any of the following public services:

Common carriage of passengers or goods, whether by air, railroad, street railroad, motor, or otherwise, by express or otherwise, by land, water, or air, whether wholly or partly by land, water, or air; transportation of oil, gas, or water by pipeline; transportation of coal and its derivatives and all mixtures and combinations thereof with other substances by pipeline; sleeping car or parlor car services; transmission of messages by telephone, telegraph, or radio; generation and transmission of electrical energy by hydroelectric or other utilities for service to the public, whether directly or through a distributing utility; supplying water, gas, or electricity by municipalities or others; sewer systems servicing 25 or more persons or firms other than the owner of the sewer systems: *Provided*, That if a public utility other than a political subdivision intends to provide sewer service by an innovative, alternative method, as defined by the federal Environmental Protection Agency, the innovative, alternative method is a public utility function and subject to the jurisdiction of the Public Service Commission regardless of the number of customers served by the innovative, alternative method; any public service district created under the provisions of §16-13A-1, *et seq.* of this code, except that the Public Service Commission will have no jurisdiction over the provision of stormwater services by a public service district; toll bridges, wharves, ferries; solid waste facilities; and any other public service: *Provided, however*, That natural gas producers who provide natural gas service to not more than 25 residential customers are exempt from the jurisdiction of the commission with regard to the provisions of ~~such~~ the residential service: *Provided further*, That upon request of any of the customers of ~~such~~ the natural gas producers, the commission may, upon good cause being shown, exercise such authority as the commission may deem appropriate over the operation, rates, and charges of ~~such~~ the producer and for such length of time as the commission may consider to be proper.

(b) The jurisdiction of the commission over political subdivisions of this state providing separate or combined water and/or sewer services and having at least 4,500 customers and annual combined gross revenues of \$3 million or more that are political subdivisions of the state is limited to:

- (1) General supervision of public utilities, as granted and described in §24-2-5 of this code;
- (2) Regulation of measurements, practices, acts, or services, as granted and described in §24-2-7 of this code;
- (3) Regulation of a system of accounts to be kept by a public utility that is a political subdivision of the state, as granted and described in §24-2-8 of this code;

(4) Submission of information to the commission regarding rates, tolls, charges, or practices, as granted and described in §24-2-9 of this code;

(5) Authority to subpoena witnesses, take testimony, and administer oaths to any witness in any proceeding before or conducted by the commission, as granted and described in §24-2-10 of this code; and

(6) Investigation and resolution of disputes between a political subdivision of the state providing wholesale water and/or wastewater treatment or other services, whether by contract or through a tariff, and its customer or customers, including, but not limited to, rates, fees and charges, service areas and contested utility combinations: *Provided*, That any request for an investigation related to such a dispute that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission of the political subdivision and the commission shall resolve said dispute within 120 days of filing. The 120-day period for resolution of the dispute may be tolled by the commission until the necessary information showing the basis of the rates, fees, and charges or other information as the commission considers necessary is filed: *Provided, however*, That the disputed rates, fees, and charges so fixed by the political subdivision providing separate or combined water and/or sewer services shall remain in full force and effect until set aside, altered or, amended by the commission in an order to be followed in the future.

(7) Customers of water and sewer utilities operated by a political subdivision of the state may bring formal or informal complaints regarding the commission's exercise of the powers enumerated in this section and the commission shall resolve these complaints: *Provided, That any formal complaint filed under this section that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission complained of and the commission shall resolve the complaint within 180 days of filing. The 180-day period for resolution of the dispute may be tolled by the commission until the necessary information showing the basis of the matter complained of is filed by the political subdivision: Provided, however, That whenever the commission finds any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient or unjustly discriminatory, or otherwise in violation of any provisions of this chapter, or finds that any service is inadequate, or that any service which is demanded cannot be reasonably obtained, the commission shall determine and declare, and by order fix reasonable measurement, regulations, acts, practices or services, to be furnished, imposed, observed and followed in lieu of those found to be unjust, unreasonable, insufficient, or unjustly discriminatory, inadequate or otherwise in violation of this chapter, and shall make such other order respecting the same as shall be just and reasonable: Provided further, That if the matter complained of would affect rates, fees and charges so fixed by the political subdivision providing separate or combined water and/or sewer services, the rates, fees, or charges shall remain in full force and effect until set aside, altered or amended by the commission in an order to be followed in the future.*

(8) ~~In the event that~~ If a political subdivision has a deficiency in either its bond revenue or bond reserve accounts, or is otherwise in breach of a bond covenant, any bond holder may petition the Public Service Commission for such redress as will bring the accounts to current status or otherwise resolve the breached covenant, and the commission shall have jurisdiction to fully resolve the alleged deficiency or breach.

(c) The commission may, upon application, waive its jurisdiction and allow a utility operating in an adjoining state to provide service in West Virginia when:

(1) An area of West Virginia cannot be practicably and economically served by a utility licensed to operate within the State of West Virginia;

(2) ~~Said~~ The area can be provided with utility service by a utility which operates in a state adjoining West Virginia;

(3) The utility operating in the adjoining state is regulated by a regulatory agency or commission of the adjoining state; and

(4) The number of customers to be served is not substantial. The rates the out-of-state utility charges West Virginia customers shall be the same as the rate the utility is duly authorized to charge in the adjoining jurisdiction. The commission, in the case of any such utility, may revoke its waiver of jurisdiction for good cause.

(d) Any other provisions of this chapter to the contrary notwithstanding:

(1) An owner or operator of an electric generating facility located or to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which such facility the owner or operator holds a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, ~~shall be~~ is subject to §24-2-11c(e) through §24-2-11c(j) of this code as if the certificate of public convenience and necessity for ~~such~~ the facility were a siting certificate issued under §24-2-11c of this code and ~~shall be~~ is not otherwise ~~be~~ subject to the jurisdiction of the commission or to the provisions of this chapter with respect to ~~such~~ the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(2) Any person, corporation, or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which facility the owner or operator does not hold a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity pursuant to the provisions of §24-2-11 of this code. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission ~~shall be~~ is subject to §24-2-11c(e) through §24-2-11c(j) of this code and ~~shall be~~ is not otherwise ~~be~~ subject to the jurisdiction of the commission or to the provisions of this chapter with respect to ~~such~~ the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(3) An owner or operator of an electric generating facility located in this state that had not been designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that generates electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both ~~such~~ sales at retail and ~~such~~ sales at wholesale and that had been constructed and had engaged in commercial operation on or before July 1, 2003, ~~shall be~~ is not ~~be~~ subject to the jurisdiction of the commission or to the provisions of this chapter with respect to ~~such~~ the facility, regardless of whether ~~such~~ the facility subsequent to its construction has been or will be designated as an exempt wholesale generator under applicable federal law: *Provided, That* ~~such~~ the owner or operator ~~shall be~~ is subject to §24-2-1(d)(5) of this code if a material modification of ~~such~~ the facility is made or constructed.

(4) Any person, corporation, or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has not been or will not be designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that will generate electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both ~~such~~ sales at retail and ~~such~~ sales at wholesale and that had not been constructed and had not been engaged in commercial operation on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity pursuant to the provisions of §24-2-11 of this code. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission ~~shall be~~ is subject to §24-2-11c(e) through §24-2-11c(j) of this code and ~~shall is~~ not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to ~~such~~ the facility except for the making or constructing of a material modification thereof as provided in §24-2-1(d)(5) of this code.

(5) An owner or operator of an electric generating facility described in this subsection shall, before making or constructing a material modification of the facility that is not within the terms of any certificate of public convenience and necessity or siting certificate previously issued for the facility or an earlier material modification thereof, obtain a siting certificate for the modification from the commission pursuant to the provisions of §24-2-11c of this code in lieu of a certificate of public convenience and necessity for the modification pursuant to the provisions of §24-2-11 of this code and, except for the provisions of §24-2-11c of this code, ~~shall is~~ not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to ~~such~~ the modification.

(6) The commission shall consider an application for a certificate of public convenience and necessity filed pursuant to §24-2-11 of this code to construct an electric generating facility described in this subsection or to make or construct a material modification of ~~such~~ the electric generating facility as an application for a siting certificate pursuant to §24-2-11c of this code if the application for the certificate of public convenience and necessity was filed with the commission prior to July 1, 2003, and if the commission has not issued a final order thereon as of that date.

(7) The limitations on the jurisdiction of the commission over, and on the applicability of the provisions of this chapter to, the owner or operator of an electric generating facility as imposed by and described in this subsection ~~shall not be deemed to~~ do not affect or limit the commission's jurisdiction over contracts or arrangements between the owner or operator of ~~such~~ the facility and any affiliated public utility subject to the provisions of this chapter.

(e) The commission ~~shall~~ does not have jurisdiction of Internet protocol-enabled service or voice-over Internet protocol-enabled service. As used in this subsection:

(1) "Internet protocol-enabled service" means any service, capability, functionality, or application provided using Internet protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet protocol format, or any successor format, regardless of whether the communication is voice, data, or video.

(2) "Voice-over Internet protocol service" means any service that:

(i) Enables real-time two-way voice communications that originate or terminate from the user's location using Internet protocol or a successor protocol; and

(ii) Uses a broadband connection from the user's location.

(3) The term "voice-over Internet protocol service" includes any service that permits users to receive calls that originate on the public-switched telephone network and to terminate calls on the public-switched telephone network.

(f) Notwithstanding any other provisions of this article, the commission ~~shall have~~ has jurisdiction to review or approve any transaction involving a telephone company otherwise subject to §24-2-12 and §24-2-12a of this code if all entities involved in the transaction are under common ownership.

(g) The Legislature finds that the rates, fees, charges, and ratemaking of municipal power systems are most fairly and effectively regulated by the local governing body. Therefore, notwithstanding any other provisions of this article, the commission ~~shall have~~ has jurisdiction over the setting or adjustment of rates, fees, and charges of municipal power systems. Further, the jurisdiction of the Public Service Commission over municipal power systems is limited to that granted specifically in this code.

§24-2-4a. Procedure for changing rates after June 30, 1981.

(a) After June 30, 1981, no public utility subject to this chapter, except for water and/or sewer utilities that are political subdivisions of the state providing separate or combined services and having at least 4,500 customers and annual gross revenue of \$3 million or more from its separate or combined services, shall change, suspend or annul any rate, joint rate, charge, rental or classification except after 30 days' notice to the commission and the public, which notice shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates or charges shall go into effect; but the commission may enter an order suspending the proposed rate as hereinafter provided. The proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time, and kept open to public inspection: *Provided*, That the commission may, in its discretion, and for good cause shown, allow changes upon less time than the notice herein specified, or may modify the requirements of this section in respect to publishing, posting and filing of tariffs, either by particular instructions or by general order.

(b) Whenever there ~~shall be~~ is filed with the commission any schedule stating a change in the rates or charges, or joint rates or charges, or stating a new individual or joint rate or charge or joint classification or any new individual or joint regulation or practice affecting any rate or charge, the commission may, either upon complaint or upon its own initiative without complaint, enter upon a hearing concerning the propriety of ~~such~~ the rate, charge, classification, regulation or practice; and, if the commission so orders, it may proceed without answer or other form of pleading by the interested parties, but upon reasonable notice, and, pending ~~such~~ the hearing and the decisions thereon, the commission, upon filing with ~~such~~ the schedule and delivering to the public utility affected thereby a statement in writing of its reasons for ~~such~~ the suspension, may suspend the operation of ~~such~~ the schedule and defer the use of ~~such~~ the rate, charge, classification, regulation or practice, but not for a longer period than 270 days beyond the time when ~~such~~ the rate, charge, classification, regulation or practice would otherwise go into effect; and after full hearing, whether completed before or after the rate, charge, classification, regulation or practice goes into effect, the commission may make ~~such~~ the order in reference to ~~such~~ the rate, charge, classification, regulation or practice as would be proper in a proceeding initiated after the rate, charge, classification, regulation or practice had become effective: *Provided*, That in the case of a public utility having 2,500 customers or less and which is not a political subdivision

and which is not principally owned by any other public utility corporation or public utility holding corporation, the commission may suspend the operation of ~~such the~~ such the schedule and defer the use of ~~such the~~ such the rate, charge, classification, regulation or practice, but not for a longer period than 120 days beyond the time when ~~such the~~ such the rate, charge, classification, regulation or practice would otherwise go into effect; and in the case of a public utility having more than 2,500 customers, but not more than 5,000 customers, and which is not a political subdivision and which is not principally owned by any other public utility corporation or public utility holding corporation, the commission may suspend the operation of ~~such the~~ such the schedule and defer the use of ~~such the~~ such the rate, charge, classification, regulation or practice, but not for a longer period than 150 days beyond the time when ~~such the~~ such the rate, charge, classification, regulation or practice would otherwise go into effect; and in the case of a public utility having more than 5,000 customers, but not more than 7,500 customers, and which is not a political subdivision and which is not principally owned by any other public utility corporation or public utility holding corporation, the commission may suspend the operation of ~~such the~~ such the schedule and defer the use of ~~such the~~ such the rate, charge, classification, regulation or practice, but not for a longer period than 180 days beyond the time when ~~such the~~ such the rate, charge, classification, regulation or practice would otherwise go into effect; and after full hearing, whether completed before or after the rate, charge, classification, regulation or practice goes into effect, the commission may make ~~such the~~ such the order in reference to ~~such the~~ such the rate, charge, classification, regulation or practice as would be proper in a proceeding initiated after the rate, charge, classification, regulation or practice had become effective: *Provided, however,* That, in the case of rates established or proposed that increase by less than 25 percent of the gross revenue of the regulated public service district, there shall be no suspension period in the case of rates established by a public service district pursuant to §16-13A-9 of this code and the proposed rates of public service districts shall go into effect upon the date of filing with the commission, subject to refund modification at the conclusion of the commission proceeding. In the case of rates established or proposed that increase by more than 25 percent of the gross revenue of the public service district, the district may apply for, and the commission may grant, a waiver of the suspension period and allow rates to be effective upon the date of filing with the commission. Notwithstanding the provisions of subsection (e) of this section, the public service district shall provide notice by Class 1 legal advertisement in a newspaper of general circulation in its service territory of the percentage increase in rates at least 14 days prior to the effective date of the increased rates. Any refund determined to be ~~determined to be~~ due and owing as a result of any difference between any final rates approved by the commission and the rates placed into effect subject to refund shall be refunded by the public service district as a credit against each customer's account for a period of up to six months after entry of the commission's final order. Any remaining balance which is not fully credited by credit within six months after entry of the commission's final order shall be directly refunded to the customer by check: *Provided further,* That if any such hearing and decision thereon is not concluded within the periods of suspension, as above stated, ~~such the~~ such the rate, charge, classification, regulation or practice shall go into effect at the end of ~~such the~~ such the period not subject to refund: *And provided further,* That if any such rate, charge, classification, regulation or practice goes into effect because of the failure of the commission to reach a decision, the same shall not preclude the commission from rendering a decision with respect thereto which would disapprove, reduce or modify any such proposed rate, charge, classification, regulation or practice, in whole or in part, but any such disapproval, reduction or modification shall not be deemed to require a refund to the customers of ~~such the~~ such the utility as to any rate, charge, classification, regulation or practice so disapproved, reduced or modified. The fact of any rate, charge, classification, regulation or practice going into effect by reason of the commission's failure to act thereon ~~shall~~ does not affect the commission's power and authority to subsequently act with respect to any such application or change in any rate, charge, classification, regulation or practice. Any rate, charge, classification, regulation or practice which shall be approved, disapproved, modified or changed, in whole or in part, by decision of

the commission shall remain in effect as so approved, disapproved, modified or changed during the period or pendency of any subsequent hearing thereon or appeal therefrom. Orders of the commission affecting rates, charges, classifications, regulations or practices which have gone into effect automatically at the end of the of the suspension period are prospective in effect.

(c) At any hearing involving a rate sought to be increased or involving the change of any rate, charge, classification, regulation or practice, the burden of proof to show the justness and reasonableness of the increased rate or proposed increased rate, or the proposed change of rate, charge, classification, regulation or practice shall be upon the public utility making application for ~~such the~~ change. The commission shall, whenever practicable and within budgetary constraints, conduct one or more public hearings within the area served by the public utility making application for ~~such the~~ increase or change, for the purpose of obtaining comments and evidence on the matter from local ratepayers.

(d) Each public utility subject to the provisions of this section shall be required to establish, in a written report which shall be incorporated into each general rate case application, that it has thoroughly investigated and considered the emerging and state-of-the-art concepts in the utility management, rate design and conservation as reported by the commission under §24-1-1(c) of this code as alternatives to, or in mitigation of, any rate increase. The utility report shall contain as to each concept considered the reasons for adoption or rejection of each. When in any case pending before the commission all evidence shall have been taken and the hearing completed, the commission shall render a decision in ~~such the~~ case. The failure of the commission to render a decision with respect to any such proposed change in any such rate, charge, classification, regulation or practice within the various time periods specified in this section after the application therefor shall constitute neglect of duty on the part of the commission and each member thereof.

(e) Other than as provided in subsection (b) of this section relating to public service districts, where more than 20 members of the public are affected by a proposed change in rates, it shall be a sufficient notice to the public within the meaning of this section if ~~such the~~ notice is published as a Class II legal advertisement in compliance with ~~the provisions of §59-3-1 et seq.~~ of this code and the publication area for ~~such the~~ publication shall be the community where the majority of the resident members of the public affected by ~~such the~~ change reside or, in case of nonresidents, have their principal place of business within this state.

(f) The commission may order rates into effect subject to refund, plus interest in the discretion of the commission, in cases in which the commission determines that a temporary or interim rate increase is necessary for the utility to avoid financial distress, or in which the costs upon which these rates are based are subject to modification by the commission or another regulatory commission and to refund to the public utility. In ~~such that~~ case the commission may require ~~such the~~ public utility to enter into a bond in an amount deemed by the commission to be reasonable and conditioned upon the refund to the persons or parties entitled thereto of the amount of the excess if ~~such the~~ rates so put into effect are subsequently determined to be higher than those finally fixed for ~~such the~~ utility.

(g) No utility regulated under the provisions of this section may make application for a general rate increase while another general rate application is pending before the commission and not finally acted upon, except pursuant to the provisions of subsection (f) of this section. The provisions of this subsection shall not be construed so as to prohibit any such rate application from being made while a previous application which has been finally acted upon by the commission is pending before or upon appeal to the West Virginia Supreme Court of Appeals.

§24-2-11. Requirements for certificate of public convenience and necessity.

(a) A public utility, person or corporation other than a political subdivision of the state providing water or sewer services and having at least 4,500 customers and annual gross combined revenues of \$3 million dollars or more may not begin the construction of any plant, equipment, property or facility for furnishing to the public any of the services enumerated in section one, article two of this chapter, nor apply for, nor obtain any franchise, license or permit from any municipality or other governmental agency, except ordinary extensions of existing systems in the usual course of business, unless and until it shall obtain from the Public Service Commission a certificate of public convenience and necessity authorizing ~~such~~ the construction franchise, license or permit.

(b) Upon the filing of any application for the certificate, and after hearing, the commission may, in its discretion, issue or refuse to issue, or issue in part and refuse in part, the certificate of convenience and necessity: *Provided*, That the commission, after it gives proper notice and if no substantial protest is received within 30 days after the notice is given, may waive formal hearing on the application. Notice shall be given by publication which shall state that a formal hearing may be waived in the absence of substantial protest, made within 30 days, to the application. The notice shall be published as a Class I legal advertisement in compliance with ~~the provisions of~~ §59-3-1 *et seq.* of this code. The publication area shall be the proposed area of operation.

(c) Any public utility, person or corporation subject to the provisions of this section other than a political subdivision of the state providing water and/or sewer services having at least 4500 customers and combined annual gross revenue of \$3 million dollars or more shall give the commission at least 30 days' notice of the filing of any application for a certificate of public convenience and necessity under this section: *Provided*, That the commission may modify or waive the 30-day notice requirement and shall waive the 30-day notice requirement for projects approved by the Infrastructure and Jobs Development Council.

(d) The commission shall render its final decision on any application filed under the provisions of this section or §24-2-11a of this code within 270 days of the filing of the application and within 90 days after final submission of any such application for decision following a hearing: *Provided*, That if the application is for authority to construct a water and sewer project and the projected total cost is less than \$10 million, the commission shall render its final decision within 225 days of the filing of the application.

(e) The commission shall render its final decision on any application filed under the provisions of this section that has received the approval of the Infrastructure and Jobs Development Council pursuant to §31-15A-1 *et seq.* of this code within 180 days after filing of the application: *Provided*, That if a substantial protest is received within 30 days after the notice is provided pursuant to subsection (b) of this section, the commission shall render its final decision within 270 days or 225 days of the filing of the application, whichever is applicable as determined in subsection (d) of this section.

(f) If the projected total cost of a project which is the subject of an application filed pursuant to this section or §24-2-11a of this code is greater than \$50 million, the commission shall render its final decision on any such application filed under the provisions of this section or §24-2-11a of this code within 400 days of the filing of the application and within 90 days after final submission of any such application for decision after a hearing.

(g) If a decision is not rendered within the time frames established in this section, the commission shall issue a certificate of convenience and necessity as applied for in the application.

(h) The commission shall prescribe rules as it ~~may deem~~ considers proper for the enforcement of the provisions of this section; and, in establishing that public convenience and necessity do exist, the burden of proof shall be upon the applicant.

(i) Pursuant to the requirements of this section, the commission may issue a certificate of public convenience and necessity to any intrastate pipeline, interstate pipeline or local distribution company for the transportation in intrastate commerce of natural gas used by any person for one or more uses, as defined by rule, by the commission in the case of:

- (1) Natural gas sold by a producer, pipeline or other seller to the person; or
- (2) Natural gas produced by the person.

(j) A public utility, including a public service district, which has received a certificate of public convenience and necessity after July 8, 2005, from the commission and has been approved by the Infrastructure and Jobs Development Council is not required to, and cannot be compelled to, reopen the proceeding if the cost of the project changes but the change does not affect the rates established for the project.

(k) Any public utility, person or corporation proposing any electric power project that requires a certificate under this section is not required to obtain ~~such~~ the certificate before applying for or obtaining any franchise, license or permit from any municipality or other governmental agency.

(l) Water or sewer utilities that are political subdivisions of the state and having at least 4,500 customers and combined gross revenues of \$3 million dollars or more desiring to pursue construction projects that are not in the ordinary course of business shall provide adequate prior public notice of the contemplated construction and proposed changes to rates, fees and charges, if any, as a result of ~~such~~ the construction to both current customers and those persons who will be affected by the proposed construction as follows:

(1) Adequate prior public notice of the contemplated construction by causing a notice of intent to pursue a project that is not in the ordinary course of business to be specified on the monthly billing statement of the customers of the utility for the month immediately preceding the month in which an ordinance or resolution approving the proposed construction and proposed changes to rates, fees and charges, if any, is to be before the governing body for the public hearing on the ordinance or resolution approving the proposed construction and proposed changes to rates, fees and charges, if any.

(2) Adequate prior public notice of the contemplated construction by causing to be published as a Class I legal advertisement of the proposed public hearing on the ordinance or resolution approving the proposed construction and proposed changes to rates, fees and charges, if any, in compliance with ~~the provisions of~~ §59-3-1 *et seq.* of this code. The publication area for publication shall be all territory served by the political subdivision. If the political subdivision provides service in more than one county, publication shall be made in a newspaper of general circulation in each county that the political subdivision provides service.

(3) The public notice of the proposed construction shall state the scope of the proposed construction; a summary of the current rates, fees and charges, and proposed changes to said rates, fees and charges, if any; the date, time and place of the public hearing on the ordinance or resolution approving the proposed construction and proposed changes to rates, fees and charges, if any; and the place or places within the political subdivision where the ordinance or resolution

approving the proposed construction and proposed changes to rates, fees and charges, if any, may be inspected by the public. A reasonable number of copies of the ordinance or resolution shall be kept at the place or places and be made available for public inspection. The notice shall also advise that interested parties may appear at the public hearing before the political subdivision and be heard with respect to the proposed construction and the proposed rates, fees and charges, if any.

(4) The ordinance or resolution on the proposed construction and the proposed rates, fees and charges shall be read at two meetings of the governing body with at least two weeks intervening between each meeting. The public hearing may be conducted prior to, or at, the meeting of the governing body at which the ordinance or resolution approving the proposed construction is considered on second reading.

(5) Enactment or adoption of the ordinance or resolution approving the proposed construction and the proposed rates, fees and charges shall follow an affirmative vote of the governing body and the approved rates shall go into effect no sooner than 45 days following the action of the governing body. If the political subdivision proposes rates that will go into effect prior to the completion of construction of the proposed project, the 45-day waiting period may be waived by public vote of the governing body only if the political subdivision finds and declares the political subdivision to be in financial distress such that the 45-day waiting period would be detrimental to the ability of the political subdivision to deliver continued and compliant public services: *Provided*, That, if the political subdivision is a public service district, in no event shall may the rate become effective prior to the date that the county commission has entered an order approving or modifying the action of the public service district board.

(6) Rates, fees and charges approved by an affirmative vote of the public service district board shall be forwarded in writing to the county commission with the authority to appoint the members of the public service board of the public service district. The county commission shall, within 45 days of receipt of the proposed rates, fees and charges, take action to approve, modify, or reject the proposed rates, fees and charges, in its sole discretion. If, after 45 days, the county commission has not taken final action to approve, modify, or reject the proposed rates, fees and charges, the proposed rates, fees and charges, as presented to the county commission, shall be effective with no further action by the board or county commission. In any event this 45-day period may be extended by official action of both the board proposing the rates, fees and charges and the appointing county commission.

(7) The county commission shall provide notice to the public by a Class I legal advertisement of the proposed action, in compliance with ~~the provisions of~~ §59-3-1 *et seq.* of this code, of the meeting where it shall consider the proposed increases in rates, fees and charges no later than one week prior to the meeting date.

(8) A public service district, or a customer aggrieved by the changed rates or charges who presents to the circuit court a petition signed by ~~at least 750 or~~ 25 percent of the customers served by the public service district, ~~whichever is fewer~~, when dissatisfied by the approval, modification, or rejection by the county commission of the proposed rates, fees and charges under the provisions of this subsection (l) may file a complaint regarding the rates, fees and charges resulting from the action of, or failure to act by, the county commission in the circuit court of the county in which the county commission sits: *Provided*, That any complaint or petition filed hereunder shall be filed within 30 days of the county commission's final action approving, modifying or rejecting ~~such the~~ rates, fees and charges, or the expiration of the 45 day period from the receipt by the county commission, in writing, of the rates, fees and charges approved by

resolution of the board, without final action by the county commission to approve, modify or reject ~~such~~ the rates, fees and charges, and the circuit court shall resolve said complaint: *Provided, however,* That the rates, fees and charges so fixed by the county commission, or those adopted by the district upon which the county commission failed to act, shall remain in full force and effect, until set aside, altered or amended by the circuit court in an order to be followed in the future.

ARTICLE 2H. POWER OF COMMISSION TO ORDER MEASURES UP TO AND INCLUDING THE ACQUISITION OF DISTRESSED AND FAILING WATER AND WASTEWATER UTILITIES.

§24-2H-1. Short title.

This article shall be known and cited as the Distressed and Failing Utilities Improvement Act.

§24-2H-2. Legislative Findings.

(a) The provision of safe drinking water and the collection and treatment of wastewater has resulted in a drastic reduction in the incidence of disease, increase in life expectancy, and other major public health advancements.

(b) Development of water and wastewater infrastructure has advanced economic development through increased production and productivity within West Virginia's economic sectors and commercial expansion geographically throughout the state.

(c) A number of water and wastewater utilities face substantial capital investment needs to maintain and replace aging infrastructure with limited financial resources.

(d) For some water and wastewater utilities, adequately addressing infrastructure needs may adversely affect their ability to maintain reasonable rates and ability to borrow funds to address such needs.

(e) Many water and wastewater utilities have experienced a loss of customers resulting from decline in populations served which has created an additional rate burden on the remaining population.

(f) Failure to timely address infrastructure needs has resulted in the inability of water and wastewater utilities to adequately serve customers and maintain regulatory compliance, thereby threatening human health and hindering economic growth.

(g) West Virginia needs a comprehensive plan to confront the financial, organizational, and regulatory challenges faced by water and wastewater utilities in the state to ensure that all citizens of West Virginia have access to safe drinking water and adequate and safe wastewater treatment.

§24-2H-3. Definitions.

A "distressed utility" is a water or wastewater utility, that for financial, operational or managerial reasons:

(1) (A) Is in continual violation of statutory or regulatory standards of the Bureau for Public Health, the Department of Environmental Protection or the commission, which affect the water

quality, safety, adequacy, efficiency or reasonableness of the service provided by the water or wastewater utility;

(B) Fails to comply within a reasonable period of time with any final, nonappealable order of the Department of Environmental Protection, Bureau for Public Health or the commission concerning the safety, adequacy, efficiency or reasonableness of service, including, but not limited to, the availability of water, the potability of water, the palatability of water or the provision of water at adequate volume and pressure and the collection and treatment of wastewater;

(2) Is no longer able to provide adequate, efficient, safe and reasonable utility services; or

(3) Fails to timely pay some or all of its financial obligations, including, but not limited to, its federal and state tax obligations and its bond payments to the West Virginia Water Development Authority, the United States Department of Agriculture (USDA) or other bondholders; fails to maintain its debt service reserve; or fails to submit an audit as required by its bond or loan documents or state law.

“Failing water or wastewater utility” means a public utility that:

(1) Meets the definition of a distressed water or wastewater utility; and either:

(2) Has not, after a reasonable time period, been stabilized and improved by corrective measures put in place under §24-2H-4 of this code; or

(3) Has had the requirements of §24-2H-4 of this code suspended for good cause shown by an order of the commission.

“Capable proximate water or wastewater utility” means a public utility which regularly provides adequate, safe and reasonable service of the same type as the distressed utility and is situated close enough to the facilities of a distressed utility that operational management is reasonable, financially viable, and nonadverse to the interests of the current customers of the nondistressed utility.

§24-2H-4. Preparation of List of potentially unstable water and wastewater utilities.

Annually, the commission shall prepare a list of water and wastewater utilities that appear to be financially unstable by reviewing annual reports, rate case filings and other financial data available to it. Commission staff shall contact each utility placed on the list and provide advice and assistance in resolving any financial instability or managerial or operational issues that are contributing to the utility’s financial instability.

§24-2H-5. Determination of whether a utility qualifies as a “distressed utility,” “failing utility,” or a “capable proximate utility”.

(a) In determining whether a utility is distressed or failing, the commission shall consider the following factors:

(1) The financial, managerial and technical ability of the utility;

(2) The level of expenditures necessary to make improvements to the water or wastewater utility to assure compliance with applicable statutory and regulatory standards concerning the

adequacy, efficiency, safety or reasonableness of utility service and the impact of those expenditures on customer rates;

(3) The opinion and advice, if any, of the Department of Environmental Protection and the Bureau for Public Health as to steps that may be necessary to assure compliance with applicable statutory or regulatory standards concerning the adequacy, efficiency, safety or reasonableness of utility service;

(4) The status of the utility's bond payments and other financial obligations;

(5) The status and result of any corrective measures previously put into place under §24-2H-4 of this code; and

(6) Any other relevant matter.

(b) In determining whether a utility is a capable proximate utility, the commission shall consider the following factors:

(1) The financial, managerial and technical ability of all proximate public utilities providing the same type of service;

(2) Expansion of the franchise or operating area of the acquiring utility to include the service area of the distressed utility;

(3) The financial, managerial, operational and rate demands that may result from the current proceeding and the cumulative impact of other demands where the utility has been identified as a capable proximate utility; and

(4) Any other relevant matter.

§24-2H-6. Notice to distressed or failing utility and formal proceeding.

(a) A proceeding under this article may be initiated by the commission on its own motion, or by the staff of the commission, or any other person or entity having a legal interest in the financial, managerial or operational condition of the utility, by filing a petition with the commission. In any such petition, the utility shall be named as the respondent. The commission shall include as additional parties any capable proximate public and private utilities that may be able to acquire the utility.

(b) The commission shall hold an evidentiary and public hearing(s) in the utility's service area. The commission shall give notice of the time, place and subject matter of the hearing as follows:

(1) A Class I legal publication in a qualified newspaper pursuant to §59-3-2(a) of this code in the county or counties where the utility is located to take place no more than 10 days before the date of the hearing;

(2) Issuance of a press release;

(3) Written notice by certified mail or registered mail to:

(A) The utility;

(B) The Consumer Advocate Division;

(C) Capable proximate public or private utility(s) that were made parties to the proceeding;
and

(D) The county commission if the utility is a public service district; or

(E) The municipality if the utility is owned and operated by the municipality.

(4) The utility shall give notice to its customers of the time, place and subject matter of the hearing either as a bill insert or printed on its monthly bill statement as ordered by the commission.

(c) The public hearing shall be conducted to receive public comments, including, but not limited to, comments regarding possible options available to bring the distressed or failing utility into compliance with appropriate statutory and regulatory standards concerning actual or imminent public health problems or unreasonable quality and reliability service standards. At the evidentiary hearing, the commission shall receive evidence to determine if the utility is a distressed or failing utility and whether a capable proximate utility should acquire the utility. If there is more than one capable proximate utility, then sufficient evidence should be presented to allow the commission to determine the appropriate capable proximate utility to acquire the distressed or failing utility.

§24-2H-7. Commission order for acquisition of failing utility; list of distressed and failing utilities to Legislature.

(a) Following the evidentiary hearing, the commission shall enter a final order stating whether the utility is a distressed or failing utility and identifying the capable proximate utilities, if any, as defined in §24-2H-3 of this code. If the commission determines that a utility is a distressed utility, then the commission may make an order consistent with subsection (b) of this section. If the commission determines that the utility is a failing utility, then the commission may order the acquisition of the failing utility by the most suitable capable proximate water or wastewater utility, if there are more than one.

(b) Before the commission may designate a water or wastewater utility as failing and order acquisition by a capable proximate utility it shall determine whether there are any alternatives to an ordered acquisition. If the commission determines that an alternative to designating a utility as failing and ordering an acquisition is reasonable and cost effective, it may order the distressed utility and, if applicable to the alternative a capable proximate utility, to implement the alternative. Commission staff shall work with the utility to implement the alternative, as necessary. Alternatives that the commission may consider include, but are not limited to, the following:

(1) Reorganization of the utility under new management or a new board, subject to the approval of the applicable county commission(s) or municipal government;

(2) Operation of the distressed utility by another public utility or management or service company under a mutually agreed arms-length contract;

(3) Appointment of a receiver to assure the provision of adequate, efficient, safe and reasonable service and facilities to the public pursuant to §24-2-7(b) of this code;

(4) Merger of the water or wastewater utility with one or more other public utilities, subject to the approval of the applicable county commission(s) or municipal government;

(5) The acquisition of the distressed utility through a mutual agreement made at arms-length; and

(6) Any viable alternative other than an ordered acquisition by a capable proximate utility.

(c) The commission shall provide a list of utilities designated by a final order of the commission as a distressed or failing utility to the Legislature as part of its annual Management Summary Report beginning in the 2021 reporting period and annually thereafter. The commission shall provide the same list to the Water Development Authority and the Infrastructure and Jobs Development Council on or before January 31 of each year beginning in 2021.

§24-2H-8. Commission approval of operating agreement, acquisition price; rates for distressed and failing utilities; improvement plan; debt obligations; cost recovery.

(a) After an order has been entered pursuant to §24-2H-4 of this code, the distressed utility and acquiring utility shall file a petition with the commission under §24-2-12 of this code to approve the necessary operating agreement if such alternative is directed by the commission. After an order has been entered pursuant to §24-2H-7 of this code, the failing utility and acquiring utility shall file a petition with the commission under §24-2-12 of this code, to approve the purchase price of the acquisition. Where the parties are unable to agree on an acquisition price, the filing may request that an evidentiary hearing be held so that the commission may determine the acquisition price and any other issues related to the acquisition. The acquisition price must, at a minimum, satisfy all outstanding loans, tax obligations, required grant repayment, liens and indebtedness owed by the failing utility or the acquiring utility must agree to assume the indebtednesses if legally permitted. The acquiring utility shall consult with the lenders or lienholders regarding payment in full or the assumption, to the extent legally permissible, of any outstanding obligations of the failing utility.

(b) The parties to an acquisition may propose to the commission other methods of determining the acquisition price.

(c) As part of the proceeding, the acquiring utility may propose to the commission that it be permitted for a reasonable period of time after the date of acquisition, to charge and collect rates from the customers of the failing utility pursuant to a separate tariff which may be higher or lower than the existing tariff of the distressed or failing utility or may allow a surcharge on both the acquired and existing customers. A separate tariff or rate filing must be made by the acquiring utility before the commission will consider any increase in rates or allow a surcharge to be placed on the acquiring utility's acquired or existing ratepayers.

(d) As part of this proceeding, the acquiring utility shall submit to the commission for approval a plan, including a timetable for bringing the failing utility into compliance with applicable statutory and regulatory standards, including, but not limited to, plans for regionalization. The acquiring utility shall have previously obtained the approval of the plan from the Department of Environmental Protection and the Bureau for Public Health, as applicable and those agencies are directed to use their full discretion in working towards long-term solutions that will support compliance. The failing utility shall cooperate with the acquiring utility in negotiating agreements with state and federal agencies, including, but not limited to, negotiation of hold harmless agreements, consent orders or enforcement moratoria during any period of remediation. In

addition, the failing utility shall cooperate with the acquiring utility in obtaining the consent of the failing utility's and the acquiring utility's bondholder(s) to the acquisition. The acquiring utility must present to the commission as part of its financing plan, documentation on how the failing utility's indebtedness will be paid or assumed.

(e) A nonprofit acquiring public utility may seek grant funding from the Distressed Utilities Account established pursuant to §31-15A-9(i) of this code to repair, maintain and replace the distressed water and wastewater utilities facilities as needed. The reasonably and prudently incurred costs of the acquiring utility shall be recoverable in rates as provided in §24-2H-9 of this code.

(f) If the distressed or failing utility is a public service district, then the commission shall make a recommendation to the respective county commission(s) with regard to the acquisition of distressed or failing utilities as provided in §16-13A-2(a)(2) of this code. If the distressed or failing utility is a municipal corporation, then the commission shall make a recommendation to the respective municipal council with regard to the acquisition of distressed or failing utilities as provided in §8-12-17 of this code.

(g) The capable proximate utility may propose one or more of the cost recovery methods or incentives set forth in §24-2H-9 of this code as part of its petition for approval from the commission.

§24-2H-9. Recovery of costs for acquisition, operation, repairs and improvements to distressed or failing utility facilities.

The commission may approve an appropriate and reasonable cost recovery mechanism to allow the capable proximate utility to recover its acquisition costs and projected cost of service of operating, maintaining and improving the facilities of the failing water or wastewater utility or its net costs incurred for operating, maintaining and improving the distressed utility under an operating agreement. The cost recovery mechanism may include a surcharge or surcharges on both acquired and existing customers if approved by the commission in a separate rate or tariff proceeding which shall be considered by the commission on an expedited basis without the need for a full base rate proceeding. Rate increments and surcharges established pursuant to this section shall be subject to adjustment on an annual basis to reflect changes in costs, additional projected capital and operating costs and true-up of any over or under recoveries of costs. Cost recovery mechanisms may also include:

(1) A surcharge above existing rates that allows recovery of additional incremental cost increases, net of contributions necessary to operate, maintain and improve the failing utility's service level to an acceptable level and into compliance with all applicable regulatory standards;

(2) An acquisition adjustment to private for profit utilities as an incentive to acquire a failing utility;

(3) An increased return on investment as an incentive to acquire a failing utility; or

(4) Any other incentive method proposed by the acquiring utility if the method is determined by the commission to be appropriate, reasonable and in the public interest.

CHAPTER 31. CORPORATIONS.**ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL.****§31-15A-9. Infrastructure fund; deposits in fund; disbursements to provide loans, loan guarantees, grants and other assistance; loans, loan guarantees, grants and other assistance shall be subject to assistance agreements; West Virginia Infrastructure Lottery Revenue Debt Service Fund; use of funds for projects.**

(a) The Water Development Authority shall create and establish a special revolving fund of moneys made available by appropriation, grant, contribution or loan to be known as the "West Virginia Infrastructure Fund". This fund shall be governed, administered and accounted for by the directors, officers and managerial staff of the Water Development Authority as a special purpose account separate and distinct from any other moneys, funds or funds owned and managed by the Water Development Authority. The infrastructure fund shall consist of sub-accounts, as deemed necessary by the council or the Water Development Authority, for the deposit of: (1) Infrastructure revenues; (2) any appropriations, grants, gifts, contributions, loan proceeds or other revenues received by the infrastructure fund from any source, public or private; (3) amounts received as payments on any loans made by the Water Development Authority to pay for the cost of a project or infrastructure project; (4) insurance proceeds payable to the Water Development Authority or the infrastructure fund in connection with any infrastructure project or project; (5) all income earned on moneys held in the infrastructure fund; (6) all funds deposited in accordance with §31-15B-4 of this code; and (7) all proceeds derived from the sale of bonds issued pursuant to §31-15B-1 *et seq.* of this code.

Any money collected pursuant to this section shall be paid into the West Virginia infrastructure fund by the state agent or entity charged with the collection of the same, credited to the infrastructure fund, and used only for purposes set forth in this article or §31-15B-1 *et seq.* of this code.

Amounts in the infrastructure fund shall be segregated and administered by the Water Development Authority separate and apart from its other assets and programs. Amounts in the infrastructure fund may not be transferred to any other fund or account or used, other than indirectly, for the purposes of any other program of the Water Development Authority, except that the Water Development Authority may use funds in the infrastructure fund to reimburse itself for any administrative costs incurred by it and approved by the council in connection with any loan, loan guarantee, grant or other funding assistance made by the Water Development Authority pursuant to this article.

(b) Notwithstanding any provision of this code to the contrary, amounts in the infrastructure fund shall be deposited by the Water Development Authority in one or more banking institutions: *Provided*, That any moneys so deposited shall be deposited in a banking institution located in this state. The banking institution shall be selected by the Water Development Authority by competitive bid. Pending the disbursement of any money from the infrastructure fund as authorized under this section, the Water Development Authority shall invest and reinvest the moneys subject to the limitations set forth in §31-18-1 *et seq.* of this code.

(c) To further accomplish the purposes and intent of this article and §31-15B-1 *et seq.* of this code, the Water Development Authority may pledge infrastructure revenues and from time to time establish one or more restricted accounts within the infrastructure fund for the purpose of providing funds to guarantee loans for infrastructure projects or projects: *Provided*, That for any

fiscal year the Water Development Authority may not deposit into the restricted accounts more than 20 percent of the aggregate amount of infrastructure revenues deposited into the infrastructure fund during the fiscal year. No loan guarantee shall be made pursuant to this article unless recourse under the loan guarantee is limited solely to amounts in the restricted account or accounts. No person shall have any recourse to any restricted accounts established pursuant to this subsection other than those persons to whom the loan guarantee or guarantees have been made.

(d) Each loan, loan guarantee, grant or other assistance made or provided by the Water Development Authority shall be evidenced by a loan, loan guarantee, grant or assistance agreement between the Water Development Authority and the project sponsor to which the loan, loan guarantee, grant or assistance shall be made or provided, which agreement shall include, without limitation and to the extent applicable, the following provisions:

(1) The estimated cost of the infrastructure project or project, the amount of the loan, loan guarantee or grant or the nature of the assistance, and in the case of a loan or loan guarantee, the terms of repayment and the security therefor, if any;

(2) The specific purposes for which the loan or grant proceed shall be expended or the benefits to accrue from the loan guarantee or other assistance, and the conditions and procedure for disbursing loan or grant proceeds;

(3) The duties and obligations imposed regarding the acquisition, construction, improvement or operation of the project or infrastructure project; and

(4) The agreement of the governmental agency to comply with all applicable federal and state laws, and all rules and regulations issued or imposed by the Water Development Authority or other state, federal or local bodies regarding the acquisition, construction, improvement or operation of the infrastructure project or project and granting the Water Development Authority the right to appoint a receiver for the project or infrastructure if the project sponsor should default on any terms of the agreement.

(e) Any resolution of the Water Development Authority approving loan, loan guarantee, grant or other assistance shall include a finding and determination that the requirements of this section have been met.

(f) The interest rate on any loan to governmental, quasi- governmental, or not for profit project sponsors for projects made pursuant to this article shall not exceed three percent per annum. Due to the limited availability of funds available for loans for projects, it is the public policy of this state to prioritize funding needs to first meet the needs of governmental, quasi- governmental and not for profit project sponsors and to require that loans made to for-profit entities shall bear interest at the current market rates. Therefore, no loan may be made by the council to a for-profit entity at an interest rate which is less than the current market rate at the time of the loan agreement.

(g) The Water Development Authority shall cause an annual audit to be made by an independent certified public accountant of its books, accounts and records, with respect to the receipts, disbursements, contracts, leases, assignments, loans, grants and all other matters relating to the financial operation of the infrastructure fund, including the operating of any sub-account within the infrastructure fund. The person performing such audit shall furnish copies of the audit report to the commissioner of finance and administration, where they shall be placed on file and made available for inspection by the general public. The person performing such audit

shall also furnish copies of the audit report to the Legislature's Joint Committee on Government and Finance.

(h) There is hereby created in the Water Development Authority a separate, special account which shall be designated and known as the "West Virginia Infrastructure Lottery Revenue Debt Service Fund," into which shall be deposited annually for the fiscal year beginning July 1, 2011, and each fiscal year thereafter, the first \$6 million transferred pursuant to §29-22-18d of this code and any other funds provided therefor: *Provided*, That such deposits and transfers are not subject to the reservations of funds or requirements for distributions of funds established by §31-15A-10 and §31-15A-11 of this code. Moneys in the West Virginia Infrastructure Lottery Revenue Debt Service Fund shall be used to pay debt service on bonds or notes issued by the Water Development Authority for watershed compliance projects as provided in section seventeen-b of this article, and to the extent not needed to pay debt service, for the design or construction of improvements for watershed compliance projects. Moneys in the West Virginia Infrastructure Lottery Revenue Debt Service Fund not expended at the close of the fiscal year do not lapse or revert to the General Fund but are carried forward to the next fiscal year.

(i) The Water Development Authority shall establish a separate restricted account within the infrastructure fund to be expended for the repair and improvement of failing water and wastewater systems by nonprofit public utilities from grants approved by the Council and supported by recommendations from the Public Service Commission in accordance with the plan developed under §24-2H-1 et seq. of this code. The restricted account shall be known as the "Distressed Utilities Account". Annually, the council may request the Water Development Authority to transfer from the uncommitted loan balances for each year a total amount not to exceed \$5 million to the restricted account to fund the grants approved by the council during that fiscal year. Notwithstanding the provisions of §31-15A-10(b) of this code, the council may approve grants from this account for up to 100 percent of the cost of failing utility repairs, replacements and improvements and such grant along with other grants awarded by the council may exceed 50 percent of the total project cost: *Provided*, That at no time may the balance of the restricted account exceed \$5 million.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 739, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 739) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 748, Increasing awareness of palliative care services.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 60. PALLIATIVE CARE.

§16-60-1. Purpose and findings.

(a) The purpose of this article is to increase awareness regarding the palliative care services in West Virginia.

(b) The Legislature finds that palliative care access remains a challenge across the state and increasing awareness of the availability of this service will align with many of the state's goals to improve patients' health care experience and care quality.

§16-60-2. Definitions.

As used in this article:

"Palliative care" means an interdisciplinary team-based model of care process designed to relieve suffering and improve quality of life for patients and families facing serious, though not necessarily terminal, illness. The care should be available at any stage of illness from birth to advanced age and may be offered simultaneously with disease modifying interventions, including attempts for cure or remission.

"Interdisciplinary team" means a care team comprised of medical and nonmedical disciplines with specialty training or certification in palliative care and may include ~~and includes~~ volunteers and lay workers in healthcare. This team ~~may include~~, includes, at a minimum, the following: (1) A physician; (2) an advanced practice registered nurse or a registered nurse; (3) a social worker; and may include (4) a member of the clergy; (5) a counselor; and (6) a consulting pharmacist.

§16-60-3. Development of educational materials and database.

(a) The State Advisory Coalition on Palliative Care, working in conjunction with the Bureau for Public Health, shall develop a work group to create the content of educational materials regarding palliative care for distribution to providers and to the general public. These materials should at a minimum provide an overview of the different models of palliative care services offered throughout the continuum of care and a description of the interdisciplinary team.

(b) The Office of Health Facility License and Certification shall update and maintain its current webpage to reflect an option to search for palliative care provider type;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 748—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-60-1, §16-60-2, and §16-60-3, all relating to increasing awareness of palliative care services; defining terms; requiring the State Advisory Coalition on Palliative Care, in conjunction with the Bureau for Public Health to develop education materials.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 748, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 748) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill 765, Modifying “Habitual Offender” statute.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.

§61-11-18. PUNISHMENT FOR SECOND OR THIRD OFFENSE OF FELONY.

(a) For purposes of this section, “qualifying offense” means any offenses or an attempt or conspiracy to commit any of the offenses in the following provisions of this code:

(1) §60A-4-401(i) and §60A-4-401(ii);

(2) §60A-4-406;

(3) §60A-4-409(b)(1), §60A-4-409(2), and §60A-4-409(3);

- (4) §60A-4-411;
- (5) §60A-4-414;
- (6) §60A-4-415;
- (7) §60A-4-416(a);
- (8) §61-2-1;
- (9) §61-2-4;
- (10) §61-2-7;
- (11) §61-2-9(a);
- (12) §61-2-9a(d) and §61-2-9a(e);
- (13) §61-2-9b;
- (14) §61-2-9d;
- (15) §61-2-10;
- (16) §61-2-10b(b) and §61-2-10b(c);
- (17) Felony provisions of §61-2-10b(d);
- (18) §61-2-12;
- (19) Felony provisions of §61-2-13;
- (20) §61-2-14;
- (21) §61-2-14a(a) and §61-2-14a(d);
- (22) §61-2-14c;
- (23) §61-2-14d(a) and §61-2-14d(b);
- (24) §61-2-14f;
- (25) §61-2-14h(a), §61-2-14h(b), and §61-2-14h(c);
- (26) §61-2-16a(a) and §61-2-16a(b);
- (27) Felony provisions of §61-2-16a(c);
- (28) §61-2-28(d);
- (29) §61-2-29(d) and §61-2-29(e);

(30) §61-2-29a;

(31) §61-3-1;

(32) §61-3-2;

(33) §61-3-3;

(34) §61-3-4;

(35) §61-3-5;

(36) §61-3-6;

(37) §61-3-7;

(38) §61-3-11;

(39) §61-3-13(a)

(39) §61-3-27;

(40) §61-3C-14b;

(41) §61-3E-5;

(42) §61-5-17(b), §61-5-17(f), §61-5-17(h), and §61-5-17(i);

(43) §61-5-27;

(44) §61-6-24;

(45) Felony provisions of §61-7-7;

(46) §61-7-12;

(47) §61-7-15;

(48) §61-7-15a;

(49) §61-8-12;

(50) §61-8-19(b);

(51) §61-8B-3;

(52) §61-8B-4;

(53) §61-8B-5;

(54) §61-8B-7;

(55) §61-8B-9;

(56) §61-8B-10;

(57) §61-8C-2;

(58) §61-8C-3;

(59) §61-8C-3a;

(60) §61-8D-2;

(61) §61-8D-2a;

(62) §61-8D-3;

(63) §61-8D-3a;

(64) §61-8D-4;

(65) §61-8D-4a;

(66) §61-8D-5;

(67) §61-8D-6;

(68) §61-10-31;

(69) §61-11-8;

(70) §61-11-8a;

(71) §61-14-2; and

(72) §17C-5-2(b), driving under the influence causing death.

~~(a)~~ ~~(b)~~ Except as provided by subsection ~~(b)~~ ~~(c)~~ of this section, when any person is convicted of ~~an a~~ a qualifying offense and is subject to confinement in a state correctional facility therefor, and it is determined, as provided in §61-11-19 of this code, that such person had been before convicted in the United States of a crime punishable by confinement in a penitentiary, the court shall, if the sentence to be imposed is for a definite term of years, add five years to the time for which the person is or would be otherwise sentenced. Whenever in such case the court imposes an indeterminate sentence, the minimum term shall be twice the term of years otherwise provided for under such sentence.

~~(b)~~ ~~(c)~~ Notwithstanding ~~the provisions of subsection (a) or (c) of this section or any other~~ provision of this code to the contrary, when any person is convicted of first degree murder or second degree murder or a violation of §61-8B-3 of this code and it is determined, as provided in §61-11-19 of this code, that such person had been before convicted in this state of first degree murder, second degree murder, or a violation of section three, §61-8B-3 of this code or has been so convicted under any law of the United States or any other state for an offense which has the

same elements as any offense described in this subsection, such person shall be punished by confinement in a state correctional facility for life and is not eligible for parole.

~~(c)~~ (d) When it is determined, as provided in §61-11-19 of this code, that such person shall have been twice before convicted in the United States of a crime punishable by confinement in a penitentiary which has the same elements as a qualifying offense, the person shall be sentenced to ~~be confined~~ imprisonment in a state correctional facility for life: Provided, That prior convictions arising from the same transaction or series of transactions shall be considered a single offense for purposes of this section: Provided, however, That an offense which would otherwise constitute a qualifying offense for purposes of this subsection and subsection (b) of this section shall not be considered if more than 20 years have elapsed between that offense and the conduct underlying the current charge.

§61-11-19. Procedure in trial of persons for second or third offense.

~~It shall be the duty of the~~ A prosecuting attorney, when he or she has knowledge of a former sentence or sentences to the penitentiary of any person convicted of an offense punishable by confinement in the penitentiary, ~~to~~ may give information thereof to the court immediately upon conviction and before sentence. Said court shall, before expiration of the next term at which such person was convicted, cause such person or prisoner to be brought before it, and upon an information filed by the prosecuting attorney, setting forth the records of conviction and sentence, or convictions and sentences, as the case may be, and alleging the identity of the prisoner with the person named in each, shall require the prisoner to say whether he or she is the same person or not. If he or she says he or she is not, or remains silent, his or her plea, or the fact of his or her silence, shall be entered of record, and a jury shall be impaneled to inquire whether the prisoner is the same person mentioned in the several records. If the jury finds that he or she is not the same person, he or she shall be sentenced upon the charge of which he or she was convicted as provided by law; but if they find that he or she is the same, or after being duly cautioned if he or she acknowledged in open court that he or she is the same person, the court shall sentence him or her to such further confinement as is prescribed by §61-11-18 of this code on a second or third conviction as the case may be: Provided, That where the person is convicted pursuant to a plea agreement the agreement shall address whether or not the provisions of this section and § 61-11-18 of this code are to be invoked.

The clerk of such court shall transmit a copy of said information to the ~~warden of the penitentiary~~ Commissioner of the Division of Corrections and Rehabilitation, together with the other papers required by the provisions of §62-8-10 of this code.

Nothing contained herein shall be construed as repealing the provisions of §62-8-4 of this code, but no proceeding shall be instituted by the warden, as provided therein, if the trial court has determined the fact of former conviction or convictions as provided herein.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 765, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard,

Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 765) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 838, Directing state police establish referral program for substance abuse treatment.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page one, section fifty-five, line one, after the word “program” by inserting the words “and may, in collaboration with the Office of Drug Control Policy of the Department of Health and Human Resources and existing state government programs”;

On page one, section fifty-five, line four, after the word “section” by inserting the words “and who is not under arrest or the subject of a search warrant”;

On page two, section fifty-five, line twenty-four, by striking out the words “criminal and”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 838—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-55, relating to directing the State Police, in collaboration with the Office of Drug Control Policy of the Department of Health and Human Resources, to establish a referral program for substance abuse treatment; limiting certain persons from the category of those voluntarily seeking assistance; exempting persons seeking treatment from arrest and prosecution; directing the destruction of controlled substances received from persons seeking treatment; requiring referrals to treatment of persons seeking same; specifying persons who are ineligible for referral; and immunizing the State Police and its employees civilly for making referrals and exempting records of program from freedom of information disclosure.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 838, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 838) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 838) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4576, Establishing a procedure for correcting errors in deeds, deeds of trust and mortgages.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. FORM AND EFFECT OF DEEDS AND CONTRACTS.

§36-3-11. Correcting errors in deeds, deeds of trust, and mortgages; corrective affidavit.

(a) Definitions. As used in this section, unless the context requires a different meaning:

(1) "Attorney" means any person licensed as an attorney in West Virginia by the West Virginia State Bar.

(2) "Corrective affidavit" means an affidavit of an attorney correcting an obvious description error.

(3) "Local entity" means any county, city, town, municipality, public utility, or person, including any individual, firm, partnership, association, not-for-profit corporation, or other corporation organized and existing under the laws of the State of West Virginia.

(4) "Obvious description error" means an error in a real property parcel description contained in a recorded deed, deed of trust, or mortgage where:

(A) The parcel is identified and shown as a separate parcel on a recorded subdivision plat;

(B) The error is apparent by reference to other information on the face of the deed, deed of trust, or mortgage, or on an attachment to the deed, deed of trust, or mortgage, or by reference to other instruments in the chain of title for the property conveyed thereby; and

(C) The deed, deed of trust, or mortgage recites elsewhere the parcel's correct address or tax map identification number.

(D) An "obvious description error" includes:

(i) An error transcribing courses and distances, including the omission of one or more lines of courses, and distances or the omission of angles and compass directions;

(ii) An error incorporating an incorrect recorded plat or a deed reference;

(iii) An error in a lot number or designation; or

(iv) An omitted exhibit supplying the legal description of the real property thereby conveyed.

(E) An "obvious description error" does not include:

(i) Missing or improper signatures or acknowledgments; or

(ii) Any designation of the type of tenancy by which the property is owned or whether or not a right of survivorship exists.

(5) "Recorded subdivision plat" means a plat that has been prepared by a professional land surveyor licensed pursuant to W. Va. Code §30-13A-1 et seq. of this code and recorded in the clerk's office of the circuit court for the jurisdiction where the property is located.

(6) "Title insurance" has the same meaning as set forth in W. Va. §33-1-10(f)(4) of this code.

(7) "Title insurance company" means the company that issued a policy of title insurance for the transaction in which the deed, deed of trust, or mortgage needing correction was recorded.

(b) Obvious description errors in a recorded deed, deed of trust, or mortgage purporting to convey or transfer an interest in real property may be corrected by recording a corrective affidavit in the office of the clerk of the county commission of the county where the property is situated or where the deed, deed of trust, or mortgage needing correction was recorded. A correction of an obvious description error shall not be inconsistent with the description of the property in any recorded subdivision plat.

(c) Prior to recording a corrective affidavit, notice of the intent to record the corrective affidavit, of each party's right to object to the corrective affidavit, and a copy of the corrective affidavit shall be served upon:

(1) All parties to the deed, deed of trust, or mortgage, including the current owner of the property;

(2) The attorney who prepared the deed, deed of trust, or mortgage, if known and if possible;

(3) To the title insurance company, if known;

(4) To the adjoining property owners;

(5) To the property address for the real property conveyed by the deed, deed of trust, or mortgage needing correction;

(6) If a local entity is a party to the deed, deed of trust, or mortgage, the notice and a copy of the corrective affidavit required by this subsection, to the county, city, or town attorney for the local entity, if any, and if there is no such attorney, then to the chief executive for the local entity. For the purposes of this section, the term "party" includes any local entity that is a signatory; and

(7) If the State of West Virginia is a party to the deed, deed of trust, or mortgage, the notice and a copy of the corrective affidavit required by this subsection, to the Attorney General and to the director, chief executive officer, or head of the state agency or chairman of the board of the state entity in possession or that had possession of the property.

(d) The notice and a copy of the corrective affidavit shall be delivered by personal service, sent by certified mail, return receipt requested, or delivered by a commercial overnight delivery service or the United States Postal Service, and a receipt obtained, to the last known address of each party to the deed, deed of trust, or mortgage to be corrected that:

(1) Is admitted to record in the office of the clerk of the county commission of the county in which the property is situate and where the deed, deed of trust, or mortgage needing correction was recorded;

(2) Is contained in the deed, deed of trust, or mortgage needing correction;

(3) Has been provided to the attorney who prepared the deed, deed of trust, or mortgage as a forwarding address; or

(4) Has been established with reasonable certainty by other means and to all other persons and entities to whom notice is required to be given.

(e) If no written objection is received from any party disputing the facts recited in the corrective affidavit or objecting to its recordation within 30 days after personal service, or receipt of confirmation of delivery of the notice and copy of the corrective affidavit, the attorney may record the corrective affidavit, and all parties to the deed, deed of trust, or mortgage are bound by the terms of the corrective affidavit.

(f) The corrective affidavit shall:

(1) Be notarized;

(2) Contain a statement that no objection was received from any party within the specified time period;

(3) Confirm that a copy of the notice was sent to all the parties; and,

(4) Contain the attorney's West Virginia State Bar number.

(g) A corrective affidavit recorded pursuant to this section operates as a correction of the deed, deed of trust, or mortgage and relates back to the date of the original recordation of the deed, deed of trust, or mortgage as if the deed, deed of trust, or mortgage was correct when first recorded.

(h) A title insurance company, upon request, shall issue an endorsement to reflect the corrections made by the corrective affidavit and shall deliver a copy of the endorsement to all parties to the policy who can be found.

(i) The clerk shall record the corrective affidavit in the deed book or other book in which deeds are recorded in the county and, notwithstanding their designation in the deed, deed of trust, or mortgage needing correction, index the corrective affidavit in the names of the parties to the deed, deed of trust, or mortgage as grantors and grantees as set forth in the corrective affidavit. A corrective affidavit recorded in compliance with this section is prima facie evidence of the facts stated in the corrective affidavit.

(j) Costs associated with the recording of a corrective affidavit pursuant to this section shall be paid by the party that records the corrective affidavit.

(k) Any person who wrongfully or erroneously records a corrective affidavit is liable for actual damages sustained by any party due to the recordation, including reasonable attorney fees and costs.

(l) The remedies under this section are not exclusive and do not abrogate any right or remedy under the laws of the State of West Virginia other than this section.

(m) A corrective affidavit under this section may be made in the following form, or to the same effect:

Corrective Affidavit

This corrective affidavit, prepared pursuant to West Virginia Code §36-3-11, shall be indexed in the names of (grantor(s)) whose addresses are and (grantee(s)), whose addresses are The undersigned affiant, being first duly sworn, deposes and states as follows:

1. That the affiant is a West Virginia attorney.

2. That the deed, deed of trust, or mortgage needing correction was made in connection with a real estate transaction in which purchased real estate from, as shown in a deed recorded in the office of the clerk of the county commission of County, West Virginia, in Deed Book, Page, or as Instrument Number; or in which real estate was

encumbered, as shown in a deed recorded in the office of the clerk of the county commission of County, West Virginia, in Deed Book, Page, or as Instrument Number

3. That the property description in the aforementioned deed, deed of trust, or mortgage contains an obvious description error.

4. That the property description containing the obvious description error reads:

.....

.....

5. That the correct property description should read:

.....

.....

6. That this corrective affidavit is given pursuant to West Virginia Code §36-3-11 to correct the property description in the aforementioned deed, deed of trust, or mortgage, and such description shall be as stated in paragraph 5 above upon recordation of this corrective affidavit in the office of the clerk of the county commission of County, West Virginia.

7. That notice of the intent to record this corrective affidavit and a copy of this corrective affidavit was delivered to all parties to the deed, deed of trust, or mortgage being corrected pursuant to West Virginia Code §36-3-1 and that no objection to the recordation of this corrective affidavit was received within the applicable period of time as set forth in West Virginia Code §36-3-1.

.....

(Name of attorney)

.....

(Signature of attorney)

.....

(Address of attorney)

.....

(Telephone number of attorney)

.....

(Bar number of attorney)

The foregoing affidavit was acknowledged before me

This day of, 20...., by

.....

Notary Public

My Commission expires

Notary Registration Number:

(n) Notice under this section may be made in the following form, or to the same effect:

Notice of Intent to Correct an Obvious Description Error

Notice is hereby given to you concerning the deed, deed of trust, or mortgage described in the corrective affidavit, a copy of which is attached to this notice, as follows:

1. The attorney identified below has discovered or has been advised of an obvious description error in the deed, deed of trust, or mortgage recorded as part of your real estate settlement. The error is described in the attached affidavit.

2. The undersigned will record an affidavit to correct such error unless the undersigned receives a written objection disputing the facts recited in the affidavit or objecting to the recordation of the affidavit. Your objections must be sent within 30 days of receipt of this notice to the following address:

.....

(Address)

.....

(Name of attorney)

.....
(Signature of attorney)

.....
(Address of attorney)

.....
(Telephone number of attorney)

.....
(Bar number of attorney);

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4576—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-3-11, relating to establishing a procedure for correcting errors in deeds, deeds of trust and mortgages; providing definitions; establishing that obvious description errors in a recorded deed, deed of trust or mortgage involving the transfer of interest in real property may be corrected by recorded affidavit; requiring that the correction of an obvious description error may not be inconsistent with the recorded property description; requiring notice be sent to specified persons; providing notice delivery requirements; establishing the contents of the corrective affidavit; establishing the effect of the corrective affidavit once filed; requiring a title insurance company to issue an endorsement to reflect the corrective affidavit; requiring the clerk to record and index the corrective affidavit in the deed book; establishing that a recorded affidavit is prima facie evidence of the facts stated therein; requiring associated costs be paid by the recording party; providing that a person who wrongfully records a corrective deed is liable for actual damages, reasonable costs, and attorney fees; providing that remedies provided herein are not exclusive; and providing a format for the corrective affidavit and notice of an intent to correct an obvious description error.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4576, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard,

Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4576) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill 4275, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

Whereupon, Senator Weld, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill 4275, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill 4275 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate on page one, section one, line eight, and that the House and Senate agree to an amendment as follows:

On page one section one, line eight, after the word authorized by striking out the period and inserting the following:

with the following amendments:

On page four, by striking out all of paragraph 4.1.k.1. and inserting in lieu thereof the following:

“4.1.k.1. For renovations in one- and two- family homes where no new square footage is involved arc-fault circuit interrupter (AFCI) protection shall not be required, except for in bedrooms. For renovations in one- and two- family homes where square footage is added but no electrical service is installed, arc-fault circuit interrupter (AFCI) protection shall not be required.”;

And,

That the title as amended by the Senate be adopted.

Eng. Com. Sub. for House Bill 4275—A Bill to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing agencies of the Department of Military Affairs and Public Safety to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Fire Commission to promulgate a legislative rule relating to State Fire Code; and authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code.

Respectfully submitted,

Geoff Foster (*Chair*), Brandon Steele, Nathan Brown, *Conferees on the part of the House of Delegates.*

Ryan W. Weld (*Chair*), Tom Takubo, and Glenn D. Jeffries, *Conferees on the part of the Senate.*

On motions of Senator Weld, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 4275, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4275) passed with its conference amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4275) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate again proceeded to the fifth order of business.

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 4558, Creating a personal income tax credit for volunteer firefighters in West Virginia.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Criss, Maynard, and Barrett.

At the request of Senator Weld, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Concurrent Resolution 64 (originating in the Committee on the Judiciary)—Requesting the Joint Committee on Government and Finance conduct a study on domestic violence rates in the state and propose funding to prevent and reduce current and future incidents of domestic violence.

Whereas, In 2010 over 12,000 domestic violence offenses in West Virginia were reported to law enforcement; and

Whereas, In 2014, 33 percent of women were victims of some form of domestic violence, including, but not limited, to stalking behavior, emotional abuse, economic abuse, and coercion or threats; and

Whereas, In 2014, 33 percent of all homicides in West Virginia were attributable to domestic violence and 66 percent of women murdered in West Virginia during this time frame were killed by a family or household member; and

Whereas, There are approximately 21,000 calls to various domestic violence hotlines in this country per day; and

Whereas, Domestic violence programs in this state receive funding. However, it is currently unknown whether the current funding is sufficient to address the needs for persons seeking domestic violence resources or other emergency information across this state; and

Whereas, Undocumented or unreported incidents of domestic violence are often very high. It is crucial to ensure that persons seeking domestic violence resources have the access to information in a discrete manner or be able to contact a hotline for emergencies or other information whenever he or she needs these resources; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance conduct a study on domestic violence rates in the state and propose funding to prevent and reduce current and future incidents of domestic violence; and, be it

Further Resolved, That the Joint Committee on Government and Finance include in the scope of its study the current reported figures of domestic violence within the state and the current level of domestic violence funding for law enforcement and other domestic violence programs providing resources to its community and the state; and, be it

Further Resolved, That the Joint Committee on Government and Finance review the domestic violence prevention needs and prevention strategies in coordination with other organizations that provide domestic violence services through the state that could be implemented in the state to reduce rates of domestic violence as well as the societal and economic impact associated with them; and, be it

Further Resolved, That the Joint Committee on Government and Finance include in the scope of its study the reported figures of incarcerated domestic abusers compared to domestic violence reports; and, be it

Further Resolved, That the Joint Committee on Government and Finance should include in the scope of its study the amount of domestic violence homicides that occur each year in this state; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2021, 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 reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Weld, unanimous consent being granted, the resolution (S. C. R. 64) contained in the foregoing report from the Committee on the Judiciary was then referred to the Committee on Rules.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Concurrent Resolution 65 (originating in the Committee on the Judiciary)—Requesting the Joint Committee on Government and Finance conduct a study concerning the potential implementation of a Deferred Retirement Option Plan for troopers and employees of the West Virginia State Police.

Whereas, The West Virginia State Police provides an essential service to the State of West Virginia; and

Whereas, Every year numerous West Virginia State Police troopers and employees retire; and

Whereas, Current West Virginia State Police retirement options often favor retirement at the earliest possible age; and

Whereas, When a veteran State Police officer or employee retires, the loss of that wisdom and experience is a hindrance to the continued success of the West Virginia State Police and cannot be easily replaced; and

Whereas, Many states have adopted Deferred Retirement Option Plans (DROP) to provide troopers and other employees an incentive to remain employed for a small number of years beyond the age they would have otherwise retired; and

Whereas, DROP programs are designed to be an entirely voluntary and cost-neutral monetary incentive for the most experienced troopers and employees to remain past normal retirement age; and

Whereas, The introduction of a DROP program with the West Virginia State Police is of great potential significance to West Virginia as a method to ensure both the continued success of the West Virginia State Police as well as providing retired troopers and employees with an additional source of income upon their eventual retirement that they may otherwise have not been able to benefit from; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct a study concerning the potential implementation of a Deferred Retirement Option Plan for troopers and employees of the West Virginia State Police.

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2021, 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 reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Weld, unanimous consent being granted, the resolution (S. C. R. 65) contained in the foregoing report from the Committee on the Judiciary was then referred to the Committee on Rules.

The Senate again proceeded to the sixth order of business.

At the request of Senator Tarr, and by unanimous consent, Senators Carmichael (Mr. President), Takubo, and Tarr offered the following resolution from the floor:

Senate Concurrent Resolution 66—Urging Congress to allow the United States Department of Transportation to enter into a transportation pilot study with the states of West Virginia, Kentucky, and Indiana to analyze weight capacity of vehicles traveling on interstate highways with multi-axle, divisible loads.

Whereas, Weight distribution technology on divisible loads has advanced to provide an over 80,000 pound maximum gross vehicle can apply same weight application as an 80,000 maximum gross weight vehicle weight limit on the roads; and

Whereas, Federal law currently imposes a maximum gross vehicle weight of 80,000 pounds on interstate highways, without any tolerance, and with axle weight restrictions and the bridge formula often reducing such maximum weight; and

Whereas, Vehicles transporting commodities through West Virginia often reach our state on interstate highways but leave the interstate highways system and switch to West Virginia's local roads, taking advantage of the higher weight limit on such routes; and

Whereas, Such practice increases traffic on West Virginia's mountainous country roads, raises safety concerns, and limits economic avenues; and

Whereas, Interstates could safely support the same weight restrictions as those on U.S. routes in West Virginia given that the design standards used for both systems are identical and the weight increase would be minimal; and

Whereas, The West Virginia Department of Transportation, Division of Highways, is poised to address any questions Congress or the U.S. Department of Transportation, Federal Highway Administration, may have to demonstrate the feasibility of this request; and

Whereas, Providing an exception to the existing weight limits and restrictions in Title 23 of the United States Code, including the bridge formula, for vehicles operating on interstate highways in West Virginia will allow more vehicles to travel the safer interstate highways and expand economic access throughout West Virginia; and

Whereas, Congress has previously provided exceptions to the maximum gross vehicle weight on interstate highways for several states of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That Congress is urged to allow the United States Department of Transportation to enter into a transportation pilot study with the states of West Virginia, Kentucky, and Indiana to analyze weight capacity of vehicles traveling on interstate highways with multi-axle, divisible loads; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President and Secretary of the United States Senate, to the Speaker and Clerk

of the United States House of Representatives, and to the members of West Virginia's congressional delegation.

At the request of Senator Tarr, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senators Prezioso, Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Pitsenbarger, Plymale, Roberts, Romano, Smith, Stollings, Sypolt, Unger, and Woelfel offered the following resolution:

Senate Resolution 74—Urging the United States Senate to support the Stop Looting American Pensions Act, as introduced on October 30, 2019.

Whereas, 10.6 million hardworking men and women put a portion of their paycheck into a pension account every pay period with the expectation that it will be there when they retire; and

Whereas, These men and women have contributed to their local, state, and federal economies for the years that they have worked; and

Whereas, These same men and women will rely on their pensions after retirement to continue contributing to their local, state, and federal economies; and

Whereas, Numerous investment firms have manipulated sections of the bankruptcy code to maximize profits by reducing health benefits, slashing pensions, and selling off a company's most valuable assets; and

Whereas, Current bankruptcy laws have allowed companies to close stores, slash jobs, and file bankruptcy when they no longer possess enough assets to pay off their creditors, including their pension obligations; and

Whereas, The Stop Looting American Pensions (SLAP) Act will increase bankruptcy priority for wages, allow the Pension Benefits Guaranty Corporation to perfect liens in bankruptcy, and mandate that a company must continue to make its minimum funding contributions towards its pension plan regardless of declaring bankruptcy; and

Whereas, The SLAP Act will also increase the lookback period to six years for fraudulent conveyances, expand restrictions on executive pay during bankruptcy, and require more notice to creditors when asset sales take place after filing bankruptcy; therefore, be it,

Resolved by the Senate:

That the Senate hereby urges the United States Senate to support the Stop Looting American Pensions Act; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Senator Joe Manchin, Senator Shelley Moore-Capito, Representative David McKinley, Representative Alex Mooney, and Representative Carol Miller.

At the request of Senator Stollings, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

At the request of Senator Takubo, and by unanimous consent, the Senate returned to the fifth order of business.

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 7:52 p.m. tonight:

Eng. Com. Sub. for House Bill 4388, Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising.

The Senate again proceeded to the sixth order of business.

Petitions

Senator Jeffries presented a petition from Roy Stone and 335 Putnam County residents, requesting the Legislature's help in forcing a gas pipeline company to repair road damage resulting from pipeline construction.

Referred to the Committee on Transportation and Infrastructure.

On motion of Senator Takubo, at 7:58 p.m., the Senate recessed until 8:15 p.m. tonight.

The Senate reconvened at 8:19 p.m. tonight and resumed business under the sixth order.

At the request of Senator Takubo, unanimous consent being granted, Senators Carmichael (Mr. President), Beach, Azinger, Baldwin, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Woelfel offered the following resolution from the floor:

Senate Resolution 75—Recognizing the dedicated public service of the Honorable Roman W. Prezioso, Jr.

Whereas, The Honorable Roman W. Prezioso, Jr., was born June 29, 1949, in the small mining town of Monongah to the late Roman W. and Amelia A. Prezioso; and

Whereas, The Honorable Roman W. Prezioso, Jr., attended Fairmont State College, earned an A.B. from West Virginia University, and earned a M.A. from Marshall University; and Whereas, The Honorable Roman W. Prezioso, Jr., was elected to the House of Delegates in 1988 and was reelected in 1990, 1992, and 1994. He was elected to the Senate in 1996 and reelected in 2000, 2004, 2008, 2012, and 2016; and

Whereas, During his tenure with the Senate, The Honorable Roman W. Prezioso, Jr., served as chairman of the committees on Military, Health and Human Resources, and Finance and

served as a member of the committees on Banking and Insurance, Confirmations, Natural Resources, and Rules. He also served as Chairman of the Student Intern Committee for eight years; and

Whereas, The Honorable Roman W. Prezioso, Jr., has served as the Senate Minority Leader since 2017; and

Whereas, The Honorable Roman W. Prezioso, Jr., has had many public affiliations, including the Board of Directors for Mon General Hospital, past President of the Kiwanis Club of Fairmont, Marion Regional Development Corporation, Motor Sports Advisory Committee, Southern Regional Education Board, Southern Legislative Conference, West Virginia School Health Committee, WVU Eberly College of Arts and Sciences Advisory Board, and Governor's Committee on School Facilities Evaluation; and

Whereas, The Honorable Roman W. Prezioso, Jr., is not only a dedicated public servant, but he is first and foremost a family man, having married his beloved wife Debbie and raised their son Christopher James, who has blessed him with a grandson, James, and will soon add to their family with a granddaughter, Lucia; and

Whereas, During his public service, the Honorable Roman W. Prezioso, Jr., has tirelessly advocated not only for his constituents in the 13th Senatorial District, but for all West Virginians; and

Whereas, The Honorable Roman W. Prezioso, Jr., has always placed great importance on education. He knows the value of quality teaching. He not only became an educator but also married an educator and takes great pride that Pierpont Community and Technical College, Fairmont State University, and West Virginia University are all situated in his district; and

Whereas, The Honorable Roman W. Prezioso, Jr., has chosen not to seek reelection in 2020, bringing an end to a distinguished career in public service; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the dedicated public service of the Honorable Roman W. Prezioso, Jr.; and, be it

Further Resolved, That the Senate expresses its most sincere appreciation and gratitude to the Honorable Roman W. Prezioso, Jr., for his service to the Senate and to the citizens of the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Honorable Roman W. Prezioso, Jr.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

Following extended discussion,

(Senator Weld in the Chair.)

Following discussion

(Senator Carmichael, Mr. President, in the Chair.)

The question being on the adoption of the resolution, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: None.

Excused from voting: Prezioso—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 75) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Trump, Sypolt, Palumbo, Plymale, Romano, Swope, Lindsay, Beach, Blair, Facemire, Hardesty, Carmichael (Mr. President), and Prezioso regarding the adoption of Senate Resolution 75 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 8:56 p.m., the Senate recessed to present Senate Resolution 75.

The Senate reconvened at 9:01 p.m. and resumed business under the sixth order.

At the request of Senator Takubo, unanimous consent being granted, Senators Carmichael (Mr. President), Takubo, Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, and Woelfel offered the following resolution from the floor:

Senate Resolution 76—Recognizing the dedicated public service of the Honorable Corey Palumbo.

Whereas, The Honorable Corey Palumbo was born August 16, 1972, the son of former Senator Mario J. Palumbo and Louise Corey Palumbo; and

Whereas, The Honorable Corey Palumbo graduated from George Washington High School and then attended West Virginia University, where he earned a bachelor of arts degree; and

Whereas, The Honorable Corey Palumbo attended the University of North Carolina School of Law; and

Whereas, The Honorable Corey Palumbo is married to Cristin Meredith Palumbo, with whom he shares children Riley Meredith, Mario James, and Michael Corey; and

Whereas, The Honorable Corey Palumbo was elected to the West Virginia House of Delegates in 2002, 2004, and 2006; and

Whereas, The Honorable Corey Palumbo was elected to the West Virginia Senate in 2008, 2012, and 2016; and

Whereas, The Honorable Corey Palumbo served as Senate Minority Whip for the 83rd Legislature; and

Whereas, The Honorable Corey Palumbo served as chairman of the committees on the Judiciary and Enrolled Bills, and as a member of the committees on Banking and Insurance, Confirmations, Finance, Government Organization, Health and Human Resources, and Rules; and

Whereas, Throughout his public service, the Honorable Corey Palumbo has advocated not only for his constituents in the 17th Senatorial District, but for all West Virginians; and

Whereas, The Honorable Corey Palumbo has chosen not to seek reelection in 2020, bringing an end to a distinguished career in public service; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the dedicated public service of the Honorable Corey Palumbo; and, be it

Further Resolved, That the Senate expresses its most sincere appreciation and gratitude to the Honorable Corey Palumbo for his service to the Senate and to the citizens of the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Honorable Corey Palumbo.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Blair demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: None.

Excused from voting: Palumbo—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 76) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Prezioso, Trump, Takubo, Lindsay, Woelfel, Sypolt, Facemire, and Palumbo regarding the adoption of Senate Resolution 76 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 9:20 p.m., the Senate recessed to present Senate Resolution 76.

The Senate reconvened at 9:26 p.m.

At the request of Senator Takubo, unanimous consent being granted, Senator Takubo addressed the Senate and presented Senators Prezioso and Palumbo each with a West Virginia flag flown over the State Capitol today, Saturday, March 7, 2020.

Without objection, the Senate returned to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4069, West Virginia Student Religious Liberties Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page three, section five, after subsection (d), by inserting a new section, designated section six, to read as follows:

§18-33-6. Limited public forum; school district policy.

(a) To ensure that the school district does not discriminate against a student's publicly stated voluntary expression of a religious viewpoint, if any, and to eliminate any actual or perceived affirmative school sponsorship or attribution to the district of a student's expression of a religious viewpoint, if any, a school district shall adopt and implement a policy. The policy must include the establishment of a limited public forum for student speakers that requires the school district to:

(1) Provide the forum in a manner that does not discriminate against or exclude a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;

(2) Provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies; and

(3) Ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech.

(b) School authorities may disclaim sponsorship of noncurricular groups, forums and events provided that they administer the disclaimer in a manner that does not favor or disfavor groups that meet to engage in prayer or other religious speech.;

And

By renumbering the remaining sections.

On motion of Senator Takubo, the Senate refused to concur in the foregoing House amendments to the Senate amendments to the bill (Eng. Com. Sub. for H. B. 4069) and requested the House of Delegates to recede therefrom.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4433, Relating to deeds of trust.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1. VENDOR'S AND TRUST DEED LIENS.

§38-1-2a. How deeds of trust construed; duties and rights of parties.

(a) Every deed of trust to secure debts or indemnify sureties is a contract and shall be construed according to its terms to the extent its terms are not in conflict with applicable state and federal laws.

(b) Unless the deed of trust or applicable law provides otherwise, a deed of trust to secure debts or indemnify sureties executed on or after the effective date of the enactment of this section shall be construed to impose and confer upon the parties and beneficiaries the following duties, rights, and obligations as if the same were expressly provided for by the deed of trust:

(1) The deed shall be construed to secure the performance of each of the covenants entered into by the grantor as well as the payment of the primary obligation;

(2) The grantor is considered to covenant that he or she will pay all taxes, levies, and other governmental assessments and charges upon the property, as long as any obligation upon the grantor under the deed of trust remains undischarged;

(3) The grantor is considered to covenant he or she will not commit waste upon the property and shall maintain, preserve, and protect the value of the property;

(4) The grantor is considered to covenant that in the event of his or her failure to meet any obligations imposed upon him or her, then the trustee or any beneficiary may, at his or her option, satisfy the obligations to the extent reasonable or appropriate to protect the beneficiary's interest in the property and rights under a security instrument. The money advanced, with interest as provided in the deed of trust, shall be a part of the debt secured by the deed of trust, in the event of sale to be paid next after the expenses of executing the trust, and is otherwise recoverable

from the grantor as a debt. This section is not intended to create personal liability for a grantor that did not execute the note or debt instrument secured by the deed of trust;

(5) A covenant to pay interest is considered a covenant to pay interest on the principal balance as the rate may vary or be modified from time to time by the parties under the original instruments or agreements or a written agreement of modification, whether or not recorded, and all the interest on the principal secured by the deed of trust is on an equal priority with the principal debt secured by the deed of trust, in the event of sale to be paid next after the expenses of executing the trust; and

(6) Any covenant, otherwise authorized by law, that the lender is entitled to share in the gross income or the net income, or the gross rent or revenues, or net rents or revenues of the property, or in any portion of the proceeds or appreciation upon sale or appraisal or similar event, is on an equal priority with the principal debt secured by the deed of trust, in the event of sale to be paid next after the expenses of executing the trust, and shall be specified in the recorded deed of trust or other recorded document in order to be notice of record as against subsequent parties. This subdivision does not apply to consumer loans as defined in the West Virginia Consumer Credit and Protection Act §46A-1-101 *et seq.* of this code or residential deeds of trust, unless expressly provided for in the applicable deed of trust or by applicable law.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4433—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §38-1-2a, all relating to deeds of trust to secure debts or indemnify sureties; providing rules of construction for how deeds of trust to secure debts or indemnify sureties are construed; and establishing the duties, rights, and obligations of parties to a deed of trust to secure debts or indemnify sureties.

On motion of Senator Takubo, the Senate refused to concur in the foregoing House amendments to the Senate amendments to the bill (Eng. Com. Sub. for H. B. 4433) and requested the House of Delegates to recede therefrom.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendment, as to

Eng. House Bill 4499, Relating to multicounty trail network authorities.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendment to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. House Bill 4499—A Bill to amend and reenact §20-17-7, §20-17A-2 and §20-17A-3 of the Code of West Virginia, 1931, as amended, all relating to trail network authorities; eliminating the permit requirement for multicounty trail networks; continuing the Mountaineer Trail Network Recreation Authority; expanding counties in the Mountaineer Trail Network Recreation Authority; and expanding permitted recreational activities in the Mountaineer Trail Network Recreation Area.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendment to the bill.

Engrossed House Bill 4499, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4499) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the sixth order of business, which agenda includes the making of main motions.

On motion of Senator Takubo, the Senate reconsidered its action by which in earlier proceedings today it adopted Senator Maroney's amendment to the title of

Eng. Com. Sub. for House Bill 2961, Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly.

The bill still being in the possession of the Senate,

The question being on the adoption of Senator Takubo's aforestated motion, the same was put and prevailed.

The vote thereon having been reconsidered,

At the request of Senator Maroney, and by unanimous consent, Senator Maroney's amendment to the title of the bill (*shown in the Senate Journal of today, page 521*) was withdrawn.

On motion of Senator Maroney, the following substitute amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2961—A Bill to amend and reenact §16-1-9 and §16-1-9a of the Code of West Virginia, 1931, as amended, all relating generally to public health and sanitation of water; providing that the Commissioner of the Bureau of Public Health may require a water supply system to be equipped with a backflow prevention assembly in certain circumstances; establishing procedures for determining whether installation of a backflow prevention assembly

is required; setting forth the process by which a customer may seek a waiver to backflow prevention assembly requirements and challenge a determination by the commissioner; requiring documentation of certain activities related to backflow prevention assembly; and requiring reporting and communication of boiled water advisories and lifting of advisories by certain means.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Takubo, unanimous consent being granted, Senators Carmichael (Mr. President), Takubo, Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, and Woelfel offered the following resolution from the floor:

Senate Resolution 77—Recognizing the dedicated public service of the Honorable Kenny Mann.

Whereas, The Honorable Kenny Mann was born in Bluefield, West Virginia, the son of Marvin and Judy Mann; and

Whereas, The Honorable Kenny Mann graduated from Concord University with a bachelor's degree in business and attended Mid-America College of Funeral Service where he earned a degree in mortuary science; and

Whereas, The Honorable Kenny Mann is married to Angie E. Mann, with whom he shares children Brianna, Hannah E., Haleigh, Emmett, Brooklyn, and Hannah G.; and

Whereas, The Honorable Kenny Mann was elected to the West Virginia Senate in 2016; and

Whereas, The Honorable Kenny Mann served as chairman of the Education committee, and as a member of the committees on Agriculture and Rural Development, Banking and Insurance, Economic Development, Energy, Industry, and Mining, Finance, and Natural Resources; and

Whereas, The Honorable Kenny E. Mann is the owner and licensee in charge of Groves-Mann Funeral Home Inc. in Union; former member of the Monroe County Board of Education; West Virginia Funeral Directors Association; President of the Ballard Volunteer Fire Department; and John Dove Lodge AF&AM; and

Whereas, Throughout his public service, the Honorable Kenny Mann has advocated not only for his constituents in the 10th Senatorial District, but for all West Virginians; and

Whereas, The Honorable Kenny Mann has chosen not to seek reelection in 2020, bringing an end to a distinguished career in public service; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the dedicated public service of the Honorable Kenny Mann; and, be it

Further Resolved, That the Senate expresses its most sincere appreciation and gratitude to the Honorable Kenny Mann for his service to the Senate and to the citizens of the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Honorable Kenny Mann.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Trump demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: None.

Excused from voting: Mann—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 77) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Weld, Facemire, Romano, Baldwin, Blair, Smith, Sypolt, Trump, Cline, and Mann regarding the adoption of Senate Resolution 77 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 9:55 p.m., the Senate recessed to present Senate Resolution 77.

The Senate reconvened at 9:58 p.m. and resumed business under the sixth order.

At the request of Senator Takubo, unanimous consent being granted, Senators Carmichael (Mr. President), Azinger, Beach, Baldwin, Blair, Boley, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Woelfel offered the following resolution from the floor:

Senate Resolution 78—Recognizing the dedicated public service of the Honorable Paul Hardesty.

Whereas, The Honorable Paul Hardesty was born on February 4, 1963, in Man, West Virginia, to Larry D. and Donna B. Hardesty, and attended Richlands High School; and

Whereas, The Honorable Paul Hardesty served as legislative aide to Governor Bob Wise and Governor Joe Manchin from 2001 to 2007; and

Whereas, The Honorable Paul Hardesty served as President of the Logan County Board of Education from July 2016 to January 2019. He also served as Director of the West Virginia Public Energy Authority and Director of the Office of Coalfield Development; and

Whereas, The Honorable Paul Hardesty was appointed to the Senate on January 18, 2019, representing the 7th Senatorial District and the counties of Boone, Lincoln, and Logan; and

Whereas, The Honorable Paul Hardesty served as a member of the committees on Agriculture and Rural Development, Interstate Cooperation, the Judiciary, Military, Natural Resources, and the Select Committee on Children and Families; and

Whereas, During his public service, the Honorable Paul Hardesty has tirelessly advocated not only for his constituents in the 7th Senatorial District, but for all West Virginians; and

Whereas, The Honorable Paul Hardesty has chosen not to seek election in 2020, bringing an end to his public service in the West Virginia Senate; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the dedicated public service of the Honorable Paul Hardesty; and, be it

Further Resolved, That the Senate expresses its most sincere appreciation and gratitude to the Honorable Paul Hardesty for his service to the Senate and to the citizens of the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Honorable Paul Hardesty.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Blair demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: None.

Excused from voting: Hardesty—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 78) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Prezioso, Beach, Lindsay, Weld, Stollings, Swope, Plymale, Baldwin, Trump, Romano,

Facemire, and Hardesty regarding the adoption of Senate Resolution 78 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 10:23 p.m., the Senate recessed to present Senate Resolution 78.

The Senate reconvened at 10:26 p.m. and, without objection, returned to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4092, Relating to foster care.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page eight, section two hundred six, by striking out the words “‘Scattered-site living arrangement’ means a living arrangement where youth, 16” and inserting in lieu thereof the words “‘Scattered-site living arrangement’ means a living arrangement where youth, 17”;

On page thirteen, section one hundred eleven-c, subsection (a), subdivision (4), by striking out “July 1, 2021” and inserting in lieu thereof “December 1, 2020”;

On page twenty-nine, section six hundred one-a, by striking out the words “child’s caseworker” and inserting in lieu thereof the word “department”;

And,

On page thirty-three, section six hundred four, subsection (b), after the word “litem.” by inserting the following: The West Virginia Supreme Court of Appeals is requested to review the Rules of Procedure for Child Abuse and Neglect Proceedings and the Rules of Professional Conduct specific to guardians ad litem.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4092, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4092) passed with its Senate amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 589, Creating Critical Needs/Failing Systems Sub Account.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking the out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL.

§31-15A-17c. Critical Needs and Failing Systems Sub Account.

Notwithstanding any provision of this article to the contrary:

(a) The Water Development Authority shall establish a separate and segregated sub account in the Infrastructure Fund designated the Critical Needs and Failing Systems Sub Account into which the council may instruct the Water Development Authority to transfer from the uncommitted loan balances for each congressional district on June 30 each year up to \$4 million per congressional district.

(b) The council shall direct the Water Development Authority to make loans or grants from the Critical Needs and Failing Systems Sub Account when the council determines that a project will address a critical immediate need by:

(1) The continuation of water or wastewater services;

(2) Addressing water facility or wastewater facility failure due to the age of the facility or facilities; or

(3) Providing extensions to a water facility or wastewater facility that will add customers with a total project cost of less than \$1 million.

(c) Grant limitations and allocations contained in §31-15A-10(b) and §31-15A-10(c) of this code do not apply to grants made from the Critical Needs and Failing Systems Sub Account.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 589, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 589) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 797, Authorizing governing boards of public and private hospitals employ hospital police officers.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page two, section nineteen, line twenty-two, by striking out “§17C-2-3” and inserting in lieu thereof “§17C-1-1 *et seq.*”;

On page three, section nineteen, lines fifty-three through fifty-six, by striking out all of subsection (f);

And by relettering the remaining subsections;

On page four, section six, line ten, by striking out the word “defined” and inserting in lieu thereof the word “provided”;

On pages seven through eleven, by striking out all of section five and inserting in lieu thereof a new section, designated section five, to read as follows:

§30-29-5. Certification requirements and power to decertify or reinstate.

(a) Except as provided in subsections (b) and ~~(g)~~ (e) of this section, a person may not be employed as a law-enforcement officer by any West Virginia law-enforcement agency or by any state institution of higher education or by a hospital or by the Public Service Commission of West Virginia on or after the effective date of this article unless the person is certified, or is certifiable in ~~one of the manners specified in subsections~~ subsection (c) through (e), inclusive of this section, by the subcommittee as having met the minimum entry level law-enforcement qualification and training program requirements promulgated pursuant to this article: *Provided*, That the provisions of this section do not apply to persons hired by the Public Service Commission as motor carrier inspectors and weight enforcement officers before July 1, 2007.

(b) Except as provided in subsection ~~(g)~~ (e) of this section, a person who is not certified, or certifiable in ~~one of the manners specified in subsections subsection~~ subsection (c) through (e), inclusive, of this section, may be conditionally employed as a law-enforcement officer until certified: *Provided,* That within 90 calendar days of the commencement of employment or the effective date of this article, if the person is already employed on the effective date, he or she makes a written application to attend an approved law-enforcement training academy and that the person satisfactorily completes the approved law-enforcement training academy within 18 consecutive months of the commencement of his or her employment: *Provided, however,* That the subcommittee may grant an extension, one-time only, not to exceed six months, based upon a written request from the person justifying the need for such an extension: *Provided further,* That the subcommittee, in its sole discretion, may grant an additional extension upon demonstration of a hardship warranting it. The person's employer shall provide notice, in writing, of the 90-day deadline to file a written application to the academy within 30 calendar days of that person's commencement of employment. The employer shall provide full disclosure as to the consequences of failing to file a timely written application. The academy shall notify the applicant in writing of the receipt of the application and of the tentative date of the applicant's enrollment. Any applicant who, as the result of extenuating circumstances acceptable to his or her employing law-enforcement official, is unable to attend the scheduled training program to which he or she was admitted may reapply and shall be admitted to the next regularly scheduled training program. One year after the effective date of this section, certification as a law-enforcement officer within this state of persons who are not certifiable as provided in subsection (c) of this section, shall, in addition to graduation from an established academy in the state, be based on: Current employment as a sworn law-enforcement officer by any West Virginia law-enforcement agency or any state institution of higher education or the Public Service Commission; and the person's successful completion of an approved entry level law-enforcement examination established by legislative rule of the subcommittee, which shall include, at a minimum, written testing requirements, medical standards, physical standards, and good moral character standards conducted in accordance with such rule. The production of a record of successful passage of the approved entry level law-enforcement examination shall indicate the applicant as qualified under the law-enforcement training and certification standards within this state. An applicant who satisfactorily completes the program and successfully passes the approved entry level law-enforcement examination shall, within 30 days of completion, make written application to the subcommittee requesting certification as having met the minimum entry level law-enforcement qualification and training program requirements. Upon determining that an applicant has met the requirements for certification as set forth in this section, the subcommittee shall forward to the applicant documentation of certification. An applicant who fails to complete the training program to which he or she is first admitted, or was admitted upon reapplication, or who fails to pass the approved entry level law-enforcement examination, may not be certified by the subcommittee: *Provided, however,* *And provided further,* That an applicant who has completed the minimum training and examination required by the subcommittee may be certified as a law-enforcement officer, notwithstanding the applicant's failure to complete additional training hours required in the training program to which he or she originally applied. If more than 24 months but less than 60 months have passed since the applicant for certification has successfully completed the approved entry level law-enforcement examination, the person may be certified but must complete the additional training set forth in legislative rules promulgated by the subcommittee addressing the recertification requirements of certified officers. If more than 60 months have passed since the applicant for certification has successfully completed the approved entry level law-enforcement examination, the person must then attend a subcommittee-approved training program and successfully complete a separate subcommittee entry level law-enforcement examination.

~~(c) Any person who is employed as a law enforcement officer on the effective date of this article and is a graduate of the West Virginia basic police training course, the West Virginia State Police cadet training program, or other approved law enforcement training academy, is certifiable as having met the minimum entry level law enforcement training program requirements and is exempt from the requirement of attending a law enforcement training academy. To receive certification, the person shall make written application within ninety calendar days of the effective date of this article to the subcommittee requesting certification. The subcommittee shall review the applicant's relevant scholastic records and, upon determining that the applicant has met the requirements for certification, shall forward to the applicant documentation of certification.~~

~~(d) Any person who is employed as a law enforcement officer on the effective date of this article and is not a graduate of the West Virginia basic police training course, the West Virginia State Police Cadet Training Program or other approved law enforcement training academy, is certifiable as having met the minimum entry level law enforcement training program requirements and is exempt from the requirement of attending a law enforcement training academy if the person has been employed as a law enforcement officer for a period of not less than five consecutive years immediately preceding the date of application for certification. To receive certification, the person shall make written application within ninety calendar days following the effective date of this article to the subcommittee requesting certification. The application shall include notarized statements as to the applicant's years of employment as a law enforcement officer. The subcommittee shall review the application and, upon determining that the applicant has met the requirements for certification, shall forward to the applicant documentation of certification.~~

~~(e)~~ (c) Any person who begins employment on or after the effective date of this article as a law-enforcement officer is certifiable as having met the minimum entry level law-enforcement training program requirements and is exempt from attending a law-enforcement training academy if the person has satisfactorily completed a course of instruction in law enforcement equivalent to or exceeding the minimum applicable law-enforcement training curricula promulgated by the subcommittee. To receive certification, the person shall make written application within 90 calendar days following the commencement of employment to the subcommittee requesting certification. The application shall include a notarized statement of the applicant's satisfactory completion of the course of instruction in law enforcement, a notarized transcript of the applicant's relevant scholastic records, and a notarized copy of the curriculum of the completed course of instruction. The subcommittee shall review the application and, if it finds the applicant has met the requirements for certification, shall forward to the applicant documentation of certification. The subcommittee may set the standards for required records to be provided by or on behalf of the applicant officer to verify his or her training, status, or certification as a law-enforcement officer. The subcommittee may allow an applicant officer to participate in the approved equivalent certification program to gain certification as a law-enforcement officer in this state.

~~(f)~~ (d) Except as provided in subdivisions (1) through (3), inclusive, of this subsection, any person who is employed as a law-enforcement officer on or after the effective date of this article and fails to be certified shall be automatically terminated and no further emoluments shall be paid to such officer by his or her employer. Any person terminated shall be entitled to reapply, as a private citizen, to the subcommittee for training and certification, and upon being certified may again be employed as a law-enforcement officer in this state: *Provided*, That if a person is terminated under this subsection because an application was not timely filed to the academy, and the person's employer failed to provide notice or disclosure to that person as set forth in subsection (b) of this section, the employer shall pay the full cost of attending the academy if the person's application to the subcommittee as a private citizen is subsequently approved.

(1) Any person who is employed as a law-enforcement officer on or after the effective date of this article and fails to be certified as a result of hardship and/or circumstance beyond his or her control may apply to the director of a training academy for reentry to the next available academy.

(2) Any person who is employed as a law-enforcement officer on or after the effective date of this article and fails to be certified as a result of voluntary separation from an academy program shall be automatically terminated and no further emoluments may be paid to such officer by his or her employer. Any person terminated as a result of voluntary separation from an academy program may not be conditionally employed as a law-enforcement officer for a period of two years from the date of voluntary separation.

(3) Any person who is employed as a law-enforcement officer on or after the effective date of this article and fails to be certified as a result of dismissal from an academy program shall be automatically terminated and no further emoluments may be paid to such officer by his or her employer. Any person terminated as a result of dismissal from an academy program may not be conditionally employed as a law-enforcement officer for a period of five years from the date of dismissal and receiving approval from the subcommittee.

~~(g)~~ (e) Nothing in this article may be construed as prohibiting any governing body, Civil Service Commission or chief executive of any West Virginia law-enforcement agency from requiring their law-enforcement officers to meet qualifications and satisfactorily complete a course of law-enforcement instruction which exceeds the minimum entry level law-enforcement qualification and training curricula promulgated by the subcommittee.

~~(h)~~ (f) The subcommittee, or its designee, may decertify or reactivate a law-enforcement officer pursuant to the procedure contained in this article and legislative rules promulgated by the subcommittee.

~~(i)~~ (g) Any person aggrieved by a decision of the subcommittee made pursuant to this article may contest the decision in accordance with the provisions of §29A-5-1 *et seq.* of this code.

~~(j)~~ (h) The subcommittee may issue subpoenas for the attendance of witnesses and the production of necessary evidence or documents in any proceeding, review, or investigation relating to certification or hearing before the subcommittee.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 797—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-19; to amend and reenact §17C-1-6 of said code; and to amend and reenact §30-29-1, §30-29-5, and §30-29-8 of said code, all relating generally to law-enforcement officers; the authorization by governing boards of public and private hospitals to appoint and employ hospital police officers; providing for the qualifications, training, authority, compensation, and removal of hospital police officers; providing for training and examinations of law enforcement officers; providing for the assistance of local law-enforcement agencies upon request; and providing limitations on liability of hospital police officers.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 797, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 797) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 839, Creating State Advisory Council on Postsecondary Attainment Goals.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page one, section eleven, lines one through six, by striking out all of subsection (a) and inserting in lieu thereof a new subsection, designated subsection (a), to read as follows:

(a) There is hereby created the State Advisory Council on Postsecondary Attainment

Goals. The council's purpose is to ensure that students are provided opportunities to learn and earn the most relevant industry-demanded knowledge, skills and credentials to prepare students for the challenges of college, careers, and life, while helping the state and its employers attain economic growth through collaboration with K-12 education leaders, employers and industry leaders, state agency leaders, the Higher Education Policy Commission and the Council for Community and Technical College Education to identify high-value and in-demand postsecondary credentials, and to develop a plan to assist the state in achieving its postsecondary attainment goal of having 60 percent of West Virginians between the ages of 25 and 64 hold a degree, certificate, or other postsecondary workforce credential of value in the workplace by 2030.;

On page one, section eleven, after line seventeen, by inserting the following:

“(7) Representatives from at least two employers, industry associations, or chambers of commerce, appointed jointly by the President of the Senate and the Speaker of the House;

(8) Representatives from at least two regional economic development and workforce investment boards, appointed jointly by the President of the Senate and the Speaker of the House;”;

And by renumbering the remaining subsections;

On page two, section eleven, after line forty-three, by inserting the following:

(e) The council shall provide leadership, strategic direction and evaluation of the state's investments in, and progress toward, implementing high-quality career and technical education programs that are accessible to all students and improves the career readiness of the state's workforce by conducting an annual review of career and technical education offerings in K-12 and the state's community college and technical education system to determine the alignment of existing offerings with employer demand, postsecondary degree or certificate programs, and professional industry certifications. The review shall identify career and technical education offerings that are linked to occupations that are in high-demand by employers, require high-level skills, and provide middle- and high-level wages. The review shall include analyses of:

(1) Participating students and their outcomes, including the following:

(A) Academic achievement;

(B) Attainment of industry certifications;

(C) Program completion;

(D) Applied learning experiences;

(E) College credit attainment through the career and technical education program, including dual enrollment or articulation;

(F) Postsecondary enrollment and credential attainment, including enrollment in 4-year degree programs for state College System students; and

(G) Employment outcomes, including wages;

(2) Demographics of participating students by pathway and credential attainment;

(3) Educational settings of the courses;

(4) Alignment with high-growth, high-demand and high-wage employment opportunities;

(5) Current and projected economic, labor and wage data on the needs of the state, regional and global economy and workforce.

(6) Alignment with certificate or degree programs offered at the postsecondary level or professional industry certifications;

(7) Employment outcomes, including wages, by career and technical education program offerings;

(8) Apprenticeship and pre-apprenticeship offerings;

(9) Qualifications and specialized knowledge and expertise of instructors and the opportunities for these educators to upskill in the latest in-demand skills of employers; and,

(10) Extent to which federal, state and local funding is used to foster career and technical education program success and program efficiency.;

And,

By relettering the remaining sections.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 839, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 839) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4621, West Virginia FinTech Regulatory Sandbox Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 8G. THE WEST VIRGINIA FINTECH REGULATORY SANDBOX PROGRAM.

§31A-8G-1. The West Virginia FinTech Regulatory Sandbox Program.

This article shall be known as the West Virginia FinTech Regulatory Sandbox Act.

§31A-8G-2. Definitions.

As used in this article:

“Applicable agency” means a department or agency of the state that by law regulates certain types of business activity in the state and persons engaged in such business activity, including the issuance of licenses or other types of authorization, which the department determines would otherwise regulate a regulatory sandbox participant.

“Applicant” means an individual or entity that is applying to participate in the regulatory sandbox program.

“Consumer” means a person that purchases or otherwise enters into a transaction or agreement to receive an innovative product or service that is being tested by a regulatory sandbox participant.

“Distributed ledger” means the use of a digital database containing records of financial transactions, including blockchain technology, which can be simultaneously used and shared within a decentralized, publicly accessible network and can record transactions between two parties in a verifiable and permanent way.

“Division of Financial Institutions” and “division” mean the West Virginia Division of Financial Institutions.

“Financial product or service” means:

(A) A financial product or financial service that requires state licensure or registration; or

(B) A financial product or financial service that includes a business model, delivery mechanism, or element that may require a license or other authorization to act as a financial institution, enterprise, or other entity that is regulated by the West Virginia Division of Financial Institutions under chapters 31, 31A, and 31C of this code, §32A-2-1 *et seq.* of this code, or other related provisions.

“Innovation” means the use or incorporation of a new or emerging technology or a new use of existing technology, including distributed ledger, to address a problem, provide a benefit, or otherwise offer a product, service, business model, or delivery mechanism that is not known by the Division of Financial Institutions to have a comparable widespread offering in the state.

“Innovative product or service” means a financial product or service that includes an innovation.

“Regulatory sandbox participant” means a person whose application to participate in the regulatory sandbox program is approved in accordance with the provisions of this article.

“Regulatory sandbox program” means the West Virginia FinTech Regulatory Sandbox Program created by this article, which allows a person to temporarily test an innovative product or service on a limited basis without otherwise being licensed or authorized to act under the laws of the state.

“Regulatory sandbox testing period” means a 24-month period beginning on the date an applicant is admitted to the regulatory sandbox program.

“Test” means to provide an innovative product or service in accordance with the provisions of this chapter.

§31A-8G-3. Regulatory Sandbox Program; administration; application requirements; fee; rulemaking.

(a) There is created in the Division of Financial Institutions the Regulatory Sandbox Program.

(b) In administering the regulatory sandbox program, the Division of Financial Institutions:

(1) Shall consult with the West Virginia Development Office relating to the economic development opportunities relating to the potential regulatory sandbox participant and may consult with any applicable agency which otherwise may have jurisdiction or authority relating to any activity proposed for the regulatory sandbox program for which the applicant is seeking to proceed without authorization or license;

(2) Shall have the authority to promulgate rules in accordance with §31A-2-4 and §29A-3-1 et seq. of this code for the purposes of administering the regulatory sandbox program;

(3) Shall establish a program permitting an individual or an entity to obtain limited access to the market in the state to test an innovative product or service without obtaining a license or other authorization that might otherwise be required; and

(4) May enter into cooperative, coordinating, or information-sharing agreements with or follow the best practices of the federal Consumer Financial Protection Bureau or other states that are administering similar programs as well as other state and federal agencies to carry out the mandates of this article.

(c) An applicant for the regulatory sandbox program shall provide to the Division of Financial Institutions an application in a form prescribed by the Division of Financial Institutions that:

(1) Demonstrates that the applicant is subject to the jurisdiction of the state;

(2) Demonstrates that the applicant has established a physical location in the state; where all required records, documents, and data relating to any approved testing can be made available for examination and review by the Division of Financial Institutions and any other applicable agency with jurisdiction;

(3) Demonstrates that the applicant has attempted in good faith to establish a partnership with a bank operating within the State of West Virginia or another financial institution licensed by the State of West Virginia to implement the applicant's proposed test of an innovative product or service within the regulatory sandbox program: *Provided*, That the applicant shall not be excluded from participation in the regulatory sandbox program solely based on the applicant's ability to establish a partnership with a bank operating within the State of West Virginia or another financial institution licensed by the State of West Virginia;

(4) Contains relevant personal and contact information for the applicant, including legal names, addresses, telephone numbers, email addresses, website addresses, and other information required by the Division of Financial Institutions;

(5) Discloses any and all criminal convictions of the applicant or other participating personnel, if any, and submits to a criminal background investigation, including requiring fingerprints for submission to the Federal Bureau of Investigation or any governmental agency or entity authorized to receive such information for a state, national or international criminal history check;

(6) Demonstrates that the applicant has the necessary personnel, financial and technical expertise, access to capital, and a developed plan to test, monitor, and assess the innovative product or service;

(7) Contains a description of the innovative product or service to be tested, including statements regarding all of the following:

(A) How the innovative product or service is subject to licensing or other authorization requirements outside of the regulatory sandbox program;

(B) How the innovative product or service would benefit consumers;

(C) How the innovative product or service is different from other products or services available in the state;

(D) What risks may confront consumers that use or purchase the innovative product or service;

(E) What measures will be put into place to limit potential risks and harm to consumers and to resolve complaints during the regulatory sandbox testing period;

(F) How participating in the regulatory sandbox program would enable a successful test of the innovative product or service;

(G) A description of the proposed testing plan, including estimated time periods for beginning the test, ending the test, and obtaining necessary licensure or authorizations after the testing is complete;

(H) A description of how the applicant will perform ongoing duties after the test; and

(I) How the applicant will end the test and protect consumers if the test fails;

(8) Sets forth whether the applicant has been provided any license or authorization by any state or federal agency; whether any state or federal agency has previously investigated, sanctioned, or pursued legal action against the applicant; and whether the applicant has had licensure or authorization denied or withdrawn by any state or federal agency;

(9) Demonstrates registration with the West Virginia Secretary of State;

(10) Demonstrates that the applicant has an exit plan to limit consumer harm at the conclusion of the regulatory sandbox testing period, including a plan to notify consumers and advise them of next steps; and

(11) Provides any other information as required by the Division of Financial Institutions.

(d) The Division of Financial Institutions may collect an application fee of not more than \$1,500 from an applicant.

(e) An applicant shall file a separate application for each innovative product or service that the applicant wants to test.

(f) After an application is filed, the Division of Financial Institutions may seek additional information from the applicant as it deems necessary.

(g) Subject to subsection (h) of this section, not later than 90 days after the day on which a complete application is received by the Division of Financial Institutions, the division shall inform the applicant as to whether the application is approved for entry into the regulatory sandbox program.

(h) The Division of Financial Institutions and an applicant may mutually agree to extend the 90-day time period described in subsection (g) of this section in order for the Division to determine whether an application is approved for entry into the regulatory sandbox program.

(i)(1) In reviewing an application under this section, the Division of Financial Institutions may consult with, and seek the approval of, any applicable agency before admitting an applicant into the regulatory sandbox program.

(2) The consultation with an applicable agency may include but is not limited to seeking information about whether:

(A) the applicant could obtain a license or other authorization from the applicable agency after exiting the regulatory sandbox program; and

(B) certain licensure or other regulations should not be waived even if the applicant is accepted into the regulatory sandbox program.

(j) In reviewing an application under this section, the Division of Financial Institutions shall consider whether a competitor to the applicant is or has been a regulatory sandbox participant and, if so, weigh that as a factor in favor of allowing the applicant to also become a regulatory sandbox participant.

(k) If the Division of Financial Institutions approves admitting an applicant into the regulatory sandbox program, an applicant may become a regulatory sandbox participant.

(l)(1) The Division of Financial Institutions may deny any application submitted under this section, for any reason, at the division's discretion.

(2) If the Division of Financial Institutions denies an application submitted under this section, the division shall provide to the applicant a written description of the reasons for the denial as a regulatory sandbox participant.

§31A-8G-4. Scope; testing period; licenses; consumer protections.

(a) If the Division of Financial Institutions approves an application under §31A-8G-3 of this code, the regulatory sandbox participant has 24 months after the day on which the application was approved to test the innovative product or service described in the regulatory sandbox participant's application.

(b) An innovative product or service that is tested within the regulatory sandbox program is subject to the following:

(1) All consumers participating in the innovative product or service being tested shall be residents of the state;

(2) The Division of Financial Institutions may, on a case-by-case basis, specify the maximum number of consumers that may transact through or enter into an agreement to use the innovative product or service;

(A) For a regulatory sandbox participant testing a consumer loan, the Division of Financial Institutions may, on a case-by-case basis, specify the maximum amount of an individual loan that may be issued to an individual consumer and the maximum amount of aggregate loans that may be issued to an individual consumer; and

(B) For a regulatory sandbox participant testing an innovative product or service that would normally require a money transmission license pursuant to this code, the Division of Financial Institutions may, on a case-by-case basis, specify the maximum amount of a single transaction for an individual consumer and the maximum aggregate amount of transactions for an individual consumer.

(c) This section does not restrict a regulatory sandbox participant who holds a license or other authorization in another jurisdiction from acting in accordance with that license or other authorization.

(d) A regulatory sandbox participant is deemed to possess an appropriate license under the laws of this state for the purposes of any provision of federal law requiring state licensure or authorization.

(e) Except as otherwise provided in this chapter, including subsections (f), (g), and (h), a regulatory sandbox participant that is testing an innovative product or service is not subject to state laws that regulate financial products or services.

(f) Regulatory sandbox participants and the innovative products and services that they are testing in the regulatory sandbox program are subject to all applicable consumer protection laws, including, but not limited to those contained in chapter 46A of this code, the Collection Agency Act contained in chapter 47A of this code, and any limitations on interest rates, whether or not those interest rates would otherwise require licensure.

(g)(1) The Division of Financial Institutions may determine that additional state laws that regulate a financial product or service apply to a regulatory sandbox participant if the Division of Financial Institutions, at its sole discretion, determines that an applicant's proposed testing plan or the innovative product or service to be tested poses significant risk to consumers or to the safety and soundness of other institutions within the financial services marketplace as to warrant the imposition of other applicable state laws.

(2) The Division of Financial Institutions shall determine the applicability of certain state laws to each innovative product or service prior to approval of any application to participate in the regulatory sandbox program and shall notify the regulatory sandbox participant of the specific regulatory provisions that shall apply to the innovative product or service throughout the duration of the regulatory sandbox testing period.

(3) If at any time during the regulatory sandbox testing period, the Division of Financial Institutions determines that the imposition of certain state laws is necessary to eliminate the risk

of harm to consumers or the safety and soundness of other institutions operating within the financial services marketplace, the division may require that the regulatory sandbox participant come into compliance with such state laws within a reasonable time.

(h) Notwithstanding any other provision of this chapter, a regulatory sandbox participant does not have immunity related to any criminal offense committed during the regulatory sandbox participant's participation in the regulatory sandbox program.

(i) By written notice, the Division of Financial Institutions may end a regulatory sandbox participant's participation in the regulatory sandbox program at any time and for any reason, including if the Division of Financial Institutions determines a regulatory sandbox participant is not operating in good faith to bring an innovative product or service to market.

(j) The Division of Financial Institutions shall require a regulatory sandbox participant to post a consumer protection bond as security for potential losses suffered by consumers. The bond amount shall be determined by the commissioner in an amount not less than \$5,000 and shall be commensurate with the risk profile of the innovative product or service. The commissioner may require that a bond be increased or decreased at any time based on risk profile and shall provide the regulatory sandbox participant with 30 days prior written notice of such increase or decrease. The commissioner may use bond proceeds to offset losses suffered by consumers as a result of an innovative product or service. The bond shall expire two years after the date of the conclusion of the regulatory sandbox testing period. The commissioner may accept electronic bonds from any regulatory sandbox participant.

§31A-8G-5. Additional consumer protections; disclosures.

(a) Before providing an innovative product or service to a consumer, a regulatory sandbox participant shall disclose the following to the consumer:

(1) The name and contact information of the regulatory sandbox participant;

(2) That the innovative product or service is authorized pursuant to the regulatory sandbox program and, if applicable, that the regulatory sandbox participant does not have a license or other authorization to provide a product or service under state laws that regulate products or services outside the regulatory sandbox program;

(3) That the innovative product or service is undergoing testing, may not function as intended, and may expose the consumer to financial risk;

(4) That the provider of the innovative product or service is not immune from civil liability for any losses or damages caused by the innovative product or service;

(5) That the state does not endorse or recommend the innovative product or service;

(6) That the innovative product or service is a temporary test that may be discontinued at the conclusion of the regulatory sandbox testing period;

(7) The expected end date of the regulatory sandbox testing period; and

(8) That a consumer may contact the Division of Financial Institutions to file a complaint regarding the innovative product or service being tested and provide the Division of Financial Institution's telephone number and website address where a complaint may be filed.

(b) The disclosures required by subsection (a) of this section shall be provided to a consumer in a clear and conspicuous form and, for an internet or application-based innovative product or service, a consumer shall acknowledge receipt of the disclosure before a transaction may be completed.

(c) The Division of Financial Institutions may investigate all consumer complaints made against a regulatory sandbox participant pursuant to subsection (a) of this section: *Provided*, That the consumer making the complaint was directly provided the innovative product or service by the regulatory sandbox participant, and the innovative product or service was provided in the course of participation in the regulatory sandbox program.

(d) The Division of Financial Institutions may require that a regulatory sandbox participant make additional disclosures to a consumer.

§31A-8G-6. Exiting requirements; extensions.

(a) At least 30 days before the conclusion of the regulatory sandbox testing period, a regulatory sandbox participant shall:

(1) Notify the Division of Financial Institutions that the regulatory sandbox participant will exit the regulatory sandbox program, discontinue the regulatory sandbox participant's test, and stop offering any innovative product or service in the regulatory sandbox program within 60 days after the day on which the regulatory sandbox testing period ends; or

(2) Seek an extension in accordance with §31A-8G-7 of this code.

(b) Subject to subsection (c) of this section, if the Division of Financial Institutions does not receive notification as required by subsection (a) of this section, the regulatory sandbox participant shall immediately stop offering each innovative product or service being tested at the conclusion of the regulatory sandbox testing period.

(c) If a test includes offering an innovative product or service that requires ongoing duties, such as servicing a loan, the regulatory sandbox participant shall continue to fulfill those duties or arrange for another person to fulfill those duties after the date on which the regulatory sandbox participant exits the regulatory sandbox program, and not less than 30 days before the conclusion of the regulatory sandbox testing period, notify, in writing, any consumer of the innovative product or service of the plan related to continuation or discontinuation of duties with respect to the innovative product or service.

§31A-8G-7. Testing period extensions.

(a) Thirty days prior to the conclusion of the regulatory sandbox testing period, a regulatory sandbox participant may request an extension of the regulatory sandbox testing period for the purpose of obtaining a license or other authorization required by law.

(b) The Division of Financial Institutions shall grant or deny a request for an extension in accordance with subsection (a) of this section by the conclusion of the regulatory sandbox testing period.

(c) The Division of Financial Institutions may grant an extension in accordance with this section for not more than 12 months after the conclusion of the regulatory sandbox testing period.

(d) A regulatory sandbox participant that obtains an extension in accordance with this section shall provide the Division of Financial Institutions with a written report every three months that provides an update on efforts to obtain a license or other authorization required by law, including any submitted applications for licensure or other authorization, rejected applications, or issued licenses or other authorization.

§31A-8G-8. Recordkeeping and reporting requirements; participant removal.

(a) A regulatory sandbox participant shall retain records, documents, and data produced in the ordinary course of business regarding an innovative product or service tested in the regulatory sandbox program, and shall maintain comprehensive records for not less than five years after the conclusion of the regulatory sandbox testing period.

(b) If an innovative product or service fails before the conclusion of a regulatory sandbox testing period, the regulatory sandbox participant shall notify the Division of Financial Institutions and report on actions taken by the regulatory sandbox participant to ensure consumers have not been harmed as a result of the failure.

(c) The Division of Financial Institutions will collaborate with a regulatory sandbox participant to establish periodic and reasonable reporting requirements for the regulatory sandbox participant.

(d) The Division of Financial Institutions may request records, documents, and data from a regulatory sandbox participant, and, upon the division's request, a regulatory sandbox participant shall make such records, documents, and data available for inspection by the division.

(e) If the Division of Financial Institutions determines that a regulatory sandbox participant has engaged in, is engaging in, or is about to engage in any practice or transaction that is in violation of this chapter or that constitutes a violation of a state or federal criminal law, the Division of Financial Institutions may remove a regulatory sandbox participant from the regulatory sandbox program and may refer suspected violations of law relating to this act to appropriate state or federal agencies for investigation, prosecution, civil penalties, and other appropriate enforcement actions.

(f) On or before December 1 of each year, the Division of Financial Institutions shall provide an annual written report to the Joint Committee on Government and Finance that provides information regarding each regulatory sandbox participant and that provides recommendations regarding the effectiveness of the regulatory sandbox program. This report shall be made publicly available on the division's website.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4621—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8G-1, §31A-8G-2, §31A-8G-3, §31A-8G-4, §31A-8G-5, §31A-8G-6, §31A-8G-7, and §31A-8G-8, all relating to creating the West Virginia FinTech Regulatory Sandbox Program; defining terms; providing that the program shall be administered by the West Virginia Division of Financial Institutions, establishing requirements for participants to temporarily test innovative financial products or services on a limited basis without otherwise being licensed under the laws of the state; establishing scope of the ability to operate approved financial products or services without a license; providing consumer protections; establishing time limitations on the ability to test approved financial products or services without a license; providing reporting requirements; providing for rulemaking; and directing the West Virginia Division of Financial Institutions to provide annual reports to the Legislature.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4621, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4621) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of the following resolutions:

House Concurrent Resolution 7—Requesting the Division of Highways to name bridge number 03-3/14-0.10 (03A196), locally known as New Kirbyton Bridge, carrying CR 3/14 over Big Coal River in Boone County, the “U. S. Navy MM2 Carl E. Keeney, U. S. Navy SN1 Frank Keeney and U. S. Army PFC Carl M. Nicholas Memorial Bridge”.

Com. Sub. for House Concurrent Resolution 26—Requesting the Division of Highways name a portion of road beginning on Bell Creek Road from its intersection with WV16, (38.254103, -81.222666), continuing to its intersection with CR2, known as Cannelton Hollow Road, and continuing on CR2 to the Mount Olive Correctional Complex (38.238219, -81.237136), in Fayette County, as being “In Memory of Fallen Corrections Officers”.

Com. Sub. for House Concurrent Resolution 31—Requesting the Division of Highways name bridge number 52-15-0.84 (52A145), Lat/Long:39.57192,-80.67941, locally known as the

North Fork Bridge, carrying CR15 over the North Fork of Fishing Creek in Wetzel County, the “U. S. Army Air Corps PFC James W. Brown Memorial Bridge”.

Com. Sub. for House Concurrent Resolution 56—Requesting the Division of Highways name bridge number: 44-11-9.29 (44A181), (38.84367, -81.22103) locally known as Rocksdales Bridge, carrying CR 11 over West Fork of the Little Kanawha River in Roane County, the “USMC Lance Cpl Eddie Dean Starcher Memorial Bridge”.

Com. Sub. for House Concurrent Resolution 69—Requesting the Division of Highways name bridge number: 49-016/00-002.95 (49A038), (38.93283, -80.15943) locally known as Sand Run Slab NO. 2, carrying CR16 over Sand Run in Upshur County, the “USAF Senior Airman Luke Christopher Wamsley Memorial Bridge”.

Com. Sub. for House Concurrent Resolution 74—Requesting the Division of Highways name bridge number 01-056/00-000.01(01A063), (38.97937, -79.95045) locally known as Junior W-Beam, carrying CR 56 over Tygart Valley River in Barbour County, the “U. S. Army PFC Roger Lee Carpenter Memorial Bridge”.

House Concurrent Resolution 89—Requesting the Division of Highways name bridge number 49-29-00.83 (42A055), locally known as New Whitmer Bridge, carrying CR 29 over Gandy Creek in Randolph County, the “U. S. Army SGT James Shellace Armentrout Memorial Bridge”.

House Concurrent Resolution 98—Requesting the Division of Highways name bridge number 24-052/00-03189 (24A268), locally known as Eckman Overhead, carrying U.S. 52 over CO52/9, NSRR, Elkhorn Creek in McDowell County, the “Delegate Emily Warden Yeager Memorial Bridge”.

Com. Sub. for House Concurrent Resolution 101—Requesting the Division of Highways name a portion of West Virginia Route 4 in Clay County, from its intersection with West Virginia Route 16 continuing three miles southbound (mp 18.98- mp 21.98), the “Claude Markle Hill”.

Com. Sub. for House Concurrent Resolution 108—Requesting the Division of Highways name that portion of WV Route 2, beginning at milepost 19.50 (39.922277, -80.748568) and ending at milepost 19.53 (39.924165, -80.749633) in Marshall County, the “U. S. Navy PO3 Heath “Scrappy” Shilling Memorial Road”.

Com. Sub. for House Concurrent Resolution 109—Requesting the Division of Highways name bridge number: 20-060/00-013.32 (20A342), (38.36599, -81.68053) locally known as CARBIDE OVERPASS, carrying U.S. 60 over CSX RR CARBIDE ENTRANCE in Kanawha County, the “U. S. Army Air Corps Airman Thomas Harry Honaker, Jr. Memorial Bridge”.

House Concurrent Resolution 110—Requesting the Division of Highways name the Moorefield Exit on Corridor H, U.S. Route 48, the “Speaker Clyde M. See, Jr. Exit”.

Com. Sub. for House Concurrent Resolution 111—Requesting the Division of Highways name bridge number 10-077/00-061.20 (10A237), (37.98696, -81.30559), locally known as Turnpike Bridge, carrying I-77, I-64 over Milburn Creek in Fayette County, the “USAF Major Mary Lafferty Coll Memorial Bridge”.

House Concurrent Resolution 139— Requesting the Division of Highways to rename the portion of State Route 10 from milepost 9.10 to milepost 13.60 in Logan County, the “U. S. Army TSGT Denver E. Short Memorial Road”.

Senator Clements requested unanimous consent that the resolutions (H. C. R. 7, 89, 110, and 139, and Com. Sub. for H. C. R. 26, 31, 56, 69, 74, 98, 101, 108, 109, and 111) be taken up for immediate consideration, references to a committee dispensed with, and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 120, Establishing priorities for expenditures for plugging abandoned gas or oil wells.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Com. Sub. for Senate Bill 120—A Bill to amend and reenact §22-10-6 of the Code of West Virginia, 1931, as amended, relating to the establishment of priorities for expenditures for plugging abandoned oil and gas wells; requiring that a bond posted for a well shall first be used to plug the well and mitigate environmental issues related to oil and gas development on the land where the well is located, if the bond is forfeited as a result of failure to plug the abandoned well, repair the well that is causing immediate threat to the environment, or which hinders or impedes the development of mineral resources of this state, or the well operator was cited for and then failed to correct an immediate threat to the environment or hinderance or impediment to the development of mineral resources of this state, or the operator failed to reclaim the surface disturbance causing immediate threat to the environment or which hinders or impedes the development of mineral resources of this state.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Committee Substitute for Senate Bill 120, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 120) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 180, Relating to Second Chance Driver's License Program.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page four, after line twenty-five, by inserting a new section, designated section eleven, to read as follows:

§17B-7-11. Sunset Provision.

The Second Chance Driver's License Program established under §17B-7-1, *et seq.*, of this code, shall cease to have effect on June 30, 2022, unless reauthorized by the West Virginia Legislature.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 180—A Bill to amend and reenact §17B-7-5 and §17B-7-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new code section, designated §17B-7-11; all relating to the Second Chance Driver's License Program; providing that a court's accounting of amounts due for crime victim restitution be separately identified; providing that any moneys for restitution that are not submitted in the accounting by the court may not be waived by the participant's completion of the program; and providing that amounts of court costs collected under the Second Chance Driver's License Program attributable to crime victim restitution are not subject to the five percent offset for use by the Director of the Division of Justice and Community Services in the administration of the program; and providing a sunset provision.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 180, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 180) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 193, Setting forth timeframes for continuing purchases of commodities and services over \$1 million.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page two, section ten, line forty-two, by striking out the words “unless the spending unit requests or agrees that additional time be added”.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 193, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 193) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the passage by that body, without amendment, to take effect July 1, 2020, and requested the concurrence of the Senate in the changed effective date, as to

Eng. Com. Sub. for Senate Bill 522, Relating to compensation awards to crime victims.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

On further motion of Senator Takubo, the Senate concurred in the changed effective date of the bill, that being to take effect July 1, 2020, instead of ninety days from passage.

Senator Takubo moved that the bill take effect July 1, 2020.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 522) takes effect July 1, 2020.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 547, Relating to employer testing, notice, termination, and forfeiture of unemployment compensation.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page one, after the enacting clause by inserting the following:

CHAPTER 21. LABOR.

ARTICLE 3E. THE WEST VIRGINIA SAFER WORKPLACE ACT.;

On page one, after line 18, by adding the following:

CHAPTER 21A. UNEMPLOYMENT COMPENSATION.

ARTICLE 6. EMPLOYEE ELIGIBILITY; BENEFITS.

§21A-6-3. Disqualification for benefits.

Upon the determination of the facts by the commissioner, an individual is disqualified for benefits:

(1) For the week in which he or she left his or her most recent work voluntarily without good cause involving fault on the part of the employer and until the individual returns to covered employment and has been employed in covered employment at least thirty working days.

For the purpose of this subdivision, an individual has not left his or her most recent work voluntarily without good cause involving fault on the part of the employer if the individual leaves his or her most recent work with an employer and if he or she in fact, within a fourteen-day calendar period, does return to employment with the last preceding employer with whom he or

she was previously employed within the past year prior to his or her return to work, and which last preceding employer, after having previously employed the individual for thirty working days or more, laid off the individual because of lack of work, which layoff occasioned the payment of benefits under this chapter or could have occasioned the payment of benefits under this chapter had the individual applied for benefits. It is the intent of this paragraph to cause no disqualification for benefits for an individual who complies with the foregoing set of requirements and conditions. Further, for the purpose of this subdivision, an individual has not left his or her most recent work voluntarily without good cause involving fault on the part of the employer, if the individual was compelled to leave his or her work for his or her own health-related reasons and notifies the employer prior to leaving the job or within two business days after leaving the job or as soon as practicable and presents written certification from a licensed physician within thirty days of leaving the job that his or her work aggravated, worsened or will worsen the individual's health problem.

(2) For the week in which he or she was discharged from his or her most recent work for misconduct and the six weeks immediately following that week; or for the week in which he or she was discharged from his or her last thirty-day employing unit for misconduct and the six weeks immediately following that week. The disqualification carries a reduction in the maximum benefit amount equal to six times the individual's weekly benefit. However, if the claimant returns to work in covered employment for thirty days during his or her benefit year, whether or not the days are consecutive, the maximum benefit amount is increased by the amount of the decrease imposed under the disqualification; except that:

If he or she were discharged from his or her most recent work for one of the following reasons, or if he or she were discharged from his or her last thirty days employing unit for one of the following reasons: Gross misconduct consisting of willful destruction of his or her employer's property; assault upon the person of his or her employer or any employee of his or her employer; if the assault is committed at the individual's place of employment or in the course of employment; reporting to work in an intoxicated condition, or being intoxicated while at work; reporting to work under the influence of any controlled substance, as defined in chapter sixty-a of this code without a valid prescription, or being under the influence of any controlled substance, as defined in said chapter without a valid prescription, while at work; adulterating or otherwise manipulating a sample or specimen in order to thwart a drug or alcohol test lawfully required of an employee; refusal to submit to random testing for alcohol or illegal controlled substances for employees in safety sensitive positions as defined in section two, article one-d, chapter twenty-one of this code; violation of an employer's drug free workplace program; violation of an employer's alcohol free workplace program; arson, theft, larceny, fraud or embezzlement in connection with his or her work; or any other gross misconduct, he or she is disqualified for benefits until he or she has thereafter worked for at least thirty days in covered employment: *Provided*, That for the purpose of this subdivision, the words "any other gross misconduct" includes, but is not limited to, any act or acts of misconduct where the individual has received prior written warning that termination of employment may result from the act or acts.

(3) For the week in which he or she failed without good cause to apply for available, suitable work, accept suitable work when offered, or return to his or her customary self-employment when directed to do so by the commissioner, and for the four weeks which immediately follow for such additional period as any offer of suitable work shall continue open for his or her acceptance. The disqualification carries a reduction in the maximum benefit amount equal to four times the individual's weekly benefit amount.

(4) For any week or portion thereof in which he or she did not work as a result of:

(a) A strike or other bona fide labor dispute which caused him or her to leave or lose his or her employment;

(b) A lockout is not a strike or a bona fide labor dispute and no individual may be denied benefits by reason of a lockout. However, the operation of a facility by non-striking employees of the company, contractors or other personnel is not a reason to grant employees of the company on strike unemployment compensation benefit payments. If the operation of a facility is with workers hired to permanently replace the employees on strike, the employees would be eligible for benefits.

(c) For the purpose of this subsection, an individual shall be determined to leave or lose his or her employment by reason of a lockout where the individual employee has established that: (i) The individual presented himself or herself physically for work at the workplace on the first day of such lockout or on the first day he or she is able to present himself at the workplace or herself; and (ii) the employer denied the individual the opportunity to perform work.

(d) For purposes of this subsection, an individual is determined to be permanently replaced where the individual employee establishes that: (i) He or she is currently employed by an employer who is the subject of a strike or other bona fide labor dispute; and (ii) the position of the employee has been occupied by another employee who has been notified they are permanently replacing the employee who previously occupied the position. Employees or contractors who are hired to perform striking employees' work on a temporary basis, such as the duration of a strike or other bona fide labor dispute, or a shorter period of time, may not be determined to have permanently replaced a striking employee.

(5) For a week with respect to which he or she is receiving or has received:

(a) Wages in lieu of notice;

(b) Compensation for temporary total disability under the workers' compensation law of any state or under a similar law of the United States; or

(c) Unemployment compensation benefits under the laws of the United States or any other state.

(6) For the week in which an individual has voluntarily quit employment to marry or to perform any marital, parental or family duty, or to attend to his or her personal business or affairs and until the individual returns to covered employment and has been employed in covered employment at least thirty working days: *Provided*, That an individual who has voluntarily quit employment to accompany a spouse serving in active military service who has been reassigned from one military assignment to another is not disqualified for benefits pursuant to this subdivision: *Provided however*, That the account of the employer of an individual who leaves the employment to accompany a spouse reassigned from one military assignment to another may not be charged.

(7) Benefits may not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if the individual performed the services in the first of the seasons (or similar periods) and there is a reasonable assurance that the individual will perform the services in the later of the seasons (or similar periods).

(8) (a) Benefits may not be paid on the basis of services performed by an alien unless the alien is an individual who was lawfully admitted for permanent residence at the time the services were performed, was lawfully present for purposes of performing the services or was permanently residing in the United States under color of law at the time the services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of Section 203(a)(7) or Section 212(d)(5) of the Immigration and Nationality Act): *Provided*, That any modifications to the provisions of Section 3304(a)(14) of the federal Unemployment Tax Act as provided by Public Law 94-566 which specify other conditions or other effective date than stated in this subdivision for the denial of benefits based on services performed by aliens and which modifications are required to be implemented under state law as a condition for full tax credit against the tax imposed by the federal Unemployment Tax Act are applicable under the provisions of this section.

(b) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(c) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of his or her alien status may be made except upon a preponderance of the evidence.

(9) For each week in which an individual is unemployed because, having voluntarily left employment to attend a school, college, university or other educational institution, he or she is attending that school, college, university or other educational institution, or is awaiting entrance thereto or is awaiting the starting of a new term or session thereof, and until the individual returns to covered employment.

(10) For each week in which he or she is unemployed because of his or her request, or that of his or her duly authorized agent, for a vacation period at a specified time that would leave the employer no other alternative but to suspend operations.

(11) In the case of an individual who accepts an early retirement incentive package, unless he or she: (i) Establishes a well-grounded fear of imminent layoff supported by definitive objective facts involving fault on the part of the employer; and (ii) establishes that he or she would suffer a substantial loss by not accepting the early retirement incentive package.

(12) For each week with respect to which he or she is receiving or has received benefits under Title II of the Social Security Act or similar payments under any Act of Congress, or remuneration in the form of an annuity, pension or other retirement pay from a base period employer or chargeable employer or from any trust or fund contributed to by a base period employer or chargeable employer or any combination of the above, the weekly benefit amount payable to the individual for that week shall be reduced (but not below zero) by the prorated weekly amount of those benefits, payments or remuneration: *Provided*, That if the amount of benefits is not a multiple of \$1, it shall be computed to the next lowest multiple of \$1: *Provided, however*, That there is no disqualification if in the individual's base period there are no wages which were paid by the base period employer or chargeable employer paying the remuneration, or by a fund into which the employer has paid during the base period: *Provided further*, That notwithstanding any other provision of this subdivision to the contrary, the weekly benefit amount payable to the individual for that week may not be reduced by any retirement benefits he or she is receiving or has received under Title II of the Social Security Act or similar payments under any Act of Congress. A claimant may be required to certify as to whether or not he or she is receiving or has

been receiving remuneration in the form of an annuity, pension or other retirement pay from a base period employer or chargeable employer or from a trust fund contributed to by a base period employer or chargeable employer.

(13) For each week in which and for fifty-two weeks thereafter, beginning with the date of the decision, if the commissioner finds the individual who within twenty-four calendar months immediately preceding the decision, has made a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or payment under this article: *Provided*, That disqualification under this subdivision does not preclude prosecution under section seven, article ten of this chapter.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 547—A Bill to amend and reenact §21-3E-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21A-6-3 of said Code; all relating to unemployment compensation; revising provisions relating to employer testing, notice, termination, and forfeiture of unemployment compensation benefits; and providing that violation of an employer's drug free workplace program, or, violation of an employer's alcohol free workplace program, can still be grounds for a finding of gross misconduct.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 547, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 547) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 551, Relating to Water and Wastewater Investment and Infrastructure Improvement Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page, four, section four-g, line twenty-three, by striking out the word “fair”;

On page four, section four-g, lines twenty-three and twenty-four, by striking out the words “that lies between ascertainable minimum and maximum values set forth in this section”;

On page four, section four-g, line twenty-five, by striking out the words “the acquiring utility’s”;

On page five, section four-g, line forty-two, by striking out the words “Fair value” and inserting in lieu thereof the word “Value”;

On page five, section four-g, lines forty-five through forty-seven, by striking out the words “falls between the depreciated original cost and the reproduction cost new less depreciation, and in that case the applicants will present evidence of those two values in the application.” and inserting in lieu thereof the following: is in accordance with utility asset valuation methodologies, such as depreciated original cost, or reproduction cost new less depreciation, or other industry standard utility asset valuation methods, excluding the use of fair market appraisal valuation methods: *Provided*, That the applicants will present evidence of those asset values in the application: *Provided, however*, That the utility asset valuation methodologies and definitions referenced in 24-2-4g (d) apply solely to cases filed pursuant to Chapter 24 of this code.;

On page five, section four-g, lines fifty-one and fifty-two, by striking out the words “if the negotiated sale price.” and inserting in lieu thereof the words “the commission will establish the rate based addition at the negotiated sale price, as determined and in accordance with subdivision (1) of this subsection.”;

On page six, section four-g, lines fifty-three through fifty-seven, by striking out all of paragraphs (A) and (B);

On page eight, section four-g, line one hundred sixteen, after the word “assets” by inserting a comma and the words “net of depreciation”;

On page eight, section four-g, after line one hundred twenty-three, by inserting a new subdivision, designated subdivision (9), to read as follows:

(9) “Utility Asset Valuation” means industry standard valuation methods of determining the value of utility assets, regardless of original sources of funding.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 551—A Bill to amend and reenact §8-12-17 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §24-2-4g, all relating generally to the Water and Wastewater Investment and Infrastructure Improvement Act to encourage investment in water and wastewater utilities; describing and expanding permissible uses for proceeds of a sale or lease of a municipal utility; making legislative findings; providing for use of negotiated sales price in certain filings; providing for rate based addition using negotiated sales price under certain circumstances; providing for additional approvals under certain circumstances; specifying preliminary agreements and

commitments not requiring prior approval; authorizing the Public Service Commission to combine water and wastewater revenue requirements or allocate a portion of wastewater revenue requirement to water customers under certain circumstances; and setting forth defined terms.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 551, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 551) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect July 1, 2020, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill 597, Relating to judicial branch members' salaries and pensions.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE I. COURTS AND OFFICERS.

§50-1-3. Salaries of magistrates.

(a) The Legislature finds and declares that:

(1) The West Virginia Supreme Court of Appeals has held that a salary system for magistrates which is based upon the population that each magistrate serves does not violate the equal protection clause of the Constitution of the United States;

(2) The West Virginia Supreme Court of Appeals has held that a salary system for magistrates which is based upon the population that each magistrate serves does not violate section thirty-nine, article VI of the Constitution of West Virginia;

(3) The Administrative Office of the Supreme Court of Appeals of West Virginia has stated that the utilization of a two-tiered salary schedule for magistrates is no longer an equitable and rational manner by which magistrates should be compensated for work performed;

(4) Organizing the two tiers of the salary schedule into one tier for magistrates serving less than seven thousand three hundred in population and a second tier for magistrates serving seven thousand three hundred or more in population is no longer rational and equitable given current statistical information relating to population and caseload; and

(5) That, by January 1, 2017, all magistrates should be compensated equally.

(b) The salary of each magistrate shall be paid by the state. Magistrates who serve fewer than seven thousand three hundred in population shall be paid annual salaries of \$51,125 and magistrates who serve seven thousand three hundred or more in population shall be paid annual salaries of \$57,500.

(c) For the purpose of determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county. For the purpose of this article, the population of each county is the population as determined by the last preceding decennial census taken under the authority of the United States government.

(d) Notwithstanding any provision of this code to the contrary, the amendments made to this section during the 2013 First Extraordinary Session are effective upon passage and are retroactive to January 1, 2013.

(e) On or before July 1, 2013, the Joint Committee on Government and Finance shall request a study by the National Center for State Courts, working in conjunction with the Administrative Office of the Supreme Court of Appeals of West Virginia, to review the weighted case loads in each of the magistrate courts in this state, and present recommendations as to how the present resources and personnel in the magistrate court system could be better apportioned to equitably and timely meet the collective needs of the magistrate court system in West Virginia. Based on the findings and data generated by that study, the National Center for State Courts shall make recommendations as to the equitable redistribution of personnel and resources, by temporary or permanent reassignment, to better meet the needs and weighted loads that are demonstrated to exist in the various magistrate courts in this state. This study shall be presented to the Joint Committee on Government and Finance no later than December 1, 2014, and shall include recommendations and proposed legislation resulting from such study and shall also include a plan to continue the efficient delivery of justice by the magistrate court system and the justification for equalization of pay for all magistrates. As a part of the submitted study, the plan shall consider the reassignment of magistrates or the extension of their duties and jurisdiction to include holding court or delivering services to adjacent counties with higher caseloads, as part of their regular duties, or being on call as needed to serve other needs in other adjacent counties or within the same judicial circuit.

On or before January 15, 2015, the Supreme Court of Appeals of West Virginia shall present its recommendations to the Legislature regarding how to allocate or assign a maximum of one hundred fifty- eight magistrates throughout this state to improve the magistrate process, and more

equitably distribute the magistrate court resources to efficiently and effectively meet the needs of the citizens of this state.

(f) Notwithstanding any provision of this code to the contrary, beginning January 1, 2017, all magistrates shall be compensated equally and the annual salary of all magistrates shall be \$57,500.

(g) Notwithstanding any provisions of this code to the contrary, beginning July 1, 2021, the annual salary of a magistrate shall be \$60,375, and beginning July 1, 2022, the annual salary of a magistrate shall be \$63,250.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 1. SUPREME COURT OF APPEALS.

§51-1-10A. SALARY OF JUSTICES.

The salary of each of the justices of the Supreme Court of Appeals shall be \$95,000 per year: Provided, That beginning July 1, 2005, the salary of each of the justices of the Supreme Court shall be \$121,000: Provided, however, That beginning July 1, 2011, the annual salary of a justice of the Supreme Court shall be \$136,000: Provided, further, That beginning July 1, 2021, the annual salary of a justice of the Supreme Court of Appeals shall be \$142,800, and beginning July 1, 2022, the annual salary of a justice of the Supreme Court of Appeals shall be \$149,600.

ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.

§51-2-13. Salaries of judges of circuit courts.

The salaries of the judges of the various circuit courts shall be paid solely out of the State Treasury. No county, county commission, board of commissioners or other political subdivision shall supplement or add to such salaries.

The annual salary of all circuit judges shall be \$90,000 per year: Provided, That beginning July 1, 2005, the annual salary of all circuit judges shall be \$116,000 per year: Provided, however, That beginning July 1, 2011, the annual salary of a circuit court judge shall be \$126,000: Provided, further, That beginning July 1, 2021, the annual salary of a circuit judge shall be \$132,300 and beginning July 1, 2022, the annual salary of a circuit court judge shall be \$138,600.

ARTICLE 2A. FAMILY COURTS.

§51-2A-6. Compensation and expenses of family court judges and their staffs.

(a) A family court judge is entitled to receive as compensation for his or her services an annual salary of \$62,500: Provided, That beginning July 1, 2005, a family court judge is entitled to receive as compensation for his or her services an annual salary of \$82,500: Provided, however, That beginning July 1, 2011, the annual salary of a family court judge shall be \$94,500: Provided, further, beginning July 1, 2020, the annual salary of a family court judge shall be \$103,950.

(b) The secretary-clerk of the family court judge is appointed by the family court judge and serves at his or her will and pleasure. The secretary-clerk of the family court judge is entitled to receive an annual salary of \$27,036: Provided, That on and after July 1, 2006, the annual salary

of the secretary-clerk shall be established by the Administrative Director of the Supreme Court of Appeals, but may not exceed \$39,000. In addition, any person employed as a secretary-clerk to a family court judge on the effective date of the enactment of this section during the sixth extraordinary session of the Legislature in the year 2001 who is receiving an additional \$500 per year up to 10 years of a certain period of prior employment under the provisions of the prior enactment of §51-2A-8 of this code during the second extraordinary session of the Legislature in the year 1999 shall continue to receive such additional amount. Further, the secretary-clerk will receive such percentage or proportional salary increases as may be provided by general law for other public employees and is entitled to receive the annual incremental salary increase as provided in §5-5-1 et seq. of this code.

(c) The family court judge may employ not more than one family case coordinator who serves at his or her will and pleasure. The annual salary of the family case coordinator of the family court judge shall be established by the Administrative Director of the Supreme Court of Appeals but may not exceed \$36,000: Provided, That on and after July 1, 2006, the annual salary of the family case coordinator of the family court judge may not exceed \$51,000. The family case coordinator will receive such percentage or proportional salary increases as may be provided by general law for other public employees and is entitled to receive the annual incremental salary increase as provided in §5-5-1 et seq. of this code.

(d) The sheriff or his or her designated deputy shall serve as a bailiff for a family court judge. The sheriff of each county shall serve or designate persons to serve so as to assure that a bailiff is available when a family court judge determines the same is necessary for the orderly and efficient conduct of the business of the family court.

(e) Disbursement of salaries for family court judges and members of their staffs are made by or pursuant to the order of the Director of the Administrative Office of the Supreme Court of Appeals.

(f) Family court judges and members of their staffs are allowed their actual and necessary expenses incurred in the performance of their duties. The expenses and compensation will be determined and paid by the Director of the Administrative Office of the Supreme Court of Appeals under such guidelines as he or she may prescribe, as approved by the Supreme Court of Appeals.

(g) Notwithstanding any other provision of law, family court judges are not eligible to participate in the retirement system for judges under the provisions of §51-9-1 et seq. of this code.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill 597—A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; and to amend and reenact §51-2A-6 of said code, all relating to providing a ten percent salary increase to certain judicial officers.

Senator Takubo moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion,

The question being on the adoption of Senator Takubo's aforesaid motion, the same was put and prevailed.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 597, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Tarr—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 597) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect July 1, 2020.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Tarr—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 597) takes effect July 1, 2020.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 615, Declaring certain claims against state as moral obligations of state.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page two, section one, subsection (b), by striking out the words "GENERAL REVENUE FUND" and inserting in lieu thereof the words "FEDERAL FUNDS";

On page two, section one, subsection (c), by striking out all of subdivision (1) and inserting in lieu thereof a new subdivision, designated subdivision (1), to read as follows:

“(1) Linda Adams-Doheny, Danny L. Boyce, Ann E. Boyce, Janey I. Wigal and Amy B. Thomas\$2,778.48”;

On page four, section one, subsection (i), by striking out the words “GENERAL REVENUE FUND” and inserting in lieu thereof the words “FEDERAL FUNDS”;

On page twenty-six, section one, subsection (j), subdivision (585), after the word “Sandra” by striking out “K.” and inserting in lieu thereof “L.”;

On page thirty-five, section one, by striking out all of subdivision (802);

And by renumbering the remaining subdivisions;

On page forty-two, section one, subsection (k), by striking out the words “GENERAL REVENUE FUND” and inserting in lieu thereof the words “STATE ROAD FUND”;

And,

On pages forty-three and forty-four, by striking out all of section two.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 615, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 615) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 615) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 690, Permitting street-legal special purpose vehicles on highways.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 13. STREET-LEGAL SPECIAL PURPOSE VEHICLES.

§17A-13-1. Street-legal special purpose vehicles; operation on highways; registration procedures; licensing requirements; equipment requirements.

(a) Except as required in subsection (c) of this section, an individual may operate a “street-legal special purpose vehicle” on a street or highway.

(b) For the purposes of this section:

(1) “Special purpose vehicle” includes all-terrain vehicles, utility terrain vehicles, mini-trucks, pneumatic-tired military vehicles, and full-size special purpose-built vehicles, including those self-constructed or built by the original equipment manufacturer and those that have been modified.

(2) “Street-legal special purpose vehicle” is a special purpose vehicle that meets the requirements of this section.

(c) An individual may not operate a special purpose vehicle as a street-legal special purpose vehicle on a highway if:

(1) The highway is a controlled-access system, including, but not limited to, interstate systems;
or

(2) The county, municipality, or the Division of Natural Resources where the highway is located prohibits special purpose vehicles.

(d) Street-legal special purpose vehicles are prohibited from traveling a distance greater than 20 miles on a highway displaying centerline pavement markings.

(e) All street-legal special purpose vehicles are subject to the certificate of title provisions of §17A-1-1 et seq. of this code.

(f) Nothing in this section authorizes the operation of a street-legal special purpose vehicle in an area that is not open to motor vehicle use.

(g) A street-legal special purpose vehicle may be registered in the same manner as provided for motorcycles pursuant to this chapter.

(h) Upon registration of any street-legal special purpose vehicle pursuant to this section, the Division of Motor Vehicles shall issue a registration plate that is of the same size as Class G special registration plates for motorcycles.

(i) Except as otherwise provided in this section, a street-legal special purpose vehicle shall comply with the Division of Motor Vehicles' licensing, fee, and other requirements pursuant to this chapter.

(j) The owner of a special purpose vehicle being operated as a street-legal special purpose vehicle shall ensure the vehicle is equipped with:

(1) One or more headlamps;

(2) One or more tail lamps;

(3) One or more brake lamps;

(4) A tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;

(5) One or more red reflectors on the rear;

(6) Amber electric turn system, one on each side of the front;

(7) Amber or red electric turn signals;

(8) A braking system, other than a parking brake;

(9) A horn or other warning device;

(10) A muffler and, if required by an applicable federal statute or rule, an emission control system;

(11) Rearview mirrors on the right and left side of the driver;

(12) A windshield, unless the operator wears eye protection while operating the vehicle;

(13) A speedometer, illuminated for nighttime operation;

(14) For vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers; and

(15) Tires that have at least 2/32 inches or greater tire tread.

(16) When owners of a street-legal special purpose vehicle have ensured that such vehicles are equipped as required by this subsection, and those owners obtain a valid registration card and certificate of insurance for such vehicles, those vehicles are eligible to apply for a motorcycle trailer sticker.

(k) Mini-trucks may not be operated as street-legal special purpose vehicles on highways that have been constructed pursuant to a federal highways program.

(l) Low speed vehicles as defined in §17A-1-1 of the code are not considered special purpose vehicles or street-legal special purpose vehicles under this section. However, low speed vehicles may cross state routes at traffic lights when the state route does not have a posted speed limit greater than 40 miles per hour.

(m) The Division of Motor Vehicles shall propose rules for legislative approval in accordance with §29A-3-1 et seq. of this code to implement this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 690—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-13-1, relating to the operation of street-legal special purpose vehicles; permitting the operation of street-legal special purpose vehicles on highways; providing for registration of street-legal special purpose vehicles; establishing licensing and equipment requirements for street-legal special purpose vehicles; defining terms; requiring rulemaking; clarifying that low speed vehicles are not special purpose vehicles or street-legal special purpose vehicles; and allowing low speed vehicles to cross state routes at traffic lights when the state route does not have a posted speed limit greater than 40 miles per hour.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 690, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 690) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 716, Requiring DHHR pay for tubal ligation without 30-day wait between consent and sterilization.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Com. Sub. for Senate Bill 716—A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to requiring Department of Health and Human Resources to make payment for tubal ligation without requiring at least 30 days between the date of informed consent and date of the tubal ligation procedure; and removing obsolete language.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Committee Substitute for Senate Bill 716, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 716) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect July 1, 2020.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 716) takes effect July 1, 2020.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 747, Requiring Bureau for Public Health develop Diabetes Action Plan.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page one, section twenty, line nine, by striking out “(h)” and inserting in lieu thereof “(g)”;

And,

On page one, line ten, after the word “Virginia.” by adding the following: The plan shall be completed and presented to the Legislative Oversight Commission on Health and Human Resources Accountability by January 1, 2021.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 747, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 747) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 787, Providing benefits to pharmacists for rendered care.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page one, section one, after line eighteen, by inserting a new subsection, designated subsection (d), to read as follows:

(d) For purposes of this section, health plans, policies, contracts or agreements do not include Medicaid or Children’s Health Insurance Program health plans, policies, contracts or agreements that are approved by the Department of Health and Human Resources Bureau of Medical Services.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 787—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-53-1, relating to providing benefits to

pharmacists for pharmacist care rendered within the pharmacist's scope of practice if benefits would be provided for such services performed by other health care providers; providing for reimbursement pursuant to negotiations; excepting certain health plans, policies, contracts or agreements from requirements; and providing for effective date.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 787, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 787) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill 2892, Including digital and virtual information in the definition of property that can be searched and seized by a warrant.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

On page two, section two, by striking out all of subsection (c) and inserting in lieu thereof a new subsection, designated subsection (c), to read as follows:

(c) A search warrant issued pursuant to this section or Rule 41 of the Rules of Criminal Procedure may be executed or served to the extent it is constitutionally permissible anywhere the electronic or digital information is stored, capable of being produced or where the person or entity in possession of the electronic or digital information does business or resides.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 2892, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2892) passed with its Senate amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2892) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4003, Relating to telehealth insurance requirements.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page four, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

§33-53-1. Coverage of telehealth services.:

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4003—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b, to amend said code by adding thereto a new section, designated §30-1-25, and to amend said code by adding thereto a new section, designated §33-53-1, all relating to telehealth requirements; providing rulemaking authority; requiring boards to regulate telehealth practice; defining terms; requiring insurance coverage of certain telehealth services; providing an effective date; and providing limitation of applicability.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4003, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4003) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4198, Permitting a person to obtain a 12-month supply of contraceptive drugs.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4198—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-28; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u; to amend said code by adding thereto a new section, designated §33-25-8r; to amend said code by adding thereto by adding thereto a new section, designated, §33-25A-8u; and to amend said code by adding thereto a new section, designated §33-53-1, all relating to permitting

a person to obtain a 12-month supply of contraceptive drugs; incorporating these provisions into the West Virginia Public Employees Insurance Act; and incorporating these provisions into the sections of insurance code.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4198, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4198) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4361, Relating to insurance law violations.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

On page five, section four-a, subsection (c), by striking out the words “(to provide”.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4361, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4361) passed with its Senate amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4452, Modifying the notice requirements for the redemption of delinquent properties.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

On page seven, section fifty-five, subsection (d), by striking out the words “a copy of the notice shall be at the same time” and inserting in lieu thereof the words “a copy of the notice shall, at the same time,”.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4452, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Clements, Cline, Hamilton, Jeffries, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Lindsay, and Unger—7.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4452) passed with its Senate amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendment, as to

Eng. Com. Sub. for House Bill 4461, Requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated or after July 1.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendment to the bill were reported by the Clerk:

On page one, subsection (e), after the words “enacted in 2020” by striking out the remainder of the amendment and inserting in lieu thereof a comma and the words “whichever occurs first. After the vacancy or after July 1, 2020, whichever occurs first, unless otherwise prohibited by law, the annual salary of each appointed state officer named in this section shall be fixed by the Governor within the current budget allocation. In the event the annual salary fixed by the Governor for an appointed state officer named in this section exceeds the amount set forth in this section for the appointed state officer, the amount of the annual salary for the appointed state officer shall be set forth in a line-item in the budget bill, and payment of an annual salary to the appointed state officer may not exceed that amount but may be lower than the salary approved in the budget bill or established in this section. The salary of a newly appointed state officer named in this section shall be included in the appointment letter for the position.”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4461—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to requiring the Governor to fix the annual salaries of certain state appointed officers after the office is vacated or after July 1, 2020, whichever occurs first; requiring that the salary be within the current budget allocation; requiring the amount of the annual salary for appointed state officer be set forth in a line-item in the budget bill; limiting payment of salary to amount approved in budget bill; allowing lower salaries; and requiring that the salary of each such appointed state officer be listed in the appointment letter for the position.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendment to the bill.

Engrossed Committee Substitute for House Bill 4461, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Beach—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4461) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect July 1, 2020, and requested the concurrence of the Senate in the changed effective date, as to

Eng. Com. Sub. for House Bill 4004, Creating the West Virginia Sentencing Commission.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

On further motion of Senator Takubo, the Senate concurred in the changed effective date of the bill, that being to take effect July 1, 2020, instead of ninety days from passage.

Senator Takubo moved that the bill take effect July 1, 2020.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4004) takes effect July 1, 2020.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4176, West Virginia Intelligence/Fusion Center Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4176—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-4, §15A-9-5, §15A-9-6, §15A-9-7 and §15A-9-8, all relating to establishing and delineating the powers, duties, and responsibilities of the West Virginia Fusion Center; requiring Governor to establish West Virginia Fusion Center and defining its purpose; providing that Department of Homeland Security will operate fusion center and provide legal counsel; prohibiting the Fusion Center from gathering information or intelligence information for a political purpose, except for the limited purposes of certain dignitary visits and to insure fair elections; providing Fusion Center or its officers, directors, agents, or employees shall not engage in prohibited non-law enforcement intelligence gathering activities on citizens of the United States; providing Fusion Center shall be

housed in secure facilities; providing Fusion Center shall collaborate to fulfill duties of State Resiliency Office; providing for operations of Fusion Center; providing limitations upon when the Fusion Center may cooperate, with any federal agency, or a contractor for any federal agency; providing operations of the West Virginia Fusion Center shall be overseen by the cabinet secretary and deputy cabinet secretary of the West Virginia Department of Homeland Security; providing cabinet secretary and deputy cabinet secretary shall either have a current, valid federal security clearance at the appropriate level; providing cabinet secretary and deputy cabinet secretary may adopt policies and procedures for the operation of the West Virginia Fusion Center; establishing positions of fusion center director and deputy director; creating joint select oversight committee and establishing committee membership and powers; mandating entities participating in fusion center enter into memorandum of understanding with center and setting out minimum requirements of memorandum; limiting access to fusion center of certain persons; making certain information in possession of center confidential and not subject to disclosure; providing exceptions to confidentiality of information; establishing immunity from subpoena for individuals possessing criminal intelligence information gained from access to fusion center information; setting criminal penalties for knowing dissemination of fusion center information; providing whistleblower protections; prohibiting certain conduct by fusion center contractors and employees; defining terms; making persons providing or receiving certain information to or from center immune from civil liability and exceptions thereto; allowing participating agencies to share in costs of operating center; creating West Virginia Fusion Center Fund, and delineating uses and purposes of such fund; and authorizing Commissioner of Department of Motor Vehicles to issue license plates for state-owned fusion center vehicles.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4176, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Baldwin—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4176) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. House Bill 4354, Adding nabiximols to the permitted list of distributed and prescribed drugs.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. House Bill 4354—A Bill to amend and reenact §60A-2-201 of the Code of West Virginia, 1931, as amended, relating to drugs; providing for the sale, wholesale, distribution, or prescribing of nabiximols in a product approved by the Food and Drug Administration; and providing that nabiximols shall be placed on the schedules of controlled substances or descheduled as provided by the Drug Enforcement Administration.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed House Bill 4354, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4354) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4377, The Protection of Vulnerable Adults from Financial Exploitation Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page one, before the article heading, by inserting the following:

“Be it enacted by the Legislature of West Virginia:”:

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4377—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §32-6-601, §32-6-602, §32-6-603, §32-6-604, §32-6-605, §32-6-606, §32-6-607, §32-6-608, §32-6-609, and §32-6-610, all relating to the creation of The Protection of Eligible Adults From Financial Exploitation Act; defining terms; establishing the obligations and duties of broker-dealers and investment advisors to notify certain agencies of potential financial exploitation; establishing the rights of broker-dealers and investment advisors to notify certain associated individuals regarding potential financial exploitation; permitting broker-dealers and investment advisors to delay a transaction or disbursement when financial exploitation is suspected; requiring the retention of records; and providing limited immunity from administrative and civil liability.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4377, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4377) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4509, Transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4509—A Bill to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating to transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support; removing the residency requirements pertaining to counties; continuing terms of current members; specifying

the powers and duties of the chairperson; setting forth the process for selecting a vice chairperson; specifying the powers and duties of the vice chairperson; clarifying how a vacancy occurs on the board; creating the position of substitute board member; creating a substitute board member list; establishing qualifications, powers and duties of substitute board members; and clarifying how moneys for the board should be appropriated.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4509, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4509) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. House Bill 4514, Permitting the use of leashed dogs to track mortally wounded deer or bear.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. House Bill 4514—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §20-2-5j; and to amend and reenact §20-2-16 and §20-2-22a of said code, all relating to hunting; permitting the use of leashed dogs to track mortally wounded deer or bear; amending protocol for possession by natural resources police officers of dogs known to have unlawfully hunted or chased deer; and excepting the use of leashed dogs to track mortally wounded deer or bear from statutory prohibition on commercial bear hunts.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed House Bill 4514, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Baldwin and Sypolt—2.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4514) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4560, Relating to deliveries by a licensed wine specialty shop.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page two, section six-b, subsection (d), after the words “verified to be 21 years of age or older” by inserting the word “and”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4560—A Bill to amend and reenact §60-8-6b of the Code of West Virginia, 1931, as amended, relating to permitting licensed wine specialty shops to sell wine with a gift basket by telephonic, electronic, mobile, or web-based wine ordering; and establishing requirements for lawful delivery.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4560, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Roberts—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4560) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 4693, Expanding the scope of the Veterans to Agriculture Program.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

On further motion of Senator Takubo, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed Committee Substitute for House Bill 4693, as amended by deletion, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4693) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. House Bill 3039, Relating to a court's consideration of the expression of a preference by a child in certain child custody matters.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. House Bill 3039—A Bill to amend and reenact §44-10-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-206 and §48-9-402 of said code, all relating to a court's consideration of the right of a minor to nominate his or her guardian and to a court's consideration of the expression of a preference by a child in certain child custody matters; and giving the court discretion to consider the preferences of a child under the age of fourteen years who is sufficiently matured that he or she can intelligently express a voluntary preference.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed House Bill 3039, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3039) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 4803, Relating to certification of electrical inspectors.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

On further motion of Senator Takubo, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed Committee Substitute for House Bill 4803, as amended by deletion, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4803) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 4494, Tobacco Use Cessation Initiative.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page one, by striking out the section caption and inserting in lieu thereof the following:

ARTICLE 9G. TOBACCO CESSATION INITIATIVE.

§16-9G-1. Tobacco Use Prevention and Cessation Task Force.;

On page two, section one, subsection (b), subdivision (3), paragraph (H), after the word "Health" by changing the forward slash to a semicolon;

On page two, section one, subsection (b), subdivision (3), paragraph (2), by striking out "(2)" and inserting in lieu thereof "(1)";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4494—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated as §16-9G-1 and §16-9G-2, all relating to expanding tobacco use reduction and cessation initiatives; creating a task force to undertake studies and monitor and advise the Division of Tobacco Prevention and recommend policies to the Legislature; setting forth duties of the Division of Tobacco Prevention; and authorizing the Division of Tobacco Prevention to apply and administer private grants and donations.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 4494, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4494) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendment, as to

Eng. Com. Sub. for House Bill 4543, Relating to insurance coverage for diabetics.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendment to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-7g Coverage for prescription insulin drugs.

(a) A policy, plan, or contract that is issued or renewed on or after July 1, 2020, shall provide coverage for prescription insulin drugs pursuant to this section.

(b) For the purposes of this subdivision, "prescription insulin drug" means a prescription drug that contains insulin and is used to treat diabetes, and includes at least one type of insulin in all of the following categories:

(1) Rapid-acting;

(2) Short-acting;

(3) Intermediate-acting;

(4) Long-acting;

(5) Pre-mixed insulin products;

(6) Pre-mixed insulin/GLP-1 RA products; and

(7) Concentrated human regular insulin.

(c) Cost sharing for a 30-day supply of a covered prescription insulin drug shall not exceed \$100 for a 30-day supply of a covered prescription insulin, regardless of the quantity or type of prescription insulin used to fill the covered person's prescription needs.

(d) Nothing in this section prevents the agency from reducing a covered person's cost sharing by an amount greater than the amount specified in this subsection.

(e) No contract between the agency or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain a provision (i) authorizing the agency's pharmacy benefits manager or the pharmacy to charge, (ii) requiring the pharmacy to collect, or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds the amount of the cost-sharing payment for the covered prescription insulin drug established by the agency as provided in subsection (c) of this section.

(f) The agency shall provide coverage for the following equipment and supplies for the treatment or management of diabetes for both insulin-dependent and noninsulin-dependent persons with diabetes and those with gestational diabetes: Blood glucose monitors, monitor supplies, insulin, injection aids, syringes, insulin infusion devices, pharmacological agents for controlling blood sugar, and orthotics.

(g) The agency shall provide coverage for diabetes self-management education to ensure that persons with diabetes are educated as to the proper self-management and treatment of their diabetes, including information on proper diets. Coverage for self-management education and education relating to diet shall be provided by a health care practitioner who has been appropriately trained as provided in §33-53-1(k) of this code.

(h) The education may be provided by a health care practitioner as part of an office visit for diabetes diagnosis or treatment, or by a licensed pharmacist for instructing and monitoring a patient regarding the proper use of covered equipment, supplies, and medications, or by a certified diabetes educator or registered dietitian.

(i) A pharmacy benefits manager, a health plan, or any other third party that reimburses a pharmacy for drugs or services shall not reimburse a pharmacy at a lower rate and shall not assess any fee, charge-back, or adjustment upon a pharmacy on the basis that a covered person's costs sharing is being impacted.

CHAPTER 33. INSURANCE.

ARTICLE 15C. DIABETES INSURANCE.

§33-15C-1. Insurance for diabetics.

[Repealed.]

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-16. Insurance for diabetics.

[Repealed.]

ARTICLE 53. REQUIRED COVERAGE FOR HEALTH INSURANCE.

§33-53-1. Cost sharing in prescription insulin drugs.**(a) Findings. –**

(1) It is estimated that over 240,000 West Virginians are diagnosed and living with type 1 or type 2 diabetes and another 65,000 are undiagnosed;

(2) Every West Virginian with type 1 diabetes and many with type 2 diabetes rely on daily doses of insulin to survive;

(3) The annual medical cost related to diabetes in West Virginia is estimated at \$2.5 billion annually;

(4) Persons diagnosed with diabetes will incur medical costs approximately 2.3 times higher than persons without diabetes;

(5) The cost of insulin has increased astronomically, especially the cost of insurance copayments, which can exceed \$600 per month. Similar increases in the cost of diabetic equipment and supplies, and insurance premiums have resulted in out-of-pocket costs for many West Virginia diabetics in excess of \$1,000 per month;

(6) National reports indicate as many as one in four type 1 diabetics underuse, or ration, insulin due to these increased costs. Rationing insulin has resulted in nerve damage, diabetic comas, amputation, kidney damage, and even death; and

(7) It is important to enact policies to reduce the costs for West Virginians with diabetes to obtain life-saving and life-sustaining insulin.

(b) As used in this section:

(1) “Cost-sharing payment” means the total amount a covered person is required to pay at the point of sale in order to receive a prescription drug that is covered under the covered person’s health plan.

(2) “Covered person” means a policyholder, subscriber, participant, or other individual covered by a health plan.

(3) “Health plan” means any health benefit plan, as defined in §33-16-1a(h) of this code, that provides coverage for a prescription insulin drug.

(4) “Pharmacy benefits manager” means an entity that engages in the administration or management of prescription drug benefits provided by an insurer for the benefit of its covered persons.

(5) “Prescription insulin drug” means a prescription drug that contains insulin and is used to treat diabetes.

(c) Each health plan shall cover at least one type of insulin in all the following categories:

(1) Rapid-acting;

(2) Short-acting;

(3) Intermediate-acting;

(4) Long-acting;

(5) Pre-mixed insulin products;

(6) Pre-mixed insulin/GLP-1 RA products; and

(7) Concentrated human regular insulin.

(d) Notwithstanding the provisions of §33-1-1 et seq. of this code, an insurer subject to §33-15-1 et seq., §33-16-1 et seq., §33-24-1 et seq., §33-25-1 et seq., and §33-25A-1 et seq. of this code which issues or renews a health insurance policy on or after July 1, 2020, shall provide coverage for prescription insulin drugs pursuant to this section.

(e) Cost sharing for a 30-day supply of a covered prescription insulin drug shall not exceed \$100 for a 30-day supply of a covered prescription insulin, regardless of the quantity or type of prescription insulin used to fill the covered person's prescription needs.

(f) Nothing in this section prevents an insurer from reducing a covered person's cost sharing to an amount less than the amount specified in subsection (e) of this section.

(g) No contract between an insurer subject to §33-15-1 et seq., §33-16-1 et seq., §33-24-1 et seq., §33-25-1 et seq., and §33-25A-1 of this code or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain a provision: (i) Authorizing the insurer's pharmacy benefits manager or the pharmacy to charge; (ii) requiring the pharmacy to collect; or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds the amount of the cost-sharing payment for the covered prescription insulin drug established by the insurer pursuant to subsection (e) of this code.

(h) An insurer subject to §33-15-1 et seq., §33-16-1 et seq., §33-24-1 et seq., §33-25-1 et seq., and §33-25A-1 of this code shall provide coverage for the following equipment and supplies for the treatment and/or management of diabetes for both insulin-dependent and noninsulin-dependent persons with diabetes and those with gestational diabetes: Blood glucose monitors, monitor supplies, insulin, injection aids, syringes, insulin infusion devices, pharmacological agents for controlling blood sugar, and orthotics.

(i) An insurer subject to §33-15-1 et seq., §33-16-1 et seq., §33-24-1 et seq., §33-25-1 et seq., and §33-25A-1 of this code shall include coverage for diabetes self-management education to ensure that persons with diabetes are educated as to the proper self-management and treatment of their diabetes, including information on proper diets.

(j) All health care plans must offer an appeals process for persons who are not able to take one or more of the offered prescription insulin drugs noted in subsection (c) of this code. The appeals process shall be provided to covered persons in writing and afford covered persons and their health care providers a meaningful opportunity to participate with covered persons health care providers.

(k) Diabetes self-management education shall be provided by a health care practitioner who has been appropriately trained. The Secretary of the Department of Health and Human Resources shall promulgate legislative rules to implement training requirements and procedures necessary

to fulfill provisions of this subsection: *Provided*, That any rules promulgated by the secretary shall be done after consultation with the Coalition for Diabetes Management, as established in §16-5Z-1 *et seq.* of this code.

(l) A pharmacy benefits manager, a health plan, or any other third party that reimburses a pharmacy for drugs or services shall not reimburse a pharmacy at a lower rate and shall not assess any fee, charge-back, or adjustment upon a pharmacy on the basis that a covered person's costs sharing is being impacted.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 4543—A Bill to repeal §33-15C-1 of the Code of West Virginia, 1931, as amended; to repeal §33-16-16 of said code; to amend said code by adding thereto a new section, designated §5-16-7g; and to amend said code by adding thereto a new article, designated §33-53-1, all relating generally to required health insurance coverage for diabetics; providing cost sharing in prescription insulin drugs; providing related findings; providing definitions; requiring insurance coverage for prescription insulin drugs; establishing cost sharing for a prescription insulin drug; establishing cost sharing for designated equipment and supplies related to the treatment and management of diabetes; requiring insurance coverage for diabetes education and medical visits; limiting some insurance coverage; providing for coverage pursuant to the West Virginia Public Employees Insurance Act; and providing that education related to diabetes may be provided by health care providers.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendment to the bill.

Engrossed Committee Substitute for House Bill 4543, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Azinger—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4543) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Azinger—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4543) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. House Bill 4159, Relating to the manufacture and sale of hard cider.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. House Bill 4159—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections designated §19-2-12 and §19-2-13; to amend and reenact §60-1-5a of said code; to amend and reenact §60-8-2, §60-8-3, §60-8-4, §60-8-18, and §60-8-29 of said code; and to add a new article to said code designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, §60-8A-6, and §60-8A-7; all relating to the manufacture and sale of wine and hard cider; all relating to the manufacture and sale of hard cider and wine; establishing the Agriculture Development Fund; establishing permitted expenditures from the fund; creating a new program to develop hard cider; providing for definitions; clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of “nonfortified dessert wine”; clarifying penalties for failure to meet requirements; replacing bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries, who are acting as either suppliers or distributors in a limited capacity, with an affidavit; providing penalties for failure to pay taxes and maintain good standing with the state; providing that there is no separate license required to manufacture and sell hard cider under certain conditions; providing for a hard cider distributor’s license; providing for hard cider exemptions to the wine liter tax; establishing a hard cider gallon tax; providing for applicability of other laws; requiring regular reports to the Tax Commissioner; providing for applications to import products necessary to manufacture hard cider under certain conditions; providing for hard cider sales for consumption; providing for complementary samples to be given; establishing requirements for complementary samples; permitting the sale of growlers; establishing growler labeling requirements; establishing growler sanitation requirements; providing for fees for the privilege to sell growlers; providing for rule-making authority; providing certain limited authority to unlicensed wineries not currently licensed or located in West Virginia; temporarily authorizing limited sampling and temporarily authorizing the limited sale of wine for off-premises consumption at certain fairs and festivals and at certain one-day special licensed nonprofit events in a very limited capacity.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed House Bill 4159, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Roberts and Tarr—2.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4159) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate again proceeded to the fifth order of business.

Senator Weld, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for Senate Bill 529, Establishing limitations on claims and benefits against state.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendment of the House to Engrossed Committee Substitute for Senate Bill 529 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the Senate agree to the amendment of the House of Delegates as to the bill and that the Senate and House agree to an amendment as follows:

On page three, section thirteen-a, lines forty-three and forty-four, by striking out the words "Whether the damages fairly and reasonably compensate the claimant will depend upon the unique facts and circumstances of each claim;" and inserting in lieu thereof the following: The damages shall depend upon the unique facts and circumstances of each claim.;

And,

That the Senate agree to the House amendment to the title of the bill.

Respectfully submitted,

Ryan W. Weld (*Chair*), Charles H. Clements, Michael A. Woelfel, *Conferees on the part of the Senate*.

Moore Capito (*Chair*), Brandon Steele, Andrew Robinson, *Conferees on the part of the House of Delegates*.

Senator Weld, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Weld, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill 529, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 529) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect July 1, 2020.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 529) takes effect July 1, 2020.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Without objection, the Senate returned to the third order of business.

A message from the Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. House Bill 4524, Making the entire state “wet” or permitting the sale of alcoholic liquors for off-premises consumption.

Whereupon, Senator Weld, from the committee of conference on matters of disagreement between the two houses, as to

Eng. House Bill 4524. Making the entire state “wet” or permitting the sale of alcoholic liquors for off-premises consumption.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed House Bill 4524 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate on pages three and four, section nine, lines three through thirteen, and that the House and Senate agree to an amendment as follows:

On pages three and four, section nine, lines three through thirteen, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

(b) Notwithstanding the provisions of subsection (a) of this section, a county or municipality which prior to January 1, 2020, prohibited the sale of alcoholic liquors for off-premises consumption may, pursuant to this subsection, hold a local option election to maintain the prohibition against the sale of alcoholic liquors for off-premises consumption without the petition required by the provisions of §60-5-2 of this code, if it enters an order to hold a local option election on the issue on or before July 1, 2020, in which event the election shall be held concurrent with the 2020 general election. The county commission or municipality may require the state to reimburse it for the actual cost of conducting the local option election authorized by this subsection: Provided, That, as an alternative to the local option election authorized by this subsection, the county commission or governing body of a municipality which prior to January 1, 2020, had prohibited the sale of alcoholic liquors for off-premises consumption may vote to maintain the prohibition and provide certification of the result of the vote to the commissioner on or before July 1, 2020.;

That both houses agree to the remaining Senate amendments;

And,

That both houses recede from their positions as to the title of the bill and agree to the same as follows:

Eng. House Bill 4524—A Bill to amend and reenact §60-5-1, §60-5-2, §60-5-3, §60-5-4, §60-5-5, §60-5-6, §60-5-7, §60-5-8, of the code of West Virginia, as amended and to further amend said code by adding thereto a new section, designated §60-5-9, all relating to the off-premises sale of alcoholic liquors generally; allowing the off-premises sale of alcoholic liquors in every county and municipality in the state; creating procedures for counties and municipalities which prohibited off-premises sale of alcoholic liquors prior to January 1, 2020 to hold a local option election to retain the prohibition; authorizing county commissions and governing bodies of municipalities to retain prohibition by a vote to do so without an election; requiring a vote to continue the prohibition or to order an election to occur on or before July 1, 2020; allowing counties

and municipalities which prohibit the off premises sale of alcoholic liquors to hold a local option election to reconsider the action; allowing county commissions and governing bodies of municipalities to vote to maintain the prohibition as an alternative to holding a local option election, requiring notice to commissioner of election results of the vote by July 1, 2020; and updating code language.

Respectfully submitted,

Moore Capito (*Chair*), Steve Westfall, William G. Hartman, *Conferees on the part of the House of Delegates*.

Ryan W. Weld (*Chair*), Tom Takubo, Paul Hardesty, *Conferees on the part of the Senate*.

On motions of Senator Weld, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed House Bill 4524, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: Azinger, Maynard, Roberts, Smith, and Unger—5.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4524) passed with its conference amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill 4558, Creating a personal income tax credit for volunteer firefighters in West Virginia.

Whereupon, Senator Sypolt, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill 4558, Creating a personal income tax credit for volunteer firefighters in West Virginia,

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the Senate amendment to Engrossed Committee Substitute for House Bill 4558, having met, after full and

free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the Senate and the House of Delegates recede from their respective positions as to the Senate amendment to the bill striking out everything after the enacting clause and inserting new language, and agree to the same as follows:

ARTICLE 10. WEST VIRGINIA TAX PROCEDURE AND ADMINISTRATION ACT.

§11-10-14a. ~~Expiration of Tax refund check-off programs.~~

~~(a) Notwithstanding any other provision of law to the contrary~~ Except as otherwise provided in this section, or in another section of this code enacted after June 30, 1991, all voluntary tax refund check-off programs shall expire and do not apply to any personal income tax returns required to be filed after June 30, 1991: *Provided*, That if any such program has an earlier expiration date specifically provided by law, ~~such the~~ the earlier expiration date shall apply applies.

~~(b) The Tax Commissioner shall cause each West Virginia personal income tax return form to contain a provision by which a taxpayer, and his or her spouse if a joint return, may donate a portion or all of his or her tax refund to the West Virginia Department of Veterans Assistance for purposes of providing nursing home and health care for aged and disabled veterans in the West Virginia Veterans Home. The total amount of donations received under this subsection shall be deposited in the State Treasury to the credit of the Department of Veterans Assistance to be used exclusively for purposes of providing nursing home and health care for aged and disabled veterans in the West Virginia Veterans Home.~~

~~(c) The Tax Commissioner shall cause each West Virginia personal income tax return form to contain a provision by which a taxpayer, and his or her spouse if a joint return, may donate a portion or all of his or her tax refund to the Donel C. Kinnard Memorial State Veterans Cemetery for purposes of operating and maintaining the cemetery. The total amount of donations received under this subsection shall be deposited in the State Treasury to the credit of the Department of Military Affairs and Public Safety to be used exclusively for purposes of operating and maintaining the Donel C. Kinnard Memorial State Veterans Cemetery.~~

ARTICLE 13FF. THE HIGH-WAGE GROWTH BUSINESS TAX CREDIT ACT.

§11-13FF-1. The High-Wage Growth Business Tax Credit Act.

This article shall be known and may be cited as the High-Wage Growth Business Tax Credit Act.

§11-13FF-2. Definitions.

As used in this article:

“Benefits” means all remuneration for work performed that is provided to an employee in whole or in part by the employer, other than wages, including the employer’s contributions to insurance programs, health care, medical, dental and vision plans, life insurance, employer contributions to pensions, such as a 401(k), and employer-provided services, such as child care, offered by an employer to the employee. “Benefits” does not include the employer’s share of payroll taxes.

Social Security or Medicare contributions, federal or state unemployment insurance contributions or workers' compensation;

"Consecutive qualifying period" means each of the three qualifying periods successively following the qualifying period in which the new high-wage job was created;

"Division" means the West Virginia State Tax Division;

"Domicile" means the sole place where an individual has a true, fixed, permanent home. It is the place where the individual has a voluntary, fixed habitation of self and family with the intention of making a permanent home;

"Eligible employee" means an individual who is employed in West Virginia by an eligible employer, who is a resident of West Virginia, and 100 percent of the employee's income from such employment is West Virginia income. "Eligible employee" does not include an individual who:

(1) Bears any of the relationships described in paragraphs (1) through (8) of 26 U.S.C. Section 152(a) to the employer or, if the employer is a corporation, to an individual who owns, directly or indirectly, more than 50 percent in value of the outstanding stock of the corporation or, if the employer is an entity other than a corporation, to an individual who owns, directly or indirectly, more than 50 percent of the capital and profits interest in the entity;

(2) If the employer is an estate or trust, is a grantor, beneficiary, or fiduciary of the estate or trust or is an individual who bears any of the relationships described in paragraphs (1) through (8) of 26 U.S.C. Section 152(a) to a grantor, beneficiary, or fiduciary of the estate or trust;

(3) Is a dependent, as that term is described in 26 U.S.C. Section 152(a)(9), of the employer or, if the taxpayer is a corporation, of an individual who owns, directly or indirectly, more than 50 percent in value of the outstanding stock of the corporation or, if the employer is an entity other than a corporation, of an individual who owns, directly or indirectly, more than 50 percent of the capital and profits interest in the entity or, if the employer is an estate or trust, of a grantor, beneficiary, or fiduciary of the estate or trust; or

(4) Is working or has worked as an employee or as an independent contractor for an entity that, directly or indirectly, owns stock in a corporation of the eligible employer or other interest of the eligible employer that represents 50 percent or more of the total voting power of that entity or has a value equal to 50 percent or more of the capital and profits interest in the entity;

"Eligible employer" means a person whether organized for profit or not, or headquarters of such entity registered to do business in West Virginia that is the owner or operator of a project facility, that offers health benefits to all full-time eligible employees and certifies that it pays at least 50 percent of such health benefit premiums.

"Health benefits" means coverage for basic hospital care, physician care, prescriptions, and shall be the same coverage as is provided to employees employed in a bona fide executive, administrative, or professional capacity by the employer who are exempt from the minimum wage and maximum hour requirements of the federal Fair Labor Standards Act and the employer pays at least 50 percent of such insurance premiums.

"New high-wage job" means a new job created in West Virginia by an eligible employer on or after July 1, 2020, that is occupied for at least 48 weeks of a qualifying period by an eligible

employee who is paid wages calculated for the qualifying period to be at least two and twenty-five hundredths times the state median salary;

“New job” means a job that is occupied by an employee who was not previously on the employer’s payroll in West Virginia, nor previously on the payroll of such employer’s parent entity, subsidiary, alter ego, or affiliate in West Virginia, or previously on the payroll of any business whose physical plant and employees are substantially the same as those of the employer in West Virginia in the three years prior to the date of hire. “New job” does not mean any job that is a result of job shifts due to the gain or loss of an in-state contract to supply goods and services, nor does it mean an employee who is retained following the acquisition of all or part of an in-state business by an employer;

“Qualifying period” means the period of 12 months beginning on the day an eligible employee begins working in a new high-wage job or the period of 12 months beginning on the anniversary of the day an eligible employee began working in a new high-wage job;

“Resident” means a natural person whose domicile is in West Virginia at the time of hire or within 180 days of the date of hire;

“Threshold job” means a job that is occupied for at least 44 weeks of a calendar year by an eligible employee and that meets the wage requirements for a “new high-wage job”; and

“Wages” means all compensation paid by an eligible employer to an eligible employee through the employer’s payroll system, including those wages that the employee elects to defer or redirect or the employee’s contribution to a 401(k) or cafeteria plan program, but “wages” does not include benefits or the employer’s share of payroll taxes, Social Security or Medicare contributions, federal or state unemployment insurance contributions, or workers’ compensation.

§11-13FF-3. High-wage growth business tax credit.

(a) The Development Office may authorize no more than \$5 million of the tax credits allowed under this article during any fiscal year and the total amount of tax credit that may be awarded or used in any taxable year by any qualified taxpayer in combination with the owners of the qualified taxpayer may not exceed more than 10 percent of the salaries for the new direct jobs. Depending on the nature of the anticipated benefits to the state, the Development Office may establish a tax credit at a level less than the maximum. Nothing in this article entitles a qualified employer to receive a tax credit under this article and the Development Office has full discretion, subject to annual or ad hoc review, in determining whether and the amount to which to award a tax credit.

(b) A taxpayer that is an eligible employer seeking to obtain a tax credit shall make an application to the Development Office prior to the taxable year in which the eligible employer is seeking the credit. The application shall be on a form prescribed by the Development Office and shall contain such information as may be required by the Development Office to determine if the applicant is qualified. The application shall contain a sworn statement by a duly authorized officer of the employer listing the names of persons or other entities who have received or who will receive any payment or other consideration from the employer for the purpose of representing the employer in applying for or receiving the benefits provided for in this article and shall include a certificate of good standing from the State Tax Department.

(c) The employer shall certify that during the eligible employer's tax year and that at the end of the eligible employer's tax year it will meet or exceed all of the requirements established in §11-13FF-4 of this code;

(d) After the filing of an application by an eligible employer, the Development Office shall undertake an analysis and determine whether, the extent to which, and the conditions upon which an eligible employer may obtain a tax credit if it fulfills the commitments made in the eligible employer's application. In considering whether to approve the eligible employer's application for a tax credit, the Development Office shall consider the following factors:

(1) The significance of the eligible employer's need for the tax credit;

(2) The amount of projected net fiscal benefit to the state of the project and the period in which the state would realize such net fiscal benefit;

(3) The overall size and quality of the proposed project, including the number of new jobs, proposed wages, growth potential of the qualified company, the potential multiplier effect of the project, and similar factors;

(4) The financial stability and creditworthiness of the eligible employer;

(5) The level of economic distress in the area;

(6) An evaluation of the competitiveness of alternative locations for the location of the eligible employer, as applicable;

(7) Whether other state incentives are available and have been awarded to the eligible employer; and

(8) The amount of local incentives committed.

(e) The Development Office may authorize the continued ability to receive the tax credit as long as the employer retains its eligibility by maintaining the number of new direct jobs in successive years, as provided under this article, not to exceed five years.

(f) A qualified employer that has qualified pursuant to this article is eligible to receive tax credits under this article only in accordance with the provisions under which it initially applied and was approved. If a qualified employer that is receiving tax credits and creates new direct jobs, it may apply for additional tax credits based on the new direct jobs anticipated from the expansion only, pursuant to this article.

§11-13FF-4. Obtaining tax credit following tax year.

(a) At the end of the approved employer's tax year, the qualified employer may file an application to use the tax credits previously approved by the Development Office. The application shall contain a sworn statement by a duly authorized officer of the qualified employer concerning with respect to the employer's fiscal year:

(1) That the eligible employer remained a qualified employer under the provisions of this article;

(2) The total number of and the gross payroll of the new direct jobs, with salary information provided by new direct job and that each new direct job was filled for at least 48 weeks during the tax year;

(3) That the employer had or maintained a net overall increase in employment statewide for each new direct job and the number of such net overall increase of at least 10 new direct jobs, in the case where an employer has contracts covering multiple locations;

(4) That employees holding the new direct jobs:

(A) Were residents in the State of West Virginia;

(B) Were not previously on the employer's payroll;

(C) Were not previously on the payroll of the employer's parent entity, subsidiary, or affiliate, alter ego, or previously on the payroll of the business whose physical plant and employees were substantially the same as those of the employer;

(D) Did not exist as of the date the employer filed the application for the tax credit;

(E) Were not jobs created as a result of job shifts due to the gain or loss of an in-state contract to supply goods and services;

(F) Were not jobs retained following the acquisition of all, or part of, an in-state business by the employer;

(5) That the employer has offered the health benefits to the eligible employees it employs in new direct jobs; and

(6) That the employer:

(A) Did not default on or otherwise not repay any loan or other obligation involving public funds;

(B) Has not declared bankruptcy under which an obligation of the employer to pay or repay public funds or moneys was discharged as part of such bankruptcy;

(C) Is not in default on any filing or payment with or to the state or any of its agencies or political subdivisions in which such assessment or judgment is final, not appealable, and remains outstanding.

(b) The division may request such additional information from the employer as may be necessary to determine whether the application is correct and whether the qualified employer is eligible for the annual tax credit for that year, or may request that the qualified employer revise its application.

(c) The tax credits authorized in this article shall be authorized after the qualified employer has filed its application for annual tax credit at the end of the qualified employer's tax year with the Development Office pursuant to this section, and the division has determined from the information submitted along with such application that the employer has fulfilled its obligations in original application.

(d) Upon approval of the application for use of the tax credit, the application shall be forwarded to the Department of Revenue. The eligible employer may then use such tax credit in filing its tax return.

(e) A new high-wage job is not eligible for a credit pursuant to this section for the initial qualifying period unless the eligible employer's total number of employees with threshold jobs on the last day of the initial qualifying period at the location at which the job is performed or based is at least one more than the number of threshold jobs on the day prior to the date the new high-wage job was created. A new high-wage job is not eligible for a credit pursuant to this section for a consecutive qualifying period unless the total number of threshold jobs at a location at which the job is performed or based on the last day of that qualifying period is greater than or equal to the number of threshold jobs at that same location on the last day of the initial qualifying period for the new high-wage job.

(f) If a consecutive qualifying period for a new high-wage job does not meet the wage, occupancy and residency requirements, then the qualifying period is ineligible.

(g) Except as provided in subsection (h) of this section, a new high-wage job is not eligible for a credit pursuant to this section if:

(1) The new high-wage job is created due to a business merger or acquisition or other change in business organization;

(2) The eligible employee was terminated from employment in West Virginia by another employer involved in the business merger or acquisition or other change in business organization with the taxpayer; and

(3) The new high-wage job is performed by:

(A) The person who performed the job or its functional equivalent prior to the business merger or acquisition or other change in business organization; or

(B) A person replacing the person who performed the job or its functional equivalent prior to a business merger or acquisition or other change in business organization.

(h) A new high-wage job that was created by another employer and for which an application for the high-wage growth business tax credit was received and is under review by the division prior to the time of the business merger or acquisition or other change in business organization shall remain eligible for the high-wage growth business tax credit for the balance of the consecutive qualifying periods. The new employer that results from a business merger or acquisition or other change in business organization may only claim the high-wage growth business tax credit for the balance of the consecutive qualifying periods for which the new high-wage job is otherwise eligible.

(i) A new high-wage job is not eligible for a credit pursuant to this section if the job is created due to an eligible employer entering into a contract or becoming a subcontractor to a contract with a governmental entity that replaces one or more entities performing functionally equivalent services for the governmental entity unless the job is a new high-wage job that was not being performed by an employee of the replaced entity.

(j) A new high-wage job is not eligible for a credit pursuant to this section if the eligible employer has more than one business location in the state from which it conducts business and the requirements of subsection (e) of this section are satisfied solely by moving the job from one business location of the eligible employer in this state to another business location of the eligible employer in the state.

(k) With respect to each annual application for a high-wage growth business tax credit, the employer shall certify and include:

(1) The responsibilities and amount of wages paid to each eligible employee in a new high-wage job during the qualifying period;

(2) The number of weeks each position was occupied during the qualifying period;

(3) Which qualifying period the application pertains to for each eligible employee;

(4) The total number of employees employed by the employer at the job location on the day prior to the qualifying period and on the last day of the qualifying period;

(5) The total number of threshold jobs performed or based at the eligible employer's location on the day prior to the qualifying period and on the last day of the qualifying period;

(6) For an eligible employer that has more than one business location in the state from which it conducts business, the total number of threshold jobs performed or based at each business location of the eligible employer in the state on the day prior to the qualifying period and on the last day of the qualifying period;

(7) Whether the eligible employer has ceased business operations at any of its business locations in this state; and

(8) Whether the application is precluded by subsection (o) of this section.

(l) Any person who willfully submits a false, incorrect, or fraudulent certification required pursuant this section shall be subject to all applicable penalties under §11-9-1 *et seq.* and §11-10-1 *et seq.* of this code, except that the amount on which the penalty is based shall be the total amount of credit requested on the application for approval.

(m) Except as provided in subsection (o) of this section, an approved high-wage growth business tax credit shall be claimed against the taxpayer's taxes imposed by §11-23-1 *et seq.*, §11-24-1 *et seq.*, and §11-21-1 *et seq.* of this code, in that order, as specified in this subsection:

(1) *Business franchise tax.* — The credit is first applied to reduce the taxes imposed by §11-23-1 *et seq.* of this code for the taxable year, determined after application of the credits against tax provided in §11-23-17 of this code, but before application of any other allowable credits against tax.

(2) *Corporation net income taxes.* — After application of subdivision (1) of this subsection, any unused credit is next applied to reduce the taxes imposed by §11-24-1 *et seq.* of this code for the taxable year, determined before application of allowable credits against tax.

(A) If the eligible taxpayer is a limited liability company, small business corporation, or a partnership, then any unused credit after application of subdivisions (1) and (2) of this subsection is allowed as a credit against the taxes imposed by §11-24-1 et seq. of this code on owners of the eligible taxpayer on the conduit income directly derived from the eligible taxpayer by its owners. Only those portions of the tax imposed by §11-24-1 et seq. of this code that are imposed on income directly derived by the owner from the eligible taxpayer are subject to offset by this credit.

(B) Small business corporations, limited liability companies, partnerships, and other unincorporated organizations shall allocate the credit allowed by this section among their members in the same manner as profits and losses are allocated for the taxable year.

(3) Personal income tax taxes. — After application of subdivisions (1) and (2) of this subsection, any unused credit is next applied to reduce the taxes imposed by §11-21-1 et seq. of this code for the taxable year determined before application of allowable credits against tax of the eligible taxpayer.

(4) If the eligible taxpayer is a limited liability company, small business corporation, or a partnership, then any unused credit after application of subdivisions (1), (2), and (3) of this subsection is allowed as a credit against the taxes imposed by §11-21-1 et seq. of this code on owners of the eligible taxpayer on the conduit income directly derived from the eligible taxpayer by its owners. Only those portions of the tax imposed by §11-21-1 et seq. of this code that are imposed on income directly derived by the owner from the eligible taxpayer are subject to offset by this credit.

(5) Small business corporations, limited liability companies, partnerships, and other unincorporated organizations shall allocate the credit allowed by this section among their members in the same manner as profits and losses are allocated for the taxable year.

(6) No credit is allowed under this section against any withholding tax imposed by, or payable under, §11-21-1 et seq. of this code.

(7) Unused credit carry forward. — Except to the extent excess credit is refunded as provided in subdivision (8) of this subsection, if the credit allowed under this article in any taxable year exceeds the sum of the taxes enumerated in subdivisions (1), (2), and (3) of this subsection for that taxable year, the eligible taxpayer and owners of eligible taxpayers described in subdivisions (4) and (5) of this subsection may apply the excess as a credit against those taxes, in the order and manner stated in this section, for succeeding taxable years until the earlier of the following:

(A) The full amount of the excess credit is used; or

(B) The expiration of the 10th taxable year after the taxable year in which the annual salaries for the new direct job was paid or incurred. Any credit remaining thereafter is forfeited.

(8) If the credit allowed under this section in any taxable year exceeds the sum of taxes enumerated in subdivisions (1), (2), (3), (4), and (5) of this subsection for that taxable year, the eligible taxpayer and owners of the eligible taxpayers described in subdivisions (4) and (5) of this subsection may claim for that year the excess amount as a refundable credit, not to exceed \$100,000 per taxpayer, including owners and the controlled group, if applicable.

(9) Tax credits provided under this section may not be transferred, sold, or assigned by filing a notarized endorsement thereof with the division that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the division.

(n) If the taxpayer ceases business operations in this state while an application for credit approval is pending or after an application for credit has been approved for any qualifying period for a new high-wage job, the division may not grant an additional high-wage growth business tax credit to that taxpayer except as provided in subsection (m) of this section and shall extinguish any amount of credit approved for that taxpayer that has not already been claimed against the taxpayer's modified combined tax liability.

(o) A taxpayer that has received a high-wage growth business tax credit may not submit a new application for the credit for a minimum of two calendar years from the closing date of the last qualifying period for which the taxpayer received the credit if the taxpayer lost eligibility to claim the credit from a previous application pursuant to subsection (m) of this section.

§11-13FF-5. Rules.

The division shall propose legislative rules implementing this article in accordance with the provisions of §29A-3-1 et seq. of this code.

ARTICLE 13GG. WEST VIRGINIA VOLUNTEER FIREFIGHTER TAX CREDIT ACT.

§11-13GG-1. Findings and Purpose.

The Legislature finds that it is an important public policy to encourage participation in volunteer fire fighting and emergency response by providing tax credits for those who volunteer their time as a vital service to their community.

§11-13GG-2. Definitions.

As used in this article:

“Active member” means an individual that performs the function of fire prevention and suppression, or vehicle and machinery extrications, hazardous materials response and mitigation, technical rescue, emergency medical services, and any other duties that a specialized support member may provide when responding to emergency situations;

“Activities” means responses to emergencies, monthly or quarterly meetings, fund raising activities, and fire department management;

“Chief” means the highest-ranking fire line officer in charge of a volunteer fire department;

“Commission” means the West Virginia State Fire Commission;

“Volunteer fire department” means a volunteer fire department in this state, certified and regulated by the commission, and lawfully formed under §8-15-1 et seq. of this code;

“Volunteer firefighter” means a West Virginia taxpayer who is an active member of a volunteer fire department.

§11-13GG-3. Amount of credit; limitation of credit.

(a) There is allowed to eligible volunteer firefighters in this state a nonrefundable credit against taxes imposed by §11-21-1 et seq. of this code in the amount set forth in subsection (b) of this section.

(b) The amount of the credit is \$1,000 during a taxable year or the total amount of tax imposed by §11-21-1 et seq. of this code in the year of active membership, whichever is less. If both taxpayers filing a joint tax return are eligible for the credit authorized by this article, the amount of the credit is \$2,000, or \$1,000 for each eligible taxpayer, during a taxable year or the total amount of tax imposed by §11-21-1 et seq. of this code in the year of active membership, whichever is less.

(c) If the amount of the credit authorized by this article is unused in any tax year, it may not be applied to any other tax year.

§11-13GG-4. Qualification for credit.

(a) To be an eligible volunteer firefighter under §11-13GG-3 of this code, he or she shall obtain certification from the chief of the volunteer fire department to demonstrate the following:

(1) The volunteer firefighter has been an active member in good standing of the volunteer fire department for the entire year; or

(2) Has been an active member in good standing of the volunteer fire department and another volunteer fire department of this state for the entire year; and

(3) Has participated as an active member as defined in §11-13GG-3 of this code on-site at at least 30 percent of the volunteer fire department activities during the year; and

(4) Has met or exceeded all certification and training for active member firefighters required under the laws of this state.

(b) The certification from the chief of the volunteer firefighter department shall demonstrate, at a minimum:

(1) The rank or position of the volunteer firefighter;

(2) The years of service for the volunteer firefighter;

(3) The number of emergency situations the volunteer firefighter responded in the year of active membership; and

(4) The number of meetings or training attended by the volunteer firefighter in the year of active membership.

(c) To claim the tax credit, a volunteer firefighter shall submit the certification from the chief of the volunteer fire department to the Tax Commissioner.

§11-13GG-5. Legislative rules.

(a) The Tax Commissioner may propose rules for legislative approval in accordance with the provision of §29A-3-1 et seq. of this code as may be necessary to carry out the purposes of this article.

(b) The commission may propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code as may be necessary to carry out the purposes of this article.

§11-13GG-6. Tax credit review report.

Beginning on the first day of the second taxable year after the passage of this article and every two years thereafter, the commission shall submit to the Governor, the President of the Senate, and the Speaker of the House of Delegates a tax credit review and accountability report evaluating the cost effectiveness of the tax credit and donations during the most recent two-year period for which information is available.

§11-13GG-7. Effective date.

The credit allowed by this article shall be allowed for qualifying volunteer firefighters after December 31, 2022.”;

And,

That both houses recede from their positions as to the title of the bill and agree to the same as follows:

Eng. Com. Sub. for House Bill 4558—A Bill to amend and reenact §11-10-14a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4 and §11-13FF-5; and to amend said code by adding thereto a new article, designated §11-13-GG-1, §11-13GG-2, §11-13GG-3, §11-13GG-4, §11-13GG-5, §11-13GG-6 and §11-13GG-7, all relating generally to taxation; creating various deductions, exemptions and credits, relating to allowing certain deductions to be made from individual personal income tax refunds for specified purpose; providing check-off for nursing home and health care for aged and disabled veterans in the West Virginia Veterans Home; providing check-off for purposes of operating and maintaining the Donel C. Kinnard Memorial State Veterans Cemetery; creating the High-Wage Growth Business Tax Credit Act; defining terms; allowing no more than \$5 million in tax credits from the Development Office; setting out an application process; providing for factors to be considered in granting the application; setting out eligibility requirements; creating a personal income tax credit for volunteer firefighters in West Virginia; providing findings and purpose; providing definitions; providing nonrefundable tax credit for a volunteer firefighter against personal income tax in a taxable year; providing for a tax credit limitation of \$1,000 for a single person; providing for a tax credit limitation of \$2,000 for persons filing tax returns jointly under certain conditions; providing that the tax credit for volunteer firefighters must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing requirements for the documentation evidencing eligibility for the tax credit; providing that documentation must be sent to the Tax Commissioner; providing for reporting at certain time; providing for rule-making authority; and providing an effective date.

Respectfully submitted,

Vernon Criss (*Chair*), Zack Maynard, Jason Barrett, *Conferees on the part of the House of Delegates.*

Dave Sypolt (*Chair*), Ryan W. Weld, Corey Palumbo, *Conferees on the part of the Senate.*

Senator Sypolt, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Sypolt, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 4558, as amended by the conference report, was then put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 4558 pass?”

On the passage of the bill, as amended, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4558) passed with its conference amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

On motion of Senator Takubo, at 11:32 p.m., the Senate recessed for five minutes.

The Senate reconvened at 11:45 p.m. and resumed business under the third order.

A message from the Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill 4388, Limiting the Alcohol Beverage Control Commissioner’s authority to restrict advertising.

Whereupon, Senator Takubo, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill 4388, Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendment of the Senate to Engrossed Committee Substitute for House Bill 4388 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, striking out everything after the enacting clause, and agree to the same as follows:

ARTICLE 16. NONINTOXICATING BEER.

§11-16-2. Declaration of legislative findings, policy and intent; construction.

It is hereby found by the Legislature and declared to be the policy of this state that it is in the public interest to regulate and control the manufacture, sale, distribution, transportation, storage, and consumption of the beverages regulated by this article within this state and that, therefore, the provisions of this article are a necessary, proper, and valid exercise of the police powers of this state and are intended for the protection of the public safety, welfare, health, peace and morals and are further intended to eliminate, or to minimize to the extent practicable, the evils attendant to the unregulated, unlicensed, and unlawful manufacture, sale, distribution, transportation, storage, and consumption of such beverages and are further intended to promote temperance in the use and consumption thereof. The Legislature further finds and declares that advertising is essential to the growth of business and job promotion within the state. In order to further these ends, the provisions of this article and of the rules ~~and regulations~~ promulgated pursuant thereto, shall be construed so that the accomplishment of these stated purposes may be effectuated.

§11-16-18. Unlawful acts of licensees; criminal penalties.

(a) It is unlawful:

(1) For any licensee, his, her, its, or their servants, agents, or employees to sell, give, or dispense, or any individual to drink or consume, in or on any licensed premises or in any rooms directly connected, nonintoxicating beer or cooler on weekdays between the hours of 2:00 a.m. and 7:00 a.m., or between the hours of 2:00 a.m. and 10:00 a.m., or a Class A retail dealer to sell nonintoxicating beer for on-premises consumption only between the hours of 2:00 a.m. and 1:00 p.m. in any county upon approval as provided for in §7-1-3ss of this code, on any Sunday, except in private clubs licensed under the provisions of §60-7-1 *et seq.* of this code, where the hours shall conform with the hours of sale of alcoholic liquors;

(2) For any licensee, his, her, its, or their servants, agents, or employees to sell, furnish, or give any nonintoxicating beer, as defined in this article, to any person visibly or noticeably intoxicated or to any person known to be insane or known to be a habitual drunkard;

(3) For any licensee, his, her, its, or their servants, agents, or employees to sell, furnish, or give any nonintoxicating beer as defined in this article to any person who is less than 21 years of age;

(4) For any distributor to sell or offer to sell, or any retailer to purchase or receive, any nonintoxicating beer as defined in this article, except for cash and a right of action shall not exist to collect any claims for credit extended contrary to the provisions of this subdivision. Nothing herein contained in this section prohibits a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid or deposited for the containers when title is retained by the vendor: *Provided*, That a distributor may accept an electronic transfer of funds if the transfer of funds is initiated by an irrevocable payment order on the invoiced amount for the nonintoxicating beer. The cost of the electronic fund transfer shall be borne by the retailer and the distributor shall initiate the transfer no later than noon of one business day after the delivery;

~~(5) For any brewer or distributor or brew pub or his, her, its or their agents to transport or deliver nonintoxicating beer as defined in this article to any retail licensee on Sunday;~~

~~(6) (5) For any brewer or distributor to give, furnish, rent, or sell any equipment, fixtures, signs, supplies, or services directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products of the brewing industry at retail or to offer any prize, premium, gift, or other similar inducement, except advertising matter, including indoor electronic or mechanical signs, of nominal value up to \$25.00 per stock keeping unit, to either trade or consumer buyers: *Provided*, That a distributor may offer, for sale or rent, tanks of carbonic gas: *Provided however*, That, in the interest of public health and safety, a distributor may, independently or through a subsidiary or affiliate, furnish, sell, install, or maintain draught line equipment, supplies, and cleaning services to a licensed retailer so long as the furnishing or sale of draught line services may be negotiated at no less than direct cost: *Provided further*, That a distributor may furnish, rent, or sell equipment, fixtures, signs, services, or supplies directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products of the brewing industry at retail under the conditions and within the limitations as prescribed herein. Nothing contained in this section prohibits a brewer from sponsoring any professional or amateur athletic event or from providing prizes or awards for participants and winners in any events. *Provided, however*, That no event shall be sponsored which permits actual participation by athletes or other persons who are minors, unless specifically authorized by the commissioner.~~

~~(5) (6) For any brewer or distributor to sponsor any professional or amateur athletic event or provide prizes or awards for participants and winners when a majority of the athletes participating in the event are minors, unless specifically authorized by the commissioner;~~

~~(6) (7) For any retail licensee to sell or dispense nonintoxicating beer through draught lines where the draught lines have not been cleaned at least every two weeks in accordance with rules promulgated by the commissioner, and where written records of all cleanings are not maintained and available for inspection;~~

~~(7) (8) For any licensee to permit in his or her premises any lewd, immoral, or improper entertainment, conduct, or practice;~~

~~(8) (9) For any licensee except the holder of a license to operate a private club issued under the provisions of §60-7-1 *et seq.* of this code or a holder of a license or a private wine restaurant issued under the provisions of §60-8-1 *et seq.* of this code to possess a federal license, tax receipt, or other permit entitling, authorizing, or allowing the licensee to sell liquor or alcoholic drinks other than nonintoxicating beer;~~

~~(9)~~ (10) For any licensee to obstruct the view of the interior of his or her premises by enclosure, lattice, drapes, or any means which would prevent plain view of the patrons occupying the premises. The interior of all licensed premises shall be adequately lighted at all times: *Provided*, That provisions of this subdivision do not apply to the premises of a Class B retailer, the premises of a private club licensed under the provisions of §60-7-1 *et seq.* of this code, or the premises of a private wine restaurant licensed under the provisions of §60-8-1 *et seq.* of this code;

~~(40)~~ (11) For any licensee to manufacture, import, sell, trade, barter, possess, or acquiesce in the sale, possession, or consumption of any alcoholic liquors on the premises covered by a license or on premises directly or indirectly used in connection with it: *Provided*, That the prohibition contained in this subdivision with respect to the selling or possessing or to the acquiescence in the sale, possession, or consumption of alcoholic liquors is not applicable with respect to the holder of a license to operate a private club issued under the provisions of §60-7-1 *et seq.* of this code nor shall the prohibition be applicable to a private wine restaurant licensed under the provisions of §60-8-1 *et seq.* of this code insofar as the private wine restaurant is authorized to serve wine;

~~(41)~~ (12) For any retail licensee to sell or dispense nonintoxicating beer, as defined in this article, purchased, or acquired from any source other than a distributor, brewer, or manufacturer licensed under the laws of this state;

~~(42)~~ (13) For any licensee to permit loud, boisterous, or disorderly conduct of any kind upon his or her premises or to permit the use of loud musical instruments if either or any of the same may disturb the peace and quietude of the community where the business is located: *Provided*, That a licensee may have speaker systems for outside broadcasting as long as the noise levels do not create a public nuisance or violate local noise ordinances;

~~(43)~~ (14) For any person whose license has been revoked, as provided in this article, to obtain employment with any retailer within the period of one year from the date of the revocation, or for any retailer to knowingly employ that person within the specified time;

~~(44)~~ (15) For any distributor to sell, possess for sale, transport, or distribute nonintoxicating beer except in the original container;

~~(45)~~ (16) For any licensee to knowingly permit any act to be done upon the licensed premises, the commission of which constitutes a crime under the laws of this state;

~~(46)~~ (17) For any Class B retailer to permit the consumption of nonintoxicating beer upon his or her licensed premises;

~~(47)~~ (18) For any Class A licensee, his, her, its, or their servants, agents, or employees, or for any licensee by or through any servants, agents, or employees, to allow, suffer, or permit any person less than 18 years of age to loiter in or upon any licensed premises; except, however, that the provisions of this subdivision do not apply where a person under the age of 18 years is in or upon the premises in the immediate company of his or her parent or parents, or where and while a person under the age of 18 years is in or upon the premises for the purpose of and actually making a lawful purchase of any items or commodities sold, or for the purchase of and actually receiving any lawful service rendered in the licensed premises, including the consumption of any item of food, drink, or soft drink lawfully prepared and served or sold for consumption on the premises;

~~(18)~~ (19) For any distributor to sell, offer for sale, distribute, or deliver any nonintoxicating beer outside the territory assigned to any distributor by the brewer or manufacturer of nonintoxicating beer or to sell, offer for sale, distribute, or deliver nonintoxicating beer to any retailer whose principal place of business or licensed premises is within the assigned territory of another distributor of the nonintoxicating beer: *Provided*, That nothing in this section is considered to prohibit sales of convenience between distributors licensed in this state where one distributor sells, transfers, or delivers to another distributor a particular brand or brands for sale at wholesale; and

~~(19)~~ (20) For any licensee or any agent, servant, or employee of any licensee to knowingly violate any rule lawfully promulgated by the commissioner in accordance with the provisions of chapter 29A of this code.

(b) Any person who violates any provision of this article, including, but not limited to, any provision of this section, or any rule, or order lawfully promulgated by the commissioner, or who makes any false statement concerning any material fact in submitting an application for a license or for a renewal of a license or in any hearing concerning the revocation of a license, or who commits any of the acts in this section declared to be unlawful is guilty of a misdemeanor and, upon conviction thereof, shall be punished for each offense by a fine of not less than \$25, nor more than \$500, or confined in the county or regional jail for not less than 30 days nor more than six months, or by both fine and confinement. Magistrates have concurrent jurisdiction with the circuit court and any other courts having criminal jurisdiction in their county for the trial of all misdemeanors arising under this article.

(c) (1) A Class B licensee that:

(A) Has installed a transaction scan device on its licensed premises; and

(B) Can demonstrate that it requires each employee, servant, or agent to verify the age of any individual to whom nonintoxicating beer is sold, furnished, or given away by the use of the transaction device may not be subject to: (i) Any criminal penalties whatsoever, including those set forth in subsection (b) of this section; (ii) any administrative penalties from the commissioner; or (iii) any civil liability whatsoever for the improper sale, furnishing, or giving away of nonintoxicating beer to an individual who is less than 21 years of age by one of his or her employees, servants, or agents. Any agent, servant, or employee who has improperly sold, furnished, or given away nonintoxicating beer to an individual less than 21 years of age is subject to the criminal penalties of subsection (b) of this section. Any agent, servant, or employee who has improperly sold, furnished, or given away nonintoxicating beer to an individual less than 21 years of age is subject to termination from employment, and the employer shall have no civil liability for the termination.

(2) For purposes of this section, a Class B licensee can demonstrate that it requires each employee, servant, or agent to verify the age of any individual to whom nonintoxicating beer is sold by providing evidence: (A) That it has developed a written policy which requires each employee, servant, or agent to verify the age of each individual to whom nonintoxicating beer will be sold, furnished, or given away; (B) that it has communicated this policy to each employee, servant, or agent; and (C) that it monitors the actions of its employees, servants, or agents regarding the sale, furnishing, or giving away of nonintoxicating beer and that it has taken corrective action for any discovered noncompliance with this policy.

(3) "Transaction scan" means the process by which a person checks, by means of a transaction scan device, the age and identity of the cardholder, and "transaction scan device" means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information enclosed on the magnetic strip or bar code of a driver's license or other governmental identity card.

(d) Nothing in this article nor any rule ~~or regulation~~ of the commissioner shall prevent or be considered to prohibit any licensee from employing any person who is at least 18 years of age to serve in the licensee's lawful employ, including the sale or delivery of nonintoxicating beer as defined in this article. With the prior approval of the commissioner, a licensee whose principal business is the sale of food or consumer goods, or the providing of recreational activities, including, but not limited to, nationally franchised fast food outlets, family oriented restaurants, bowling alleys, drug stores, discount stores, grocery stores, and convenience stores, may employ persons who are less than 18 years of age but at least 16 years of age: *Provided*, That the person's duties may not include the sale or delivery of nonintoxicating beer or alcoholic liquors: *Provided, however*, That the authorization to employ persons under the age of 18 years shall be clearly indicated on the licensee's license.

§11-16-22. Powers of the commissioner; rules, or orders.

(a) In addition to all other powers conferred upon the commissioner and in order to effectively carry out the provisions, intent and purposes of this article, the commissioner shall have the power and authority to adopt, promulgate, repeal, rescind and amend, in accordance with the provisions of chapter 29A of this code, rules, standards, requirements and orders, including, but not limited to, the following:

(1) Prescribing records and accounts, pertaining to the manufacture, distribution and sales of nonintoxicating beer, to be kept by the licensee and the form thereof;

(2) Requiring the reporting of such information by licensees as may be necessary for the effective administration of this article;

(3) Regulating the branding and labeling of packages, bottles or other containers in which nonintoxicating beer may be sold; and, in his or her discretion, requiring the collection of all taxes provided for under §11-16-13 of this code;

(4) Prohibiting shipment into the state and sale within the state of low grade or under-standard nonintoxicating beer;

(5) Referring to licenses and the issuance and revocation of the same;

(6) Establishing the suitability of businesses and locations for licensure, and requiring licensees to keep their places of business where nonintoxicating beer is sold at retail, and the equipment used in connection therewith, clean and in a sanitary condition;

~~(7) The establishment of advertising guidelines, prohibitions and prior permissions generally, including, but not limited to, (i) the use of posters, placards, mirrors, windows, doors or indoor and outdoor signs generally, and print and electronic advertising of retail licensees specifically, (ii) the sponsoring of athletic events or contests by licensees and restrictions relating thereto, (iii) the use of equipment, fixtures or supplies in advertising, (iv) false advertising with respect to any product of or sold by any licensee, including, but not limited to, draft beer and coolers and (v) the extent,~~

~~if any, to which free goods and other inducements may be utilized by any licensee. Restricting the content of advertising so as to prohibit false, misleading, or deceptive claims, depictions or descriptions of nonintoxicating beer being consumed irresponsibly or intemperately, or advertising presentations designed to appeal to persons below the legal drinking age: *Provided*, That the commissioner may not promulgate any rule which prohibits the advertising of a particular brand or brands of nonintoxicating beer and the price thereof, which restricts or prohibits:~~

~~(A) The advertising medium or equipment used; or~~

~~(B) Signage except for exterior signage governed by §17-22-1 *et seq.* of this code.~~

(8) Wholesale prices or price changes, including, but not limited to, the regulation and extent, if any, of any temporary price markoff or markdown, temporary wholesale price change downward or price discount, sometimes referred to as “post downs” or as “posting down” or any other price change, the express purpose of which is to put into effect a temporary price reduction, as well as the duration of time during which such temporary price reduction is to remain in effect;

(9) Restrictions upon West Virginia distributors or other licensees with respect to the purchase of any nonintoxicating beer or malt coolers from manufacturers or brewers whether within or without the state who have failed to qualify for manufacture or shipment of any such product in the state; and

(10) Regulating, restricting or prohibiting a distributor from selling, offering for sale, distributing or delivering nonintoxicating beer to any retailer whose principal place of business, residence or licensed premises is located without or beyond the assigned territory of such distributor of such nonintoxicating beer.

(b) Any rule or order heretofore adopted by the commissioner and currently in effect upon the convening of the regular session of the Legislature held in the year one thousand nine hundred eighty-six shall remain in effect until changed by the commissioner in the manner prescribed by article three, chapter twenty-nine-a of this code, irrespective of whether specific authority for such currently effective rule existed prior to such date

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 2. ALCOHOL BEVERAGE CONTROL COMMISSIONER.

§60-2-15. Regulation of advertising.

The commission shall prescribe ~~regulations~~ rules governing the advertising of alcoholic liquors in this state. The ~~regulations shall~~ rules may only prohibit advertising that encourages intemperance, induces minors to purchase, or tends to deceive or misrepresent.

ARTICLE 8. SALE OF WINES.

§60-8-23. Duties and powers of commissioner; rules.

(a) The commissioner is authorized:

(1) To enforce the provisions of this article.

(2) To enter the premises of any licensee at reasonable times for the purpose of inspecting the premises and determining the compliance of the licensee with the provisions of this article and any rules promulgated by the commissioner.

(3) In addition to rules relating to the tax imposed by §60-8-4 of this code or otherwise authorized by this article, to promulgate reasonable rules as he or she deems necessary for the execution and enforcement of the provisions of this article, which may include, but shall not be limited to:

(A) The transport, use, handling, service and sale of wine;

(B) Establishing standards of identity, quality and purity to protect the public against wine containing deleterious, harmful or impure substances or elements and against spurious or imitation wines and wines unfit for human consumption; and

(C) Restricting the content of wine advertising so as to prohibit false or misleading claims, or depictions or descriptions of wine being consumed irresponsibly or immoderately, or advertising presentations designed to appeal to persons below the legal drinking age: *Provided*, That the commissioner shall not promulgate any rule which prohibits the advertising of a particular brand or brands of wine and the price thereof, or which prohibits or restricts the advertising medium used: *Provided, however*, That price shall not be advertised in a medium of electronic communication subject to the jurisdiction of the Federal Communications Commission.

(4) To issue subpoenas and subpoenas duces tecum for the purpose of conducting hearings under the provisions of §60-8-12 of this code, which subpoenas and subpoenas duces tecum shall be issued in the time, for the fees, and shall be enforced in the manner specified in §29A-5-1 of this code with like effect as if said section was set forth in extenso in this subdivision.

(b) The authority granted in this subsection and subsections (a) and (d) of this section may also be exercised by the duly authorized or designated agents of the commissioner.

(c) Except as may be in this article to the contrary, the commissioner shall not have authority by rule or otherwise to regulate markups, prices, discounts, allowances or other terms of sale at which wine may be purchased or sold by wine distributors or licensees authorized to sell wine at retail but nothing herein shall be deemed to authorize or permit any discriminatory practice prohibited by §60-8-31(a), of this code or any other discriminatory practice.

(d) All rules promulgated by the commissioner pursuant to this article shall be so promulgated in accordance with the provisions of chapter 29A of this code. The rules promulgated pursuant to the prior enactment of this article and not disapproved by the Legislature shall remain in full force and effect to the extent that such rules are not abrogated and made null and void by the reenactment of the sections of this article during the regular session of the Legislature for 1986. Any rule which is inconsistent or contrary in any way to any provision of this article now or hereafter enacted are null and void.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Eng. Com. Sub. for House Bill 4388—A Bill to amend and reenact §11-16-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-18 and §11-16-22 of said code; to amend and reenact §60-2-15 of said code; to amend and reenact §60-8-23 of said code, all relating to removing restrictions on advertising, adding legislative findings; permitting equipment, fixtures, signs, services, and supplies by licensees; establishing furnishing, selling, installing, or maintaining draught line equipment, supplies, and cleaning services to a licensed retailer; modifying restriction on brewers or distributors from sponsoring athletic events where majority of the athletes are minors; providing for cleaning of draught lines; providing for record keeping for draught line cleaning; modifying restrictions on equipment, fixtures, signs, and supplies; prohibiting for restricting false, misleading, or deceptive advertisement; prohibiting commissioner from restricting advertising media; and clarifying that exterior signs are governed by the Division of Highways.

Respectfully submitted,

Gary G. Howell (*Chair*), Carl Martin, Margaret Anne Staggers, (*Conferees on the part of the House of Delegates*).

Tom Takubo (*Chair*), Patricia Puertas Rucker, Michael J. Romano (*Conferees on the part of the Senate*).

On motions of Senator Rucker, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 4388, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4388) passed with its conference amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Blair, and by unanimous consent, Senator Blair addressed the Senate thanking members and staff for the help they provided to him during this legislative session after he sustained injuries in an auto accident.

The Senate again proceeded to the fourth order of business.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 7, US Army PFC Clifford O. Eckard Memorial Bridge.

Senate Concurrent Resolution 13, Ira “Noon” Copley and Marie Copley Memorial Bridge

Senate Concurrent Resolution 16, Firefighter Marvin Layton Hughes Memorial Bridge.

Senate Concurrent Resolution 18, William “Bill” Thurman King Memorial Bridge.

Senate Concurrent Resolution 20, US Senator Joseph Rosier Memorial Highway.

Senate Concurrent Resolution 22, George M. Hall Memorial Bridge.

Senate Concurrent Resolution 24, Fire Chief Lee Thomas Memorial Bridge.

Senate Concurrent Resolution 28, Curtis “Pap” and Millie “Mammie” Asbury Bridge.

Senate Concurrent Resolution 30, Stanley W. and Evelyn C. See Memorial Bridge.

Senate Concurrent Resolution 44, Naming portion of road in Wayne County “In Memory of Tootsie Hensley, Please Keep Buffalo Creek Litter Free”.

Senate Concurrent Resolution 48, US Army PFC Ronald Lee Berry Memorial Bridge.

Senate Concurrent Resolution 52, Haynie Family Veterans Memorial Bridge.

Senate Concurrent Resolution 57, Frye Brothers Memorial Bridge.

House Concurrent Resolution 2, Requesting the Division of Highways name a portion of WV 3 Vietnam Veterans Memorial Highway.

House Concurrent Resolution 6, Clarence Watson Meadows Memorial Boulevard.

Com. Sub. for House Concurrent Resolution 10, Robert ‘Glen’ Schoonover Memorial Bridge.

House Concurrent Resolution 11, U. S. Army SGT Robert R. “Bob” Defibaugh Memorial Bridge.

Com. Sub. for House Concurrent Resolution 15, Rose Agnes Rolls Cousins Bridge.

Com. Sub. for House Concurrent Resolution 17, U. S. Army PFC William E. “Ed” Smith and W. Va. Army Nat. Guard SSG Edward L. “Eddie” Smith Memorial Bridge.

Com. Sub. for House Concurrent Resolution 20, U. S. Army PFC James Ray Miller Memorial Bridge.

Com. Sub. for House Concurrent Resolution 21, U. S. Army Specialist, Four, Franklin D. Ashley II Memorial Bridge.

Com. Sub. for House Concurrent Resolution 23, U. S. Army Spec. 4, Roger Dale Griffith Memorial Bridge.

House Concurrent Resolution 27, U. S. Army PFC Thomas Howard Wills, Jr. Memorial Bridge.

Com. Sub. for House Concurrent Resolution 30, U. S. Army Corporal C. O. 'Skip' Johnson Memorial Bridge.

House Concurrent Resolution 35, U.S. Navy BT 2nd Wade E. Burnside Memorial Bridge.

House Concurrent Resolution 40, The Hall Brothers Veterans Bridge.

Com. Sub. for House Concurrent Resolution 41, U. S. PFC Dennis Warren Baxter, USMC, Memorial Bridge.

Com. Sub. for House Concurrent Resolution 42, PFC David Henry Shifflet Memorial Bridge.

House Concurrent Resolution 47, U. S. Army Air Corps SSGT Charles Dexter Duncan Memorial Road.

House Concurrent Resolution 51, Gunsmiths Trace.

House Concurrent Resolution 52, U. S. Army PFC Paul Eugene Gregg Memorial Bridge.

Com. Sub. for House Concurrent Resolution 54, PFC Marvin K. "Sonny" Sherman Memorial Bridge.

House Concurrent Resolution 55, Pendleton County Veterans Killed in Action Memorial Bridge.

House Concurrent Resolution 60, U. S. Army PFC Teddy Ray Chandler Memorial Bridge.

House Concurrent Resolution 63, Sharp Military Brothers Bridge.

House Concurrent Resolution 64, U. S. Army SP5 Benny Ray Snodgrass Memorial Bridge.

House Concurrent Resolution 66, U. S. Army Sgt. Joseph W. McCutcheon Memorial Bridge.

House Concurrent Resolution 67, First Lieutenant Fred Omar Pratt Memorial Bridge.

House Concurrent Resolution 68, Kidd Brothers Veterans Memorial Bridge.

House Concurrent Resolution 79, U. S. Army Nurses Corps CPT Nancy Margret Kiess Memorial Bridge.

House Concurrent Resolution 80, U. S. Army Major Michael Alphonse Rafferty Memorial Bridge.

Com. Sub. for House Concurrent Resolution 82, Naming a portion of Buffalo Creek Road, In Memory of Tootsie Hensley, Please keep Buffalo Creek Litter Free.

House Concurrent Resolution 88, Johnnie Bryant Moore Memorial Bridge.

Com. Sub. for House Concurrent Resolution 90, Wood Brothers Memorial Bridge.

House Concurrent Resolution 91, Caldwell Brothers Memorial Road.

House Concurrent Resolution 92, Mayor Abraham E. Huddleston Memorial Bridge.

House Concurrent Resolution 99, U. S. Army CPL Russell Allen Taylor Memorial Bridge.

House Concurrent Resolution 103, French & Indian War Veterans Memorial Bridge.

And,

House Concurrent Resolution 122, Eustice Frederick Memorial Road.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Clements, unanimous consent being granted, the resolutions (S. C. R. 7, 13, 16, 18, 20, 22, 24, 28, 30, 44, 48, 52, and 57, and H. C. R. 2, 6, 11, 27, 35, 40, 47, 51, 52, 55, 60, 63, 64, 66, 67, 68, 79, 80, 88, 91, 92, 99, 103, and 122, and Com. Sub. for H. C. R. 10, 15, 17, 20, 21, 23, 30, 41, 42, 54, 82, and 90) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Stollings, and by unanimous consent, Senator Stollings addressed the Senate regarding bills relating to public health passing the Legislature this session.

Thereafter, at the request of Senator Takubo, unanimous consent being granted, the remarks by Senator Stollings were ordered printed in the Appendix to the Journal.

At request of Senator Takubo, and by unanimous consent, Senator Takubo addressed the Senate commending the Senate staff.

Without objection, the Senate returned to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended with its House of Delegates amended title, of

Eng. Com. Sub. for Senate Bill 136, Prohibiting certain misleading lawsuit advertising practices.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendment to, and the passage as amended, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 150, Budget Bill.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendment to, and the passage as amended with its Senate amended title, to take effect July 1, 2020, of

Eng. Com. Sub. for Senate Bill 213, Relating to administration of trusts.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for Senate Bill 288, Relating to family planning and child spacing.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendment to, and the passage as amended with its Senate amended title, to take effect January 1, 2021, of

Eng. Com. Sub. for Senate Bill 303, Enacting Students' Right to Know Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report, to take effect July 1, 2020, as to

Eng. Com. Sub. for Senate Bill 529, Establishing limitations on claims and benefits against state.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendment to, and the passage as amended, of

Eng. Senate Bill 562, Expunging certain criminal convictions.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendment to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for Senate Bill 575, Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendment to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for Com. Sub. for Senate Bill 648, Providing dental coverage for adult Medicaid recipients.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended with its Senate amended title, to take effect from passage, of

Eng. Senate Bill 723, Requiring Department of Education develop plan based on analyzed data on school discipline.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendment to, and the passage as amended with its Senate amended title, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 785, Establishing uniform electioneering prohibition area.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended with its House of Delegates amended title, of

Eng. Com. Sub. for Senate Bill 802, Relating to public utilities generally.

A message from the Clerk of the House of Delegates announced that that body had receded from its amendments to, and the passage as amended by deletion, of

Eng. Senate Bill 851, Requiring Governor's Committee on Crime, Delinquency, and Correction propose rule in coordination with law enforcement and certain medical boards.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 3, US Army MSG Richard A. "Dick" Smoot Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 6, Walter E. Swiger, Jr., Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 8, US Army 1LT Harold H. Frazier Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 9, US Army SSG Nick P. Markos Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 10, Requesting study of current WV laws relating to anti-bullying measures in schools.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 12, US Army PFC Gary Alcott Birkhimer Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 15, Kaylee Grace Whetzel Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 17, USMC PFC Manuel P. Markos Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 19, USMC LCpl Fred Michael Kerns Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 25, Requesting study on impact of future electromagnetic pulse catastrophe.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 32, US Marine Corps PFC James R. "Johnny" Corder Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 33, US Air Force MSGT Dvon Duncan Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 34, US Army CPL Dane Hampton Hamric Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 35, Veterans Memorial Drive.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 36, Shafer Brothers US Military Veterans Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 39, US Navy PO1 Jeffrey S. Taylor Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 42, US Army CPL Richard "Warren" Ellison Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 43, US Army 1LT Fred Omar Pratt Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 46, Requesting DEP and DHHR propose public source-water supply study plan.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 59, Rachel Hershey Smith Memorial Shelter.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 2419, Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 2478, Modifying the Fair Trade Practices Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 2961, Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 3098, Allowing the same business owner to brew and sell beer to also distill and sell liquor.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4009, Relating to the process for involuntary hospitalization.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4015, Relating to Broadband Enhancement and Expansion.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. Com. Sub. for House Bill 4017, Establishing country roads accountability and transparency.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. Com. Sub. for House Bill 4020, Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4061, Health Benefit Plan Network Access and Adequacy Act.

A message from the Clerk of the House of Delegates announced that that body had receded from its amendments to the Senate amendments to, and the passage as amended by deletion of

Eng. Com. Sub. for House Bill 4069, West Virginia Student Religious Liberties Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4123, Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform “emergency services” during a disaster.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. House Bill 4161, Making it illegal to scleral tattoo a person.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 4178, Requiring calls which are recorded be maintained for a period of five years.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4362, Relating to penalties for neglect, emotional abuse or death caused by a caregiver.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect July 1, 2020, of

Eng. Com. Sub. for House Bill 4363, Establishing the West Virginia Division of Natural Resources Police Officer Retirement System.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 4375, Speech-Language Pathologists and Audiologists Compact.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4395, Removing the requirement that a veterinarian access and report to the controlled substance monitoring database.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. House Bill 4406, Relating to the reproduction of checks and other records.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4422, The Patient Brokering Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4439, Clarifying the method for calculating the amount of severance tax attributable to the increase in coal production.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4444, Establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4474, Relating to peer-to-peer car sharing programs.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4497, Requiring an external defibrillator device at any secondary school athlete event.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4530, Authorizing daily passenger rental car companies to charge reasonable administrative fees.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

Eng. Com. Sub. for House Bill 4557, Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 4573, Relating to Medicaid subrogation liens of the Department of Health and Human Resources.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4587, Modernizing the Public Service Commission's regulation of solid waste motor carriers and solid waste facilities.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 4607, Authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4611, Relating to fireworks.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4615, West Virginia Critical Infrastructure Protection Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4619, Approving plans proposed by electric utilities to install middle-mile broadband fiber.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 4634, Southern West Virginia Lake Development Study Commission Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 4666, Relating to competitive bids for intergovernmental relations and urban mass transportation.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 4697, Removing the restriction that a mini-distillery use raw agricultural products originating on the same premises.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 4715, Authorizing municipalities to take action to grant certain fire department employees limited power of arrest.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4717, Seizure and Forfeiture Reporting Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 4749, Providing more efficient application processes for private investigators, security guards, and firms.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. House Bill 4797, Authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. House Bill 4804, Relating to comprehensive systems of support for teacher and leader induction and professional growth.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4852, Relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver methamphetamine.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 4946, Eliminating the requirement that municipal police civil service commissions certify a list of three individuals for every position vacancy.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect July 1, 2020, of

Eng. House Bill 4958, Relating to eliminating the ability of a person's driver license to be suspended for failure to pay court fines and costs.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill:

Eng. Com. Sub. for Senate Bill 130 (*Relating to procedure for driver's license suspension and revocation for DUI*): Senator Baldwin.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following resolutions:

Senate Resolution 72 (*Urging Congress safeguard pharmaceutical supply chains*): Senators Jeffries, Lindsay, and Unger;

Senate Resolution 73 (*Memorializing life of Dorothy Vaughan, NASA mathematician and computer programmer*): Senators Stollings, Jeffries, Lindsay, Baldwin, Cline, Rucker, and Unger;

And,

Senate Resolution 74 (*Urging US Senate support Stop Looting American Pensions Act*): Senator Cline.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the sixth order of business.

At the request of Senator Takubo, and by unanimous consent, Senator Takubo offered the following pre-adjourning resolution from the floor:

Senate Resolution 79—Raising a committee to notify the House of Delegates the Senate is ready to adjourn *sine die*.

Resolved by the Senate:

That the President be authorized to appoint a committee of three to notify the House of Delegates that the Senate has completed its labors and is ready to adjourn *sine die*.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Senator Carmichael (Mr. President), under the provisions of the foregoing resolution, appointed the following committee to notify the House of Delegates of impending Senate adjournment:

Senators Hamilton, Smith, and Baldwin.

At the request of Senator Takubo, and by unanimous consent, Senator Takubo then offered the following resolution from the floor:

Senate Resolution 80—Raising a committee to notify His Excellency, the Governor, that the Legislature is ready to adjourn *sine die*.

Resolved by the Senate:

That the President be authorized to appoint a committee of three to join with a similar committee of the House of Delegates to notify His Excellency, the Governor, that the Legislature has completed its labors and is ready to adjourn *sine die*.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Under the provisions of the foregoing resolution, Senator Carmichael (Mr. President) appointed the following committee to notify His Excellency, the Governor, that the Senate is ready to adjourn:

Senators Mann, Sypolt, and Palumbo.

Thereafter, the President recognized the presence of a three-member delegation from the House of Delegates, namely:

Delegates Nelson, P. Martin, and Campbell, who announced that that body had completed its labors and was ready to adjourn *sine die*.

The President then acknowledged another delegation from the House of Delegates, consisting of

Delegates Jennings, Phillips, and Byrd, who announced that they had been appointed by that body to join with the similar committee named by the Senate to wait upon His Excellency and were ready to proceed with its assignment.

Senators Mann, Sypolt, and Palumbo, comprising the Senate committee, then joined with the House committee and proceeded to the executive offices to notify His Excellency, the Governor, of imminent legislative adjournment, and receive any message he might desire to transmit to the members of the Senate.

On motion of Senator Maynard, the Joint Committee on Enrolled Bills was directed after it has examined, found truly enrolled and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of the regular sixty-day session of the Legislature, to file its reports with the Clerk of bills so enrolled, showing the date such bills were presented to the Governor; said reports to be included in the final Journal, together with Governor's action on said bills.

In accordance with the foregoing motion, the following reports of the Joint Committee on Enrolled Bills were filed as follows:

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 10th day of March, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 202), Allowing one member of PSD board to be county commissioner.

(Com. Sub. for S. B. 241), Requiring State Board of Education develop method for student transportation costs as stand-alone consideration.

(S. B. 281), Removing residency requirement for persons applying for reappointment to municipal police dept.

(S. B. 523), Extending deadline for municipalities to offer Social Security coverage to certain municipal retirement system members.

(Com. Sub. for S. B. 534), Removing workers' compensation exclusion for temporary legislative employees.

(S. B. 552), Requiring contracts of \$25,000 or more be competitively bid.

(Com. Sub. for S. B. 571), Expiring funds from State Excess Lottery Revenue Fund to various accounts.

(Com. Sub. for S. B. 586), Reorganizing and re-designating Department of Military Affairs and Public Safety as Department of Homeland Security.

(S. B. 652), Authorizing School Building Authority promulgate legislative rules.

(S. B. 703), Increasing earning limit for employees who accept separation incentive.

(S. B. 712), Correcting name of Forensic Analysis Laboratory.

(S. B. 725), Supplemental appropriation to various Department of Education accounts.

(S. B. 734), Clarifying powers and duties of DOH in acquiring property for state road purposes.

(S. B. 778), Supplemental appropriation expiring funds from State Excess Lottery Revenue Fund to DHHR.

(S. B. 779), Supplemental appropriation expiring funds in State Excess Lottery Revenue to Department of Veterans' Assistance.

And,

(S. B. 780), Supplemental appropriation by decreasing and adding new appropriation out of Treasury to DMAPS.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Moore Capito,
Chair, House Committee.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 11th day of March, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 150), Budget Bill.

(S. B. 569), Expiring funds from various accounts to DHHR, Medical Services Program Fund.

(Com. Sub. for S. B. 570), Expiring funds from State Excess Lottery Revenue Fund to DHHR, Medical Services Program Fund.

(S. B. 572), Expiring funds from General Revenue and Lottery Net Profits to various accounts.

(S. B. 803), Supplemental appropriation of money out of General Revenue Fund to DHHR.

(S. B. 804), Supplemental appropriation of moneys from Treasury to PSC, Consumer Advocate Fund.

(S. B. 805), Supplemental appropriation of moneys from Treasury to WV Commuter Rail Access Fund.

(S. B. 806), Supplemental appropriation out of federal funds in Treasury to DOT.

(S. B. 812), Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services.

(S. B. 843), Supplemental appropriation of funds from Treasury to DHHR Energy Assistance Fund.

(S. B. 844), Supplemental appropriation from Treasury to DHHR Birth-to-Three Fund.

(Com. Sub. for S. B. 845), Supplemental appropriation from Treasury to DHHR, Division of Human Services.

(S. B. 852), Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Fund.

And,

(S. B. 853), Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Authority.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Moore Capito,
Chair, House Committee.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 12th day of March, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 240), Requiring hotels and restaurants secure manhole covers of certain grease traps.

(Com. Sub. for S. B. 339), Authorizing DHHR promulgate legislative rules.

(Com. Sub. for S. B. 472), Providing alternative sentencing program for work release.

(Com. Sub. for S. B. 517), Creating State Parks and Recreation Endowment Fund.

(Com. Sub. for S. B. 614), Changing method of allocating funding from Safe School Funds.

(S. B. 846), Requiring hospital publish notification prior to facility closure regarding patient medical records.

(S. B. 849), Relating to military service as factor in certain insurance coverage rates.

(Com. Sub. for H. B. 2086), Uniform Real Property Electronic Recording Act.

(Com. Sub. for H. B. 4001), Creating West Virginia Impact Fund.

(Com. Sub. for H. B. 4077), Increasing the amount of the bond required to be posted by proprietary schools.

(Com. Sub. for H. B. 4090), Creating the Oil and Gas Abandoned Well Plugging Fund.

(Com. Sub. for H. B. 4137), Allowing counties to store and maintain voter registration records in a digital format.

(H. B. 4146), Relating to credit for reinsurance.

(Com. Sub. for H. B. 4217), Authorizing the Department of Environmental Protection to promulgate legislative rules.

(H. B. 4510), Prohibiting bodily intrusion by an inmate upon any person at any correctional facility.

(Com. Sub. for H. B. 4522), Allowing division to accept documents compliant with Real ID Act for proof of identity.

(H. B. 4529), Relating to the collection of assessments and the priority of liens on property within a resort area.

(Com. Sub. for H. B. 4544), Relating to possession of any controlled substance on the premises of or within 200 feet of a public library.

(H. B. 4559), Modifying the limitations on civil actions against the perpetrator of sexual assault or sexual abuse upon a minor.

(H. B. 4760), Modifying video lottery retailer licensing eligibility requirements.

And,

(H. B. 4959), Relating to clarifying the ability of the Economic Development Authority Board of Directors to enter into any contracts necessary to carry out its duties.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Moore Capito,
Chair, House Committee.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 13th day of March, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 6), Allowing DOH issue permits for certain tractors with certain trailers not exceeding specified maximum axle weights.

(Com. Sub. for Com. Sub. for S. B. 96), Prohibiting municipalities from limiting persons' rights to possess certain weapons.

(Com. Sub. for S. B. 125), Prohibiting victim from being subjected to certain physical examinations for sexual offenses.

(Com. Sub. for S. B. 163), Relating to municipal or county taxation of hotel rooms booked through marketplace facilitator.

(Com. Sub. for S. B. 201), Relating generally to criminal offenses of stalking and harassment.

(Com. Sub. for S. B. 208), Protecting consumers from unfair pricing practices during state of emergency.

(Com. Sub. for S. B. 225), Empowering municipalities to enact Adopt-A-Street programs.

(Com. Sub. for S. B. 232), Removing outdated prohibitions against electronic or mechanical ticket dispensers and readers.

(S. B. 307), Correcting code citation relating to certain tax liens.

(S. B. 545), Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund.

(Com. Sub. for Com. Sub. for S. B. 554), Relating to termination, expiration, or cancellation of oil or natural gas leases.

(Com. Sub. for S. B. 576), Relating to management of public records.

(Com. Sub. for S. B. 583), Creating program to further development of renewable energy resources.

(S. B. 600), Creating special revenue account designated Military Authority Fund.

(Com. Sub. for S. B. 649), Permitting county emergency phone system directors negotiate contracts for mobile phones.

(S. B. 651), Relating to definition of "mortgage loan originator".

(Com. Sub. for S. B. 686), Exempting contract and common carrier laws for certain vehicles.

(Com. Sub. for S. B. 705), Allowing military veterans with certain experience qualify for examination as electrician or plumber.

(Com. Sub. for S. B. 706), Clarifying duties of law-enforcement training and certification subcommittee.

(S. B. 781), Relating to reports regarding collaborative agreements between community and technical colleges and federally registered apprenticeship programs.

(S. B. 789), Repealing obsolete sections of WV Code relating to Legislature.

(Com. Sub. for S. B. 810), Implementing federal Affordable Clean Energy rule.

(S. B. 816), Updating North American Industry Classification System code references.

(Com. Sub. for H. B. 2646), Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees.

(H. B. 4022), Clarifying the qualifications of the Chancellor of the Higher Education Policy Commission.

(H. B. 4113), Relating to motor fuel excise taxes.

(Com. Sub. for H. B. 4165), West Virginia Remembers Program.

(Com. Sub. for H. B. 4352), Removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making.

(Com. Sub. for H. B. 4360), Exempting certain persons from heating, ventilating, and cooling system licensing requirements.

(H. B. 4396), Relating to reporting suspected governmental fraud.

(H. B. 4466), Certificates of Insurance Act.

(H. B. 4480), Relating to legislative rules for the Higher Education Policy Commission.

(Com. Sub. for H. B. 4484), Relating to the Hazardous Waste Management Fund.

(H. B. 4519), Establishing a summer youth intern pilot program within Department of Commerce.

(Com. Sub. for H. B. 4573), Relating to Medicaid subrogation liens of the Department of Health and Human Resources.

(H. B. 4647), Relating to limited video lottery permit holders.

(Com. Sub. for H. B. 4729), Requiring higher education institutions to use previous versions or editions of instructional materials.

(Com. Sub. for H. B. 4773), Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state.

(H. B. 4790), Relating to Career Technical Education for middle school students.

(H. B. 4882), Authorizing limited sampling and limited sale of wine for off-premises consumption to wineries not licensed in the state.

And,

(H. B. 4955), Relating to reducing the cost of fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Moore Capito,
Chair, House Committee.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 17th day of March, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 51), Specifying forms of grandparent visitation.

(Com. Sub. for S. B. 144), Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation.

(Com. Sub. for S. B. 175), Requiring certain agencies maintain website which contains specific information.

(S. B. 180), Relating to Second Chance Driver's License Program.

(Com. Sub. for S. B. 195), Updating powers of personal representatives of deceased person's estate.

(Com. Sub. for S. B. 230), Requiring State Board of Education provide routine education in suicide prevention.

(S. B. 289), Creating Green Alert Plan.

(S. B. 322), Relating to prequalifications for state contract vendors.

(Com. Sub. for Com. Sub. for S. B. 490), Relating to criminal offenses against agricultural facilities.

(Com. Sub. for Com. Sub. for S. B. 491), Relating to Seed Certification Program.

(Com. Sub. for S. B. 578), Recalculating tax on generating, producing, or selling electricity from solar energy facilities.

(Com. Sub. for Com. Sub. for S. B. 579), Changing and adding fees to wireless enhanced 911 fee.

(Com. Sub. for S. B. 615), Declaring certain claims against state as moral obligations of state.

(S. B. 654), Allowing certain sheriffs transfer from PERS to Deputy Sheriff Retirement System.

(Com. Sub. for S. B. 660), Regulating electric bicycles.

(Com. Sub. for S. B. 662), Removing restrictions on fiduciary commissioners.

(S. B. 664), Adding physician's assistant to list of medical professionals capable of determining if individual lacks capacity.

(Com. Sub. for S. B. 707), Relating to nursing career pathways.

(S. B. 838), Directing state police establish referral program for substance abuse treatment.

(Com. Sub. for H. B. 2419), Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance.

(Com. Sub. for H. B. 4099), Eliminating the permit for shampoo assistants.

(H. B. 4406), Relating to the reproduction of checks and other records.

(H. B. 4417), Relating to permitting professional boards.

(Com. Sub. for H. B. 4546), Relating to tuberculosis testing for school superintendents.

(H. B. 4715), Authorizing municipalities to take action to grant certain fire department employees limited power of arrest.

(Com. Sub. for H. B. 4717), Seizure and Forfeiture Reporting Act.

(H. B. 4797), Authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership.

(H. B. 4804), Relating to comprehensive systems of support for teacher and leader induction and professional growth.

And,

(Com. Sub. for H. B. 4946), Transferring property located in the Union Carbide Corporation Tech Center to the City of South Charleston.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Moore Capito,
Chair, House Committee.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 18th day of March, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 42), Permitting faith-based electives in classroom drug prevention programs.

(Com. Sub. for S. B. 120), Establishing priorities for expenditures for plugging abandoned gas or oil wells.

(Com. Sub. for S. B. 130), Relating to procedure for driver's license suspension and revocation for DUI.

(Com. Sub. for S. B. 136), Prohibiting certain misleading lawsuit advertising practices.

(Com. Sub. for S. B. 193), Setting forth timeframes for continuing purchases of commodities and services over \$1 million.

(Com. Sub. for S. B. 261), Creating criminal penalties for introducing ransomware into computer with intent to extort.

(Com. Sub. for S. B. 269), Establishing advisory council on rare diseases.

(Com. Sub. for S. B. 288), Relating to family planning and child spacing.

(Com. Sub. for S. B. 308), Creating criminal penalties for violation of orders issued for protection of victims of financial exploitation.

(Com. Sub. for Com. Sub. for S. B. 312), Relating to provisional licensure of social workers.

(S. B. 510), Making permanent land reuse agency or municipal land bank's right of first refusal on certain tax sale properties.

(Com. Sub. for S. B. 547), Relating to employer testing, notice, termination, and forfeiture of unemployment compensation.

(Com. Sub. for S. B. 551), Relating to Water and Wastewater Investment and Infrastructure Improvement Act.

(S. B. 562), Expunging certain criminal convictions.

(Com. Sub. for S. B. 575), Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian.

(Com. Sub. for S. B. 589), Creating Critical Needs/Failing Systems Sub Account.

(S. B. 641), Allowing WVCHIP flexibility in rate setting.

(S. B. 647), Permitting physician's assistants and advanced practice registered nurses issue do-not-resuscitate orders.

(Com. Sub. for Com. Sub. for S. B. 648), Providing dental coverage for adult Medicaid recipients.

(Com. Sub. for S. B. 668), Enacting Uniform Trust Decanting Act.

(Com. Sub. for S. B. 670), Amending service of process on nonresident persons or corporate entities.

(Com. Sub. for S. B. 678), Waiving fines and fees for completing Getting Over Addicted Lifestyles Successfully Program.

(Com. Sub. for S. B. 689), Enacting Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act.

(Com. Sub. for S. B. 690), Permitting street-legal special purpose vehicles on highways.

(S. B. 691), Limiting programs adopted by State Board of Education.

(Com. Sub. for S. B. 692), Clarifying persons indicted or charged jointly for felony offense can move to have separate trial.

(Com. Sub. for S. B. 711), Relating to juvenile jurisdiction of circuit courts.

(Com. Sub. for S. B. 717), Relating generally to adult protective services.

(Com. Sub. for S. B. 719), Imposing health care-related provider tax on certain health care organizations.

(S. B. 723), Requiring Department of Education develop plan based on analyzed data on school discipline.

(S. B. 727), Relating to disbursement of funds for highway road repair.

(Com. Sub. for S. B. 729), Relating to awards and disability under Deputy Sheriff Retirement Act.

(Com. Sub. for S. B. 738), Creating Flatwater Trail Commission.

(S. B. 740), Clarifying authorized users of Ron Yost Personal Assistance Services Fund.

(Com. Sub. for S. B. 746), Providing contracted managed care companies access to uniform maternal screening tool.

(S. B. 747), Requiring Bureau for Public Health develop Diabetes Action Plan.

(S. B. 748), Increasing awareness of palliative care services.

(Com. Sub. for S. B. 749), Requiring Fatality and Mortality Review Team share data with CDC.

(S. B. 750), Establishing extended learning opportunities.

(Com. Sub. for S. B. 760), Allowing state college or university apply to HEPC for designation as administratively exempt school.

(S. B. 765), Modifying “Habitual Offender” statute.

(S. B. 767), Relating to licensure of hospitals.

(Com. Sub. for S. B. 770), Revising requirements for post-doctoral training.

(Com. Sub. for S. B. 785), Establishing uniform electioneering prohibition area.

(Com. Sub. for S. B. 793), Relating to business and occupation taxes imposed on certain coal-fired electric generating units.

(S. B. 830), Eliminating special merit-based employment system for health care professionals.

(S. B. 842), Requiring Superintendent of Schools establish a Behavior Interventionist Pilot Program in two school districts for five years.

And,

(S. B. 848), Clarifying persons charged with DUI may not participate in Military Service Members Court.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Moore Capito,
Chair, House Committee.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 19th day of March, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 213), Relating to administration of trusts.

(Com. Sub. for Com. Sub. for S. B. 291), Requiring PEIA and health insurance providers provide mental health parity.

(Com. Sub. for S. B. 303), Enacting Students’ Right to Know Act.

(Com. Sub. for S. B. 522), Relating to compensation awards to crime victims.

(Com. Sub. for S. B. 529), Establishing limitations on claims and benefits against state.

(Com. Sub. for S. B. 530), Relating to taxation of aircraft.

(S. B. 597), Relating to judicial branch members’ salaries and pensions.

(S. B. 610), Removing resident manager requirement for Alcohol Beverage Control Administration.

(Com. Sub. for S. B. 716), Requiring DHHR pay for tubal ligation without 30-day wait between consent and sterilization.

(Com. Sub. for S. B. 739), Authorizing PSC protect consumers of distressed and failing water and wastewater utilities.

(Com. Sub. for S. B. 787), Providing benefits to pharmacists for rendered care.

(Com. Sub. for S. B. 797), Authorizing governing boards of public and private hospitals employ hospital police officers.

(Com. Sub. for S. B. 802), Relating to public utilities generally.

(S. B. 839), Creating State Advisory Council on Postsecondary Attainment Goals.

(S. B. 851), Requiring Governor's Committee on Crime, Delinquency, and Correction propose rule in coordination with law enforcement and certain medical boards.

(Com. Sub. for H. B. 2478), Modifying the Fair Trade Practices Act.

(Com. Sub. for H. B. 2961), Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly.

(Com. Sub. for H. B. 2967), Permitting a county to retain the excise taxes for the privilege of transferring title of real estate.

(H. B. 3039), Relating to a court's consideration of the expression of a preference by a child in certain child custody matters.

(Com. Sub. for H. B. 3098), Allowing the same business owner to brew and sell beer to also distill and sell liquor.

(Com. Sub. for H. B. 4004), Creating the West Virginia Sentencing Commission.

(Com. Sub. for H. B. 4009), Relating to the process for involuntary hospitalization.

(Com. Sub. for H. B. 4019), Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020.

(Com. Sub. for H. B. 4020), Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state.

(Com. Sub. for H. B. 4061), Health Benefit Plan Network Access and Adequacy Act.

(Com. Sub. for H. B. 4069), West Virginia Student Religious Liberties Act.

(Com. Sub. for H. B. 4088), Disposition of funds from certain oil and natural gas wells due to unknown or unlocatable interest owners.

(Com. Sub. for H. B. 4092), Relating to foster care.

(Com. Sub. for H. B. 4094), Continuing the Foster Care Ombudsman.

(Com. Sub. for H. B. 4102), Relating to opioid antagonists.

(Com. Sub. for H. B. 4108), Relating generally to certificates of need for health care services.

(H. B. 4159), Relating to the manufacture and sale of hard cider.

(H. B. 4161), Making it illegal to scleral tattoo a person.

(Com. Sub. for H. B. 4176), West Virginia Intelligence/Fusion Center Act.

(H. B. 4178), Requiring calls which are recorded be maintained for a period of five years.

(Com. Sub. for H. B. 4198), Permitting a person to obtain a 12-month supply of contraceptive drugs.

(Com. Sub. for H. B. 4252), Authorizing miscellaneous agencies and boards to promulgate legislative rules.

(Com. Sub. for H. B. 4275), Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

(H. B. 4354), Adding nabiximols to the permitted list of distributed and prescribed drugs.

(Com. Sub. for H. B. 4361), Relating to insurance law violations.

(Com. Sub. for H. B. 4362), Relating to penalties for neglect, emotional abuse or death caused by a caregiver.

(Com. Sub. for H. B. 4363), Establishing the West Virginia Division of Natural Resources Police Officer Retirement System.

(H. B. 4375), Speech-Language Pathologists and Audiologists Compact.

(Com. Sub. for H. B. 4377), The Protection of Vulnerable Adults from Financial Exploitation Act.

(Com. Sub. for H. B. 4378), Relating to disciplining teachers.

(Com. Sub. for H. B. 4388), Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising.

(Com. Sub. for H. B. 4395), Removing the requirement that a veterinarian access and report to the controlled substance monitoring database.

(H. B. 4409), Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund.

(H. B. 4410) Permitting directors and executive officers of a banking institution to borrow from a banking institution with which he or she is connected.

(Com. Sub. for H. B. 4414), Relating to the selection of language and development milestones for the deaf and hard-of-hearing children.

(Com. Sub. for H. B. 4415), Relating to missing and endangered children.

(Com. Sub. for H. B. 4421), Natural Gas Liquids Economic Development Act.

(Com. Sub. for H. B. 4422), The Patient Brokering Act.

(Com. Sub. for H. B. 4434), West Virginia health care workforce sustainability study.

(Com. Sub. for H. B. 4438), Relating to the licensing of advance deposit wagering.

(Com. Sub. for H. B. 4439), Clarifying the method for calculating the amount of severance tax attributable to the increase in coal production.

(Com. Sub. for H. B. 4444), Establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers.

(H. B. 4447), Creating the shared table initiative for senior citizens who suffer from food insecurity.

(Com. Sub. for H. B. 4452), Modifying the notice requirements for the redemption of delinquent properties.

(Com. Sub. for H. B. 4461), Requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated or after July 1.

(Com. Sub. for H. B. 4464), Relating to driving privileges and requirements for persons under the age of 18.

(Com. Sub. for H. B. 4474), Relating to peer-to-peer car sharing programs.

(Com. Sub. for H. B. 4478), Creating a lifetime ban for commercial drivers involved in human trafficking.

(Com. Sub. for H. B. 4494), Tobacco Use Cessation Initiative.

(Com. Sub. for H. B. 4497), Requiring an external defibrillator device at any secondary school athlete event.

(H. B. 4499), Relating to multicounty trail network authorities.

(H. B. 4502), Relating to insurance adjusters.

(H. B. 4504), Relating to renewal application requirements for individuals with permanent disabilities.

(Com. Sub. for H. B. 4509), Transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support.

(H. B. 4514), Permitting the use of leashed dogs to track mortally wounded deer or bear.

(H. B. 4523), Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase.

(Com. Sub. for H. B. 4530), Authorizing daily passenger rental car companies to charge reasonable administrative fees.

(Com. Sub. for H. B. 4543), Relating to insurance coverage for diabetics.

(H. B. 4551), Relating to subsidized adoption.

(Com. Sub. for H. B. 4557), Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals.

(Com. Sub. for H. B. 4558), Creating a personal income tax credit for volunteer firefighters in West Virginia.

(Com. Sub. for H. B. 4560), Relating to deliveries by a licensed wine specialty shop.

(Com. Sub. for H. B. 4576), Establishing a procedure for correcting errors in deeds, deeds of trust and mortgages.

(Com. Sub. for H. B. 4581), Relating to West Virginia Clearance for Access: Registry and Employment Screening.

(H. B. 4585), Providing immunity from civil or criminal liability for making good faith reports of suspected or known instances of child abuse or neglect.

(Com. Sub. for H. B. 4587), Modernizing the Public Service Commission's regulation of solid waste motor carriers and solid waste facilities.

(H. B. 4589), Conducting study for an appropriate memorial for West Virginians killed in the War on Terror.

(Com. Sub. for H. B. 4593), Authorizing the assignment of poll workers to serve more than one precinct under certain circumstances.

(H. B. 4607), Authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services.

(Com. Sub. for H. B. 4611), Relating to fireworks.

(Com. Sub. for H. B. 4615), West Virginia Critical Infrastructure Protection Act.

(H. B. 4618), Relating to deadly weapons for sale or hire.

(Com. Sub. for H. B. 4619), Approving plans proposed by electric utilities to install middle-mile broadband fiber.

(Com. Sub. for H. B. 4620), Redefining definition of “recovery residence”.

(Com. Sub. for H. B. 4621), West Virginia FinTech Regulatory Sandbox Act.

(Com. Sub. for H. B. 4633), Expanding county commissions’ ability to dispose of county or district property.

(Com. Sub. for H. B. 4634), Southern West Virginia Lake Development Study Commission Act.

(H. B. 4665), Reducing the amount of rebate going to the Purchasing Improvement Fund.

(Com. Sub. for H. B. 4668), Creating the misdemeanor crime of trespass for entering a structure that has been condemned.

(H. B. 4691), Relating to employment in areas of critical need in public education.

(Com. Sub. for H. B. 4693), Expanding the scope of the Veterans to Agriculture Program.

(H. B. 4697), Removing the restriction that a mini-distillery use raw agricultural products originating on the same premises.

(H. B. 4737), Clarifying student eligibility for state-sponsored financial aid.

(Com. Sub. for H. B. 4747), Extending electronic submission of various applications and forms for nonprofit and charitable organizations, professionals and licensees.

(Com. Sub. for H. B. 4748), Relating to the increase of fees that private nongovernment notary publics may charge for notarial acts.

(H. B. 4749), Providing more efficient application processes for private investigators, security guards, and firms.

(Com. Sub. for H. B. 4780), Permitting county boards to offer elective courses of instruction on the Bible.

(Com. Sub. for H. B. 4803), Relating to certification of electrical inspectors.

(Com. Sub. for H. B. 4823), Developing a plan for periodic audits of the expenditure of the fees from the emergency 911 telephone system and wireless enhanced 911.

(Com. Sub. for H. B. 4852), Relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver methamphetamine.

(H. B. 4859), Accounting for state funds distributed to volunteer and part-volunteer fire companies and departments.

(Com. Sub. for H. B. 4925), Requiring the Secondary Schools Athletic Commission to recognize preparatory athletic programs.

(H. B. 4958), Relating to eliminating the ability of a person’s driver license to be suspended for failure to pay court fines and costs.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Moore Capito,
Chair, House Committee.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 19th day of March, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2892), Including digital and virtual information in the definition of property that can be searched and seized by a warrant.

(Com. Sub. for H. B. 4003), Relating to telehealth insurance requirements.

(Com. Sub. for H. B. 4015), Relating to Broadband Enhancement and Expansion.

(Com. Sub. for H. B. 4017), Establishing country roads accountability and transparency.

(Com. Sub. for H. B. 4123), Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform “emergency services” during a disaster.

(H. B. 4524), Making the entire state “wet” or permitting the sale of alcoholic liquors for off-premises consumption.

(H. B. 4655), Permitting military personnel in areas where on-the-job emergency medicine is part of the training to be granted automatic EMS or EMT certification.

(Com. Sub. for H. B. 4666), Relating to competitive bids for intergovernmental relations and urban mass transportation.

(H. B. 4714), Increasing the monetary threshold for requiring nonprofit organizations to register as a charitable organization.

And,

(H. B. 4777), Relating to the right of disposition of remains.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Andrew Byrd,
Member, House Committee.

Executive Communications

Under authorization of Senate approval therefor in prior proceedings today, to include in this day's Journal communications showing the Governor's action on enrolled bills presented to him in post-session reports, the following are inserted hereinafter:

Executive Communications

The Clerk then presented communications from His Excellency, the Governor, advising that on March 12, 2020, he had approved **Enr. Committee Substitute for Senate Bill 150, Enr. Senate Bill 569, Enr. Committee Substitute for Senate Bill 570, Enr. Committee Substitute for Senate Bill 571, Enr. Senate Bill 572, Enr. Senate Bill 725, Enr. Senate Bill 778, Enr. Senate Bill 779, Enr. Senate Bill 780, Enr. Senate Bill 803, Enr. Senate Bill 804, Enr. Senate Bill 805, Enr. Senate Bill 806, Enr. Senate Bill 812, Enr. Senate Bill 843, Enr. Senate Bill 844, Enr. Committee Substitute for Senate Bill 845, Enr. Senate Bill 852, Enr. Senate Bill 853, and Enr. Committee Substitute for House Bill 4001**; on March 23, 2020, he had approved **Enr. Committee Substitute for House Bill 4090 and Enr. Committee Substitute for House Bill 4438**; on March 24, 2020, he had approved **Enr. Committee Substitute for Senate Bill 6, Enr. Senate Bill 51, Enr. Committee Substitute for Senate Bill 125, Enr. Committee Substitute for Senate Bill 144, Enr. Committee Substitute for Senate Bill 175, Enr. Senate Bill 180, Enr. Committee Substitute for Senate Bill 195, Enr. Committee Substitute for Senate Bill 201, Enr. Senate Bill 202, Enr. Committee Substitute for Senate Bill 225, Enr. Committee Substitute for Senate Bill 230, Enr. Committee Substitute for Senate Bill 232, Enr. Committee Substitute for Senate Bill 241, Enr. Committee Substitute for Senate Bill 261, Enr. Senate Bill 281, Enr. Senate Bill 289, Enr. Committee Substitute for Senate Bill 303, Enr. Senate Bill 307, Enr. Committee Substitute for Committee Substitute for Senate Bill 312, Enr. Senate Bill 322, Enr. Committee Substitute for Senate Bill 339, Enr. Committee Substitute for Senate Bill 472 Enr. Committee Substitute for Senate Bill 517, Enr. Committee Substitute for Senate Bill 522, Enr. Senate Bill 523, Enr. Committee Substitute for Senate Bill 529, Enr. Committee Substitute for Senate Bill 534, Enr. Senate Bill 545, Enr. Senate Bill 552, Enr. Senate Bill 600, Enr. Committee Substitute for Senate Bill 670, Enr. Committee Substitute for Senate Bill 678, Enr. Committee Substitute for Senate Bill 705, Enr. Committee Substitute for Senate Bill 716, Enr. Committee Substitute for Senate Bill 717, Enr. Committee Substitute for House Bill 2149, Enr. Committee Substitute for House Bill 2338, Enr. Committee Substitute for House Bill 2892, Enr. Committee Substitute for House Bill 2961, Enr. Committee Substitute for House Bill 4108, Enr. Committee Substitute for House Bill 4137, Enr. Committee Substitute for House Bill 4275, Enr. House Bill 4354, Enr. Committee Substitute for House Bill 4494, Enr. House Bill 4519, Enr. House Bill 4529, Enr. Committee Substitute for House Bill 4546, Enr. House Bill 4589, Enr. Committee Substitute for House Bill 4621, Enr. House Bill 4655, Enr. House Bill 4714, Enr. House Bill 4737, Enr. House Bill 4777, Enr. House Bill 4790, and Enr. House Bill 4955**; and on March 25, 2020, he had approved **Enr. Senate Bill 42, Enr. Committee Substitute for Committee Substitute for Senate Bill 96, Enr. Committee Substitute for Senate Bill 120, Enr. Committee Substitute for Senate Bill 130, Enr. Committee Substitute for Senate Bill 136, Enr. Committee Substitute for Senate Bill 193, Enr. Committee Substitute for Senate Bill 208, Enr. Committee Substitute for Senate Bill 213, Enr. Committee Substitute for Senate Bill 240, Enr. Committee Substitute for Senate Bill 269, Enr. Committee Substitute for Senate Bill 288, Enr. Committee Substitute for Senate Bill 291, Enr. Committee Substitute for Senate Bill 308, Enr.**

Committee Substitute for Committee Substitute for Senate Bill 490, Enr. Committee Substitute for Committee Substitute for Senate Bill 491, Enr. Senate Bill 510, Enr. Committee Substitute for Senate Bill 530, Enr. Committee Substitute for Senate Bill 547, Enr. Committee Substitute for Senate Bill 551, Enr. Committee Substitute for Senate Bill Committee Substitute for Senate Bill 554, Enr. Senate Bill 562, Enr. Committee Substitute for Senate Bill 575, Enr. Committee Substitute for Senate Bill 576, Enr. Committee Substitute for Senate Bill 578, Enr. Committee Substitute for Committee Substitute for Senate Bill 579, Enr. Committee Substitute for Senate Bill 583, Enr. Committee Substitute for Senate Bill 586, Enr. Committee Substitute for Senate Bill 589, Enr. Committee Substitute for Senate Bill 597, Enr. Senate Bill 610, Enr. Committee Substitute for Senate Bill 614, Enr. Committee Substitute for Senate Bill 615, Enr. Senate Bill 641, Enr. Senate Bill 647, Enr. Committee Substitute for Committee Substitute for Senate Bill 648, Enr. Committee Substitute for Senate Bill 649, Enr. Senate Bill 651, Enr. Senate Bill 652, Enr. Senate Bill 654, Enr. Committee Substitute for Senate Bill 660, Enr. Committee Substitute for Senate Bill 662, Enr. Senate Bill 664, Enr. Committee Substitute for Senate Bill 668, Enr. Committee Substitute for Senate Bill 686, Enr. Committee Substitute for Senate Bill 689, Enr. Committee Substitute for Senate Bill 690, Enr. Senate Bill 691, Enr. Senate Bill 703, Enr. Committee Substitute for Senate Bill 706, Enr. Committee Substitute for Senate Bill 707, Enr. Committee Substitute for Senate Bill 711, Enr. Senate Bill 712, Enr. Committee Substitute for Senate Bill 719, Enr. Senate Bill 723, Enr. Senate Bill 727, Enr. Committee Substitute for Senate Bill 729, Enr. Senate Bill 734, Enr. Committee Substitute for Senate Bill 738, Enr. Committee Substitute for Senate Bill 739, Enr. Senate Bill 740, Enr. Committee Substitute for Senate Bill 746, Enr. Senate Bill 747, Enr. Senate Bill 748, Enr. Committee Substitute for Senate Bill 749, Enr. Senate Bill 750, Enr. Committee Substitute for Senate Bill 760, Enr. Senate Bill 765, Enr. Senate Bill 767, Enr. Committee Substitute for Senate Bill 770, Enr. Senate Bill 781, Enr. Committee Substitute for Senate Bill 785, Enr. Committee Substitute for Senate Bill 787, Enr. Senate Bill 789, Enr. Committee Substitute for Senate Bill 793, Enr. Committee Substitute for Senate Bill 797, Enr. Committee Substitute for Senate Bill 802, Enr. Committee Substitute for Senate Bill 810, Enr. Senate Bill 816, Enr. Senate Bill 830, Enr. Senate Bill 838, Enr. Senate Bill 839, Enr. Senate Bill 842, Enr. Senate Bill 846, Enr. Senate Bill 848, Enr. Senate Bill 849, Enr. Senate Bill 851, Enr. Committee Substitute for House Bill 2086, Enr. Committee Substitute for House Bill 2419, Enr. Committee Substitute for House Bill 2478, Enr. Committee Substitute for House Bill 2646, Enr. Committee Substitute for House Bill 2967, Enr. House Bill 3039, Enr. Committee Substitute for House Bill 3098, Enr. Committee Substitute for House Bill 3127, Enr. Committee Substitute for House Bill 4003, Enr. Committee Substitute for House Bill 4004, Enr. Committee Substitute for House Bill 4009, Enr. Committee Substitute for House Bill 4015, Enr. Committee Substitute for House Bill 4017, Enr. Committee Substitute for House Bill 4019, Enr. Committee Substitute for House Bill 4020, Enr. House Bill 4022, Enr. Committee Substitute for House Bill 4061, Enr. Committee Substitute for House Bill 4069, Enr. Committee Substitute for House Bill 4077, Enr. Committee Substitute for House Bill 4088, Enr. Committee Substitute for House Bill 4092, Enr. Committee Substitute for House Bill 4094, Enr. Committee Substitute for House Bill 4099, Enr. Committee Substitute for House Bill 4102, Enr. House Bill 4113, Enr. Committee Substitute for House Bill 4123, Enr. House Bill 4146, Enr. House Bill 4161, Enr. Committee Substitute for House Bill 4165, Enr. Committee Substitute for House Bill 4176, Enr. House Bill 4178, Enr. Committee Substitute for House Bill 4198, Enr. Committee Substitute for House

Bill 4217, Enr. Committee Substitute for House Bill 4252, Enr. Committee Substitute for House Bill 4352, Enr. Committee Substitute for House Bill 4360, Enr. Committee Substitute for House Bill 4361, Enr. Committee Substitute for House Bill 4362, Enr. Committee Substitute for House Bill 4363, Enr. House Bill 4365, Enr. House Bill 4375, Enr. Committee Substitute for House Bill 4377, Enr. Committee Substitute for House Bill 4378, Enr. Committee Substitute for House Bill 4388, Enr. House Bill 4396, Enr. House Bill 4406, Enr. House Bill 4409, Enr. House Bill 4410, Enr. House Bill 4411, Enr. House Bill 4412, Enr. Committee Substitute for House Bill 4414, Enr. Committee Substitute for House Bill 4415, Enr. House Bill 4417, Enr. Committee Substitute for House Bill 4421, Enr. Committee Substitute for House Bill 4422, Enr. Committee Substitute for House Bill 4434, Enr. House Bill 4437, Enr. Committee Substitute for House Bill 4439, Enr. Committee Substitute for House Bill 4444, Enr. House Bill 4447, Enr. House Bill 4450, Enr. House Bill 4451, Enr. Committee Substitute for House Bill 4452, Enr. Committee Substitute for House Bill 4461, Enr. Committee Substitute for House Bill 4464, Enr. House Bill 4466, Enr. Committee Substitute for House Bill 4474, Enr. House Bill 4477, Enr. Committee Substitute for House Bill 4478, Enr. House Bill 4480, Enr. Committee Substitute for House Bill 4484, Enr. Committee Substitute for House Bill 4497, Enr. House Bill 4499, Enr. House Bill 4502, Enr. House Bill 4504, Enr. Committee Substitute for House Bill 4509, Enr. House Bill 4510, Enr. Committee Substitute for House Bill 4513, Enr. House Bill 4514, Enr. Committee Substitute for House Bill 4522, Enr. House Bill 4523, Enr. House Bill 4524, Enr. Committee Substitute for House Bill 4530, Enr. Committee Substitute for House Bill 4543, Enr. Committee Substitute for House Bill 4544, Enr. Committee Substitute for House Bill 4557, Enr. Committee Substitute for House Bill 4558, Enr. House Bill 4559, Enr. Committee Substitute for House Bill 4560, Enr. Committee Substitute for House Bill 4576, Enr. Committee Substitute for House Bill 4581, Enr. House Bill 4582, Enr. House Bill 4585, Enr. Committee Substitute for House Bill 4587, Enr. Committee Substitute for House Bill 4593, Enr. House Bill 4600, Enr. House Bill 4607, Enr. Committee Substitute for House Bill 4611, Enr. Committee Substitute for House Bill 4615, Enr. House Bill 4618, Enr. Committee Substitute for House Bill 4619, Enr. Committee Substitute for House Bill 4620, Enr. Committee Substitute for House Bill 4633, Enr. Committee Substitute for House Bill 4634, Enr. House Bill 4647, Enr. House Bill 4661, Enr. House Bill 4665, Enr. Committee Substitute for House Bill 4666, Enr. Committee Substitute for House Bill 4668, Enr. House Bill 4691, Enr. Committee Substitute for House Bill 4693, Enr. House Bill 4697, Enr. House Bill 4715, Enr. Committee Substitute for House Bill 4717, Enr. Committee Substitute for House Bill 4729, Enr. Committee Substitute for House Bill 4747, Enr. Committee Substitute for House Bill 4748, Enr. House Bill 4749, Enr. House Bill 4760, Enr. Committee Substitute for House Bill 4773, Enr. Committee Substitute for House Bill 4780, Enr. House Bill 4797, Enr. Committee Substitute for House Bill 4803, Enr. House Bill 4804, Enr. Committee Substitute for House Bill 4823, Enr. Committee Substitute for House Bill 4852, Enr. House Bill 4859, Enr. House Bill 4882, Enr. Committee Substitute for House Bill 4925, Enr. House Bill 4929, Enr. Committee Substitute for House Bill 4946, Enr. House Bill 4958, Enr. House Bill 4959, and Enr. House Bill 4969.

Veto Messages

Jim Justice
Governor of West Virginia

March 25, 2020

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Committee Substitute for Senate Bill 163

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill 163, which is intended to facilitate the collection of hotel occupancy taxes imposed by county commissions and municipalities.

The Enrolled Committee Substitute for Senate Bill 163 contains fatal technical flaws. For example, while the bill provides for marketplace facilitators to pay collected hotel occupancy taxes over to the State Tax Division, the bill does not specify the date by which the collected taxes must be paid over to the Tax Division nor does it provide the Tax Commissioner with the necessary tools to administer, collect, and enforce the tax. Fundamentally, the bill fails to provide a means for the collected tax to be remitted to the appropriate county commission or municipality imposing the tax.

Additionally, while the bill provides for marketplace facilitators to collect hotel occupancy taxes, many marketplace facilitators are located outside West Virginia and do not have a physical presence in this State. In this regard, the bill does not address a significant constitutional issue by requiring an "economic nexus" with West Virginia, such as is found in W. Va. Code § 11-15A-6b, which was held by the United States Supreme Court to be constitutional in *South Dakota v. Wayfair, Inc.*, 585 U.S. ___, 138 S. Ct. 2080 (2018). Until this issue is addressed, it is likely that marketplace facilitators will not collect and remit hotel occupancy taxes.

For these reasons, I must disapprove and return the Enrolled Committee Substitute for Senate Bill 163.

OFFICE OF THE GOVERNOR

Sincerely,


Jim Justice
Governor

cc: The Honorable Mitch Carmichael
President of the Senate
The Honorable Roger Hanshaw
Speaker of the House of Delegates



Jim Justice
Governor of West Virginia

March 25, 2020

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Committee Substitute for Senate Bill 692

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill 692.

While the intent of the bill is surely laudable, Enrolled Committee Substitute for Senate Bill 692 would place an incredible burden on the courts and resources of this state and each county by requiring separate trials as a matter of right, without requiring any showing of prejudice. The United States Constitution and the West Virginia Constitution guarantee this right to those indicted or charged jointly if issues of co-defendant statements or finger-pointing arise during a unitary trial. In other words, separate trials are guaranteed if a codefendant's testimony or admissible statement would implicate a codefendant. *See, e.g., Bruton v. United States*, 391 U.S. 123 (1968).

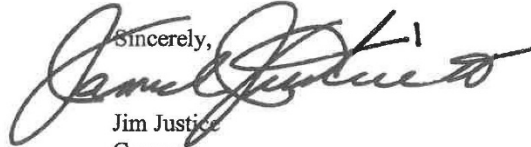
Further, the bill intends to supersede rules of the Supreme Court of Appeals of West Virginia that already provide for separate trials in appropriate circumstances. Article VIII, §3 of the West Virginia Constitution reads, "The court shall have the power to promulgate rules for all cases and proceedings, civil and criminal, for all of the courts of the state relating to writs, warrants, process, practice and procedure, which shall have the force and effect of law." Rule 14(b) of the West Virginia Rules of Criminal Procedure presently contemplates and permits joint trials of defendants subject to constitutional and evidentiary prejudice. The rule reads, in pertinent part, "[i]f the joinder of a defendant in an indictment, an information, or a consolidation for trial appears to prejudice a defendant or the State, the Court may sever the defendants' trials, or provide whatever other relief that justice requires." Relief may be granted in felony or misdemeanor trials under the Rule.

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000

OFFICE OF THE GOVERNOR

Because of the burden this bill would place on our courts and our state's and county's limited resources, because the right to a separate trial is protected under the Constitution and the West Virginia Rules of Criminal Procedure, and because the bill unconstitutionally infringes on the responsibility of the Supreme Court of Appeals of West Virginia to promulgate rules for proceedings in this state, I must disapprove and return the Enrolled Committee Substitute for Senate Bill 692.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice", with a stylized flourish at the end.

Jim Justice
Governor

cc: The Honorable Mitch Carmichael
President of the Senate
The Honorable Roger Hanshaw
Speaker of the House of Delegates



Jim Justice
Governor of West Virginia

March 25, 2020

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled House Bill 4159

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill 4159, which fails to provide the State Tax Commissioner with the necessary statutory authority to administer, collect, and enforce the new tax on hard cider, or any authority to promulgate rules regarding the new tax on hard cider.

For these reasons, I must disapprove and return Enrolled House Bill 4159

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

cc: The Honorable Mitch Carmichael
President of the Senate
The Honorable Roger Hanshaw
Speaker of the House of Delegates



Jim Justice
Governor of West Virginia

March 25, 2020

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for House Bill 4395

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill No. 4395 for technical reasons.

Enrolled Committee Substitute for House Bill 4395 has a fatally defective title. Specifically, the bill amends W.Va. Code §§ 60A-9-5 and 60A-9-5a, but the title states that the bill amends W.Va. Code §60A-1-101. This technical error is sufficient to require a technical veto. See *State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents).

For these reasons, I must disapprove and return Enrolled Committee Substitute for House Bill No. 4395.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

cc: The Honorable Mitch Carmichael
President of the Senate
The Honorable Roger Hanshaw
Speaker of the House of Delegates

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000



Jim Justice
Governor of West Virginia

March 25, 2020

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4573

Dear Secretary Warner:

Pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 4573.

The bill as presented will impose a substantial barrier and delay to claimants who have suffered harm receiving settlement monies, even for small claims, and reduces administrative clarity for insurers and third parties. Additionally, the bill shifts onto a claimant the burden to prove by a preponderance of the evidence that the allocation agreed to by the parties is proper. This burden shifting onto the claimant will impede the settlement process by requiring claimants to bring legal action in order to obtain judicial approval of settlements that are rejected by DHHR, even where such claimants are not represented by legal counsel.

Because of the burdens placed on a claimant under the bill, and because of the delay in getting settlement monies to those who have been harmed that it is likely to result from enactment, I disapprove and return Enrolled Committee Substitute for House Bill 4573.

Sincerely,

A handwritten signature in black ink that reads "Jim Justice".

Jim Justice
Governor

cc: The Honorable Mitch Carmichael
President of the Senate
The Honorable Roger Hanshaw
Speaker of the House of Delegates

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000

All business of the sixty-day session now being concluded,

Senator Mann, from the select committee to notify His Excellency, the Governor, that the Senate is ready to adjourn *sine die*, returned to the chamber and was recognized by the President. Senator Mann then reported this mission accomplished.

Thereupon,

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 12:03 a.m., the Senate adjourned *sine die*.
