

**JOURNAL**  
**OF THE**  
**HOUSE OF DELEGATES**  
**EIGHTY-FOURTH**  
**LEGISLATURE**  
**OF**  
**WEST VIRGINIA**



**VOLUME III**  
**REGULAR SESSION, 2020**

WEST VIRGINIA HOUSE OF DELEGATES  
HONORABLE ROGER HANSHAW  
SPEAKER OF THE HOUSE

\*\*\*\*\*

COMPILED AND PUBLISHED  
UNDER THE DIRECTION  
OF

**STEPHEN J. HARRISON**  
CLERK OF THE HOUSE



**OFFICE OF THE CLERK OF THE HOUSE**  
STATE CAPITOL  
CHARLESTON, WEST VIRGINIA

\*\*\*\*\*

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Saturday, March 7, 2020

**SIXTIETH DAY**

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

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

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

The Clerk proceeded to read the Journal of Friday, March 6, 2020, being the first order of business.

Delegate Lovejoy asked unanimous consent that reading of the Journal be dispensed with and it be approved as having been read, which consent was not granted, objection being heard.

The Speaker then put the question, “Shall the reading of the Journal be dispensed with?”

On this question, the yeas and nays were taken (**Roll No. 699**), and there were—yeas 63, nays 35, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Porterfield, Pushkin, Robinson, Rowe, Skaff, Sponaule, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Pyles and Queen.

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

### **Reordering of the Calendar**

Pursuant to the action of the Committee on Rules, Delegate Summers announced that S. C. R. 4, on Unfinished Business, Special Calendar, had been moved to the foot of all bills; and Com. Sub. for S. B. 752, on third reading, Special Calendar, had been transferred to the House Calendar.

### **Messages from the Executive**

The following communications were laid before the House of Delegates and reported by the Clerk:

Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 6, 2020

#### **Executive Message No. 2**

The Honorable Roger Hanshaw, Speaker  
West Virginia House of Delegates  
State Capitol, Rm 228M, Charleston, WV 25305

Dear Mr. Speaker:

Pursuant to the provisions of section twenty, article one, chapter five of the Code of West Virginia, I hereby certify that the attached 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

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

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

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<sup>1</sup> 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

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.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 6, 2020

**Executive Message No. 3**  
**2020 Regular Session**

The Honorable Roger Hanshaw  
Speaker, West Virginia House of Delegates  
State Capitol, Rm 228M  
Charleston, WV 25305

Dear Mr. Speaker:

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,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 6, 2020

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

The Honorable Roger Hanshaw  
Speaker of the House of Delegates  
State Capitol, Building I, Room 228-M

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 attached:

### **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 “21 st Century Strategic Technology Learning Growth” Appropriation 93600 by \$210,113.
- 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 043 3, 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.)

- 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 an(i 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.)*

- 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.

**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
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**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 \$10,000.

**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.”

### **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.

*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 25 800 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.**

#### **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 Bouse 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

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,

Jim Justice,  
*Governor.*

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates to the Senate amendment and requested the House to recede from its amendment to

**Com. Sub. for H. B. 4083**, Requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls.

On motion of Delegate Summers, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates D. Jeffries, Hanna and Staggers.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4388**, Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising.

Delegate Summers moved that the House of Delegates refuse to concur in the following amendment of the bill by the Senate, and requested the Senate to recede therefrom:

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

**“ARTICLE 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. 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 \$50.00 as authorized by the commissioner, 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 are not provided at a price less than their fair market value. For the purposes of this section, 'equipment, supplies, and cleaning services' means



glassware, standards, faucets, cold plates, rods, vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues, shanks, check valves, and carbon dioxide (or other gasses used to dispense nonintoxicating beer), ice, and services related to the installation and maintenance thereof. 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;

~~(10)~~ (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;

~~(11)~~ (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;

~~(12)~~ (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;

~~(13)~~ (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;

~~(14)~~ (15) For any distributor to sell, possess for sale, transport, or distribute nonintoxicating beer except in the original container;

~~(15)~~ (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;

~~(16)~~ (17) For any Class B retailer to permit the consumption of nonintoxicating beer upon his or her licensed premises;

~~(17)~~ (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.”

And,

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

**Com. Sub. for H. B. 4388** - “A Bill to amend and reenact §11-16-2 and §11-16-18 of the Code of West Virginia, 1931, as amended, all relating to amending restrictions on advertising, equipment, and services by licensees; eliminating distributor's prohibition on delivering nonintoxicating beers to retailers on Sundays; detailing circumstances where a distributor may provide draught line services to a licensed retailer; limiting sponsorship of certain athletic events by distributors and brewers where the majority of athletes are minors; and establishing provisions for the cleaning of draught lines, and maintenance of records.”

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4004**, Creating the West Virginia Sentencing Commission.

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

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

**“ARTICLE 9. GOVERNOR'S COMMITTEE ON CRIME,  
DELINQUENCY, AND CORRECTION.**

**§15-9-4. ~~Criminal sentencing research~~ Sentencing Commission Subcommittee.**

~~The Governor's committee on crime, delinquency and correction shall conduct comprehensive research on the state's criminal sanctioning process for adult offenders. The purpose of the research is to promote a fuller understanding of this state's criminal justice system, and shall include the review of issues of sentence length imposed, actual sentence length served, parole eligibility, parole revocation, determinate or indeterminate sentences, availability of alternatives to incarceration for certain offenses, and the respective roles that each of these and other criminal sanction issues may play in the increased demand for prison bed space. The committee shall report to the Governor and the Legislature on or before January 1, 2004, and at its discretion thereafter, the findings of its research and make any recommendations for modifications of criminal sentencing laws or procedures provided that no such recommendations or modifications shall become effective without further action of the Legislature~~

Effective July 1, 2020, the Governor's Committee on Crime, Delinquency, and Correction shall establish a subcommittee to be known as the West Virginia Sentencing Commission. To the extent requested or necessary, the commission shall be staffed and supported by the Division of Administrative Services of the Department of Military Affairs and Public Safety. The commission, by and through the division, may seek and use funding and grants in furtherance of the purposes and mission of the commission.

## ARTICLE 9C. WEST VIRGINIA SENTENCING COMMISSION.

### §15-9C-1. Legislative findings.

The Legislature finds and declares that there is:

(1) A need for fair and uniform sentencing;

(2) A need for research on issues regarding sentencing in order to promote a fuller understanding of the efficient, just, and fair operation of this state's criminal justice system;

(3) A need for establishing priorities with regard to the severity of the criminal offenses; and

(4) A need to use the limited correctional resources in the state in a manner best able to fulfill the goals of criminal punishment, rehabilitation, and protection of the public while preventing disparate treatment of offenders based on racial, ethnic, cultural, economic, or other factors related to the social status of the offender.

**§15-9C-2. Creation of Sentencing Commission; purpose; composition.**

(a) The West Virginia Sentencing Commission is hereby created as a subcommittee of the Governor's Committee on Crime, Delinquency, and Correction.

(b) The purpose of the commission is to promote a fuller understanding of this state's criminal justice sentencing system, and shall include the review and research of issues of sentence length imposed, actual sentence length served, parole eligibility, parole revocation, determinate or indeterminate sentences, availability of alternatives to incarceration for certain offenses, and the respective roles that each of these and other criminal sanction issues may play in the increased demand for prison bed space.

(c) The commission consists of the following members, who serve without compensation:

(1) The Secretary of the Department of Military Affairs and Public Safety, or his or her designee;

(2) Two prosecuting attorneys, or assistant prosecuting attorneys, from two different counties chosen by the President of the West Virginia Prosecuting Attorneys Association;



(3) Two public defenders, or assistant public defenders, or panel attorneys who primarily do court-appointed criminal representation, from two different judicial circuits chosen by the Director of the Public Defender Services;

(4) One representative from the West Virginia Chief of Police Association who shall be chosen by the executive director of that organization;

(5) One representative from the West Virginia Sheriff's Association who shall be chosen by the executive director of that organization;

(6) Two representatives from the West Virginia Judicial Association who are current or senior status circuit court judges and chosen by the executive committee of that organization, who shall serve as ex officio members;

(7) One member of the West Virginia Association on Alcoholism and Drug Abuse Counselors who shall be chosen by the president of the organization;

(8) Two members of the West Virginia Legislature, one chosen by the Speaker of the House and one chosen by the President of the Senate, who shall serve as ex officio members of the commission; and

(9) One professor of law with experience in the practice and teaching of criminal law appointed by the Dean of the West Virginia University College of Law.

(d) Each member serves a two-year term, except for the ex officio members who serve as long as they hold their respective offices.

(e) The chairperson of this commission shall be elected by the other members of the commission. The first meeting shall be chaired by the Director of the Division of Administrative Services of the Department of Military Affairs and Public Safety.

(f) Six members of the commission shall constitute a quorum.

(g) The Director of the Division of Administrative Services serves as executive director of the commission and the division shall provide administrative services to the commission.

**§15-9C-3. Powers and duties of the commission.**

(a) The Sentencing Commission established pursuant to this article:

(1) May request information, data, and reports from any officer or agency of the state government, as required by the commission and as may be produced consistent with other laws;

(2) Issue invitations requesting the attendance and testimony of witnesses and the production of any evidence that relates directly to a matter with respect to which the commission or any member of the commission is empowered to make a determination under this article;

(3) Shall establish a research and development program within the commission for the purpose of:

(A) Serving as a clearinghouse and information center for the collection, preparation, and dissemination of information on sentencing practices; and

(B) Assisting and serving in a consulting capacity to state courts, departments, and agencies in the development, maintenance, and coordination of sound sentencing practices;

(4) Shall collect data obtained from studies, research, and the empirical experience of public and private agencies concerning the sentencing processes;

(5) Shall publish data concerning the sentencing process;

(6) Shall collect and disseminate information concerning sentences actually imposed;

(7) Shall collect and disseminate information regarding effectiveness of sentences imposed;

(8) Shall make recommendations to the Legislature concerning modification or enactment of sentencing and correctional statutes which the commission finds to be necessary and advisable to carry out an effective, humane, and rational sentencing policy;

(9) Shall establish a plan and timetable to collect and disseminate information relating to incapacitation, recidivism, deterrence, and overall effectiveness of sentences imposed;

(10) Shall provide recommendations to the Legislature for the creation of programs and establishment of facilities in the state that provide how the state can best shift its expenditures in a revenue-neutral fashion away from incarceration to treatment programs, facilities, and related services;

(11) Shall conduct a comprehensive review and study of national and local trends and programs that have proven successful in addressing and overcoming addiction and identifying the nature of the causes of addiction and criminal behavior related to drug addiction; and

#### **§15-9C-4. Objectives of the commission.**

In performing its powers and duties, the commission shall pursue the following objectives:

(1) Promoting sentencing that more accurately reflects the time that an offender will actually be incarcerated;

(2) Reducing unwarranted disparity in sentences for offenders who have committed similar offenses and have similar criminal histories;

(3) Preserving meaningful judicial discretion in the imposition of sentences and sufficient flexibility to permit individualized sentences;

(4) Ensuring that sentencing judges in every jurisdiction in the state are able to impose the most appropriate criminal penalties, including correctional options programs for appropriate nonviolent offenders; and

(5) Determining whether the state needs to set out all criminal offenses in terms of priority and in order of severity and harm to society, and to provide alternatives to incarceration for certain offenses.

### **§15-9C-5. Recommendations to Legislature.**

(a) In addition to the dissemination of information set forth in §15-9C-3 of this code, the commission shall provide, on or before January 1, 2022, an assessment and report to the Legislature as its findings, analysis, and recommendations, if any, as to the state's sentencing and correctional laws and policies.

(b) As part of the report set forth in subsection (a) of this section, the commission may, or at the request of the President of the Senate and the Speaker of the House of Delegates, shall make recommendations regarding the following issues:

(1) Whether the state should adopt discretionary sentencing guidelines and, if so, what type of discretionary sentencing guidelines should be adopted;

(2) Whether the state should alter the manner in which an inmate obtains credit for good time;

(3) Whether the state needs to take action to ensure that there is a coordinated system of alternatives to incarceration at the state and county levels and, if so, what action should be taken;

(4) Whether the state should establish additional guidelines and procedures to examine or reexamine the reduction of long-term sentences of individuals who are not a danger to public safety; and

(5) Any other matters relating to state and local laws and policies governing sentencing, parole, mandatory supervision, and correctional alternative programs.

**§15-9C-6. Sunset.**

The Sentencing Commission Subcommittee established in this article terminates on June 30, 2023, unless continued by the Legislature.”

And,

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

**Com. Sub. for H. B. 4004** – “A Bill to amend and reenact §15-9-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4, §15-9C-5, and §15-9C-9, all relating to creating the West Virginia Sentencing Commission as a subcommittee of the Governor’s Committee on Crime, Delinquency and Correction; authorizing the commission to seek and use funding and grants; setting forth legislative findings; setting forth the purpose of the commission; establishing composition and membership of commission; setting forth the powers and duties of the commission; setting forth objectives for the commission; directing commission provide assessment and recommendations to the Legislature; authorizing the commission to make additional recommendations to the Legislature; and establishing an internal effective date and termination date for the subcommittee.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 700**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Cadle, McGeehan and Wilson.

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4004) passed.

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

On this question, the yeas and nays were taken (**Roll No. 701**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Queen and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4004) takes effect July 1, 2020.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4017**, Establishing country roads accountability and transparency.

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

On page three, section six-b, after line forty-two, by inserting a new subsection, designated subsection (e), to read as follows:

“(e) Nothing in this section may be construed to require the commissioner to provide information in a form that is not already available in the Division of Highways’ accounting system: *Provided*, That when funding action or expenditure is not available

separately for a road, the commissioner shall provide available information by county.”

And,

By relettering the remaining subsection.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 702**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4017) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4020**, Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state.

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

On page one, section three-tt, line one, by striking out the word “chapter” and inserting in lieu thereof the word “code”.

And,

On page one, section twenty, line one, by striking out the word “chapter” and inserting in lieu thereof the word “code”.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 703**), and there were—yeas 59, nays 40, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4020) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4395**, Removing the requirement that a veterinarian access and report to the controlled substance monitoring database.

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

On page seven, section five-a, line twelve, by striking out “§30-7-1” and inserting in lieu thereof “§30-4-1”.



On page seven, section five-a, line fourteen, by striking out the word “and”.

And,

On page seven, section five-a, after the word “code,” by inserting the words “and a pharmacist licensed by the West Virginia Board of Pharmacy as set forth in §30-5-1 *et seq.*”.

And,

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

**Com. Sub. for H. B. 4395** – “A Bill amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended, relating to the controlled substances monitoring database; removing the requirement that a veterinarian monitor the controlled substance monitoring database; adding the requirement that a pharmacist licensed by the West Virginia Board of Pharmacy monitor the controlled substance database; and updating the code to reflect previous changes.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 704**), and there were—yeas 93, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Byrd, Doyle, Fleischauer, Pushkin, Robinson and Rowe.

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4395) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4560**, Relating to deliveries by a licensed wine specialty shop.

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

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

**“ARTICLE 8. SALES OF WINES.**

**§60-8-6b. Deliveries by licensed wine specialty shop.**

(a) A wine specialty shop with a current active license and in good standing with the commissioner may apply for the additional license privilege of delivering wine with a gift basket, to the purchaser or other person designated by the purchaser, as provided in this section.

(b) The wine specialty shop:

(1) May only deliver in the county where the wine specialty shop is located with all sales and municipal taxes accounted for and paid, as long as such county is not a dry county or such county does not contain dry local option areas. The delivery of wine is not permitted in a dry county or the dry local option areas;

(2) Shall ensure that all wine delivered is sealed in the original container and is clearly and conspicuously labeled with the words ‘CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 OR OLDER REQUIRED FOR DELIVERY’;

(3) Shall provide proof or records to the commissioner by filing monthly returns to the commissioner, on a form as prescribed by the commissioner, and the Tax Commissioner of all deliveries of

wine which were purchased by and delivered to a person at least 21 years of age in the wine specialty shop's county of operation;

(4) Shall only deliver wine with a gift basket to addresses within the State of West Virginia and within the requirements noted in this subsection;

(5) Shall not deliver in excess of two cases of wine with a gift basket per month to any person or address;

(6) Shall not deliver wine to any private club, private wine restaurant, wine retailer, private wine bed and breakfast, or private wine spa; and

(7) May only deliver wine with a gift basket for personal use and not for resale to a person. The wine shall not be delivered and left at any address without verifying a person's age and identification as required in this section.

(c) The nonprorated, nonrefundable fee for the additional wine specialty shop delivery license privilege is \$250.

(d) The wine delivered by the authority of this section ~~must be purchased in person with a face to face transaction at the shop;~~ may ~~not~~ be ordered or purchased by telephonic, electronic, mobile, or web-based wine ordering when the purchaser is verified to be 21 years of age or older, and must be delivered by an officer or employee of the wine specialty shop licensee who is 21 years of age or older. If the person receiving the delivery is not the purchaser, the licensee must verify that the person receiving the wine is 21 years of age or older and not noticeably intoxicated prior to completing the delivery. Nonlicensed third parties may not deliver wine with a gift basket on behalf of a licensed wine specialty shop.

(e) Any vehicle delivering wine in a gift basket shall meet the permit requirements set forth in this chapter.

(f) The commissioner may propose rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to effectuate the purposes of this section.”

And,

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

**Com. Sub. for H. B. 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, or web-based wine ordering; and establishing requirements for lawful delivery.”

With the further amendment, sponsored by Delegate Shott, being as follows:

On page two, section six-b, line twenty-nine, after the word “older”, by inserting the word “and”.

And,

The further title amendment, sponsored by Delegate Shott, amending the title of the bill to read as follows:

**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 705**), and there were—yeas 86, nays 13, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bartlett, Butler, Cadle, Fast, D. Jeffries, Jennings, Kump, Mandt, C. Martin, P. Martin, Porterfield, Rowan and Toney.

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4560) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4619**, Approving plans proposed by electric utilities to install middle-mile broadband fiber.

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

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

**“CHAPTER 24. PUBLIC SERVICE COMMISSION.**

**ARTICLE 2. POWER AND DUTIES OF PUBLIC SERVICE COMMISSION.**

**§24-2-10. Middle-Mile Fiber Broadband Infrastructure Expansion Program.**

(a) Legislative findings. The Legislature finds:

(1) That access to broadband services is of critical importance to and a necessary prerequisite for enabling economic development

in the state and for improving education, health care, public safety and government services, among other benefits to its citizens;

(2) That broadband expansion into unserved rural areas of the state continues to be an issue of importance to the Legislature, and progress is hindered by lack of full development of middle-mile broadband fiber infrastructure within the state;

(3) That the issues which have hindered the provision of broadband access to rural areas of the state especially disadvantage the elderly and low-income households;

(4) That it continues to be a primary goal of the Legislature to make every municipality, community, and rural area in this state accessible to Internet communications through the expansion, extension, and general availability of broadband services and technology;

(5) That regulated electric utilities have existing distribution infrastructure in place throughout the state, and that their existing and new infrastructure could be utilized in connection with construction of middle-mile broadband fiber assets;

(6) That it is in the public interest to expedite construction of middle-mile broadband fiber infrastructure to provide the necessary architecture to facilitate additional broadband Internet access to individuals and institutions in unserved areas of the state; and

(7) That it is appropriate to establish a program to allow electric utilities to construct middle-mile fiber broadband assets within the power supply zone utilizing existing and new electric utility distribution assets in a manner that addresses the needs of the public and is consistent with the operational concerns of the electric utilities that may participate in this program.

(b) *Definitions.* For purposes of this section:

'Commission' means the Public Service Commission of West Virginia.

‘Council’ means the Broadband Enhancement Council, as defined in §31G-1-1, et seq. of this code.

‘Electric utility’ means any electric utility operating within this state that is regulated by the commission: *Provided*, That an electric utility that has installed middle-mile fiber broadband infrastructure pursuant to this section shall not be considered a public utility engaged in the transmission of messages by telephone, telegraph or radio for purposes of §24-2-1(a) of this code.

‘Program’ means the Middle-mile fiber Broadband Expansion Program established pursuant to subsection (c) of this section.

‘Project’ means one or more middle-mile fiber infrastructure expansion projects, including any portion of such projects to be used for the electric utility’s communication needs, proposed by an electric utility and approved by the commission pursuant to subsection (e) of this section as part of the program.

‘Served’ means any area with broadband service as defined in §31G-1-2 of this code.

‘Unserved’ means any area without broadband service as defined in §31G-1-2 of this code.

(c) *Establishment of program.* Commencing July 1, 2020, the Middle-Mile Fiber Broadband Infrastructure Expansion Program is hereby authorized and established.

(d) *Authorizing participation.* An electric utility having distribution infrastructure in this state may participate in the program pursuant to the provisions of this section.

(e) *Powers and duties of Public Service Commission to act on written plans and amendments to written plans.* The commission shall have the following powers and duties in connection with the program:

(1) Review, approve, or reject each written plan submitted by an electric utility pursuant to subsection (f) of this section. A written plan shall be approved if the commission determines that the proposed plan is reasonable, prudent, useful, and is not contrary to the public interests, considering the interests of the potential broadband users and the electric utility customers.

(2) Review, approve, or reject amendments to written plans submitted by an electric utility pursuant to subsection (f) of this section. Amendments to a written plan shall be approved if the commission determines that the proposed amendments to a written plan are reasonable, prudent, useful and not contrary to the public interest considering the interests of the potential broadband users and the electric utility customers.

(3) Perform any other duties necessary to effectuate the provisions of this section.

(f) *Written plan.* Following the council's determination that construction, installation, operation, and repair of a middle-mile broadband infrastructure expansion project by an electric utility is feasible pursuant to §31G-4-5 of this code, the electric utility shall file a written plan and application seeking the commission's approval of the project and its associated cost recovery. The written plan and application is in lieu of a proceeding pursuant to §24-2-11 of this code and shall contain the following:

(1) The route of the middle-mile fiber infrastructure proposed for the project, the number of fiber strands that would be utilized in connection with the proposed project and dedicated to serve as the middle-mile, the location of the electric utility's distribution infrastructure that will be utilized in connection with the proposed project, the capacity or number of fiber strands of the middle-mile that will be available to lease to non-governmental last-mile broadband Internet providers and other third parties upon completion of the proposed project, and the commitment of at least one non-governmental last-mile broadband Internet provider that will lease access to the middle-mile fiber assets constructed as part of the proposed project, and an estimate of potential broadband



customers, determined in consultation with the council, that would be served by the middle-mile infrastructure;

(2) The estimated cost of the proposed project, including, but not limited to, engineering costs, construction costs, permitting costs, right of way costs and a reasonable allowance for funds used during construction;

(3) Proposed schedule of construction of the proposed project;

(4) Method of attachment and connection of the middle-mile broadband fiber assets to the electric utility's distribution infrastructure;

(5) Testimony, exhibits or other evidence that demonstrates the project is reasonable, prudent, useful and not contrary to the public interest;

(6) A cost recovery mechanism that allocates all net costs to be recovered under this section on a distribution-level basis; and

(7) Other information the applicant considers relevant or the commission requires.

(g) The electric utility shall publish, in the form the commission directs, which form shall include, but not be limited to, the anticipated monthly and yearly electric rate increase, if any, and actual rates under the proposal, by average percentage and dollar amount for customers within a class of service, as a Class I legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code, the publication area to be each county in which service is provided by the electric utility, a notice of the filing of the application and that the commission shall hold a hearing on the application within 90 days of the notice; unless no opposition to the plan or the rate change is received by the commission within the time limits established by the commission, in which case the hearing can be waived, and the commission shall issue a final order within 150 days of the application filing date: *Provided:* That upon the request of any interested person or entity, the commission shall allow for the submission of comments on the feasibility of the plan.

(h) Upon notice and hearing, if required by the commission, the commission shall approve the plan and allow expedited recovery of costs related to the expenditures as provided in subsection (f) of this section if the commission finds that the expenditures and the associated rate requirements are just, reasonable, not contrary to the public interest, and will allow for the provision and maintenance of adequate, efficient, safe, reliable and reasonably priced middle-mile fiber broadband service.

(i) The council or the commission may not act to limit the number of last-mile broadband Internet providers eligible to be contracted to utilize the middle-mile fiber infrastructure constructed as part of a project proposed pursuant to this section. No board, commission, agency, or other governmental body may regulate the costs extended to a broadband customer from any last-mile broadband Internet service provider. Nothing in this subsection shall prevent the commission from reviewing, modifying, and approving or denying the cost or means of providing a middle-mile fiber proposed project pursuant to this section.

(j) Upon commission approval, an electric utility will be authorized to implement the plan and to recover related project costs, net of any middle-mile broadband revenues or contributions in aid of construction, as provided in the following:

(1) An allowance for return shall be calculated by applying a rate of return to the planned net incremental increase to rate base attributable to the project for the coming year, considering the projected amount and timing of expenditures under the project, plus any expenditures in previous years of the project. The rate of return shall be determined by utilizing the rate of return on equity authorized by the commission in the electric utility's most recent rate case proceeding or in the case of a settled rate case, a rate of return on equity as determined by the commission, and the projected cost of the electric utility's debt during the period of the project to determine the weighted cost of capital based upon the electric utility's capital structure.

(2) Income taxes applicable to the return allowed on the project shall be calculated for inclusion in rates at the federal and state statutory rates.

(3) Depreciation and property tax expenses directly attributable to the project shall be estimated for the upcoming year.

(4) Operation and maintenance expense specifically and directly related to operation and maintenance of the middle-mile fiber broadband facilities.

(5) Following commission approval of the project and related cost recovery mechanism, an electric utility shall place into effect a commission approved reconcilable rate surcharge that recovers the revenue requirement of the allowance for return, related income taxes, operation and maintenance expenses, depreciation, property tax expenses associated with the electric utility's estimated project investments for the upcoming year, net of middle-mile revenue or contributions in aid of construction recovery of those costs provided by last mile broadband Internet providers upon completion of the project, if any ('middle-mile cost recovery rates'). In each year subsequent to the order approving the project and middle-mile cost recovery rates, the electric utility shall file a petition with the commission setting forth new proposed middle-mile cost recovery rates that recover the revenue requirement of the project investments previously installed and projected costs of the project based on investments to be made in the subsequent year, plus any under-recovery or minus any over-recovery of actual costs attributable to the project, for the preceding year.

(k) The electric utility may make any accounting accruals necessary to establish a regulatory asset or liability through which actual costs incurred and costs recovered through the rate mechanism are tracked.

(l) Construction, installation, operation, maintenance, and repair of middle-mile fiber expansion projects. Subject to continuing authority of the commission to determine the reasonableness of acts and practices, for all projects contained in a

written plan approved by the commission pursuant to subsection (e) of this section, and constructed, installed, operated, maintained, and repaired by an electric utility pursuant to this section, the electric utility shall have control of the scope, scheduling and execution of the project to construct, install, operate, maintain and repair middle-mile fiber assets, including fiber build route selection and build and splice schedules. The electric utility shall be entitled to reestablish electric service and assure safety of its workers prior to restoration of middle-mile fiber broadband service in order to ensure operational safety matters of the shared infrastructure. Additionally, the electric utility shall be entitled to use contractors chosen and approved by the electric utility to construct, install, operate, maintain, and repair middle-mile fiber assets pursuant to this section because of its or electric utility's knowledge of hazards in the power supply zone and the associated controls to reduce the risks involved. Nothing in this section confers any rights to work in the power supply space except by the electric utility and its designated contractors.

(m) Attachment and connection of middle-mile fiber assets. An electric utility participating in the program shall have sole control of the location and method of attachment and connection of middle-mile fiber assets to the electric utility's distribution infrastructure, unless otherwise ordered by the commission.

(n) Management of fiber projects. In order to manage operations, an electric utility participating in the program shall manage and document the entities that lease middle-mile fiber assets for last-mile operations, including, but not limited to, outage notification and management.

(o) Notwithstanding anything in this code or in the articles of incorporation of an electric utility to the contrary, an electric utility may, either directly or indirectly or through an affiliate or subsidiary, pursuant to a written plan approved by the commission:

(1) Own, manage or control any broadband capacity, number of fiber strands, equipment and electronics, including any plant, works, system, lines, facilities or properties, or any part or parts

thereof, together with all appurtenances thereto, used or useful in connection with the provisions and extension of such broadband services;

(2) Lease such broadband capacity, number of fiber strands, equipment, or electronics to non-governmental Internet service providers and other third parties, on a nonexclusive basis; and

(3) Provide access points that are outside the electric utility's power supply zone to allow connection between the electric utility's broadband capacity system or fiber strands, and any non-governmental Internet service provider's or other third party's system.

## **CHAPTER 31G. BROADBAND ENHANCEMENT AND EXPANSION POLICIES.**

### **ARTICLE 4. MAKE-READY POLE ACCESS.**

#### **§31G-4-5. Electric power utilities; feasibility study for providing broadband services; Public Service Commission to assist; proposed legislation to be developed; report.**

(a) For purposes of this section:

(1) 'Commission' shall mean the West Virginia Public Service Commission.

(2) 'Council' shall mean the Broadband Enhancement Council, as defined in §31G-1-1 of this code.

(3) 'Electric utility' shall mean any electric utility operating within this state that is regulated by the commission.

(4) 'Project' shall mean a middle-mile broadband infrastructure expansion project proposed by an electric utility.

(b) Each electric utility may investigate the feasibility of constructing and operating a project within the electric utility distribution system and, if it so elects, may submit a feasibility

study of a proposed project to the council on or before December 1, 2019. Additional feasibility studies may be submitted to the council after December 1, 2019, without penalty.

(c) The council and the commission shall assist each such electric utility in its preparation of such a feasibility study.

(d) The feasibility study shall include an evaluation of the following:

(1) The scope of the proposed project for which the feasibility study is conducted, which shall include, but not be limited to:

(A) The route of the middle-mile infrastructure proposed for the project, the number of fiber strands that would be utilized in connection with the proposed project and dedicated to serve as the middle-mile, the location of the electric utility's distribution infrastructure that will be utilized in connection with the proposed project, the capacity of the middle-mile broadband infrastructure that will be available to lease to last-mile broadband Internet providers upon completion of the proposed project;

(B) The estimated cost of the proposed project, including but not limited to engineering costs, construction costs, permitting costs, materials and labor, right-of-way costs, and a reasonable rate of return to the electric utility;

(C) The proposed schedule of construction of the proposed project; and

(D) The method of attachment and connection of the middle-mile broadband fiber assets to the electric utility's distribution infrastructure;

(2) The regulatory and legal barriers to an electric utility constructing a project and operating middle-mile broadband infrastructure to provide access to unserved areas of the state, as defined in §31G-1-2 of this code, ~~and any underserved areas of the state,~~ and proposed legislation to address such regulatory barriers;

(3) Whether it is in the public interest and the interest of the electric utility to make improvements to the distribution grid in furtherance of providing such middle-mile broadband Internet services in conjunction with its program of electric distribution projects;

(4) Whether it is in the public interest and the interest of the electric utility to operate middle-mile broadband Internet assets to provide access to unserved ~~and underserved~~ areas of the state;

(5) Whether it is in the public interest and the interest of the electric utility to permit a third party to lease such capacity to provide last-mile broadband Internet services to unserved ~~and underserved~~ areas of the state;

(6) Whether construction of middle-mile broadband Internet infrastructure utilizing electric utility distribution systems is feasible with respect to the maturity of the relevant technology, the compatibility of such services with existing electric services, and the financial requirements to undertake such project;

(7) The anticipated level of rate adjustment necessary to allow the electric utility to recover its costs associated with the proposed project, and a reasonable rate of return, on an expedited basis, that will be recovered by the electric utility through a rate adjustment at the commission; and

(8) Such other information that is pertinent to the project.

(e) Upon receipt of a feasibility study, the council shall post the same on the council website for written public comment for a period of seven days and then shall render a determination, by a majority vote of the council, as to the feasibility of the proposed project.

(f) In its consideration of the feasibility of a project, the council shall identify one or more last-mile broadband Internet providers that may lease the middle-mile broadband Internet capacity created by the proposed project pursuant to lease terms and conditions set by the council.

(g) The council shall render such feasibility determination within 60 days from the date the feasibility study is submitted to the council.

(h) Commencing January 1, 2020, and each year thereafter, the council shall give a report of its consideration of feasibility studies submitted pursuant to this section to the Governor, the President of the Senate, the Speaker of the House of Delegates, and the Joint Committee on Government and Finance.

**§31G-4-5a. Electric Cooperative Providing Broadband Services.**

An electric cooperative organized pursuant to state and federal law, including the Rural Electrification Act of 1936, may utilize its distribution system, poles, or rights of way to provide for critical infrastructure, which may include the construction or operation, or both, of a broadband infrastructure project consisting of middle mile or last mile services, or both.”

And,

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

**Com. Sub. for H. B. 4619** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1o; to amend and reenact §31G-4-5 of said code; and to amend said code by adding thereto a new section, designated §31G-4-5a, all relating to broadband enhancement; excepting certain middle-mile fiber broadband infrastructure from consideration as a public utility; making legislative findings; defining terms; establishing the Middle-Mile Fiber Broadband Infrastructure Expansion Program; authorizing certain electric utilities to participate in said program; setting forth powers and duties of the Public Service Commission in reviewing and considering written plans and amendments thereto submitted pursuant to said program; requiring certain electric utilities to file written plans and application with the Public Service Commission upon a determination by the Broadband Enhancement Council that



a proposed project is feasible; establishing that such a written plan and application is in lieu of a proceeding pursuant to § 24-2-11; setting forth the required contents of said written plan and application; requiring that an electric utility publish in certain publication areas the anticipated monthly and yearly electric rate increase, if any, and actual rates under the proposal, as a Class I legal advertisement in compliance with the provisions of § 59-3-1, *et seq.* of this code; requiring that a public hearing be held within 90 days of the publication of said notice; setting forth instances when no such public hearing is necessary; requiring that the Public Service Commission issue a final order within 150 days of the application filing date; setting forth instances when the Public Service Commission must approve such a written plan; authorizing an electric utility to implement such a plan upon approval by the Public Service Commission; setting forth project costs that an electric utility is entitled to recover as part of the implementation of an approved project; authorizing an electric utility to make certain accounting accruals; providing that electric utilities shall control the scope, scheduling and execution of a project; authorizing an electric utility to reestablish electric service and assure safety of its workers prior to restoration of middle-mile fiber broadband service; authorizing electric utilities to use contractors chosen by the electric utility to construct, install, operate, maintain and repair middle-mile fiber assets; providing an electric utility with sole control of the location and method of attachment and connection of certain middle-mile fiber infrastructure; requiring electric utilities to manage and document the entities that lease middle-mile fiber assets for last-mile operations; allowing an electric utility to own, manage, or control certain broadband capacity, fiber strands, equipment and electronics; allowing an electric utility to lease certain broadband capacity, fiber strands, equipment and electronics to certain Internet service providers and other third parties; allowing an electric utility to provide access points that are outside the electric utility's power supply zone to allow connection between the electric utility's broadband capacity system or fiber strands and non-governmental Internet service provider's or other third party's system; removing certain references to underserved areas of the state from feasibility studies of proposed broadband projects; and authorizing certain electric

cooperatives to utilize their distribution system, poles, or rights of way to provide for critical infrastructure.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 706**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4619) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4693**, Expanding the scope of the Veterans to Agriculture Program.

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

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

**“ARTICLE 1. DEPARTMENT OF AGRICULTURE.**

**§19-1-12. Veterans and ~~Warriors~~ Heroes to Agriculture Program and fund.**

(a) *Legislative findings.* —

West Virginians have a longstanding tradition of service in the armed forces of the United States. Many veterans suffer from physical and emotional afflictions and are often unable to find gainful employment upon returning from combat. Exploring opportunities to engage West Virginia's veterans in agriculture is beneficial to the health and welfare of veterans, as well as to the future of West Virginia's agricultural economy.

(b) *Veterans and ~~Warriors~~ Heroes to Agriculture Program.* —

The Department of Agriculture shall develop a Veterans and ~~Warriors~~ Heroes to Agriculture Program to integrate veterans into the field of agriculture, and support veterans currently working in agriculture. These programs may include, but are not limited to, using post-mine land for agricultural development, promoting high tunnel crops and production, expanding the apiary industry, developing cottage industries, exploring niche crops, raising more livestock, increasing the aquaculture industry and helping veterans promote their agricultural products through farmers markets and cooperatives. The department may call on the Department of Veterans' Assistance and the state's Adjutant General ~~shall work together~~ for assistance to recruit and train eligible veterans, and develop and support the program.

(c) *Veterans ~~and Warriors~~ and Heroes to Agriculture Fund.* — ~~There is hereby created in the State Treasury a special revenue account, designated the Veterans and Warriors to Agriculture Fund. The Veterans and Warriors to Agriculture Fund is continued, but is renamed the Veterans and Heroes to Agriculture Fund.~~ The fund shall consist of income from leasing the department's property for the program, surplus funds which may be transferred from the fund created by §19-12A-6a, gifts, grants and donations, and legislative appropriations which may be made to support the program. Expenditures from the fund shall be used exclusively, in accordance with appropriations by the Legislature, to pay costs, fees and expenses necessary to administer the Veterans and ~~Warriors~~ Heroes to Agriculture Program. ~~Provided, That for fiscal year ending June 30, 2015, expenditures are authorized from~~

~~collections rather than pursuant to an appropriation by the Legislature~~

(d) Notwithstanding any provision in this code to the contrary, should the Department of Agriculture deem it necessary to provide land for activities within this program, it is exempt from the purchasing requirements as they relate to the competitive leasing of state property.

(e) The commissioner may propose emergency or legislative rules for approval in accordance with the provisions of §29A-3-1 *et seq.* to effectuate the provisions of this section.”

And,

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

**Com. Sub. for H. B. 4693** – “A Bill to amend and reenact §19-1-12 of the Code of West Virginia, 1931, as amended, relating to renaming the Veteran and Warriors to Agriculture Program to the Veterans and Heroes to Agriculture Program; renaming Veterans and Warriors to Agriculture fund; and eliminating outdated language.”

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4852**, Relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver methamphetamine.

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

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

**“ARTICLE 4. OFFENSES AND PENALTIES.**

**§60A-4-401. Prohibited acts A; penalties.**

(a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.

Any person who violates this subsection with respect to:

(i) A controlled substance classified in Schedule I or II, which is a narcotic drug or which is methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than 15 years, or fined not more than \$25,000, or both fined and imprisoned;

(ii) Any other controlled substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;

(iii) A substance classified in Schedule IV is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned;

(iv) A substance classified in Schedule V is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in said article apply.

(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

Any person who violates this subsection with respect to:

(i) A counterfeit substance classified in Schedule I or II, which is a narcotic drug, or methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than 15 years, or fined not more than \$25,000, or both fined and imprisoned;

(ii) Any other counterfeit substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;

(iii) A counterfeit substance classified in Schedule IV is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned;

(iv) A counterfeit substance classified in Schedule V is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in said article apply.

(c) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this act. Any person who violates this subsection is guilty of a misdemeanor, and disposition may be made under §60A-4-407 of this code, subject to

the limitations specified in said section, or upon conviction thereof, ~~said~~ the person may be confined in jail not less than 90 days nor more than six months, or fined not more than \$1,000, or both fined and confined: *Provided*, That notwithstanding any other provision of this act to the contrary, any first offense for possession of synthetic cannabinoids as defined by §60A-1-101(d)(32) of this code; 3,4-methylenedioxypropylvalerone (MPVD) and 3,4-methylenedioxypropylvalerone and/or mephedrone as defined in §60A-1-101(f) of this code; or less than 15 grams of marijuana, shall be disposed of under §60A-4-407 of this code.

(d) It is unlawful for any person knowingly or intentionally:

(1) To create, distribute, ~~or~~ deliver, or possess with intent to distribute or deliver, an imitation controlled substance; or

(2) To create, possess, ~~or~~ sell, or otherwise transfer any equipment with the intent that ~~such~~ the equipment shall be used to apply a trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, upon a counterfeit substance, an imitation controlled substance, or the container or label of a counterfeit substance or an imitation controlled substance.

(3) Any person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined. Any person ~~being~~ 18 years old or more who violates subdivision (1) of this subsection and ~~in doing so~~, distributes or delivers an imitation controlled substance to a minor child who is at least three years younger than ~~such~~ that person is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned.

(4) The provisions of subdivision (1) of this subsection shall not apply to a practitioner who administers or dispenses a placebo.”

And,

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

**Com. Sub. for H. B. 4852** - “A Bill to amend the Code of West Virginia, 1931, as amended, by amending and reenacting §60A-4-401 relating to treating methamphetamine as a schedule I or II narcotic under the controlled substances act; increasing the criminal penalty for possession with intent to distribute, or distribution of methamphetamine; increasing the penalty for possession with intent to distribute counterfeit methamphetamine; and making technical changes.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 707**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan and Rowe.

Absent and Not Voting: Foster and Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4852) passed.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 136**, Prohibiting certain misleading lawsuit advertising practices.



On motion of Delegate Summers, the House of Delegates concurred in the following Senate amendments to the House amendment:

On page one, section two, subdivision (3), by striking out “45 C.F.R. 106.103” and inserting in lieu thereof “45 C.F.R. 160.103”.

And,

On page three, section three, subsection (d), by striking out “§46A-6-1 *et seq.*” and inserting in lieu thereof “§46A-6-101 *et seq.*”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 708**), and there were—yeas 57, nays 42, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Queen.

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

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

**Com. Sub. for S. B. 529**, Establishing limitations on claims and benefits against state.

On motion of Delegate Summers, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Capito, Steele and Robinson.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4092**, Relating to foster care.

Delegate Summers moved that the House of Delegates concur in the following amendment of the bill by the Senate, with further amendment:

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

**“ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

**§49-1-206. Definitions related, but not limited to, child advocacy, care, residential, and treatment programs.**

When used in this chapter, the following terms defined in this section have the following meanings, ascribed to them that relate to, but are not limited to, child advocacy, care, residential, and treatment programs, except in those instances where a different meaning is provided or the context in which the word used clearly indicates that a different meaning is intended unless the context clearly indicates otherwise:

‘Child Advocacy Center (CAC)’ means a community-based organization that is a member, in good standing, ~~with~~ of the West Virginia Child Abuse Advocacy Network, Inc., as set forth in §49-3-101 of this code.

‘Child care’ means responsibilities assumed and services performed in relation to a child’s physical, emotional, psychological, social, and personal needs and the consideration of the child’s rights and entitlements, but does not include secure detention or incarceration under the jurisdiction of the Division of Corrections and Rehabilitation pursuant to §49-2-901 *et seq.* of this code. It includes the provision of child care services or residential services.

‘Child care center’ means a facility maintained by the state or any county or municipality thereof, or any agency or facility maintained by an individual, firm, corporation, association, or organization, public or private, for the care of 13 or more children for child care services in any setting, if the facility is open for more than 30 days per year per child.

‘Child care services’ means direct care and protection of children during a portion of a 24-hour day outside of the child’s own home which provides experiences to children that foster their healthy development and education.

‘Child placing agency’ means a child welfare agency organized for the purpose of placing children in private family homes for foster care or for adoption. The function of a child placing agency may include the investigation and certification of foster family homes and foster family group homes as provided in this chapter.

The function of a child placing agency may also include the supervision of children who are 16 or 17 years ~~old~~ of age and living in unlicensed residences.

‘Child welfare agency’ means any agency or facility maintained by the state or any county or municipality thereof, or any agency or facility maintained by an individual, firm, corporation, association, or organization, public or private, to receive children for care and maintenance or for placement in residential care facilities, including, without limitation, private homes or any facility that provides care for unmarried mothers and their children. A child welfare agency does not include juvenile detention facilities or juvenile correctional facilities operated by or under contract with the Division of Corrections and Rehabilitation, pursuant to §49-2-901 *et seq.* of this code, nor any other facility operated by that division for the secure housing or holding of juveniles committed to its custody.

‘Community based’ means a facility, program, or service located near the child’s home or family and involving community participation in planning, operation, and evaluation and which may include, but is not limited to, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, substance abuse, and any other treatment or rehabilitation services.

‘Community-based juvenile probation sanctions’ means any of a continuum of nonresidential accountability measures, programs, and sanctions in response to a technical violation of probation, as part of a system of community-based juvenile probation sanctions and incentives, that may include, but are not limited to:

- (A) Electronic monitoring;
- (B) Drug and alcohol screening, testing, or monitoring;
- (C) Youth reporting centers;
- (D) Reporting and supervision requirements;

(E) Community service; and

(F) Rehabilitative interventions such as family counseling, substance abuse treatment, restorative justice programs, and behavioral or mental health treatment.

‘Community services’ means nonresidential prevention or intervention services or programs that are intended to reduce delinquency and future court involvement.

‘Evidence-based practices’ means policies, procedures, programs, and practices demonstrated by research to reliably produce reductions in the likelihood of reoffending.

‘Facility’ means a place or residence, including personnel, structures, grounds, and equipment used for the care of a child or children on a residential or other basis for any number of hours a day in any shelter or structure maintained for that purpose. Facility does not include any juvenile detention facility or juvenile correctional facility operated by or under contract with the Division of Corrections and Rehabilitation for the secure housing or holding of juveniles committed to its custody.

‘Family child care facility’ means any facility which is used to provide nonresidential child care services for compensation for seven to 12 children, including children who are living in the household, who are under six years of age. A facility may be in a provider’s residence or a separate building.

‘Family child care home’ means a facility which is used to provide nonresidential child care services for compensation in a provider’s residence. The provider may care for four to six children at one time, including children who are living in the household, who are under six years of age.

‘Family resource network’ means:

(A) A local community organization charged with service coordination, needs and resource assessment, planning, community

mobilization, and evaluation, and which has met the following criteria:

(i) ~~Agreeing~~ Has agreed to a single governing entity;

(ii) ~~Agreeing~~ Has agreed to engage in activities to improve service systems for children and families within the community;

(iii) ~~Addressing~~ Addresses a geographic area of a county or two or more contiguous counties;

(iv) ~~Having~~ Has, as the majority of the members of the governing body, nonproviders, which ~~include~~ includes family representatives and other members who are not employees of publicly funded agencies, ~~as the majority of the members of the governing body, and having with~~ family representatives as the majority of ~~the~~ those members who are nonproviders;

(v) ~~Having~~ Has members of the governing body who are representatives of local service agencies, including, but not limited to, the public health department, the behavioral health center, the local health and human resources agency, and the county school district; ~~on the governing body;~~ and

(vi) ~~Accepting~~ Adheres to principles consistent with the cabinet's mission as part of its philosophy.

(B) A family resource network may not provide direct services, which means to provide programs or services directly to children and families.

'Family support', for the purposes of §49-2-601 *et seq.* of this code, means goods and services needed by families to care for their family members with developmental disabilities and to enjoy a quality of life comparable to other community members.

'Family support program' means a coordinated system of family support services administered by the Department of Health and Human Resources through contracts with behavioral health agencies throughout the state.

‘Fictive kin’ means an adult of at least 21 years of age, who is not a relative of the child, as defined herein, but who has an established, substantial relationship with the child, including but not limited to, teachers, coaches, ministers, and parents, or family members of the child’s friends.

‘Foster family home’ means a private residence which is used for the care on a residential basis of no more than ~~five~~ six children who are unrelated, by blood, marriage, or adoption, to any adult member of the household.

‘Foster parent’ means a person with whom the department has placed a child and who has been certified by the department, a child placing agency, or another agent of the department to provide foster care.

‘Health care and treatment’ means:

(A) Developmental screening;

(B) Mental health screening;

(C) Mental health treatment;

(D) Ordinary and necessary medical and dental examination and treatment;

(E) Preventive care including ordinary immunizations, tuberculin testing, and well-child care; and

(F) Nonemergency diagnosis and treatment. However, nonemergency diagnosis and treatment does not include an abortion.

‘Home-based family preservation services’ means services dispensed by the Department of Health and Human Resources or by another person, association, or group who has contracted with that division to dispense services when those services are intended to stabilize and maintain the natural or surrogate family in order to prevent the placement of children in substitute care. There are two

types of home-based family preservation services and they are as follows:

(A) Intensive, short-term intervention of four to six weeks; and

(B) Home-based, longer-term after care following intensive intervention.

‘Informal family child care’ means a home that is used to provide nonresidential child care services for compensation for three or fewer children, including children who are living in the household who are under six years of age. Care is given in the provider’s own home to at least one child who is not related to the caregiver.

‘Kinship parent’ means a person with whom the department has placed a child to provide a kinship placement.

‘Kinship placement’ means the placement of the child with a relative of the child, as defined herein, or a placement of a child with a fictive kin, as defined herein.

‘Needs Assessment’ means an evidence-informed assessment which identifies the needs a child or family has, which, if left unaddressed, will likely increase the chance of reoccurring.

‘Nonsecure facility’ means any public or private residential facility not characterized by construction fixtures designed to physically restrict the movements and activities of individuals held in lawful custody in that facility and which provides its residents access to the surrounding community with supervision.

‘Nonviolent misdemeanor offense’ means a misdemeanor offense that does not include any of the following:

(A) An act resulting in bodily injury or death;

(B) The use of ~~a weapon~~ firearm or other deadly weapon in the commission of the offense;



(C) A domestic abuse offense involving a significant or likely risk of harm to a family member or household member;

(D) A criminal sexual conduct offense; or

(E) Any offense for driving under the influence of alcohol or drugs.

‘Out-of-home placement’ means a post-adjudication placement in a foster family home, kinship parent home, group home, nonsecure facility, emergency shelter, hospital, psychiatric residential treatment facility, staff secure facility, hardware secure facility, detention facility, or other residential placement other than placement in the home of a parent, custodian, or guardian.

‘Out-of-school time’ means a child care service which offers activities to children before and after school, on school holidays, when school is closed due to emergencies, and on school calendar days set aside for teacher activities.

‘Placement’ means any temporary or permanent placement of a child who is in the custody of the state in any foster home, kinship parent home, group home, or other facility or residence.

‘Pre-adjudicatory community supervision’ means supervision provided to a youth prior to adjudication, for a period of supervision up to one year for an alleged status or delinquency offense.

‘Regional family support council’ means the council established by the regional family support agency to carry out the responsibilities specified in §49-2-601 *et seq.* of this code.

‘Relative family child care’ means a home that provides nonresidential child care services only to children related to the caregiver. The caregiver is a grandparent, great-grandparent, aunt, uncle, great-aunt, great-uncle, or adult sibling of the child or children receiving care. Care is given in the provider’s home.

‘Relative of the child’ means an adult of at least 21 years of age who is related to the child, by blood or marriage, within at least three degrees.

‘Residential services’ means child care which includes the provision of nighttime shelter and the personal discipline and supervision of a child by guardians, custodians, or other persons or entities on a continuing or temporary basis. It may include care or treatment, or both, for transitioning adults. Residential services does not include or apply to any juvenile detention facility or juvenile correctional facility operated by the Division of Corrections and Rehabilitation, created pursuant to this chapter, for the secure housing or holding of juveniles committed to its custody.

‘Risk and needs assessment’ means a validated, standardized actuarial tool which identifies specific risk factors that increase the likelihood of reoffending and the factors that, when properly addressed, can reduce the likelihood of reoffending.

‘Scattered-site living arrangement’ means a living arrangement where youth, 16 to 26 years of age, live in a setting that allows staff to be available as needed, depending on the youth’s level of autonomy. Sites for such living arrangements shall be in community environments to allow the youth full access to services and resources in order to fully develop independent living skills.

‘Secure facility’ means any public or private residential facility which includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.

‘Staff secure facility’ means any public or private residential facility characterized by staff restrictions of the movements and activities of individuals held in lawful custody in such facility, and which limits its residents’ access to the surrounding community, but is not characterized by construction fixtures designed to physically restrict the movements and activities of residents.

‘Standardized screener’ means a brief, validated nondiagnostic inventory or questionnaire designed to identify juveniles in need of further assessment for medical, substance abuse, emotional, psychological, behavioral, or educational issues, or other conditions.

‘State family support council’ means the council established by the Department of Health and Human Resources pursuant to §49-2-601 *et seq.* of this code to carry out the responsibilities specified in §49-2-101 *et seq.* of this code.

‘Supervised group setting’ means a setting where youth, 16 to 21 years of age, live with staff onsite or are available 24 hours per day and seven days per week. In this setting, staff provide face to face daily contact with youth.

‘Time-limited reunification services’ means individual, group, and family counseling, inpatient, residential, or outpatient substance abuse treatment services, mental health services, assistance to address domestic violence, services designed to provide temporary child care, and therapeutic services for families, including crisis nurseries and transportation to or from those services, provided during 15 of the most recent 22 months a child or juvenile has been in foster or in a kinship placement, as determined by the earlier date of the first judicial finding that the child is subjected to abuse or neglect, or the date which is 60 days after the child or juvenile is removed from home.

‘Technical violation’ means an act that violates the terms or conditions of probation or a court order that does not constitute a new delinquent offense.

‘Truancy diversion specialist’ means a school-based probation officer or truancy social worker within a school or schools who, among other responsibilities, identifies truants and the causes of the truant behavior, and assists in developing a plan to reduce the truant behavior prior to court involvement.

**ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.****§49-2-102. Minimum staffing complement for child protective services.**

[Repealed.]

**§49-2-104. Education of the public.**

[Repealed.]

**§49-2-108. Visits and inspections; records.**

The department or its authorized agent shall visit and inspect every certified foster home as often as is necessary to assure proper care is given to the children. Every certified foster home shall maintain a record of the children received. This record shall include information ~~as prescribed by the department in legislative rule and shall be~~ in a type, form, and manner as prescribed by the department in legislative rule.

**§49-2-110. Development of standards of child care.**

The department shall develop standards for the care of children. It shall cooperate with, advise, and assist all child welfare agencies, including state institutions, which care for children who have been neglected, have been adjudicated delinquent, or mentally or physically handicapped children have special needs such as physical, mental, or intellectual disabilities, and shall supervise those agencies. The department, in cooperation with child welfare agencies, shall formulate and make available standards of child care and services for children, to which all child welfare agencies must conform.

**§49-2-111. Supervision of child welfare agencies by the department; records and reports.**

(a) In order to improve standards of child care, the department shall cooperate with the governing boards of child welfare

agencies, assist the ~~staffs~~ personnel of those agencies through advice on progressive methods and procedures of child care and improvement of the service rendered, and assist in the development of community plans of child care. The department, or its duly authorized agent, may visit any child welfare agency to advise the agency on matters affecting the health of children. ~~and to inspect the sanitation of the buildings used for their care.~~

(b) Each child welfare agency shall keep records of each child under its control and care as the department may prescribe, and shall report to the department, whenever requested, facts as may be required with reference to the children, upon forms furnished by the department. All records regarding children and all facts learned about children and their parents or relatives shall be regarded as confidential and shall be properly safeguarded by the agency and the department.

**§49-2-111a. Performance based contracting for child placing agencies.**

(a) For purposes of this section:

(1) ‘Child’ means:

(A) A person of less than 18 years of age; or

(B) A person ~~age~~ 18 to 21 years of age who is eligible to receive the extended foster care services.

(2) ‘Child-placing agency’ means an agency licensed by the department to place a child in a foster care home.

(3) ‘Department’ means the Department of Health and Human Resources.

(4) ‘Evidence-based’ means a program or practice that is cost-effective and includes at least two randomized or statistically controlled evaluations that have demonstrated improved outcomes for its intended population.

(5) ‘Performance-based contracting’ means structuring all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes and linking payment for services to contractor performance.

(6) ‘Promising practice’ means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(7) ‘Research-based’ means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(b) No later than December 1, 2020, the department shall enter into performance-based contracts with child placing agencies.

(c) In conducting the procurement, the department shall actively consult with other state agencies and other entities with expertise in performance-based contracting with child placing agencies.

(d) The procurement process shall be developed and implemented in a manner that complies with applicable provisions of this code.

(e) The procurement and resulting contracts shall include, but are not limited to, the following:

(1) Adequate capacity to meet the anticipated service needs in the contracted service area of the child placing agency;

(2) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(3) Child placing agency data reporting, including data on performance and service outcomes, including, but not limited to:

(A) Safety outcomes;

(B) Permanency outcomes;

(C) Well-being outcomes;

(D) Incentives earned; ~~and~~

(E) Placement of older children;

(F) Placement of children with special needs; and

~~(E)~~ (G) Recruitment and retention of foster parents; and

(4) A hold harmless period to determine a baseline for evaluation.

(f) As part of the procurement process under this section, the department shall issue the request for proposals no later than July 1, 2020. The department shall notify the apparently successful bidders no later than September 1, 2020.

(g) Performance-based payment methodologies must be used in child placing agency contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the first year of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to the child placing agency only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the child placing agency will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the child placing agency shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

(h) The department shall actively monitor the child placing agency's compliance with the terms of contracts executed under this section.

(i) The use of performance-based contracts under this section shall be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

(j) The department shall pay child placing agencies contracted to provide adoption services to foster families a minimum of \$1,000 per child for each adoption finalized.

(k) The rate of payment to foster parents and child placing agencies shall be reviewed by the department, at a minimum of every two years, to determine whether the level of foster care payments facilitates or hinders the efficient placement of foster children with West Virginia families. The department shall remit payments to foster parents on the same week each month to facilitate foster parents' ability to budget and appropriately expend payments for the benefit of the children in their custody.

(j) (l) The department shall report the performance of the child placing agency to the Legislative Oversight Commission on Health and Human Resources Accountability by December 31, annually.

**§49-2-111c. Priorities for use of funds.**

(a) Subject to appropriations by the Legislature, the department is authorized and directed to:

(1) Enhance and increase efforts to provide services to prevent the removal of children from their homes;

(2) Identify relatives and fictive kin of children in need of placement outside of the home;



(3) Train kinship parents to become certified foster parents;

(4) Expand a tiered foster care system that provides higher payments for foster parents providing care to, and child placing agencies providing services to, foster children who have severe emotional, behavioral, or intellectual problems or disabilities, with particular emphasis upon removing children in congregate care and placing them with suitable foster parents. This program shall be operational no later than July 1, 2021; and

(5) Develop a pilot program to increase payment to uncertified kinship parents for the purpose of further helping families who have accepted kinship placements.

(b) During fiscal year 2021, the department shall expend at least \$16,900,000 for the purposes of implementing the priorities and objectives listed in this section.

(c) On or before July 1, 2022 and on or before July 1 of every year thereafter, the secretary of the department shall present a report to the Joint Standing Committee on Government and Finance regarding the expenditures made pursuant to subsection (b) of this section and the department's progress in meeting the priorities and objectives listed in subsection (a) of this section: *Provided*, That the secretary shall provide the information described in this subsection and updates to previous reports at any time, upon request of the Joint Standing Committee on Government and Finance.

**§49-2-112. Family homes; approval of incorporation by Secretary of State; approval of articles of incorporation.**

~~(a) Before issuing a charter for the incorporation of any organization having as its purpose the receipt of children for care or for placement in family homes, the Secretary of State shall provide a copy of the petition, together with any other information in his or her possession pertaining to the proposed corporation, to the secretary. and no charter for a corporation may be issued unless the secretary shall first certify to the Secretary of State that it has~~

~~investigated the need for the services proposed and the merits of the proposed charitable corporation and recommends the issuance thereof; applications for amendments of any existing charter shall be similarly referred and shall be granted only upon similar approval.~~

~~(b) A child welfare agency may not be incorporated in this state unless the articles of incorporation have first been examined and approved by the secretary, or his or her designee. Proposed amendments to articles of incorporation shall be subject to the examination and approval of the secretary, or his or her designee.~~

#### **§49-2-118. Closing of facilities by the secretary; placement of children.**

When the secretary finds that the operation of a residential care facility constitutes an immediate danger of serious harm to children served by the facility, the secretary shall issue an order of closure terminating operation of the facility. When necessary, the secretary shall place or direct the placement of the children in a residential facility which has been closed into appropriate facilities. A facility closed by the secretary may not operate pending administrative or judicial review without court order.

#### **§49-2-121. Rule-making.**

~~(a) The secretary shall promulgate legislative rules in accordance with ~~chapter twenty nine~~ a §29A-3-1 et seq. of this code regarding the licensure, approval, certification, and registration of child care facilities and the implementation of this article. ~~The rules shall provide at a minimum the requirement that every residential child care facility shall be subject to an annual time study regarding the quantification of staff supervision time at each facility. Every residential child care facility shall participate in the time study at the request of the department~~~~

(b) The secretary shall review the rules promulgated pursuant to this article at least once every five years, making revisions when necessary or convenient.

(c) The rules shall incorporate, by reference, the requirements of the Integrated Pest Management Program established by legislative rule by the Department of Agriculture under §19-16A-4 of this code.

**§49-2-124. Certificate of need not required; conditions; review.**

~~(a) A certificate of need, as provided in §16-2D-1 *et seq.* of this code, is not required by an entity proposing behavioral health care facilities or behavioral health care services for children who are placed out of their home, or who are at imminent risk of being placed out of their home. if a summary review is performed in accordance with this section.~~

~~(b) A summary review of proposed health care facilities or health care services for children who are placed out of their home, or who are at imminent risk of being placed out of their home, is initiated when the proposal is recommended to the health care cost review authority by the Secretary of the Department of Health and Human Resources and the secretary has made the following findings:~~

~~(1) That the proposed facility or service is consistent with the state health plan;~~

~~(2) That the proposed facility or service is consistent with the department's programmatic and fiscal plan for behavioral health services for children with mental health and addiction disorders;~~

~~(3) That the proposed facility or service contributes to providing services that are child and family driven, with priority given to keeping children in their own homes;~~

~~(4) That the proposed facility or service will contribute to reducing the number of child placements in out of state facilities by making placements available in in state facilities;~~

~~(5) That the proposed facility or service contributes to reducing the number of child placements in in-state or out-of-state facilities by returning children to their families, placing them in foster care~~

~~programs or making available school-based and out-patient services; and~~

~~(6) If applicable, that the proposed services will be community based, locally accessible and provided in an appropriate setting consistent with the unique needs and potential of each child and his or her family.~~

~~(c) The secretary's findings required by subsection (b) of this section shall be filed with the secretary's recommendation and appropriate documentation. If the secretary's findings are supported by the accompanying documentation, the proposal shall not require a certificate of need.~~

~~(d) Any entity that does not qualify for summary review shall be subject to certificate of need review.~~

~~(e) Notwithstanding any other provision of law to the contrary, the provision of regular or therapeutic foster care services does not constitute a behavioral health care facility or a behavioral health care service that would subject it to the summary review procedure established in this section or to the certificate of need requirements provided in article two d, chapter sixteen of this code.~~

**~~§49-2-126. Legislative findings and declaration of intent for goals for foster children~~ The Foster Child Bill of Rights.**

~~(a) The Legislature finds and declares that the design and delivery of child welfare services should be directed by the principle that the health and safety of children should be of paramount concern and, therefore, establishes the goals for children in foster care. A child in foster care should have:~~

~~(1) Protection by a family of his or her own, and be provided readily available services and support through care of an adoptive family or by plan, a continuing foster family;~~

~~(2) Nurturing by foster parents who have been selected to meet his or her individual needs, and who are provided services and~~

support, including specialized education, so that the child can grow to reach his or her potential;

~~(3) A safe foster home free of violence, abuse, neglect and danger;~~

~~(4) The ability to communicate with the assigned social worker or case worker overseeing the child's case and have calls made to the social worker or case worker returned within a reasonable period of time;~~

~~(5) Permission to remain enrolled in the school the child attended before being placed in foster care, if at all possible;~~

~~(6) Participation in school extracurricular activities, community events, and religious practices;~~

~~(7) Communication with the biological parents. Communication is necessary if the child placed in foster care receives any immunizations and if any additional immunizations are needed, if the child will be transitioning back into a home with his or her biological parents;~~

~~(8) A bank or savings account established in accordance with state laws and federal regulations;~~

~~(9) Identification and other permanent documents, including a birth certificate, social security card and health records by the age of sixteen, to the extent allowed by federal and state law;~~

~~(10) The use of appropriate communication measures to maintain contact with siblings if the child placed in foster care is separated from his or her siblings; and~~

~~(11) Meaningful participation in a transition plan for those phasing out of foster care.~~

~~(b) A person shall not have a cause of action against the state or any of its subdivisions, agencies, contractors, subcontractors, or agents, based upon the adoption of or failure to provide adequate~~

~~funding for the achievement of these goals by the Legislature. Nothing in this section requires the expenditure of funds to meet the goals established in this section, except funds specifically appropriated for that purpose.~~

~~(c) The West Virginia Department of Health and Human Resources shall propose rules for promulgation in accordance with the provisions of article three, chapter twenty nine a of this code to ensure that a child has an effective means of being heard if he or she believes the goals of this section are not being met.~~

~~(d) When a child who was previously placed into foster care, but left the custody or guardianship of the department, is again placed into foster care, the department shall notify the foster parents who most recently cared for the child of the child's availability for foster care placement to determine if the foster parents are desirous of seeking a foster care arrangement for the child. The arrangement may only be made if the foster parents are otherwise qualified or can become qualified to enter into the foster care arrangement with the department and if the arrangement is in the best interests of the child: *Provided*, That the department may petition the court to waive notification to the foster parents. This waiver may be granted, ex parte, upon a showing of compelling circumstances~~

(a) Foster children and children in a kinship placement are active and participating members of the child welfare system and have the following rights:

(1) The right to live in a safe and healthy environment, and the least restrictive environment possible;

(2) The right to be free from physical, sexual, or psychological abuse or exploitation, including being free from unwarranted physical restraint and isolation.

(3) The right to receive adequate and healthy food, appropriate and seasonally necessary clothing, and an appropriate travel bag;

(4) The right to receive medical, dental, and vision care, mental health services, and substance use treatment services, as needed;

(5) The right to be placed in a kinship placement, when such placement meets the objectives set forth in this article;

(6) The right, when placed with a foster or kinship family, to be matched as closely as possible with a family meeting the child's needs, including, when possible, the ability to remain with siblings;

(7) The right, as appropriate to the child's age and development, to be informed on any medication or chemical substance to be administered to the child;

(8) The right to communicate privately, with caseworkers, guardians ad litem, attorneys, Court Appointed Special Advocates (CASA), the prosecuting attorney, and probation officers;

(9) The right to have and maintain contact with siblings as may be reasonably accommodated, unless prohibited by court order, the case plan, or other extenuating circumstances;

(10) The right to contact the department or the foster care ombudsman, regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats, retaliation, or punishment for making complaints;

(11) The right to maintain contact with all previous caregivers and other important adults in his or her life, if desired, unless prohibited by court order or determined by the parent, according to the reasonable and prudent parent standard, not to be in the best interests of the child;

(12) The right to participate in religious services and religious activities of his or her choice to the extent possible;

(13) The right to attend school, and, consistent with the finances and schedule of the foster or kinship family, to participate in extracurricular, cultural, and personal enrichment activities, as appropriate to the child's age and developmental level;

(14) The right to work and develop job skills in a way that is consistent with the child's age and developmental level;

(15) The right to attend Independent Living Program classes and activities if the child meets the age requirements;

(16) The right to attend court hearings and speak directly to the judge, in the court's discretion;

(17) The right not to be subjected to discrimination or harassment;

(18) The right to have access to information regarding available educational options;

(19) The right to receive a copy of, and receive an explanation of, the rights set forth in this section from the child's guardian ad litem, caseworker, and attorney;

(20) The right to receive care consistent with the reasonable and prudent foster parent standard; and

(21) The right to meet with the child's department case worker no less frequently than every 30 days.

(b) The rights provided in this section do not create an independent cause of action. Violations of these rights may be reported to and investigated by the foster care ombudsman. On or before December 15, 2021 and on or before December 15 of every year thereafter, the foster care ombudsman shall submit a written summary of the number and nature of reports received, and investigations conducted in response to said reports, to the Joint Standing Committee on Government and Finance, the West Virginia Supreme Court of Appeals, and the Governor: *Provided*, That the summary required by this section may not include any personally identifying information of a person named in a report, or a person submitting a report to, the ombudsman.



**§49-2-127. The Foster and Kinship Parent Bill of Rights.**

(a) Foster parents and kinship parents play an integral, indispensable, and vital role in the state's effort to care for children displaced from their homes, and such parents and persons have the following rights:

(1) The right to be treated professionally and ethically as the primary provider of foster or kinship care in accordance with the terms of the agreement between the foster or kinship parent and the child placing agency and the department;

(2) The right to maintain the parent's or parents' own family values and beliefs, so long as the values and beliefs of the child are not infringed upon;

(3) The right to receive training, as provided in the agreement with the child placing agency and the department at appropriate intervals;

(4) The right to have an emergency contact 24 hours per day, seven days per week, as set forth in the agreement between the foster or kinship parent and the child placing agency and the department;

(5) The right, prior to the placement of a child, to be notified by the department and the child placing agency of any known issues relative to the child that may jeopardize the health and safety of the foster or kinship family or the child, or alter the manner in which foster or kinship care should be administered;

(6) The right to receive from the department and the child placing agency, prior to placement of a child, all known information relating to the child's behavior, family background, health, history, or special needs and to receive updates relevant to the care of the child as information becomes available;

(7) The right to be provided with a written copy of the individual treatment and service plan concerning the child in the

foster or kinship parent's home and to discuss such plan with the case manager, and to receive reasonable notice of any changes to that plan, including timely notice of the need to remove a child from the foster or kinship home and the reasons for the removal;

(8) The right to timely and reasonable notice of the department's case planning and decision-making process regarding the child, as provided in §49-4-101 *et seq.* of this code, and the right to participate in such process, in the discretion of the court;

(9) The right to communicate with professionals who work with the child, including, but not limited to, therapists, physicians, and teachers, as permitted by the case plan or the court;

(10) The right to be notified, in advance, by the department or the court, of any hearing or review where the case plan or permanency of the child is an issue, including initial and periodic reviews held by the court and permanency plan hearings: *Provided*, That the right of a foster or kinship parent to attend any hearing is in the discretion of the court;

(11) The right to be provided information regarding the final outcome of an investigation of complaints concerning the operation of a foster or kinship home and to receive an explanation of a corrective action plan or policy violation relating to foster or kinship parents;

(12) The right to be provided with information on how to contact the foster care ombudsman, and to contact the foster care ombudsman's office, regarding alleged violations of rights, to speak to representatives of these offices confidentially, and to be free from threats, retaliation, or punishment for making complaints;

(13) The right to write a letter or submit a report to the court regarding a violation of the rights provided in this section or §49-2-126 of this code, or any concerns over the conduct or performance of the guardian ad litem, a representative of the department, or a representative of the child placing agency, which

the court may act upon as it deems in its discretion to be appropriate: *Provided*, That the court may require the clerk to send copies of a letter or report, submitted to the court pursuant to this subdivision, to the parties in the case prior to the court's review or consideration of such communications;

(14) The right to be considered, where appropriate and consistent with the best interests of the child, as a permanent parent or parents for a child who is available for adoption or legal guardianship;

(15) The right to move to intervene in the pending case, without fear of retaliation, once parental rights have been terminated; and

(16) The right to receive, from the department and the child placing agency, a written copy of the rights set forth in this section and a copy of the contract between the department and the child placing agency.

(b) The rights provided in this section do not create an independent cause of action. Violations of these rights may be reported to and investigated by the foster care ombudsman. On or before December 15, 2021 and on or before December 15 of every year thereafter, the foster care ombudsman shall submit a written summary of the number and nature of reports received, and investigations conducted in response to said reports, to the Joint Standing Committee on Government and Finance, the West Virginia Supreme Court of Appeals, and the Governor: *Provided*, That the summary required by this section may not include any personally identifying information of a person named in a report or a person submitting a report to the ombudsman.

**§49-2-127a. Foster and kinship parent duties; foster parent and kinship parent agreements.**

(a) The West Virginia Legislature finds that foster and kinship parents providing care for children who are in the legal custody of the department have duties and contractual rights. The duties and contractual rights shall be set forth in an agreement between the

department and the child placing agency and the foster or kinship parent. The duties of the foster or kinship parent shall include, but are not limited to:

(1) The duty not to violate the rights of the child, provided in §49-2-126 of this code;

(2) The duty to provide all children in the parent's or parents' care with appropriate food, clothing, shelter, supervision, medical attention, and educational opportunities using the reasonable and prudent foster parent standard as defined in §49-2-128 of this code;

(3) The duty to complete the training required by the department and the child placing agency and the foster or kinship parent;

(4) The duty to support reunification with the biological family unless it has been determined not to be appropriate by the court;

(5) The duty not to divulge any information concerning the child's case or the child's family to anyone except for the child's caseworker, the child's guardian ad litem, the child's attorney, the child's Court Appointed Special Advocate (CASA) worker, the prosecuting attorney, the probation officer, the multidisciplinary team, the foster care ombudsman, or the child's school or health care provider;

(6) The duty to provide information to the caseworker and the guardian ad litem regarding the child's progress, and to attend multi-disciplinary team meetings, case planning sessions, court hearings, and to advise the court of any issues or concerns, in the court's discretion; and

(7) The duty to teach all children placed in their home age appropriate life skills.

(b) The duties of the department and the child placing agency shall include, but are not limited to:

(1) The duty not to infringe upon the rights of the child, provided in §49-2-126;

(2) The duty not to infringe upon the rights of the kinship or foster parent, provided in in §49-2-127; and

(3) The duty to abide by the provisions of the agreement required by this section.

(c) The terms of the agreement shall include the rights of the foster or kinship parent provided in §49-2-127 of this code. The terms of the agreement shall also include, but not be limited to:

(1) Provisions addressing what child care will be provided while the foster or kinship parent attends required training;

(2) Provisions informing the foster or kinship parent of applicable laws and guidelines regarding the responsibilities of the foster or kinship parent and provisions requiring that the foster or kinship parent receive regular updates on changes to such laws and guidelines in a timely manner;

(3) Provisions regarding required and available training for the foster or kinship parent;

(4) Provisions addressing payment to the foster or kinship parent;

(5) Provisions naming and addressing the emergency 24-hour contact provided by the child placing agency and the department;

(6) Provisions addressing travel, including out-of-state and overnight travel;

(7) Provisions addressing child care for the child;

(8) Provisions addressing when a placement may be terminated by the foster or kinship parent, the child placing agency, or the department;

(9) Provisions addressing medical care for the child, including how to obtain medical consent for procedures; and

(10) Provisions addressing how complaints against the foster or kinship parent will be handled and adjudicated, including provisions for appeal and review of the adjudication.

(d) The agreement may contain such other terms and provisions, not inconsistent with this article, as may be negotiated by the parties and as may be in the best interests of the child.

(e) The requirements of this section apply to agreements, entered into on or after the effective date of this section. Agreements entered into pursuant to this section shall expire on July 1 of each year and shall be renewed by the parties as necessary.

(f) The duties and requirements provided in this section do not create an independent cause of action, including a cause of action for breach of contract. Violations of these rights may be reported to and investigated by the foster care ombudsman. On or before December 15, 2021 and on or before December 15 of every year thereafter, the foster care ombudsman shall submit a written summary of the number and nature of reports received, and investigations conducted in response to said reports, to the Joint Standing Committee on Government and Finance, the West Virginia Supreme Court of Appeals, and the Governor: *Provided*, That the summary required by this section may not include any personally identifying information of a person named in a report or a person submitting a report to the ombudsman.

**§49-2-128. Reasonable and prudent foster parent standard.**

(a) As used in this section, the following terms have the following meanings:

‘Age-appropriate’ means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity. Age-appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group.

‘Caregiver’ means a foster parent, kinship parent, or a designated official in a residential treatment facility.

‘Reasonable and prudent foster parent standard’ means the standard characterized parental decisions that maintain the child’s health, safety, and best interests, while at the same time encouraging the child’s emotional and developmental growth, that a caregiver shall use when determining whether to allow a child to participate in extracurricular, enrichment, and social activities.

(b) Each child who comes into care under this chapter is entitled to participate in age-appropriate extracurricular, enrichment, and social activities.

(c) Caregivers shall use a reasonable and prudent foster parent standard in determining whether to give permission for a child in out-of-home care to participate in extracurricular, enrichment, and social activities. When using the reasonable and prudent foster parent standard, the caregiver shall consider:

(1) The child’s age, maturity, and developmental level, to maintain the overall health and safety of the child;

(2) The potential risk factors and the appropriateness of the extracurricular, enrichment, and social activity;

(3) The best interest of the child based on information known to the caregiver;

(4) The importance of encouraging the child’s emotional and developmental growth;

(5) The importance of providing the child with the most family-like living experience possible; and

(6) The behavioral history of the child and the child’s ability to safely participate in the proposed activity, as with any other child.

(d) Child placing agencies and residential treatment facilities shall have policies consistent with this section and shall promote

and protect the ability of children to participate in age-appropriate extracurricular, enrichment, and social activities.

(e) A foster or kinship parent may use persons to care for or babysit for the child or permit overnight stays outside of the home using the reasonable and prudent foster parent standard.

(f) There is a rebuttable presumption that a caregiver has acted as a reasonable and prudent foster parent.

(g) A caregiver is not liable for harm caused to a child in his or her care who participates in an activity approved by the caregiver, provided that the caregiver has acted as a reasonable and prudent foster parent, unless the foster parent commits an act or omission that is an intentional tort or conduct that is willful, wanton, grossly negligent, reckless, or criminal.

**§49-2-129. Transitional living services, scattered-site living arrangements, and supervised group settings; eligibility criteria.**

(a) The department shall establish minimum standards, by legislative rule, for transitional living services, such as scattered-site living arrangements and supervised group settings, to which all child placing agencies or child welfare agencies who provide this service must conform.

(b) Agencies shall establish eligibility criteria for serving transitioning children and adults and shall require, at a minimum, the following:

(1) That a transitioning child or adult receiving a transitional living placement is between 16 and 26 years of age;

(2) Written permission from the child's parents or guardian for a child less than 18 years of age to enter a scattered-site living arrangement;

(3) A written service agreement with a transitioning adult entering a transitional living arrangement;



(4) A determination by an agency that a transitioning child or adult has shown that he or she is stable, mature, and responsible enough for entry into the determined level of transitional living arrangement;

(5) A life skills assessment by an agency of the transitioning child or adult, prior to placing him or her in a transitional living arrangement, and an annual reassessment; and

(6) A written transition plan, developed with the transitioning child or adult, that provides an educational, training, or employment program or a plan for the child or adult to pursue employment while in transitional living.

(c) The agency and transitioning child or adult shall determine if a roommate is appropriate for the child or adult prior to placement in a transitional living setting. The roommate must be able to support himself or herself and contribute at least a pro rata share of the living expenses for the setting.

(d) An agency shall document face-to-face contact and hours spent with a transitioning child or adult in a transitional living setting in the service plan that meet the child's or adult's needs and program level.

(e) After a child or adult is in a transitional living placement, an agency shall assess the child's or adult's progress in acquiring basic living skills at a minimum of once every six months.

(f) An agency shall develop and implement policies and procedures to ensure that any child or adult in a transitional living setting receives training and guidance on appropriate health screening and services, including medical and dental screening and services.

(g) An agency shall develop policies and procedures for assisting a transitioning child or adult in searching for an appropriate dwelling that will be used as a scattered-site living setting, that meets the following criteria:

(1) The dwelling is safe and affordable;

(2) The dwelling has a working telephone or other means of communication in an emergency;

(3) The dwelling has appropriate equipment for indoor cooking; and

(4) The dwelling has an appropriate water source for cooking, cleaning, and bathing.

(h) The department shall promulgate legislative rules, including emergency rules if necessary, to implement the provisions of this section.

#### **ARTICLE 4. COURT ACTIONS.**

##### **§49-4-601a. Preference of child placement.**

When a child is removed from his or her home, placement preference is to be given to relatives or fictive kin of the child. If a child requires out-of-home care, placement of a child with a relative is the least restrictive alternative living arrangement. The child's caseworker must diligently search for relatives of the child and fictive kin within the first days of a child's removal and must identify and provide notice of the child's need for a placement to relatives and fictive kin who are willing to act as a foster or kinship parent.

(1) After a petition alleging abuse and neglect of a child is filed, the department shall commence a search for every relative and fictive kin of the child.

(2) No later than seven calendar days after the petition for removal has been filed, the department shall file, with the court, a list of all of the relatives and fictive kin of the child known to the department at the time of the filing, whether or not those persons have expressed a willingness to take custody of the child.

(3) Within seven days after the department files the list described in subdivision (2) of this subsection, any party to the case may file, with the court, his or her own list containing names and addresses of relatives and fictive kin of the child.

(4) The department shall investigate and determine whether any of the persons identified in the lists filed pursuant to this section are willing and able to act as foster or kinship parents to the child. The department shall file its determinations with the court within 45 days from the filing of the petition alleging abuse or neglect of a child.

**§49-4-601b. Substantiation by the department of abuse and neglect.**

(a) Notwithstanding any provision of this code to the contrary, when the department substantiates an allegation of abuse or neglect against a person, but there is no judicial finding of abuse or neglect as a result of the allegation, the department shall provide written notice of the substantiation to the person by certified mail, return receipt requested.

(b) The individual against whom an abuse or neglect allegation has been substantiated, as described in subsection (a) of this section, has the right to contest the substantiation by filing a grievance with the board of review of the department and has the right to appeal the decision of the board of review to the court, in accordance with the provisions of §29A-5-1 *et. seq.* of this code regarding administrative appeals.

(c) The secretary of the department shall promulgate legislative rules in accordance with §29A-3-1 *et seq.* of this code, within the applicable time limit to be considered by the Legislature during its regular session in the year 2021, which rules shall include, at a minimum:

(1) Provisions for ensuring that an individual against whom the department has substantiated an allegation of abuse and neglect, but against whom there is no judicial finding of abuse or neglect,

receives written notice of the substantiation in a timely manner. The written notice must, at a minimum, state the following:

(A) The name of the child the person is alleged to have abused or neglected, the place or places where the abuse or neglect allegedly occurred, and the date or dates on which the abuse or neglect is alleged to have occurred;

(B) That the person has a right to file a grievance protesting the substantiation of abuse and neglect with the board of review of the department and clear instructions regarding how to file a grievance with the board of review, including a description of any applicable time limits;

(C) That the person has a right to appeal an adverse decision of the board of review of the department to the courts and notice of any applicable time limits; and

(D) A description of any public or nonpublic registry on which the person's name will be included as a result of a substantiated allegation of abuse and neglect and a statement that the inclusion of the person's name on the registry may prevent the person from holding jobs from which child abusers are disqualified, or from providing foster or kinship care to a child in the future;

(2) Provisions for ensuring that a person against whom an allegation of abuse and neglect has been substantiated, but against whom there is no judicial finding of abuse or neglect, may file a grievance with the department and provisions guaranteeing that any such person will have a full and fair opportunity to be heard; and

(3) Provisions requiring the department to remove a person's name from an abuse and neglect registry maintained by the department if a substantiation is successfully challenged in the board of review or in a court.

**§49-4-604. Disposition of neglected or abused children; case plans; dispositions; factors to be considered; reunification; orders; alternative dispositions.**

(a) *Child and family case plans.* — Following a determination pursuant to §49-4-602 of this code wherein the court finds a child to be abused or neglected, the department shall file with the court a copy of the child’s case plan, including the permanency plan for the child. The term ‘case plan’ means a written document that includes, where applicable, the requirements of the family case plan as provided in §49-4-408 of this code and that also includes, at a minimum, the following:

(1) A description of the type of home or institution in which the child is to be placed, including a discussion of the appropriateness of the placement and how the agency which is responsible for the child plans to assure that the child receives proper care and that services are provided to the parents, child, and foster or kinship parents in order to improve the conditions that made the child unsafe in the care of his or her parent(s), including any reasonable accommodations in accordance with the Americans with Disabilities Act of 1990, 42 U. S. C. §12101 *et seq*, to parents with disabilities in order to allow them meaningful access to reunification and family preservation services;

(2) A plan to facilitate the return of the child to his or her own home or the concurrent permanent placement of the child; and address the needs of the child while in ~~relative~~ kinship or foster care, including a discussion of the appropriateness of the services that have been provided to the child.

The term ‘permanency plan’ refers to that part of the case plan which is designed to achieve a permanent home for the child in the least restrictive setting available. The plan must document efforts to ensure that the child is returned home within approximate time lines for reunification as set out in the plan. Reasonable efforts to place a child for adoption or with a legal guardian should be made at the same time, or concurrent with, reasonable efforts to prevent removal or to make it possible for a child to return to the care of his or her parent(s) safely. If reunification is not the permanency plan for the child, the plan must state why reunification is not appropriate and detail the alternative, concurrent permanent placement plans for the child to include approximate time lines for

when the placement is expected to become a permanent placement. This case plan shall serve as the family case plan for parents of abused or neglected children. Copies of the child's case plan shall be sent to the child's attorney and parent, guardian or custodian or their counsel at least five days prior to the dispositional hearing. The court shall forthwith proceed to disposition giving both the petitioner and respondents an opportunity to be heard.

(b) Requirements for a Guardian ad litem. —

A guardian ad litem appointed pursuant to §49-4-601(f)(1) of this code, shall, in the performance of his or her duties, adhere to the requirements of the Rules of Procedure for Child Abuse and Neglect Proceedings and the Rules of Professional Conduct and such other rules as the West Virginia Supreme Court of Appeals may promulgate, and any appendices thereto, and must meet all educational requirements for the guardian ad litem. A guardian ad litem may not be paid for his or her services without meeting the certification and educational requirements of the court. The West Virginia Supreme Court of Appeals is requested to provide guidance to the judges of the circuit courts regarding supervision of said guardians ad litem.

~~(b)~~ (c) Disposition decisions. — The court shall give precedence to dispositions in the following sequence:

(1) Dismiss the petition;

(2) Refer the child, the abusing parent, the battered parent or other family members to a community agency for needed assistance and dismiss the petition;

(3) Return the child to his or her own home under supervision of the department;

(4) Order terms of supervision calculated to assist the child and any abusing parent or battered parent or parents or custodian which prescribe the manner of supervision and care of the child and which are within the ability of any parent or parents or custodian to perform;

(5) Upon a finding that the abusing parent or battered parent or parents are presently unwilling or unable to provide adequately for the child's needs, commit the child temporarily to the care, custody, and control of the state department, a licensed private child welfare agency, or a suitable person who may be appointed guardian by the court. The court order shall state:

(A) That continuation in the home is contrary to the best interests of the child and why;

(B) Whether or not the department has made reasonable efforts, with the child's health and safety being the paramount concern, to preserve the family, or some portion thereof, and to prevent or eliminate the need for removing the child from the child's home and to make it possible for the child to safely return home;

(C) Whether the department has made reasonable accommodations in accordance with the Americans with Disabilities Act of 1990, 42 U. S. C. § 12101 *et seq.*, to parents with disabilities in order to allow them meaningful access to reunification and family preservation services;

(D) What efforts were made or that the emergency situation made those efforts unreasonable or impossible; and

(E) The specific circumstances of the situation which made those efforts unreasonable if services were not offered by the department. The court order shall also determine under what circumstances the child's commitment to the department are to continue. Considerations pertinent to the determination include whether the child should:

(i) Be considered for legal guardianship;

(ii) Be considered for permanent placement with a fit and willing relative; or

(iii) Be placed in another planned permanent living arrangement, but only in cases where the child has attained 16 years of age and the department has documented to the circuit court a

compelling reason for determining that it would not be in the best interests of the child to follow one of the options set forth in subparagraphs (i) or (ii) of this paragraph. The court may order services to meet the special needs of the child. Whenever the court transfers custody of a youth to the department, an appropriate order of financial support by the parents or guardians shall be entered in accordance with §49-4-801 through §49-4-803 of this code;

(6) Upon a finding that there is no reasonable likelihood that the conditions of neglect or abuse can be substantially corrected in the near future and, when necessary for the welfare of the child, terminate the parental, custodial and guardianship rights and responsibilities of the abusing parent and commit the child to the permanent sole custody of the nonabusing parent, if there be one, or, if not, to either the permanent guardianship of the department or a licensed child welfare agency. The court may award sole custody of the child to a nonabusing battered parent. If the court shall so find, then in fixing its dispositional order the court shall consider the following factors:

(A) The child's need for continuity of care and caretakers;

(B) The amount of time required for the child to be integrated into a stable and permanent home environment; and

(C) Other factors as the court considers necessary and proper. Notwithstanding any other provision of this article, the court shall give consideration to the wishes of a child 14 years of age or older or otherwise of an age of discretion as determined by the court regarding the permanent termination of parental rights. No adoption of a child shall take place until all proceedings for termination of parental rights under this article and appeals thereof are final. In determining whether or not parental rights should be terminated, the court shall consider the efforts made by the department to provide remedial and reunification services to the parent. The court order shall state:

(i) That continuation in the home is not in the best interest of the child and why;



(ii) Why reunification is not in the best interests of the child;

(iii) Whether or not the department made reasonable efforts, with the child's health and safety being the paramount concern, to preserve the family, or some portion thereof, and to prevent the placement or to eliminate the need for removing the child from the child's home and to make it possible for the child to safely return home, or that the emergency situation made those efforts unreasonable or impossible; and

(iv) Whether or not the department made reasonable efforts to preserve and reunify the family, or some portion thereof, including a description of what efforts were made or that those efforts were unreasonable due to specific circumstances.

(7) For purposes of the court's consideration of the disposition custody of a child pursuant to this subsection, the department is not required to make reasonable efforts to preserve the family if the court determines:

(A) The parent has subjected the child, another child of the parent or any other child residing in the same household or under the temporary or permanent custody of the parent to aggravated circumstances which include, but are not limited to, abandonment, torture, chronic abuse, and sexual abuse;

(B) The parent has:

(i) Committed murder of the child's other parent, guardian or custodian, another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent;

(ii) Committed voluntary manslaughter of the child's other parent, guardian, or custodian, another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent;

(iii) Attempted or conspired to commit murder or voluntary manslaughter, or been an accessory before or after the fact to either crime;

(iv) Committed a malicious assault that results in serious bodily injury to the child, the child's other parent, guardian, or custodian, to another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent; ~~or~~

(v) Attempted or conspired to commit malicious assault, as outlined in subparagraph (iv), or been an accessory before or after the fact to the same;

~~(v)~~ (vi) Committed sexual assault or sexual abuse of the child, the child's other parent, guardian, or custodian, another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent; or

(vii) Attempted or conspired to commit sexual assault or sexual abuse, as outlined in subparagraph (vi), or been an accessory before or after the fact to the same.

(C) The parental rights of the parent to another child have been terminated involuntarily;

(D) A parent has been required by state or federal law to register with a sex offender registry, and the court has determined in consideration of the nature and circumstances surrounding the prior charges against that parent, that the child's interests would not be promoted by a preservation of the family.

~~(e)~~ (d) As used in this section, 'No reasonable likelihood that conditions of neglect or abuse can be substantially corrected' means that, based upon the evidence before the court, the abusing adult or adults have demonstrated an inadequate capacity to solve the problems of abuse or neglect on their own or with help. Those conditions exist in the following circumstances, which are not exclusive:

(1) The abusing parent or parents have habitually abused or are addicted to alcohol, controlled substances or drugs, to the extent that proper parenting skills have been seriously impaired and the person or persons have not responded to or followed through the recommended and appropriate treatment which could have improved the capacity for adequate parental functioning;

(2) The abusing parent or parents have willfully refused or are presently unwilling to cooperate in the development of a reasonable family case plan designed to lead to the child's return to their care, custody and control;

(3) The abusing parent or parents have not responded to or followed through with a reasonable family case plan or other rehabilitative efforts of social, medical, mental health, or other rehabilitative agencies designed to reduce or prevent the abuse or neglect of the child, as evidenced by the continuation or insubstantial diminution of conditions which threatened the health, welfare, or life of the child;

(4) The abusing parent or parents have abandoned the child;

(5) The abusing parent or parents have repeatedly or seriously injured the child physically or emotionally, or have sexually abused or sexually exploited the child, and the degree of family stress and the potential for further abuse and neglect are so great as to preclude the use of resources to mitigate or resolve family problems, or assist the abusing parent or parents in fulfilling their responsibilities to the child; and

(6) The battered parent's parenting skills have been seriously impaired and the person has willfully refused or is presently unwilling or unable to cooperate in the development of a reasonable treatment plan, or has not adequately responded to or followed through with the recommended and appropriate treatment plan.

~~(d)~~ (e) The court may, as an alternative disposition, allow the parents or custodians an improvement period not to exceed six

months. During this period the court shall require the parent to rectify the conditions upon which the determination was based. The court may order the child to be placed with the parents, or any person found to be a fit and proper person, for the temporary care of the child during the period. At the end of the period, the court shall hold a hearing to determine whether the conditions have been adequately improved and at the conclusion of the hearing shall make a further dispositional order in accordance with this section.

(e) (f) The court may not terminate the parental ~~right~~ rights of a parent on the sole basis that the parent is participating in a medication-assisted treatment program, as regulated in §16-5Y-1 *et seq.*, for substance use disorder, as long as the parent is successfully fulfilling his or her treatment obligations in the medication-assisted treatment program.”

And,

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

**Com. Sub. for H. B. 4092** – “A Bill to repeal §49-2-102 and §49-2-104 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-1-206 of said code; to amend and reenact §49-2-108, §49-2-110, §49-2-111, §49-2-111a, §49-2-112, §49-2-118, §49-2-121, §49-2-124, and §49-2-126 of said code; to amend said code by adding thereto five new sections, designated §49-2-111c, §49-2-127, §49-2-127a §49-2-128, and §49-2-129; to amend said code by adding thereto two new sections, designated §49-4-601a and §49-4-601b; and to amend and reenact §49-4-604, of said code, all relating generally to the child welfare system; defining terms; increasing the number children allowed in a foster family home; removing authorization for the Secretary of the Department of Health and Human Resources to transfer funds between certain accounts; eliminating requirement that the secretary provide public education; requiring certain information to be included in child placing agency data reports; setting a minimum amount that the Department of Health and Human Resources must pay child placing agencies per child adopted; requiring the department to review the rate of payment to foster

parents at certain time intervals; authorizing and directing the department to expend funds to achieve certain priorities and objectives related to child placement and other services; requiring the department to expend an amount of appropriated funds in fiscal year 2021 to achieve certain priorities and objectives; requiring the secretary of the department to report annually, and upon request, to the Joint Standing Committee on Government and Finance regarding expenditures and progress toward meeting certain objectives and priorities; specifying when the department shall remit payments to foster families; eliminating summary review requirements for behavioral health care services and facilities for children in out of home placements; establishing the Foster Child Bill of Rights; establishing the Foster and Kinship Parent Bill of Rights; providing that violations of the rights provided to foster children and parents may be reported to and investigated by the foster care ombudsman; setting forth certain duties of foster parents; requiring a number of provisions to be included in the agreement between the foster parent and the child placing agency and the department; providing that neglect of a foster or kinship parent's duties and violations of agreements may be reported to and investigated by the foster care ombudsman; requiring the foster care ombudsman to make certain reports; setting forth the reasonable and prudent foster parent standard; providing that children in out-of-home care are entitled to participate in certain activities and requiring caregivers to use the reasonable and prudent foster parent standard to make certain decisions regarding the child; limiting liability of a person adhering to the reasonable and prudent foster parent standard; requiring the department to establish minimum standards for transitional living services by legislative rule; establishing eligibility criteria for children and transitioning adults to participate in transitional living services; providing requirements for transitional living arrangements and the agency's duties in relation thereto; establishing preference that children removed from the home be placed with relatives and fictive kin; establishing a process by which the department shall, and others may, assist the court in identifying family members and fictive kin; requiring the department to provide notice to a person against whom an allegation of abuse or neglect, that does not result in a finding by a court, is substantiated; providing that a person

against whom an allegation of abuse or neglect has been substantiated has a right to contest the substantiation and the right to appeal a decision of the department to the courts; establishing requirements for legislative rules of the department regarding substantiation of abuse and neglect allegations; requiring guardians ad litem to adhere to certain policies and meet certain requirements; clarifying when the department, in an abuse and neglect case, is not required to make efforts to preserve the family; requiring the department to promulgate legislative rules; requiring the department promulgate emergency rules; making technical corrections; and eliminating obsolete language from the code.”

With the further amendment, sponsored by Delegate Summers, being as follows:

On page eight, line one hundred seventy-four, by striking out the number “16” and inserting the number “17”.

On page thirteen, section one hundred eleven-c, line eleven, by striking out “July 1, 2021” and inserting “December 1, 2021”.

On page twenty-nine, section six hundred one-a, line three, by striking out the words, “child’s caseworker” and inserting the word “department”.

And,

On page thirty-three, line forty-one, after the period, 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.”

And,

The further title amendment, sponsored by Delegate Summers, amending the title of the bill to read as follows:

**Com. Sub for H. B. 4092** – “A Bill to repeal §49-2-102 and §49-2-104 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-1-206 of said code; to amend and reenact §49-2-108, §49-2-110, §49-2-111, §49-2-111a, §49-2-112, §49-2-118, §49-2-121, §49-2-124, and §49-2-126 of said code; to amend said code by adding thereto five new sections, designated §49-2-111c, §49-2-127, §49-2-127a, §49-2-128, and §49-2-129; to amend said code by adding thereto two new sections, designated §49-4-601a and §49-4-601b; and to amend and reenact §49-4-604, of said code, all relating generally to the child welfare system; defining terms; increasing the number children allowed in a foster family home; removing authorization for the Secretary of the Department of Health and Human Resources to transfer funds between certain accounts; eliminating requirement that the secretary provide public education; requiring certain information to be included in child placing agency data reports; setting a minimum amount that the Department of Health and Human Resources must pay child placing agencies per child adopted; requiring the department to review the rate of payment to foster parents at certain time intervals; authorizing and directing the department to expend funds to achieve certain priorities and objectives related to child placement and other services; requiring the secretary of the department to report annually, and upon request, to the Joint Standing Committee on Government and Finance regarding expenditures and progress toward meeting certain objectives and priorities; specifying when the department shall remit payments to foster families; eliminating summary review requirements for behavioral health care services and facilities for children in out of home placements; establishing the Foster Child Bill of Rights; establishing the Foster and Kinship Parent Bill of Rights; providing that violations of the rights provided to foster children and parents may be reported to and investigated by the foster care ombudsman; setting forth certain duties of foster parents; requiring a number of provisions to be included in the agreement between the foster parent and the child placing agency and the department; providing that neglect of a foster or kinship parent’s duties and violations of agreements may be reported to and investigated by the foster care ombudsman; requiring the foster care ombudsman to make certain reports; setting forth the reasonable and prudent foster parent standard; providing that children in out-of-home care are entitled

to participate in certain activities and requiring caregivers to use the reasonable and prudent foster parent standard to make certain decisions regarding the child; limiting liability of a person adhering to the reasonable and prudent foster parent standard; requiring the department to establish minimum standards for transitional living services by legislative rule; establishing eligibility criteria for children and transitioning adults to participate in transitional living services; providing requirements for transitional living arrangements and the agency's duties in relation thereto; establishing preference that children removed from the home be placed with relatives and fictive kin; establishing a process by which the department shall, and others may assist, in identifying family members and fictive kin; requiring the department to provide notice to a person against whom an allegation of abuse or neglect, that does not result in a finding by a court, is substantiated; providing that a person against whom an allegation of abuse or neglect has been substantiated has a right to contest the substantiation and the right to appeal a decision of the department to the courts; establishing requirements for legislative rules of the department regarding substantiation of abuse and neglect allegations; requiring guardians ad litem to adhere to certain policies and meet certain requirements; requesting the supreme court to review certain rules; clarifying when the department, in an abuse and neglect case, is not required to make efforts to preserve the family; requiring the department to promulgate legislative rules; requiring the department promulgate emergency rules; making technical corrections; and eliminating obsolete language from the code.”

Whereupon,

Delegate Summers asked and obtained unanimous consent that the amendment be reformed, as follows:

On page eight, line one hundred seventy-four, by striking out the number “16” and inserting the number “17”.

On page thirteen, section one hundred eleven-c, line eleven, by striking out “July 1, 2021” and inserting “December 1, 2020”.



On page twenty-nine, section six hundred one-a, line three, by striking out the words “child’s caseworker” and inserting the word “department”.

And,

On page thirty-three, line forty-one, after the period, 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.”

The House then concurred in the amendment of the bill by the Senate with the further reformed amendment and the further title amendment.

At 12:39 p.m., the House of Delegates recessed until 1:30 p.m.

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### **Afternoon Session**

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

In the absence of objection, further consideration of Com. Sub. for H. B. 4092 was postponed until after consideration of Com. Sub. for H. B. 4009 was completed.

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

### **Committee Reports**

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**H. C. R. 143**, Requesting the Joint Committee on Government and Finance study and analyze the continued impact of human trafficking in West Virginia,

And,

**H. C. R. 144**, Requesting the Joint Committee on Government and Finance study ongoing issues relating to providing resources and processes to support and assist “Grandfamilies” caring for minor children in West Virginia,

And reports the same back with the recommendation that they each be adopted.

In the absence of objection, the resolutions (H. C. R. 143 and H. C. R. 144) were each taken up for immediate consideration and adopted.

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

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**S. C. R. 3**, US Army MSG Richard A. “Dick” Smoot Memorial Bridge,

**S. C. R. 6**, Walter E. Swiger, Jr., Memorial Bridge,

**Com. Sub. for S. C. R. 8**, US Army 1LT Harold H. Frazier Memorial Bridge,

**S. C. R. 9**, US Army SSG Nick P. Markos Memorial Bridge,

**S. C. R. 12**, US Army PFC Gary Alcott Birkhimer Memorial Bridge,

**S. C. R. 17**, USMC PFC Manuel P. Markos Memorial Bridge,

**Com. Sub. for S. C. R. 19**, USMC LCpl Fred Michael Kerns Memorial Bridge,

**S. C. R. 32**, US Marine Corps PFC James R. “Johnny” Corder Memorial Bridge,

**S. C. R. 33**, US Air Force MSGT Dvon Duncan Memorial Bridge,

**S. C. R. 34**, US Army CPL Dane Hampton Hamric Memorial Bridge,

**S. C. R. 35**, Veterans Memorial Drive,

**S. C. R. 36**, Shafer Brothers US Military Veterans Memorial Bridge,

**S. C. R. 39**, US Navy PO1 Jeffrey S. Taylor Memorial Bridge,

**S. C. R. 42**, US Army CPL Richard “Warren” Ellison Memorial Bridge,

**S. C. R. 43**, US Army 1LT Fred Omar Pratt Memorial Bridge,

And,

**S. C. R. 59**, Rachel Hershey Smith Memorial Shelter,

And reports the same back with the recommendation that they each be adopted.

In the absence of objection, the resolutions (S. C. R. 3, S. C. R. 6, Com. Sub. for S. C. R. 8, S. C. R. 9, S. C. R. 12, S. C. R. 17, Com. Sub. for S. C. R. 19, S. C. R. 32, S. C. R. 33, S. C. R. 34, S. C. R. 35, S. C. R. 36, S. C. R. 39, S. C. R. 42, S. C. R. 43 and S. C.

R. 59) were each taken up for immediate consideration and adopted.

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

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**H. B. 4524**, Making the entire state “wet” or permitting the sale of alcoholic liquors for off-premises consumption.

On motion of Delegate Summers, the House of Delegates agreed to the appointment of a Committee of Conference from each house on the disagreeing votes of the two houses.

Whereupon,

In the absence of objection, the Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Westfall, Capito and Hartman.

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

A message from the Senate, by

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

**H. B. 4354**, Adding nabiximols to the permitted list of distributed and prescribed drugs.

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

On page two, section two hundred one, line forty-one, by striking out the word “nabiximol” and inserting in lieu thereof “nabiximols”.

And,

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

**H. B. 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 placing nabiximols on the schedules of controlled substance or descheduled as provided by the Food and Drug Administration.”

And,

The further title amendment, sponsored by Delegate Shott, amending the title of the bill to read as follows:

**H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 709**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4354) passed.

A message from the Senate, by

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

**Com. Sub. for H. B. 4362**, Relating to penalties for neglect, emotional abuse or death caused by a caregiver.

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

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

**“§61-8D-5a. Verbal abuse of noncommunicative child; penalties.**

*The amendments made to this section during the 2020 Regular Session of the Legislature shall be known as ‘Adri’s, Owen’s, and Emma’s Law’.*

(a) Any person, 18 years of age or older, who has supervisory responsibility over a noncommunicative minor child, who repeatedly engages in verbal conduct toward the child in an insulting, demeaning or threatening manner, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$2,500 or confined in jail not more than six months, or both fined and confined.

(b) As used in section (a) of this section:

(1) ‘Noncommunicative child’ means a child who, due to physical or developmental disabilities is unable to communicate verbally, in writing, or through a recognized sign language;

(2) ‘Repeatedly’ means on two or more occasions;

(3) ‘Supervisory responsibility’ means any situation where an adult has direct supervisory decision-making, oversight, instructive, academic, evaluative, or advisory responsibilities regarding the child. Supervisory responsibility can occur in a residence, in or out of a school setting, institutional setting, and in curricular, co-curricular, or extra-curricular settings.’

And,

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

**Com. Sub. for H. B. 4362** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8D-5a, relating to creating the offense of verbal abuse of a noncommunicative child; setting forth elements of the offense; establishing criminal penalties; and defining terms.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 710**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4362) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4363**, Establishing the West Virginia Division of Natural Resources Police Officer Retirement System.

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

On page twenty-four, section five, line eleven, by striking out the words “plan to the Consolidated Public Retirement Board expense fund” and inserting in lieu thereof “board from funds received by the board through gifts and bequests to the fund and any accretions and accumulations which may properly be paid into and become a part of the fund. The board may receive gifts and bequests for purposes of paying start-up costs as set forth in this subsection”.

On page thirty-two, section ten, line three, after the word “Natural”, by inserting the word “Resources”.

And,

On page forty-four, section fifteen, line fifty-one, by striking out the word “distribute” and inserting in lieu thereof the word “distributee”.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 711**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4363) passed.

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

On the question, the yeas and nays were taken (**Roll No. 712**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:



Absent and Not Voting: Queen.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4363) takes effect July 1, 2020.

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

A message from the Senate, by

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

**H. B. 4375**, Speech-Language Pathologists and Audiologists Compact.

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

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

**“ARTICLE 32A. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS COMPACT.**

**§30-32A-1. Purpose.**

The purpose of this compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient, client, or student is located at the time of the patient, client, or student encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This compact is designed to achieve the following objectives:

(1) Increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses;

(2) Enhance the state's ability to protect the public's health and safety;

(3) Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice;

(4) Support spouses of relocating active duty military personnel;

(5) Enhance the exchange of licensure, investigative, and disciplinary information between member states;

(6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and

(7) Allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

### **§30-32A-2. Definitions.**

As used in this compact, except as otherwise provided, the following definitions shall apply:

'Active duty military' means full-time duty status in the active uniformed service of the

United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.

'Adverse action' means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a

licensing board or other authority against an audiologist or speech-language pathologist, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

'Alternative program' means a nondisciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners.

'Audiologist' means an individual who is licensed by a state to practice audiology.

'Audiology' means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules.

'Audiology and Speech-Language Pathology Compact Commission' or 'Commission' means the national administrative body whose membership consists of all states that have enacted the compact.

'Audiology and speech-language pathology licensing board', 'audiology licensing board', 'speech-language pathology licensing board', or 'licensing board' means the agency of a state that is responsible for the licensing and regulation of audiologists or speech-language pathologists, or both, which in West Virginia is the West Virginia Board of Examiners for Speech-Language Pathology and Audiology ('board').

'Compact privilege' means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient, client, or student is located at the time of the patient, client, or student encounter.

'Current significant investigative information' means investigative information that a licensing board, after an inquiry or

investigation that includes notification and an opportunity for the audiologist or speech-language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

‘Data system’ means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigation, compact privilege, and adverse action.

‘Encumbered license’ means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and the adverse action has been reported to the National Practitioners Data Bank (NPDB).

‘Executive committee’ means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

‘Home state’ means the member state that is the licensee’s primary state of residence.

‘Impaired practitioner’ means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

‘Licensee’ means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist.

‘Member state’ means a state that has enacted the compact.

‘Privilege to practice’ means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state.

‘Remote state’ means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

‘Rule’ means a regulation, principle, or directive promulgated by the commission that has the force of law.

‘Single-state license’ means an audiology or speech-language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

‘Speech-language pathologist’ means an individual who is licensed by a state to practice speech-language pathology.

‘Speech-language pathology’ means the care and services provided by a licensed speech-language pathologist as set forth in the member state’s statutes and rules.

‘State’ means any state, commonwealth, district, or territory of the United States of America that regulates the practice of audiology and speech-language pathology.

‘State practice laws’ means a member state’s laws, rules, and regulations that govern the practice of audiology or speech-language pathology, define the scope of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline.

‘Telehealth’ means the application of telecommunication, audio-visual, or other technologies that meets the applicable standard of care to deliver audiology or speech-language pathology services at a distance for assessment, intervention, or consultation.

### **§30-32A-3. State participation in the compact.**

(a) Upon the grant of the compact privilege, a license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in the member state where the licensee obtains this privilege.

(b) A state must implement or use procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

(1) A member state must fully implement a criminal background check requirement, within a timeframe established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and using the results in making licensure decisions.

(2) Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544.

(c) Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, and whether any adverse action has been taken against any license or privilege to practice held by the applicant.

(d) Each member state shall require an applicant to obtain or retain a license in the home

state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws.

(e) An audiologist:

(1) Must meet one of the following educational requirements:

(A) On or before, December 31, 2007, the applicant graduated with a master's degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education, and operated by a college or university accredited by a regional or national accrediting organization recognized by the board;

(B) After Jan. 1, 2008, the applicant graduated with a doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education, and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

(C) The applicant graduated from an audiology program that is housed in an institution of higher education outside of the United States: (i) For which the program and institution have been approved by the authorized accrediting body in the applicable country; and (ii) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program;

(2) Completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the commission;

(3) Successfully passed a national examination approved by the commission;

(4) Holds an active, unencumbered license;

(5) Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology under applicable state or federal criminal law; and

(6) Has a valid United States Social Security or National Practitioner Identification number.

(f) A speech-language pathologist:

(1) Must meet one of the following educational requirements:

(A) The applicant graduated with a master's degree from a speech-language pathology program that is accredited by an organization recognized by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

(B) The applicant graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States: (i) For which the program and institution have been approved by the authorized accrediting body in the applicable country; and (ii) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

(2) Completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the commission;

(3) Completed a supervised postgraduate professional experience as required by the commission;

(4) Successfully passed a national examination approved by the commission;

(5) Holds an active, unencumbered license;

(6) Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech-language pathology under applicable state or federal criminal law; and

(7) Has a valid United States Social Security or National Practitioner Identification number.



(g) The privilege to practice is derived from the home state license.

(h) An audiologist or speech-language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts, and the laws of the member state in which the client is located at the time service is provided.

(i) Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this compact affects the requirements established by a member state for the issuance of a single-state license.

(j) Member states may charge a fee for granting a compact privilege.

(k) Member states must comply with the bylaws and rules and regulations of the commission.

#### **§30-32A-4. Compact privilege.**

(a) To exercise the compact privilege under the terms and provisions of the compact, the audiologist or speech-language pathologist shall:

(1) Hold an active license in the home state;

(2) Have no encumbrance on any state license;

(3) Be eligible for a compact privilege in any member state in accordance with §30-32A-3 of this code;

(4) Had no adverse action against any license or compact privilege within the previous two years from date of application;

(5) Notify the Commission that the licensee is seeking the compact privilege within a remote state or states;

(6) Pay any applicable fees, including any state fee, for the compact privilege; and

(7) Report to the commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken.

(b) For the purposes of the compact privilege, an audiologist or speech-language pathologist may only hold one home state license at a time.

(c) Except as provided in §30-32A-6 of this code, if an audiologist or speech-language pathologist changes primary state of residence by moving between two member states, the audiologist or speech-language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the commission.

(d) The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.

(e) A license shall not be issued by the new home state until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.

(f) If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a nonmember state, the license issued by the prior home state shall

convert to a single-state license, valid only in the former home state, and the privilege to practice in any member state is deactivated in accordance with the rules promulgated by the commission.

(g) The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of subsection (a) of this section to maintain the compact privilege in the remote state.

(h) A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(i) A licensee providing audiology or speech-language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens.

(j) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(1) The home state license is no longer encumbered; and

(2) Two years have elapsed from the date of the adverse action.

(k) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection (a) of this section to obtain a compact privilege in any remote state.

#### **§30-32A-5. Compact privilege to practice telehealth.**

(a) Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with §30-32A-3 of this code and under rules promulgated by the commission, to practice audiology or speech-

language pathology in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.

(b) A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the state where the patient, client, or student is located.

#### **§30-32A-6. Active duty military personnel or their spouses.**

Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

#### **§30-32A-7. Adverse actions.**

(a) In addition to the other powers conferred by state law, a remote state may, in accordance with existing state due process law:

(1) Take adverse action against an audiologist's or speech-language pathologist's privilege to practice within that member state; and

(2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(b) Only the home state may take adverse action against an audiologist's or speech-language pathologist's license issued by the home state.

(c) For purposes of taking adverse action, the home state shall give the same priority and

effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(d) The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigation. The home state may also take appropriate action or actions and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

(e) If otherwise permitted by state law, the home state may recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

(f) The home state may take adverse action based on the factual findings of the remote state, provided that the home state follows its own procedures for taking the adverse action.

(g) *Joint Investigations* -

(1) In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(h) If adverse action is taken by the home state against an audiologist's or speech-language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be suspended until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

(i) If a member state takes adverse action against a licensee, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state and any remote states in which the licensee has the privilege to practice of any adverse actions by the home state or remote states.

(j) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

### **§30-32A-8. Establishment of the Audiology and Speech-Language Pathology Compact Commission.**

(a) The compact member states hereby create and establish a joint public agency known

as the Audiology and Speech-Language Pathology Compact Commission:

(1) The commission is an instrumentality of the compact states;

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the

commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings; and

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) *Membership, voting and meetings -*

(1) Each member state shall have two delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One shall be an audiologist and one shall be a speech-language pathologist.

(2) An additional five delegates, who are either a public member or board administrators from a state licensing board, shall be chosen by the executive committee from a pool of nominees provided by the commission at large.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring on the commission within 90 days.

(5) Each delegate is entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

(6) A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(c) The commission may:

(1) Establish the fiscal year of the commission;

(2) Establish bylaws;

(3) Establish a code of ethics;

(4) Maintain its financial records in accordance with the bylaws;

(5) Meet and take actions as are consistent with the provisions of this compact and the bylaws;

(6) Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states to the extent and in the manner provided for in the compact;

(7) Bring legal proceedings or prosecute actions in the name of the commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected;

(8) Purchase and maintain insurance and bonds;

(9) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

(10) Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(11) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, use, and dispose of the same: *Provided*, That at all times the



commission shall avoid any appearance of impropriety or conflict of interest;

(12) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,

improve, or use, any property, real, personal, or mixed; *Provided*, That at all times the commission shall avoid any appearance of impropriety;

(13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

(14) Establish a budget and make expenditures;

(15) Borrow money;

(16) Appoint committees, including standing committees composed of members and other interested persons designated in this compact and the bylaws;

(17) Provide and receive information from, and cooperate with, law enforcement agencies;

(18) Establish and elect an executive committee; and

(19) Perform other functions necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

(d) The commission may not change or modify the laws of the member states which define the practice of audiology and speech-language pathology in the respective states.

(e) The executive committee may act on behalf of the commission, within the powers of the commission, according to the terms of this compact. The executive committee shall be composed of 10 members:

(1) Seven voting members who are elected by the commission from the current membership of the commission;

(2) Two ex officio members, consisting of one nonvoting member from a recognized national audiology professional association and one nonvoting member from a recognized national speech-language pathology association; and

(3) One ex officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.

(f) The ex officio members shall be selected by their respective organizations.

(1) The commission may remove any member of the executive committee as provided in the bylaws.

(2) The executive committee shall meet at least annually.

(3) The executive committee shall:

(A) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;

(B) Ensure compact administration services are appropriately provided, contractual or otherwise;

(C) Prepare and recommend the budget;

(D) Maintain financial records on behalf of the commission;

(E) Monitor compact compliance of member states and provide compliance reports to the commission;

(F) Establish additional committees as necessary; and

(G) Perform duties as provided in rules or bylaws.

(4) All meetings of the commission or the executive committee shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rule-making provisions in §30-32A-10 of this code.

(5) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:

(A) Noncompliance of a member state with its obligations under the compact;

(B) The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(C) Current, threatened, or reasonably anticipated litigation;

(D) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(E) Accusing any person of a crime or formally censuring any person;

(F) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(G) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) Disclosure of investigative records compiled for law enforcement purposes;

(I) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with the responsibility of investigation or the determination of compliance issues pursuant to the compact; or

(J) Matters specifically exempted from disclosure by federal or member state statutes.

(6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(7) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in the minutes. All minutes and documents of meetings, other than closed meetings, shall be made available to members of the public upon request. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(8) *Financing of the commission -*

(A) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(B) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(C) The commission may levy on and collect an annual assessment from each member state's licensing board, which in West Virginia is the West Virginia Board of Examiners for Speech-Language Pathology and Audiology Board, or impose fees on parties, other than the member states, to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the

commission, which shall promulgate a rule binding upon all member states.

(9) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the obligation; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(10) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission are subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(g) *Qualified immunity, defense, and indemnification -*

(1) The members, officers, executive director, employees, and representatives of the Commission are immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities: *Provided*, That nothing in this subdivision shall be construed to protect any person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person;

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission

employment, duties, or responsibilities: *Provided*, That nothing in this subdivision prohibits that person from retaining his or her own counsel: *Provided, however*, That the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct; and

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities: *Provided*, That the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

### **§30-32A-9. Data system.**

(a) The commission shall provide for the development, maintenance, and use of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

(1) Identifying information;

(2) Licensure data;

(3) Adverse actions against a license or compact privilege;

(4) Nonconfidential information related to alternative program participation;

(5) Any denial of application for licensure, and the reason for denial; and

(6) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(c) Investigative information pertaining to a licensee in any member state shall only be available to other member states.

(d) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

(e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

#### **§30-32A-10. Rulemaking.**

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a Notice of Proposed Rulemaking:

(1) On the website of the commission or other publicly accessible platform; and

(2) On the website of each member state audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) The Notice of Proposed Rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon;

(2) The text of the proposed rule or amendment and the reason for the proposed rule or amendment;

(3) A request for comments on the proposed rule from any interested person; and

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(f) Prior to the adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) At least 25 persons;

(2) A state or federal governmental subdivision or agency; or



(3) An association having at least 25 members.

(h) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) All hearings shall be recorded. A copy of the recording shall be made available to any person, upon request, at his or her own expense.

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

(j) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(k) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(1) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rule-making procedures provided in the compact and in this section are retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of commission or member state funds; or

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision is subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

### **§30-32A-11. Dispute resolution and enforcement.**

(a) *Dispute resolution* -

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(b) Enforcement -

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

(3) The remedies in this section are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

**§30-32A-12. Date of implementation of the interstate commission for audiology and speech-language pathology practice and associated rules, withdrawal, and amendment.**

(a) The compact takes effect on the date on which the compact statute is enacted into law in the 10th member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state that joins the compact subsequent to the commission's initial adoption of the rules is subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission

has the full force and effect of law on the day the compact becomes law in that state.

(c) Any member state may withdraw from this compact by enacting a statute repealing participation in this compact.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech-language pathology licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

### **§30-32A-13. Construction and severability.**

This compact shall be liberally construed so as to effectuate the purposes of the compact. The provisions of this compact are severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected. If this compact is held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

**§30-32A-14. Binding effect of compact and other laws.**

(a) Nothing in this article prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

(d) All agreements between the commission and the member states are binding in accordance with their terms.

(e) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.”

And,

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

**H. B. 4375** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §30-32A-1, §30-32A-2, §30-32A-3, §30-32A-4, §30-32A-5, §30-32A-6, §30-32A-7, §30-32A-8, §30-32A-9, §30-32A-10, §30-32A-11, §30-32A-12, §30-32A-13, and §30-32A-14, all relating to joining the Audiology and Speech-Language Pathology Compact Commission; providing for a purpose; providing for definitions; providing for telehealth; requiring criminal background check and setting educational and other requirements for audiologists and speech language pathologists; authorizing member state to charge fee for granting compact privilege; providing for state participation in the compact; establishing the privilege to practice in member states; providing for change in primary state or residence procedures relating to licensing for active duty military personnel and their spouses; providing for procedures relating to duties, meetings, responsibilities, and adverse actions; establishing the

Audiology and Speech-Language Pathology Compact Commission and providing for an executive committee; providing for a data system available for use among the member states; providing for rulemaking authority of the commission; providing for dispute resolution, and enforcement provisions of the commission among the member states; providing for date of implementation among the member states; providing for applicability of the existing rules at the time a new member state joins the commission; providing for withdrawal of any member states and conditions that must be met until withdrawal is effective; providing for a six-month period before withdrawal is effective; providing for construction and severability of the provisions of the compact; and providing for a binding effect of the laws and rules of the compact among the member states.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 713**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4375) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4377**, The Protection of Vulnerable Adults from Financial Exploitation Act.

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

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

**“ARTICLE 6. THE PROTECTION OF ELIGIBLE ADULTS FROM FINANCIAL EXPLOITATION.**

**§32-6-601. Short title.**

This article may be cited as ‘The Protection of Eligible Adults from Financial Exploitation Act’.

**§32-6-602. Definitions.**

In this article, unless the context otherwise requires:

(1) ‘Agencies’ means adult protective services and the Securities Commission, a Division of the State Auditor’s office.

(2) ‘Eligible adult’ means a person 65 years of age or older or a person subject to §9-6-1 *et seq.* of this code.

(3) ‘Financial exploitation’ means:

(A) The wrongful or unauthorized taking, withholding, appropriation, or use of securities, money, assets, or property of an eligible adult; or

(B) Any act or omission taken by a person, including using a power of attorney, guardianship, or conservatorship of an eligible adult to:

(i) Obtain control, through deception, intimidation, or undue influence over the eligible adult’s money, assets, or property to deprive the eligible adult of the ownership, use, benefit, or possession of his or her money, assets, or property; or

(ii) Convert money, assets, or property of the eligible adult to deprive the eligible adult of the ownership, use, benefit, or possession of his or her money, assets, or property.

**§32-6-603. Governmental Disclosures.**

If a broker-dealer or investment adviser reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, the broker-dealer or investment adviser shall promptly notify the agencies.

**§32-6-604. Immunity for Governmental Disclosures.**

A broker-dealer or investment adviser that, in good faith and exercising reasonable care, makes a disclosure of information pursuant to section 603 of this article is immune from administrative or civil liability that might otherwise arise from the disclosure or for any failure to notify the customer of the disclosure.

**§32-6-605. Third-Party Disclosures.**

If a broker-dealer or investment adviser reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, the broker-dealer or investment adviser may notify any reasonably associated individuals. Disclosure may not be made to any third party that is suspected of financial exploitation or other abuse of the eligible adult.

**§32-6-606. Immunity for Third-Party Disclosures.**

A broker-dealer or investment adviser that, in good faith and exercising reasonable care, complies with §32-6-605 of this code is immune from any administrative or civil liability that might arise from the disclosure.

**§32-6-607. Delaying Transactions or Disbursements.**

(a) A broker-dealer or investment adviser may delay a transaction or disbursement from an account of an eligible adult or an account on which an eligible adult is a beneficiary if:



(1) The broker-dealer or investment adviser reasonably believes, after initiating an internal review of the requested transaction or disbursement and the suspected financial exploitation, that the requested transaction or disbursement may result in financial exploitation of an eligible adult; and

(2) The broker-dealer or investment adviser:

(i) Immediately, but in no event more than two business days after the broker-dealer or investment adviser first delayed the transaction or disbursement, provides written notification of the delay and the reason for the delay to all parties authorized to transact business on the account, unless any party is reasonably believed to have engaged in suspected or attempted financial exploitation of the eligible adult;

(ii) Immediately, but in no event more than two business days after the date on which the transaction or disbursement was first delayed, notifies the agencies; and

(iii) Continues its internal review of the suspected or attempted financial exploitation of the eligible adult as necessary and reports the investigation's results to the agencies on a reasonable and periodic basis, up to and including the resolution of the investigation.

(b) Any delay of a transaction or disbursement as authorized by this section expires upon the sooner of:

(1) A determination by the broker-dealer or investment adviser that the disbursement will not result in financial exploitation of the eligible adult; or

(2) Fifteen business days after the date on which the broker-dealer or investment adviser first delayed the transaction or disbursement of the funds, unless either of the agencies requests that the broker-dealer or investment adviser extend the delay, in which case the delay expires when requested by an order of a court of competent jurisdiction.

**§32-6-608. Immunity for Delaying Transactions or Disbursements.**

A broker-dealer or investment adviser that, in good faith and exercising reasonable care, complies with §32-6-607 of this code is immune from any administrative or civil liability that might otherwise arise from the delay in a transaction or disbursement.

**§32-6-609. Records.**

A broker-dealer or investment adviser shall provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to agencies charged with administering state adult protective services laws and to law enforcement, either as part of a referral to the agency or to law enforcement, or upon request of the agency or law enforcement pursuant to an investigation. The records may include historical records as well as records relating to the most recent transaction or transactions that may comprise financial exploitation of an eligible adult. All records made available to agencies under this section shall not be considered a public record as defined in §29B-1-1 *et seq.* of this code. Nothing in this provision may limit or otherwise impede the authority of the Securities Commission to access or examine the books and records of broker-dealers and investment advisers as otherwise provided by law.

**§32-6-610. Immunity for Complying with Records Requests.**

A broker-dealer or investment adviser that, in good faith and exercising reasonable care, complies with §32-6-609 of this code is immune from any administrative or civil liability that might otherwise arise from such disclosure.”

And,

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

**Com. Sub. for H. B. 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 Vulnerable 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.”

With the further amendment, sponsored by Delegate Shott, being as follows:

On page one, above the article heading, by inserting the following:

*“Be it enacted by the Legislature of West Virginia:”*.

And,

The further title amendment, sponsored by Delegate Shott, amending the title of the bill to read as follows:

**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 714**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan, Steele and Wilson.

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4377) passed.

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

A message from the Senate, by

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

**H. B. 4406**, Relating to the reproduction of checks and other records.

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

**H. B. 4406** - “A Bill to amend and reenact §31A-4-35 of the Code of West Virginia, 1931, as amended, relating to the reproduction of checks and other records; the period for which banks shall retain or preserve records; providing clarification that an action against a bank for any balance, amount, or proceeds of an account must be brought during the retention or preservation period; providing duties of a bank in possession of records after expiration of the record retention or preservation period; and providing an exception to retention or preservation period limitation for actions brought on behalf of minors.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 715**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4406) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4509**, Transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support.

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

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

**“ARTICLE 12. PROBATION AND PAROLE.**

**§62-12-12. Parole Board generally.**

(a) The West Virginia Parole Board is continued as part of the Division of Corrections and Rehabilitation. The board shall consist of nine members, each of whom shall have been a resident of this state for at least five consecutive years prior to his or her appointment. No more than five of the board members may at any one time belong to the same political party, except as provided in

subsection (b) of this section. The board shall be appointed by the Governor, by and with the advice and consent of the Senate and shall serve at the will and pleasure of the Governor.

~~(b) Appointments shall be made in such a manner that each congressional district is represented and so that no more than four and no less than two members of the board reside in any one congressional district. No more than two members of the board may reside in any one county~~

(b) The Governor shall appoint one of the nine members to serve as chairperson at the Governor's will and pleasure. In addition to all other powers, duties, and responsibilities granted and assigned to the chairperson by law and rule, the chairperson has the following powers and duties:

(1) To provide for the management of facilities and personnel of the board;

(2) To supervise the administration and operation of the board;

(3) To delegate the powers and duties of his or her office to the vice chairperson or other members of the board, who shall act under the direction of the chairperson and for whose acts he or she is responsible: *Provided*, That if the position of chairperson becomes vacant by death, resignation, or otherwise, the vice chairperson shall assume all the powers and duties of the chairperson until such time as a new chairperson is appointed pursuant to the provisions of this subsection;

(4) To employ one full-time administrative employee, who shall be a classified exempt employee; and

(5) To exercise all other powers and perform all other duties necessary and proper in carrying out his or her responsibilities as chairperson.

(c) The board, from its membership, shall elect a vice chairperson, at least once every year, to serve as chair in the absence of a chairperson. In the absence of or at the direction of the

chairperson, the vice chairperson may exercise the powers and duties of the chairperson. The vice chairperson shall, while performing the duties and responsibilities of the chairperson, have all of the statutorily authorized power and duties of the chairperson.

~~(e)(d)~~ Any person initially appointed to the board on or after July 1, 2012, shall have a degree from an accredited college or university or at least five years of actual experience in the fields of corrections, law enforcement, sociology, law, education, psychology, social work, or medicine, or a combination thereof, and shall be otherwise competent to perform the duties of his or her office. All members currently serving on the board shall continue the terms they are currently serving, unless otherwise removed. The members shall be appointed for overlapping terms of six years. Members are eligible for reappointment. The members of the board shall devote their full time and attention to their board duties. ~~The Governor shall appoint one of the nine appointed members to serve as chairperson at the Governor's will and pleasure~~

(e) The Governor may, if he or she is informed that a vacancy is imminent, appoint a member to fill the imminent vacancy prior to it becoming vacant: *Provided*, That the new member may be appointed no more than 30 days prior to the vacancy occurring and only for purposes of training. He or she may not assume the powers and duties of the position until the vacancy has actually occurred.

(f) The Governor may appoint no more than five persons to a list of substitute board members. Substitute board members shall meet the qualifications set forth in subsection(d) of this section. The persons on the list shall be used in a rotating fashion. If a full-time board member is unable to serve, a substitute board member may serve in his or her place. These substitute board members shall have the same powers and duties of the fulltime board members while acting as a substitute. These members shall be reimbursed for expenses and paid a per diem rate set by the secretary.

(g) The Division of Corrections and Rehabilitation shall provide administrative and other services to the board as the board requires. Expenses of the board shall be included within the annual

budget of the Division of Corrections and Rehabilitation: *Provided, That the salaries of the members appointed pursuant to subsection (b) of this section are to be included in a separate budget for the Parole Board.*”

And,

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

**Com. Sub. for H. B. 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; removing the work substitution or qualification to serve on the board; 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; establishing qualifications, powers and duties of substitute board members; and clarifying how moneys for the board should be appropriated.”

With the further title amendment, sponsored by Delegate Summers, amending the title of the bill to read as follows:

**Com. Sub. for H. B. 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.”



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

On the passage of the bill, the yeas and nays were taken (**Roll No. 716**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4509) passed.

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

A message from the Senate, by

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

**H. B. 4514**, Permitting the use of leashed dogs to track mortally wounded deer or bear.

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

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

**“ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-5j. Leashed dogs for tracking mortally wounded deer or bear.**

(a) Notwithstanding any provision of this chapter to the contrary, a person who is legally hunting and reasonably believes he or she has mortally wounded a deer or bear may use leashed dogs to track and locate the mortally wounded deer or bear. The hunter is also permitted to use a dog handler of leashed dogs to

track and locate the mortally wounded deer or bear. The hunter or the dog handler shall maintain physical control of the leashed dogs at all times.

(b) The act of tracking a mortally wounded deer or bear with a dog is hunting and the hunter and handler are subject to all applicable laws and rules. It is unlawful for a hunter or dog handler to track deer or bear with leashed dogs under the provisions of this section unless he or she is in possession of a valid hunting license issued pursuant to this article or is a person excepted from licensing requirements pursuant to this article, and all other lawful authorizations as prescribed in this article. The hunter shall accompany the dog handler and only the hunter may kill a mortally wounded deer or bear. The deer or bear shall count toward the bag limit of the hunter.

(c) Any dog handler providing tracking services for profit must be licensed as an outfitter or guide pursuant to §20-2-23 of this code.

#### **§20-2-16. Dogs chasing deer.**

~~No Except as provided in §20-2-5j of this code, no person may permit or use his or her dog to hunt or chase deer. A natural resources police officer shall take into possession any dog known to have unlawfully hunted or chased deer. and the director shall advertise that the dog is in his or her possession, giving a description of the dog and stating the circumstances under which it was taken. The notice shall be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty nine of this code, and the publication area for the publication is the county. He or she shall hold the dog for a period of ten days after the date of the publication. If, within ten days, the owner does not claim the dog, the director shall destroy it. In this event the cost of keeping and advertising shall be paid by the director. If, within ten days, the owner claims the dog, he or she may repossess it on the payment of costs of advertising and the cost of keep, not exceeding 50¢ per day. A natural resources police officer, or any officer or employee of the director authorized to~~

~~enforce the provisions of this section, after a bona fide but unsuccessful effort to capture dogs detected chasing or pursuing deer, may kill the dogs~~ If the owner of the dog can be determined, the dog shall be returned to the owner. If the owner of the dog cannot be determined, the natural resources police officer shall deliver the dog to the appropriate county humane officer or facility consistent with the provisions of this code.

**§20-2-22a. Hunting, tagging and reporting bear; procedures applicable to property destruction by bear; penalties.**

(a) A person may not hunt, capture, or kill any bear, or have in his or her possession any bear or bear parts, except during the hunting season for bear in the manner designated by rule or law. For the purposes of this section, bear parts include, but are not limited to, the pelt, gallbladder, skull and claws of bear.

(b) A person who kills a bear shall, within twenty-four hours after the killing, electronically register the bear. A game tag number shall be issued to the person and recorded in writing with the person's name and address, or on a field tag and shall remain on the skin until it is tanned or mounted. Any bear or bear parts not properly tagged shall be forfeited to the state for disposal to a charitable institution, school or as otherwise designated by the director.

(c) Training dogs on bears or pursuing bears with dogs is the hunting of bear for all purposes of this chapter, including all applicable regulations and license requirements.

(d) It is unlawful:

(1) To hunt bear without a bear damage stamp, as prescribed in section forty-four-b of this article, in addition to a hunting license as prescribed in this article;

(2) To hunt a bear with:

(A) A shotgun using ammunition loaded with more than one solid ball; or

(B) A rifle of less than twenty-five caliber using rimfire ammunition;

(3) To kill or attempt to kill, or wound or attempt to wound, any bear through the use of bait, poison, explosives, traps or deadfalls or to feed bears at any time. For purposes of this section, bait includes, but is not limited to, corn and other grains, animal carcasses or animal remains, grease, sugars in any form, scent attractants and other edible enticements, and an area is considered baited for ten days after all bait has been removed;

(4) To shoot at or kill:

(A) A bear weighing less than seventy-five pounds live weight or fifty pounds field dressed weight, after removal of all internal organs;

(B) Any bear accompanied by a cub; or

(C) Any bear cub so accompanied, regardless of its weight;

(5) To transport or possess any part of a bear not tagged in accordance with the provisions of this section;

(6) To possess, harvest, sell or purchase bear parts obtained from bear killed in violation of this section; or

(7) Except as provided in §20-2-5j of this code, To organize for commercial purposes or to professionally outfit a bear hunt, or to give or receive any consideration whatsoever or any donation in money, goods or services in connection with a bear hunt, notwithstanding the provisions of sections twenty-three and twenty-four of this article.

(e) The following provisions apply to bear damaging or destroying property:

(1)(A) Any property owner or lessee who has suffered damage to real or personal property, including loss occasioned by the death or injury of livestock or the unborn issue of livestock, caused by an

act of a bear may complain to any natural resources police officer of the division for protection against the bear.

(B) Upon receipt of the complaint, the officer shall immediately investigate the circumstances of the complaint. If the officer is unable to personally investigate the complaint, he or she shall designate a wildlife biologist to investigate on his or her behalf.

(C) If the complaint is found to be justified, the officer or designated wildlife biologist may issue a permit to kill the bear that caused the property damage or may authorize the owner and other residents to proceed to hunt, destroy or capture the bear that caused the property damage: *Provided*, That only the natural resources police officer or the wildlife biologist may recommend other measures to end or minimize property damage: *Provided, however*, That, if out-of-state dogs are used in the hunt, the owners of the dogs are the only nonresidents permitted to participate in hunting the bear.

(2)(A) When a property owner has suffered damage to real or personal property as the result of an act by a bear, the owner shall file a report with the director of the division. A bear damage report shall be completed by a representative of the division and shall state whether or not the bear was hunted and destroyed or killed under authorization of a depredation permit and, if so, the sex and weight shall be recorded and a premolar tooth collected from the bear, all of which shall be submitted with the report. The report shall also include an appraisal of the property damage occasioned by the bear fixing the value of the property lost. Bear damage claims will not be accepted for personal and real property which is commonly used for the purposes of feeding, baiting, observing or hunting wildlife, including, but not limited to, hunting blinds, tree stands, artificial feeders, game or trail cameras and crops planted for the purposes of feeding or baiting wildlife.

(B) The report shall be ruled upon and the alleged damages examined by a commission comprised of the complaining property

owner, an officer of the division and a person to be jointly selected by the officer and the complaining property owner.

(C) The division shall establish the procedures to be followed in presenting and deciding claims, issuing bear depredation permits and organizing bear hunts under this section in accordance with §29A-3-1 *et seq.* of this code.

(D) All claims shall be paid in the first instance from the Bear Damage Fund provided in section forty-four-b of this article: *Provided*, That the claimant shall submit accurate information as to whether he or she is insured for the damages caused by the acts of bear on forms prescribed by the director, and all damage claims shall first be made by the claimant against any insurance policies before payment may be approved from the Bear Damage Fund. Claims for an award of compensation from the Bear Damage Fund shall be reduced or denied in the amount the claimant is actually reimbursed by insurance for the economic loss upon which the claim is based. In the event the fund is insufficient to pay all claims determined by the commission to be just and proper, the remainder due to owners of lost or destroyed property shall be paid from the special revenue account of the division.

(3) In all cases where the act of the bear complained of by the property owner is the killing of livestock, the value to be established is the fair market value of the livestock at the date of death. In cases where the livestock killed is pregnant, the total value is the sum of the values of the mother and the unborn issue, with the value of the unborn issue to be determined on the basis of the fair market value of the issue had it been born.

(f) *Criminal penalties.* (1) Any person who commits a violation of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, which is not subject to suspension by the court, confined in jail not less than 10 nor more than 30 days, or both fined and confined. Further, the person's hunting and fishing licenses shall be assigned six points, however, the hunting and fishing licenses of any person convicted of a violation of this

section which results in the killing or death of a bear shall be suspended for two years.

(2) Any person who commits a second violation of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$3,000, which is not subject to suspension by the court, confined in jail not less than 30 days nor more than 100 days, or both fined and confined. The person's hunting and fishing licenses shall be suspended for five years.

(3) Any person who commits a third or subsequent violation of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$2,500 nor more than \$5,000, which is not subject to suspension by the court, confined in jail not less than six months nor more than one year, or both fined and confined. The person's hunting and fishing licenses shall be suspended for 10 years."

And,

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

**H. B. 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 of said code, all relating to hunting; permitting the use of leashed dogs to track mortally wounded deer or bear; amending protocol for possession of natural resources police officers of dogs known to be unlawfully hunting or chasing deer; and excepting the use of leashed dogs to track mortally wounded deer or bear from statutory prohibition on commercial bear hunts."

With the further title amendment, sponsored by Delegate Atkinson, amending the title of the bill to read as follows:

**H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 717**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Dean, J. Jeffries and Paynter.

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4514) passed.

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

A message from the Senate, by

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

**H. B. 4715**, Authorizing municipalities to take action to grant certain fire department employees limited power of arrest.

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

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



**“ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS, AUTHORITY, AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE AND PARKING LOT OR PARKING BUILDING POLICE OFFICERS; CIVIL SERVICE FOR CERTAIN POLICE DEPARTMENTS.**

**§8-14-3. Powers, authority, and duties of law-enforcement officials and policemen.**

The chief and any member of the police force or department of a municipality, ~~and~~ any municipal sergeant, and any municipal fire marshal shall have all of the powers, authority, rights, and privileges within the corporate limits of the municipality with regard to the arrest of persons, the collection of claims, and the execution and return of any search warrant, warrant of arrest, or other process, which can legally be exercised or discharged by a deputy sheriff of a county: *Provided, That any municipal fire marshal granted authority under this section shall have these powers, authority, rights, and privileges only to the limits described in §8-15-1 of this code.* In order to arrest for the violation of municipal ordinances and as to all matters arising within the corporate limits and coming within the scope of his or her official duties, the powers of any chief, policeman, municipal fire marshal, or sergeant shall extend anywhere within the county or counties in which the municipality is located, and any ~~such~~ chief, policeman, municipal fire marshal, or sergeant shall have the same authority of pursuit and arrest beyond his or her normal jurisdiction as has a sheriff. For an offense committed in his or her presence, any such officer may arrest the offender without a warrant and take ~~him~~ the offender before the mayor or police court or municipal court to be dealt with according to law. ~~He and~~ His or her sureties ~~shall be~~ are liable to all the fines, penalties, and forfeitures which a deputy sheriff is liable to, for any failure or dereliction in such office, to be recovered in the same manner and in the same courts in which ~~such~~ the fines, penalties, and forfeitures are recovered against a deputy sheriff. In addition to the mayor, or police court judge or municipal court judge, if any, of a city, the chief of police of any

municipality and in the absence from the station house of the chief of police the captains of police and lieutenants of police shall each have authority to administer oaths to complainants and to issue arrest warrants thereon for all violations of the ordinances of ~~such~~ the municipality.

~~It shall be the duty of~~ The mayor and police officers of every municipality and any municipal sergeant ~~to~~ shall aid in the enforcement of the criminal laws of the state within the municipality, independently of any charter provision or any ordinance or lack of an ordinance with respect thereto, and to cause the arrest of, or arrest, any offender and take him or her before a magistrate to be dealt with according to the law. Failure on the part of any such official or officer to discharge any duty imposed by the provisions of this section ~~shall be deemed~~ is official misconduct for which he or she may be removed from office. Any ~~such~~ official or officer ~~shall have~~ has the same authority to execute a warrant issued by a magistrate, and the same authority to arrest without a warrant for offenses committed in his or her presence, as a deputy sheriff.

~~No~~ An officer or member of the police force or department of a municipality may not aid or assist either party in any labor trouble or dispute between employer and employee. They shall in ~~such~~ these cases see that the statutes and laws of this state and municipal ordinances are enforced in a legal way and manner. Nor shall he or she engage in off-duty police work for any party engaged in or involved in ~~such~~ the labor dispute or trouble between employer and employee.

The chief of police shall be charged with the keeping and security of the jail, and at any time that one or more prisoners are being held in the jail, he or she shall require that the jail be attended by a police officer or other responsible person.

## **ARTICLE 15. FIREFIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.**

## PART I. FIRE FIGHTING GENERALLY.

**§8-15-1. Power and authority of governing body with respect to fires.**

The governing body of every municipality shall have plenary power and authority to provide for the prevention and extinguishment of fires and, for this purpose, it may, among other things, regulate how buildings shall be constructed, procure proper engines and implements, provide for the organization, equipment, and government of volunteer fire companies or of a paid fire department, prescribe the powers and duties of ~~such~~ the companies or department, and of the several officers, provide for the appointment of officers to have command of firefighting, prescribe what their powers and duties shall be, and impose on those who fail or refuse to obey any lawful command of ~~such~~ the officers any penalty which the governing body is authorized by law to impose for the violation of an ordinance. It may give authority to any ~~such~~ the officer or officers to direct the pulling down or destroying of any fence, house, building, or other thing, if ~~deemed~~ determined necessary to prevent the spreading of a fire. It may give authority to municipal fire marshals to (1) arrest any individual disobeying lawful orders at the scene of a fire, (2) arrest any individual who violates prohibitions against arson and explosives offenses, malicious burning, obstructing a fire marshal, or failing to obey lawful orders, (3) arrest without a warrant, if the unlawful conduct occurs in their presence, and (4) file criminal complaints with the municipal court or other appropriate judicial officer in order to obtain a warrant for the arrest and initiate a criminal matter: Provided, That any officer given this authority shall receive initial and annual training that complies with Law Enforcement Core Training Standards of the West Virginia State Fire Commission and the West Virginia State Fire Marshal."

And,

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

**H. B. 4715** - “A Bill to amend and reenact §8-14-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-15-1 of said code, all relating to authorizing municipalities to grant certain fire department employees limited powers of arrest in relation to their duties; setting the limits of their power to arrest; authorizing designated fire department employees to file complaints with appropriate courts; requiring initial and annual training of designated fire department employees as established by the State Fire Commission and the State Fire Marshal.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 718**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4715) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4717**, Seizure and Forfeiture Reporting Act.

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

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

**“ARTICLE 7. WEST VIRGINIA CONTRABAND FORFEITURE ACT.**

**§60A-7-708. Bookkeeping procedures and internal controls.**

(a) Any law-enforcement agency or office in this state, including, but not limited to, an ‘appropriate person’ as identified in §60A-7-703(b), excluding prosecuting attorneys, who seizes or receives forfeited moneys, securities, negotiable instruments, items subject to forfeiture in accordance with §60A-7-703(a) of this code, or other property under the provisions of this article shall account for the same in the following manner:

(1) Maintain any items of property subject to forfeiture in accordance with §60A-7-704(d) of this code, including, but not limited to, moneys, securities, negotiable instruments, or other items and property identified in the same manner as the agency’s appropriated funds. Bank accounts, checkbooks, purchase cards, and other financial instruments or documents must be maintained in the same manner as appropriated funds;

(2) Establish a segregated account or accounting codes to track both revenues and expenditures for each respective program. No other funds may be commingled in these accounts or with these accounting codes;

(3) Process all expenditures and payments in the same manner as appropriated funds, including procurement and payment transactions;

(4) In accordance with the provisions of §60A-7-704(d)(4) of this code, in the case of seized moneys, securities, or other negotiable instruments, place the assets in an interest-bearing depository insured by an agency of the federal government. Deposit all interest earned on equitable sharing funds into the respective account or accounting code. All interest is subject to the same use restrictions as equitable sharing funds. Losses to funds maintained in investment accounts in accordance with the

jurisdiction's policies may not be allocated to or deducted from the equitable sharing account;

(5) Develop, maintain, and follow written policies for accounting, bookkeeping, inventory control, and procurement that comply with the applicable jurisdiction policies. Ensure distribution of relevant policies to all appropriate personnel;

(6) Maintain records of all revenue and expenditures posted to the account or accounting code, to include bank/ledger statements, invoices, receipts, required jurisdiction approvals, or any other documents used or created during the procurement and disposition process;

(7) Report all transactions using cash-based accounting methods;

(8) Dispose of items purchased with shared funds in accordance with the agency's disposal policies. To the extent practicable and, if consistent with the agency's procurement and disposal policies, deposit proceeds from the sale of such property into the agency's sharing account or accounting code. If an item has minimal or no value, an agency may donate the item to a recipient of its choice if permitted under the agency's disposal policies;

(9) Ensure the agency head, or designee, authorizes all expenditures from the sharing accounts; and

(10) Obtain approval for expenditures from the governing body, such as the county commission, town council, or city manager's office, when required under normal established jurisdiction accounting procedures.

(b) Any law-enforcement agency or office in this state, excluding prosecuting attorneys, receiving forfeited moneys, securities, negotiable instruments, real property, personal property, or other property under the provisions of this article shall report the same to the State Auditor. For each seizure only one report shall be filed by the agency that made the seizure. All agencies receiving

forfeited property shall report disposition and expenditures of any proceeds of that property. Reports shall be filed in the following manner:

(1) Name of the law-enforcement agency or office that seized the property, or if seized by a multijurisdictional task force, the name of the lead agency;

(2) The time and date the property was seized;

(3) The type of property seized, whether real or personal;

(4) The actual or estimated value of the property seized;

(5) The property's final disposition, including the amount received if the property was sold, or if the property was put to use on behalf of a law-enforcement agency or office, the identity of the agency or office that took possession and use of the property;

(6) Whether forfeiture was made by settlement agreement;

(7) Whether any procedure for forfeiture was initiated in accordance with the provisions of §60A-7-705 of this code, or other identifying information sufficient to permit acquisition of any available public records related to the forfeiture procedure and disposition of the forfeited property;

(8) The disposition of any action under the provisions of §60A-7-705 of this code;

(9) If an arrest was made;

(10) Whether any charges brought against a defendant in conjunction with a seizure pursuant to this article resulted in deferred action, conviction, plea deal, acquittal, or ongoing criminal case;

(11) When an administrative forfeiture procedure has been initiated pursuant to the provisions of §60A-7-705a of this code,

provide designated information contained in the administrative forfeiture notice;

(12) The total value of seized and forfeited or property held by the agency at the end of the reporting period; and

(13) A copy of the United States Department of Justice's Equitable Sharing Agreement and Certification - Annual Certification Report shall be provided to the State Auditor no later than October 31 each calendar year.

(c) The State Auditor shall establish and maintain a searchable public website that includes the aggregate information submitted by any law-enforcement agency or office required under subsection (b) of this section: *Provided*, That the State Auditor's website must not provide individual case details on its public website.

(d) The State Auditor, before December 31 of each year, shall submit to the Speaker of the House of Delegates, the President of the Senate, the Attorney General, and the Governor a written report summarizing activity in the state for the preceding fiscal year on the type, approximate value, and disposition of the property forfeited and/or seized and the amount of any proceeds received or expended at the state and local levels. The report shall provide a categorized accounting of all proceeds expended. Summary data on seizures, forfeitures and expenditures of forfeiture proceeds shall be disaggregated by agency.

(e) In the course of preparing its annual report, the State Auditor may, in its discretion or for good cause shown, perform a financial audit of records related to inventory of seized property and expenditures of forfeiture proceeds by any law-enforcement agency or office in this state. This audit shall be conducted under the Generally Accepted Government Auditing Standards (GAGAS). A copy of the financial audit report shall be submitted to the State Auditor no later than 90 days after its initiation. The State Auditor shall submit a copy of the financial audit report to the Speaker of the House of Delegates, the President of the Senate, the Attorney General and the Governor.



(f) If, in the course of a calendar year, any law enforcement agency or office that secures seized or forfeited assets valued in excess of 50 percent of the prior year's total seized or forfeited assets, or expends more than 50 percent of the prior year's total expenditures of forfeited assets, shall so advise the State Auditor, who shall perform a financial audit under the generally accepted government auditing standards (GAGAS) of records related to inventory of seized property and expenditures of forfeiture proceeds. A copy of the final audit report shall be submitted to the State Auditor no later than 90 days after the end of the fiscal year and shall be made public.

(g) The State Auditor may recoup its costs under this section by charging a fee.

(h) The State Auditor may include in its aggregate report required by subsection (d) of this section recommendations to improve statutes, rules, and policies related to seizure, forfeiture, and expenditures. The aggregate report shall be made available on the State Auditor's website.

(i) If a law-enforcement agency fails to timely file the report identified in subsection (b) of this section the State Auditor shall immediately notify the law-enforcement agency that the report has not been received.

(j) The State Auditor may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to implement this section.

(k) The data and reports compiled and prepared under this section are public information under the West Virginia Freedom of Information Act, chapter 29B of this code.

(l) This section is effective for the reporting period starting January 1, 2021.

(m) Nothing provided in this section would prevent a court of competent jurisdiction from sealing records otherwise made available under the provisions of this section.”

And,

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

**Com. Sub. for H. B. 4717** - “A Bill to amend and reenact §60A-7-708 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60A-7-708, all relating to bookkeeping procedures and internal controls for seized or forfeited property under the West Virginia Contraband Forfeiture Act; providing for record keeping and accounting procedures; providing for a report to the State Auditor from law enforcement agencies excluding prosecuting attorneys; requiring the State Auditor establish a public website for reporting information; providing the State Auditor prepare and disseminate a yearly report; establishing that the State Auditor may perform a financial audit; requiring the State Auditor to conduct an audit when seizure of assets or expenditure of funds from seized assets exceeds a designated amount; permitting the State Auditor to charge a fee; requiring the State Auditor to notify a law enforcement agency for failure to report; providing the State Auditor may promulgate rules; establishing that reported information is subject to the W.Va. Freedom of Information Act; establishing an effective date; and providing that a court may seal records.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 719**), and there were—yeas 75, nays 24, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Butler, Byrd, Cadle, Campbell, Canestraro, Doyle, Estep-Burton, Hicks, Hott, D. Kelly, Lavender-Bowe, Lovejoy, P. Martin, Miller, Pack, Robinson, Rodighiero, Skaff, Steele, Summers, Swartzmiller, R. Thompson, Tomblin and Zukoff.

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4717) passed.

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

Pursuant to House Rule 58, Delegate Fast, having voted on the prevailing side when the House of Delegates passed **H. B. 4354**, moved that the vote be reconsidered.

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

The yeas and nays having been ordered, they were taken (**Roll No. 720**), and there were—yeas 55, nays 44, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, S. Brown, Byrd, Campbell, Canestraro, Capito, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Higginbotham, Hill, Hornbuckle, Kump, Lavender-Bowe, Longstreth, McGeehan, Miley, Miller, Nelson, Pack, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Steele, Swartzmiller, C. Thompson, Tomblin, Walker and Westfall.

Absent and Not Voting: Queen.

So, a majority of the members present and voting having voted in the affirmative, the motion to reconsider the vote by which the House of Delegates passed H. B. 4354 was adopted.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 721**), and there were—yeas 87, nays 12, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Azinger, Barnhart, Bartlett, Butler, Cadle, Cooper, Fast, Hardy, D. Jeffries, Jennings, P. Martin and Porterfield.

Absent and Not Voting: Queen.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4354) passed.

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

A message from the Senate, by

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

**H. B. 4797**, Authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership.

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

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

**“ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES, AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES, AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.**

**§8-12-16. Ordinances regulating the repair, alteration, improvement, closing, demolition, etc., of structures, dwellings, or buildings that are unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare; procedures.**

(a) For the purposes of this section:

(1) ‘Code enforcement agency’ means either a code enforcement department as defined by 87 CSR 7-2, as may be

amended, or an enforcement agency as permitted by subsection (c) of this section.

(2) ‘Code enforcement agency official’ means any lawful agent of a code enforcement agency.

(3) ‘Owner’ or ‘landowner’ means a person who individually or jointly with others:

(A) Has legal title to the property, with or without actual possession of the property;

(B) Has charge, care, or control of the property as owner or agent of the owner;

(C) Is an executor, administrator, trustee, or guardian of the estate of the owner;

(D) Is the agent of the owner for the purpose of managing, controlling, or collecting rents; or

(E) May control or direct the management or disposition of the property.

(4) ‘Unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare’ means:

(A) Any door, aisle, passageway, stairway, exit, or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings;

(B) The walking surface of any aisle, passageway, stairway, exit, or other means of egress is so warped, worn loose, torn, or otherwise unsafe as to not provide safe and adequate means of egress;

(C) Any portion of a dwelling, building, structure, or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism, or by any

other cause to an extent that it is likely to partially or completely collapse, or to become detached or dislodged;

(D) Any portion of a structure or building, or any member, appurtenance, or ornamentation on the exterior that is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value;

(E) The dwelling, building, or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the dwelling, building or structure is likely to fail or give way;

(F) The dwelling, building, or structure, or any portion, is clearly unsafe for its use;

(G) The dwelling, building, or structure is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children, becomes a harbor for vagrants, criminals, and criminal activity, or enables persons to resort to the dwelling, building, or structure for committing a nuisance or an unlawful act;

(H) Any dwelling, building, or structure constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to any dwelling, building, or structure provided by the approved building or fire code of the jurisdiction or of any law or ordinance that presents either a substantial risk of fire, building collapse, or any other threat to life and safety;

(I) A dwelling, building, or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, contamination by any hazardous substance or material, including, but not limited to, substance resulting from the illegal manufacture of drugs, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical, or

plumbing system, or otherwise, is determined by the code enforcement agency to be unsanitary, unfit for human habitation, or in ~~such~~ a condition that is likely to cause sickness or disease;

(J) Any dwelling, building, or structure, because of a lack of sufficient or proper fire resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system, or other cause, is determined by the code official to be a threat to life or health; or

(K) Any portion of a building that remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned.

(b) Plenary power and authority are hereby conferred upon every municipality ~~to~~ adopt ordinances regulating the repair, alteration, or improvement, or the vacating and closing or removal or demolition, or any combination, of any structure, dwelling, or building, whether used for human habitation or not, that is unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare.

(c) ~~The governing body in formally adopting any ordinance under this section~~ In formally adopting any ordinance under this section, the governing body shall designate the enforcement agency, which shall consist of the code enforcement agency as provided by the state building code and authorized by §29-3-5b and §8-12-13 of this code; or municipal officials as may otherwise be authorized by this code; or municipal officials or agents as authorized by rules promulgated by the State Fire Commission and approved by the Legislature; or municipal officials or agents as may otherwise be authorized by the State Fire Commission. Notwithstanding any provision of this code to the contrary, for the purposes of this section any municipality that has not adopted the state building code may designate an enforcement agency consisting of the mayor, the municipal engineer or building inspector, and one member at large, to be selected by and to serve at the will and pleasure of the mayor, and the ranking health officer

and fire chief or their designees, who shall serve as ex officio members of the enforcement agency.

(d) Any ordinance adopted under the provisions of this section must provide fair and equitable rules of procedure and any other procedures required by law or necessary and appropriate to guide the code enforcement agency, or its officials, in the investigation of any structure, dwelling, or building conditions, and in any corrective action taken by the code enforcement agency.

(e) When a code enforcement agency official enters the premises of the property for investigating or inspecting any structure, dwelling, or building, the investigation shall be performed to minimize the inconvenience to the owner or persons in possession and shall be consistent with the following:

(1) Except in exigent circumstances and as permitted by law, the enforcement agency shall provide reasonable advance notice to the owner and request permission from the owner to enter the property;

(2) If the owner cannot be located after reasonable inquiry by the code enforcement agency as required by this section, or if the owner refuses entry, the code enforcement agency may obtain an administrative search warrant from either the municipal court or the magistrate court located in the jurisdiction of the municipality or county where the structure, dwelling, or building is located. Before obtaining an administrative search warrant, a code enforcement agency official is required to make a sworn statement and prima facie case showing that the code enforcement agency was unable to gain access to the structure, dwelling, or building after reasonable and good faith efforts, and that there is a legitimate and substantial safety concern involving the structure, dwelling, or building that supports the requested entry;

(3) If granted by the court, and if the owner can be located, the code enforcement agency shall provide the owner a copy of the administrative search warrant five days before entering the property. If applicable, the code enforcement agency shall also



provide the same notice to any tenant or other person in possession of the structure, dwelling, or building; and

(4) Entry is for the sole purpose of inspection of the structure, dwelling, or building for unsafe or unsanitary conditions and not for the purpose of criminal prosecution or gathering evidence for use in any criminal charge or proceeding unrelated to the unsafe or unsanitary condition of the structure, dwelling, or building.

(f) The governing body of every municipality has plenary power and authority to adopt an ordinance providing for the vacating, closing, removal, or demolition of any dwelling, structure or building by the municipality in the absence of owner agreement or court order: *Provided*, That the ordinance requires the code enforcement agency to provide lawful notice to and undertake reasonable efforts to seek agreement from the owner before taking any action permitted by this section and shall comply with the requirements set forth in this subsection:

(1) Any ordinance adopted under this subsection applies only to dwellings, structures, or buildings which meet the definition of unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare as set forth in:

(A) Paragraph (C), (E) or (H), subdivision (4), subsection (a) of this section; or

(B) Paragraph (F), (G), (I) or (K), subdivision (4), subsection (a) of this section: *Provided*, That the dwelling, building, or structure is vacant, abandoned, or has been lawfully declared unfit for human habitation; and the reasonable estimated cost of repair, rehabilitation, or corrective action exceeds the fair market value of the dwelling, building, or structure.

(2) Any ordinance adopted under this subsection must provide for the following:

(A) The code enforcement agency shall produce a written notice containing the date of the last inspection, the name of the inspector, a reasonable description of the unsafe, unsanitary,

dangerous, or detrimental ~~condition(s)~~ conditions, the corrective measures required, the allotted time to correct the substandard ~~condition(s)~~ conditions and the allotted time the owner has to apply to the circuit court for a temporary injunction or other similar relief restraining action by the enforcement agency.

(B) The notice shall be served upon the owner or landowner by conspicuously posting and attaching a copy of the notice to the subject property, and by serving the notice on the owner or landowner in the same manner as service of a complaint as set forth in subsection (j) of this section.

(C) If the code enforcement agency cannot effect personal service on the owner, a code enforcement agency official shall subscribe a written affidavit, to be maintained for a minimum of two years, that demonstrates the structure, dwelling, or building falls within one of the categories set forth in paragraph (A) or (B), subdivision (1), subsection (f) of this section and sets forth the basis in reasonable detail, including documentation of same, and memorializes the code enforcement agency official's efforts to contact or get permission for entry and any corrective action from the owner; and the code enforcement agency shall publish notice of its intent to enter the property for the purpose of demolition or correction, along with the address of the property, the name of the ~~owner(s)~~ owners and the date of the proposed action, as a Class II legal advertisement consistent with the requirements of §59-3-2 of this code, the first of which shall run at least 30 days before the date of the proposed action by the enforcement agency, and the last being no later than 20 days before the date of the proposed action by the enforcement agency.

(D) If there is no response to the notice by the owner or landowner in the time specified in the notice, then the municipality ~~shall have the authority to~~ may proceed in correction or demolition of the subject dwelling, building, or structure.

(3) It ~~shall be~~ is an absolute defense to any civil action by an owner, landowner, or tenant for damages resulting from the closure, demolition, or other corrective action taken by a

municipality under this section: *Provided*, That the municipality acted in good faith, can demonstrate that the structure, dwelling, or building falls within one of the categories set forth in paragraph (A) or (B), subdivision (1), subsection (f) of this section, that the municipality followed the procedures set forth in this subsection, and that the municipality had adopted the state building code at the time of the closure, demolition, or other corrective action occurred.

(4) Any ordinance adopted under this subsection must also provide for notice to the owner of the ~~right of the owner~~ owner's right to apply to the circuit court for a temporary injunction or other similar relief restraining correction or demolition by the enforcement agency. If the application is made by the owner, a hearing shall be had within 20 days of the application, or as soon as reasonably possible.

(A) Continuances of the hearing provided for in this subdivision may be made for cause only. If a continuance is granted upon request by the owner, the owner is required to pay into court, in the form of a bond, any reasonable and necessary costs related to the property likely to be incurred by the municipality during the continuance.

(B) At the conclusion of a hearing held under this subdivision, if the court finds that the property is unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare, the court shall make and enter an order granting the relief as requested by the municipality. The court may disburse any moneys paid into court by the owner in accordance with this section.

(g)(1) The governing body of every municipality has plenary power and authority to adopt an ordinance requiring the owner of any dwelling or building under determination of the State Fire Marshal, as provided in §29-3-12 of this code, or under order of the code enforcement agency of the municipality, to pay for the costs of repairing, altering, or improving, or of vacating and closing, removing or demolishing any dwelling or building, and may file a lien against the real property in question for an amount that reflects all costs incurred by the municipality for repairing, altering, or

improving, or of vacating and closing, removing, or demolishing any dwelling or building, or structure. Any municipality that adopts an ordinance under this section may authorize the municipal court to place a structure, dwelling, or building into receivership when the following circumstances are present:

(A) The owner cannot be located after reasonable inquiry by the code enforcement agency as required by this section or if the owner refuses entry,

(B), The code enforcement agency has obtained an administrative search warrant from either the municipal court or the magistrate court located in the jurisdiction of the municipality or county where the structure, dwelling, or building is located;

(C) Upon entry, the code enforcement agency has determined that the structure, dwelling, or building is salvageable and does not require immediate demolition; and

(D) The code enforcement agency has proffered to the court that the structure, dwelling or building will require demolition or presents a substantial threat to nearby structures, property, or residents due to risk of fire, structural instability, or attractive nuisance if it is not repaired, altered, or improved in the near future.

(2) If all of these circumstances are present, the municipal court may place the structure, dwelling, or building into receivership with the municipality or another entity that is capable of making the necessary repairs, alterations, and improvements to the structure, dwelling or building. Any owner of the structure, dwelling, or building may petition the municipal court to terminate the receivership at any time and, upon showing that the owner will either demolish the structure, dwelling, or building or make the necessary repairs, alterations, and improvements to the satisfaction of the code enforcement agency, the municipal court may terminate the receivership.

(h) Every municipality may also institute a civil action in circuit court against the landowner or other responsible party to get

obtain an order allowing the municipality to take corrective action up to and including demolition of any structure, dwelling or building that is unsafe, unsanitary, dangerous, or detrimental to the public safety or welfare; and to recover all reasonable costs and expenses incurred by the municipality with respect to the property and for reasonable attorney fees and court costs incurred in the prosecution of the action:

(1) No fewer than 10 days before instituting a civil action as provided in this subsection, the municipality shall send notice to the landowner by certified mail, return receipt requested, advising the landowner of the governing body's intention to institute such action.

(2) The notice shall be sent to the most recent address of the landowner of record in the office of the assessor of the county where the subject property is located and to any other address for the landowner as may exist on record with the municipality. If, for any reason, ~~such the~~ certified mail is returned without evidence of proper receipt, the municipality shall resend the ~~notice(s)~~ notices by first class mail, postage prepaid, and shall also post notice on the front door or other conspicuous location on the subject property.

(i) To the extent not otherwise authorized by state law, all notices of violation or correction for violations that do not fall within one of the categories set forth in paragraph (A) or (B), subdivision (1), subsection (f) of this section issued by the enforcement agency of a municipality that has adopted the state building code shall be served in accordance with the process set forth in the state building code. All notices of violation or correction orders for violations that do not fall within one of the categories set forth in paragraph (A) or (B), subdivision (1), subsection (f) of this section issued by a code enforcement agency of a municipality that has not adopted the state building code shall be served in accordance with the law of this state concerning the service of process in civil actions, except that personal service may be made by a code enforcement agency official and the method of service effectuated by mail by the clerk of a court as permitted by

Rule 4(d)(1)(D) of the West Virginia Rules of Civil Procedure is effectuated by mailing by a code enforcement agency official and shall be posted in a conspicuous place on the property that is the subject of the notice of violation or correction.

(j) Any violation of an ordinance adopted under this section, may be prosecuted by the municipality consistent with state and local laws. Unless otherwise authorized by state law, prosecution of a violation shall be initiated by a complaint presented to and sworn or affirmed before a municipal judge or other municipal official with lawful authority to hear and determine violations of municipal code in the municipality where the offense is alleged to have occurred. Unless otherwise provided by statute, the presentation and oath or affirmation shall be made by a code enforcement agency official or municipal attorney showing reason to have reliable information and belief. If from the facts stated in the complaint the municipal judge or other municipal official with lawful authority to hear and determine violations of municipal code finds probable cause, the complaint becomes the charging instrument initiating a criminal proceeding. A complaint lawfully authorized by this subsection along with a summons setting forth the date, time, and place of appearance before a municipal judge ~~and~~ or other municipal official with lawful authority to hear and determine violations of municipal code shall be served in accordance with the law of the State of West Virginia concerning the service of process in civil actions, except that personal service of a summons and complaint may be made by a code enforcement agency official. If service is made by certified mail under Rule 4(d)(1)(D) of the West Virginia Rules of Civil Procedure and delivery of the summons and complaint is refused, the code enforcement agency official, promptly upon the receipt of the notice of the refusal, shall mail to the person or entity being noticed, by first class mail, postage prepaid, a copy of the summons and complaint. If the first class mailing is not returned as undeliverable by the U. S. Postal Service, service of the summons and complaint is presumed to have been effectuated. Upon service of the summons and complaint consistent with this subsection, the violation may be prosecuted consistent with state and local law.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 722**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bibby, Butler, Cowles, Hanna, McGeehan, Porterfield, Robinson, Waxman and Wilson.

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4797) passed.

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

A message from the Senate, by

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

**H. B. 4804**, Relating to comprehensive systems of support for teacher and leader induction and professional growth.

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

**H. B. 4804** - “A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-3C-3 of said code, all relating to comprehensive systems of support for teacher and leader induction and professional growth; providing for retention of \$100,000 of school aid funds for comprehensive systems of support, each year for five-year period, for use by department of education to assist county boards in design and implementation of teacher leader framework to accomplish teacher induction and growth aspects of comprehensive system; clarifying intent of comprehensive systems of support includes meaningful assistance for beginning teachers and leaders; authorizing state board guidelines for design and

implementation of comprehensive systems to include design and implementation of teacher leader framework; clarifying references to appropriations supporting county-level implementation of comprehensive systems of support; removing prohibition on specific level of compensation guarantee to employee service or employment as mentor; authorizing county board adoption of teacher leader framework to accomplish purposes of section for teacher induction and professional growth and apply appropriations to support county salary supplement if adopted and meeting qualifications specified for teacher duties; requiring department to assist county boards with design and implementation of teacher leader framework; stating goals of framework; authorizing formation of networks of schools or systems or both for design and implementation of frameworks with certain objectives; providing minimum components of teacher leader frameworks adopted by county boards; and requiring Legislative Oversight Commission on Education Accountability to review the progress of the implementation of the comprehensive systems of support for teacher and leader induction and professional growth.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 723**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4804) passed.

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

A message from the Senate, by

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



**Com. Sub. for H. B. 4946**, Eliminating the requirement that municipal police civil service commissions certify a list of three individuals for every position vacancy.

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

On page one, section fifteen, line five, by striking out the words “up to” and inserting in lieu thereof the words “at least one but no more than”.

And,

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

**Com. Sub. for H. B. 4946** - “A Bill to amend and reenact §8-14-15 of the Code of West Virginia, 1931, as amended, relating to eliminating the requirement that municipal police civil service commissions certify a list of at least one but no more than three individuals for every position vacancy in a municipal police department not filled by promotion, reinstatement, or reduction.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 724**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4946) passed.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 785**, Establishing uniform electioneering prohibition area.

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

**Com. Sub. for S. B. 785** - “A Bill to amend and reenact §3-3-2a of the Code of West Virginia, 1931, as amended, all relating generally to early voting locations; exempting the county commission from public notice requirements regarding the intent to designate a community voting location under certain circumstances if the location has been previously designated; and prohibiting electioneering activities within 100 feet from the outside entrance of community voting locations during early voting periods.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 725**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 785) passed.

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

On this question, the yeas and nays were taken (**Roll No. 726**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 785) takes effect from its passage.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4009**, Relating to the process for involuntary hospitalization.

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

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

**“ARTICLE 1. WORDS AND PHRASES DEFINED.**

**§27-1-11. Addiction.**

(a) As used in this chapter, ‘addiction’ or substance use disorder means a maladaptive pattern of substance use leading to clinically significant impairment or distress as manifested by one or more of the following occurring within 30 days prior to the filing of the petition:

(1) Recurrent substance use resulting in a failure to fulfill major role obligations at work, school, or home, including, but not limited to, repeated absences or poor work performance related to substance use; substance-related absences, suspensions, or expulsions from school; or neglect of children or household;

(2) Recurrent use in situations in which it is physically hazardous, including, but not limited to, driving while intoxicated or operating a machine when impaired by substance use;

(3) Recurrent substance-related legal problems; or

(4) Continued use despite knowledge or having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the substance.

(b) As used in this section, ‘substance’ ~~shall mean~~ means alcohol, controlled substances as defined in sections §60A-2-204, §60A-2-206, §60A-2-208, and §60A-2-210 of this code, or anything consumed for its psychoactive effect whether or not designed for human consumption.

## ARTICLE 5. INVOLUNTARY HOSITALIZATION.

### **§27-5-1. Appointment of mental hygiene commissioner; duties of mental hygiene commissioner; duties of prosecuting attorney; duties of sheriff; duties of Supreme Court of Appeals; use of certified municipal law-enforcement officers.**

(a) *Appointment of mental hygiene commissioners.* — The chief judge in each judicial circuit of this state shall appoint a competent attorney and may, if necessary, appoint additional attorneys to serve as mental hygiene commissioners to preside over involuntary hospitalization hearings. Mental hygiene commissioners shall be persons of good moral character and of standing in their profession and they shall, before assuming the duties of ~~such a~~ a commissioner, take the oath required of other special commissioners as provided in §6-1-1 *et seq.* of this code.

Prior to presiding over an involuntary hospitalization hearing, each ~~All persons~~ newly appointed person to serve as a mental hygiene commissioners and all magistrates shall attend and complete an orientation course that, within one year of their appointment, consisting ~~consists~~ of training provided annually by the Supreme Court of Appeals and complete an orientation

program to be developed by the Secretary of the Department of Health and Human Resources. In addition, existing mental hygiene commissioners and ~~any all~~ magistrates ~~designated by the chief judge of a judicial circuit~~ trained to hold probable cause and emergency detention hearings involving involuntary hospitalization shall attend and complete a course provided by the Supreme Court of Appeals and complete an orientation program to be developed by the Secretary of the Department of Health and Human Resources. Persons attending ~~such~~ the courses outside the county of their residence shall be reimbursed out of the budget of the Supreme Court—General Judicial for reasonable expenses incurred. The Supreme Court of Appeals shall establish curricula and rules for ~~such~~ the courses, including rules providing for the reimbursement of reasonable expenses as authorized ~~herein in this section.~~ The Secretary of the Department of Health and Human Resources shall consult with the Supreme Court of Appeals regarding the development of the orientation program.

(b) *Duties of mental hygiene commissioners.* —

(1) Mental hygiene commissioners may sign and issue summonses for the attendance, at any hearing held pursuant to §27-5-4 of this code, of the individual sought to be committed; may sign and issue subpoenas for witnesses, including subpoenas duces tecum; may place any witness under oath; may elicit testimony from applicants, respondents, and witnesses regarding factual issues raised in the petition; and may make findings of fact on evidence and may make conclusions of law, but ~~such the~~ findings and conclusions ~~shall not be~~ are not binding on the circuit court. All mental hygiene commissioners shall be reasonably compensated at a uniform rate determined by the Supreme Court of Appeals. Mental hygiene commissioners shall submit all requests for compensation to the administrative director of the courts for payment. Mental hygiene commissioners shall discharge their duties and hold their offices at the pleasure of the chief judge of the judicial circuit in which he or she is appointed and may be removed at any time by ~~such the~~ chief judge. ~~It shall be the duty of~~ a A mental hygiene commissioner ~~to~~ shall conduct orderly inquiries into the mental health of the individual sought to be

committed concerning the advisability of committing the individual to a mental health facility. The mental hygiene commissioner shall safeguard, at all times, the rights and interests of the individual as well as the interests of the state. The mental hygiene commissioner shall make a written report of his or her findings to the circuit court. In any proceedings before any court of record as set forth in this article, the court of record shall appoint an interpreter for any individual who is deaf or cannot speak, or who speaks a foreign language, and who may be subject to involuntary commitment to a mental health facility.

(2) A mental hygiene commissioner appointed by the circuit court of one county or multiple county circuits may serve in ~~such~~ that capacity in a jurisdiction other than that of his or her original appointment if ~~such be it is~~ it is agreed upon by the terms of a cooperative agreement between the circuit courts and county commissions of two or more counties entered into to provide prompt resolution of mental hygiene matters during ~~noncourt~~ noncourt hours when the courthouse is closed or on nonjudicial days.

(c) *Duties of prosecuting attorney.* — ~~It shall be the duty of the~~ The prosecuting attorney or one of his or her assistants ~~to~~ shall represent the applicants in all final commitment proceedings filed pursuant to the provisions of this article. The prosecuting attorney may appear in any proceeding held pursuant to the provisions of this article if he or she ~~deems~~ determines it to be in the public interest.

(d) *Duties of sheriff.* — Upon written order of the circuit court, mental hygiene commissioner, or magistrate in the county where the individual formally accused of being mentally ill or ~~addicted~~ having a substance use disorder is a resident or is found, the sheriff of that county shall take ~~said~~ the individual into custody and transport him or her to and from the place of hearing and the mental health facility. The sheriff shall also maintain custody and control of the accused individual during the period of time in which the individual is waiting for the involuntary commitment hearing to be convened and while ~~such~~ the hearing is being conducted: *Provided*, That an individual who is a resident of a state other than West

Virginia shall, upon a finding of probable cause, be transferred to his or her state of residence for treatment pursuant to §27-5-4(p) of this code: *Provided, however,* That where an individual is a resident of West Virginia but not a resident of the county in which he or she is found and there is a finding of probable cause, the county in which the hearing is held may seek reimbursement from the county of residence for reasonable costs incurred by the county attendant to the mental hygiene proceeding. Notwithstanding any provision of this code to the contrary, sheriffs may enter into cooperative agreements with sheriffs of one or more other counties, with the concurrence of their respective circuit courts and county commissions, ~~whereby~~ by which transportation and security responsibilities for hearings held pursuant to the provisions of this article during ~~noncourt~~ hours when the courthouse is closed or on nonjudicial days may be shared in order to facilitate prompt hearings and to effectuate transportation of persons found in need of treatment. In the event an individual requires transportation to a state hospital as defined by §27-1-6 of this code, the sheriff shall contact the state hospital in advance of the transportation to determine if the state hospital has available suitable bed capacity to place the individual.

(e) *Duty of sheriff upon presentment to mental health care facility.* — When a person is brought to a mental health care facility for purposes of evaluation for commitment under this article, if he or she is violent or combative, the sheriff or his or her designee shall maintain custody of the person in the facility until the evaluation is completed, or the county commission shall reimburse the mental health care facility at a reasonable rate for security services provided by the mental health care facility for the period of time the person is at the hospital prior to the determination of mental competence or incompetence.

(f) *Duties of Supreme Court of Appeals.* — The Supreme Court of Appeals shall provide uniform petition, procedure, and order forms which shall be used in all involuntary hospitalization proceedings brought in this state.

(g) Duties of the Department of Health and Human Resources.  
— The secretary shall develop an orientation program as provided in subsection (a) of this section. The orientation program shall include, but not be limited to, instruction regarding the nature and treatment of mental illness and substance use disorder; the goal and purpose of commitment; community-based treatment options; and less restrictive alternatives to inpatient commitment.

**§27-5-2. Institution of proceedings for involuntary custody for examination; custody; probable cause hearing; examination of individual.**

(a) Any adult person may make an application for involuntary hospitalization for examination of an individual when the person making the application has reason to believe that the individual to be examined is ~~addicted~~, has a substance use disorder as defined in § 27-1-11 of this code, by the most recent edition of the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, inclusive of substance use withdrawal, or is mentally ill and, because of his or her ~~addiction~~ substance use disorder or mental illness, the individual is likely to cause serious harm to himself, herself, or to others if allowed to remain at liberty while awaiting an examination and certification by a physician, ~~or~~ psychologist, licensed professional counselor, licensed independent social worker, an advanced nurse practitioner, or physician assistant as provided in subsection (e) of this section: Provided, That a diagnosis of dementia alone may not serve as a basis for involuntary commitment.

Notwithstanding any language in this subsection to the contrary, if the individual to be examined under the provisions of this section is incarcerated in a jail, prison, or other correctional facility, then only the chief administrative officer of the facility holding the individual may file the application, and the application must include the additional statement that the correctional facility itself cannot reasonably provide treatment and other services for the individual's mental illness or ~~addiction~~ substance use disorder.



(b) The person making the application shall make the application under oath.

(c) Application for involuntary custody for examination may be made to the circuit court, magistrate court, or a mental hygiene commissioner of the county in which the individual resides or of the county in which he or she may be found. ~~When no circuit court judge or mental hygiene commissioner is available for immediate presentation of the application, the application may be made to a magistrate designated by the chief judge of the judicial circuit to accept applications and hold probable cause hearings.~~ A designated magistrate before whom an application or matter is pending may, upon the availability of a mental hygiene commissioner or circuit court judge for immediate presentation of an application or pending matter, transfer the pending matter or application to the mental hygiene commissioner or circuit court judge for further proceedings unless otherwise ordered by the chief judge of the judicial circuit.

(d) The person making the application shall give information and state facts in the application ~~as may be~~ required by the form provided for this purpose by the Supreme Court of Appeals.

(e) The circuit court, mental hygiene commissioner, or ~~designated~~ magistrate may enter an order for the individual named in the application to be detained and taken into custody for the purpose of holding a probable cause hearing as provided in §27-5-2(g) of this code for the purpose of an examination of the individual by a physician, psychologist, a licensed professional counselor practicing in compliance with §30-31-1 *et seq.* of this code, a licensed independent clinical social worker practicing in compliance with §30-30-1 *et seq.* of this code, an advanced nurse practitioner with psychiatric certification practicing in compliance with §30-7-1 *et seq.* of this code, a physician's assistant practicing in compliance with §30-3-1 *et seq.* of this code, or a physician's assistant practicing in compliance with §30-3E-1 *et seq.* of this code: *Provided*, That a licensed professional counselor, a licensed independent clinical social worker, a physician's assistant, or an advanced nurse practitioner with psychiatric certification may only

perform the examination if he or she has previously been authorized by an order of the circuit court to do so, the order having found that the licensed professional counselor, the licensed independent clinical social worker, physician's assistant, or advanced nurse practitioner with psychiatric certification has particularized expertise in the areas of mental health and mental hygiene or ~~addiction~~ substance use disorder sufficient to make the determinations ~~as are~~ required by the provisions of this section. The examination is to be provided or arranged by a community mental health center designated by the Secretary of the Department of Health and Human Resources to serve the county in which the action takes place. The order is to specify that the hearing be held ~~forthwith~~ immediately and is to provide for the appointment of counsel for the individual: *Provided, however,* That the order may allow the hearing to be held up to 24 hours after the person to be examined is taken into custody rather than ~~forthwith~~ immediately if the circuit court of the county in which the person is found has previously entered a standing order which establishes within that jurisdiction a program for placement of persons awaiting a hearing which assures the safety and humane treatment of persons: *Provided further,* That the time requirements set forth in this subsection only apply to persons who are not in need of medical care for a physical condition or disease for which the need for treatment precludes the ability to comply with the time requirements. During periods of holding and detention authorized by this subsection, upon consent of the individual or in the event of a medical or psychiatric emergency, the individual may receive treatment. The medical provider shall exercise due diligence in determining the individual's existing medical needs and provide treatment the individual requires, including previously prescribed medications. As used in this section, 'psychiatric emergency' means an incident during which an individual loses control and behaves in a manner that poses substantial likelihood of physical harm to himself, herself, or others. Where a physician, psychologist, licensed professional counselor, licensed independent clinical social worker, physician's assistant, or advanced nurse practitioner with psychiatric certification has, within the preceding 72 hours, performed the examination required by the provisions of this subsection, the community mental health

center may waive the duty to perform or arrange another examination upon approving the previously performed examination. Notwithstanding the provisions of this subsection, §27-5-4(r) of this code applies regarding payment by the county commission for examinations at hearings. If the examination reveals that the individual is not mentally ill or ~~addicted~~ has no substance use disorder, or is determined to be mentally ill or ~~addicted~~ has a substance use disorder but not likely to cause harm to himself, herself, or others, the individual shall be immediately released without the need for a probable cause hearing and the examiner is not civilly liable for the rendering of the opinion absent a finding of professional negligence. The examiner shall immediately provide the mental hygiene commissioner, circuit court, or ~~designated~~ magistrate before whom the matter is pending the results of the examination on the form provided for this purpose by the Supreme Court of Appeals for entry of an order reflecting the lack of probable cause.

(f) A probable cause hearing is to be held before a magistrate, ~~designated by the chief judge of the judicial circuit~~, the mental hygiene commissioner, or circuit judge of the county of which the individual is a resident or where he or she was found. If requested by the individual or his or her counsel, the hearing may be postponed for a period not to exceed 48 hours.

The individual must be present at the hearing and has the right to present evidence, confront all witnesses and other evidence against him or her, and to examine testimony offered, including testimony by representatives of the community mental health center serving the area. Expert testimony at the hearing may be taken telephonically or via videoconferencing. The individual has the right to remain silent and to be proceeded against in accordance with the Rules of Evidence of the Supreme Court of Appeals, except as provided in §27-1-12 of this code. At the conclusion of the hearing, the magistrate, mental hygiene commissioner, or circuit court judge shall find and enter an order stating whether or not it is likely that deterioration will occur without clinically necessary treatment, or there is probable cause to believe that the individual, as a result of mental illness or ~~addiction~~ substance use

disorder, is likely to cause serious harm to himself or herself or to others.

(g) Probable cause hearings may occur in the county where a person is hospitalized. The judicial hearing officer may: Use videoconferencing and telephonic technology; permit persons hospitalized for ~~addiction~~ substance use disorder to be involuntarily hospitalized only until detoxification is accomplished; and specify other alternative or modified procedures that are consistent with the purposes and provisions of this article. The alternative or modified procedures shall fully and effectively guarantee to the person who is the subject of the involuntary commitment proceeding and other interested parties due process of the law and access to the least restrictive available treatment needed to prevent serious harm to self or others.

(h) If the magistrate, mental hygiene commissioner, or circuit court judge at a probable cause hearing or a mental hygiene commissioner or circuit judge at a final commitment hearing held pursuant to the provisions of §27-5-4 of this code finds that the individual, as a result of mental illness or ~~addiction~~ substance use disorder, is likely to cause serious harm to himself, herself, or others and because of mental illness or ~~addiction~~ a substance use disorder requires treatment, the magistrate, mental hygiene commissioner, or circuit court judge may consider evidence on the question of whether the individual's circumstances make him or her amenable to outpatient treatment in a nonresidential or nonhospital setting pursuant to a voluntary treatment agreement. At the conclusion of the hearing, the magistrate, mental hygiene commissioner, or circuit court judge shall find and enter an order stating whether or not it is likely that deterioration will occur without clinically necessary treatment, or there is probable cause to believe that the individual, as a result of mental illness or substance use disorder, is likely to cause serious harm to himself or herself or others. The agreement is to be in writing and approved by the individual, his or her counsel, and the magistrate, mental hygiene commissioner, or circuit court judge. If the magistrate, mental hygiene commissioner, or circuit court judge determines that appropriate outpatient treatment is available in a nonresidential

or nonhospital setting, the individual may be released to outpatient treatment upon the terms and conditions of the voluntary treatment agreement. The failure of an individual released to outpatient treatment pursuant to a voluntary treatment agreement to comply with the terms of the voluntary treatment agreement constitutes evidence that outpatient treatment is insufficient and, after a hearing before a magistrate, mental hygiene commissioner, or circuit judge on the issue of whether or not the individual failed or refused to comply with the terms and conditions of the voluntary treatment agreement and whether the individual as a result of mental illness or ~~addiction~~ substance use disorder remains likely to cause serious harm to himself, herself, or others, the entry of an order requiring admission under involuntary hospitalization pursuant to the provisions of §27-5-3 of this code may be entered. ~~In the event a person released pursuant to a voluntary treatment agreement is unable to pay for the outpatient treatment and has no applicable insurance coverage, including, but not limited to, private insurance or Medicaid, the Secretary of the Department of Health and Human Resources may transfer funds for the purpose of reimbursing community providers for services provided on an outpatient basis for individuals for whom payment for treatment is the responsibility of the department: *Provided*, That the department may not authorize payment of outpatient services for an individual subject to a voluntary treatment agreement in an amount in excess of the cost of involuntary hospitalization of the individual. The secretary shall establish and maintain fee schedules for outpatient treatment provided in lieu of involuntary hospitalization. Nothing in the provisions of this article regarding release pursuant to a voluntary treatment agreement or convalescent status may be construed as creating a right to receive outpatient mental health services or treatment, or as obligating any person or agency to provide outpatient services or treatment. Time limitations set forth in this article relating to periods of involuntary commitment to a mental health facility for hospitalization do not apply to release pursuant to the terms of a voluntary treatment agreement: *Provided*, That release pursuant to a voluntary treatment agreement may not be for a period of more than six months if the individual has not been found to be involuntarily committed during the previous two years and for a period of no more than two years if~~

the individual has been involuntarily committed during the preceding two years. If in any proceeding held pursuant to this article the individual objects to the issuance or conditions and terms of an order adopting a voluntary treatment agreement, then the circuit judge, magistrate, or mental hygiene commissioner may not enter an order directing treatment pursuant to a voluntary treatment agreement. If involuntary commitment with release pursuant to a voluntary treatment agreement is ordered, the individual subject to the order may, upon request during the period the order is in effect, have a hearing before a mental hygiene commissioner or circuit judge where the individual may seek to have the order canceled or modified. Nothing in this section affects the appellate and habeas corpus rights of any individual subject to any commitment order.

Notwithstanding anything in this article to the contrary, the commitment of any individual as provided in this article shall be in the least restrictive setting and in an outpatient community-based treatment program to the extent resources and programs are available, unless the clear and convincing evidence of the certifying professional under subsection (e) of this section, who is acting in a manner consistent with the standard of care, establishes that the commitment or treatment of that individual requires an inpatient hospital placement. Outpatient treatment will be based upon a plan jointly prepared by the department and the comprehensive community mental health center or licensed behavioral health provider.

(i) If the certifying ~~physician or psychologist~~ professional determines that ~~a person~~ an individual requires involuntary hospitalization for a ~~an addiction to a substance~~ substance use disorder which, due to the degree of ~~addiction~~ the disorder, creates a reasonable likelihood that withdrawal or detoxification ~~from the substance of addiction~~ will cause significant medical complications, the person certifying the individual shall recommend that the individual be closely monitored for possible medical complications. If the magistrate, mental hygiene commissioner, or circuit court judge presiding orders involuntary hospitalization, he or she shall include a recommendation that the individual be closely monitored in the order of commitment.

(j) The Supreme Court of Appeals and the Secretary of the Department of Health and Human Resources shall specifically develop and propose a statewide system for evaluation and adjudication of mental hygiene petitions which shall include payment schedules and recommendations regarding funding sources. Additionally, the Secretary of the Department of Health and Human Resources shall also immediately seek reciprocal agreements with officials in contiguous states to develop interstate/intergovernmental agreements to provide efficient and efficacious services to out-of-state residents found in West Virginia and who are in need of mental hygiene services.

**§27-5-2a. Process for involuntary hospitalization.**

(a) As used in this section:

(1) ‘Addiction’ has the same meaning as the term is defined in §27-1-11 of this code.

(2) ‘Authorized staff physician’ means a physician, authorized pursuant to the provisions of §30-3-1 et seq. or §30-14-1 et seq. of this code, who is a bona fide member of the hospital’s medical staff.

(3) ‘Hospital’ means a facility licensed pursuant to the provisions of §16-5b-1 et seq. of this code, and any acute care facility operated by the state government that primarily provides inpatient diagnostic, treatment, or rehabilitative services to injured, disabled, or sick individuals under the supervision of physicians.

(4) ‘Psychiatric emergency’ means an incident during which an individual loses control and behaves in a manner that poses substantial likelihood of physical harm to himself, herself, or others.

(b)(1) If a mental hygiene commissioner, magistrate, and circuit judge are unavailable or unable to be immediately contacted, an authorized staff physician may order the involuntary hospitalization of an individual who is present at, or presented at, a hospital emergency department in need of treatment, if the

authorized staff physician believes, following an examination of the individual, that the individual is addicted or is mentally ill and, because of his or her addiction or mental illness, is likely to cause serious harm to himself, herself or to others if allowed to remain at liberty. The authorized staff physician shall sign a statement attesting to his or her decision that the patient presents a harm to himself, herself or others and needs to be held involuntarily for up to 72 hours. The West Virginia Supreme Court of Appeals is requested to generate a form for the statement to be signed by the authorized staff physician or other person authorized by the hospital and provided to the individual.

(2) Immediately upon admission, or as soon as practicable thereafter, but in no event later than 24 hours after an involuntary hospitalization pursuant to this section, the authorized staff physician or designated employee shall file a mental hygiene petition in which the authorized staff physician certifies that the individual for whom the involuntary hospitalization is sought is addicted or is mentally ill and, because of his or her addiction or mental illness, is likely to cause serious harm to himself, herself, or to other individuals if allowed to remain at liberty. The authorized staff physician shall also certify the same in the individual's health records. Upon receipt of this filing, the mental hygiene commissioner, a magistrate, or circuit judge shall conduct a hearing pursuant to §27-5-2 of this code.

(3) An individual who is involuntarily hospitalized pursuant to this section shall be released from the hospital within 72 hours, unless further detained under the applicable provisions of this article.

(c) During a period of involuntary hospitalization authorized by this section, upon consent of the individual, or in the event of a medical or psychiatric emergency, the individual may receive treatment. The hospital or authorized staff physician shall exercise due diligence in determining the individual's existing medical needs and provide treatment the individual requires, including previously prescribed medications.



(d) Each hospital or authorized staff physician which provides services under this section shall be paid for the services at the same rate the hospital or authorized staff physician negotiates with the patient's insurer. If the patient is uninsured, the hospital or authorized staff physician may file a claim for payment with the West Virginia Legislative Claims Commission in accordance with §14-2-1 et seq. of this code.

(e) Authorized staff physicians and hospitals and their employees carrying out duties or rendering professional opinions as provided in this section shall be free from liability for their actions, if the actions are performed in good faith and within the scope of their professional duties and in a manner consistent with the standard of care.

(f) The West Virginia Supreme Court of Appeals is requested, by no later than July 1, 2020, to provide each hospital with a list of names and contact information of the mental hygiene commissioners, magistrates, and circuit judges to address mental hygiene petitions in the county where the hospital is located. The West Virginia Supreme Court of Appeals is requested to update this list regularly and the list shall reflect on-call information. If a mental hygiene commissioner, county magistrate, or circuit judge does not respond to the request within 24 hours, a report shall be filed to the West Virginia Supreme Court of Appeals.

(g) An action taken against an individual pursuant to this section may not be construed to be an adjudication of the individual, nor shall any action taken pursuant to this section be construed to satisfy the requirements of §61-7-7(a)(4) of this code.

**§27-5-3. Admission under involuntary hospitalization for examination; hearing; release.**

(a) *Admission to a mental health facility for examination.* — Any individual may be admitted to a mental health facility for examination and treatment upon entry of an order finding probable cause as provided in §27-5-2 of this code ~~and~~ upon a finding by a licensed physician that the individual is medically stable, and upon

certification by a physician, psychologist, licensed professional counselor, licensed independent clinical social worker practicing in compliance with the provisions of §30-30-1 *et seq.* of this code, ~~or~~ an advanced nurse practitioner with psychiatric certification practicing in compliance with §30-7-1 *et seq.* of this code, or a physician's assistant practicing in compliance with §30-3E-1 *et seq.* of this code with advanced duties in psychiatric medicine that he or she has examined the individual and is of the opinion that the individual is mentally ill or ~~addicted~~ has a substance use disorder and, because of ~~such~~ the mental illness or ~~addiction~~ substance use disorder, is likely to cause serious harm to himself, herself, or to others if not immediately restrained: *Provided*, That the opinions offered by an independent clinical social worker, ~~or~~ an advanced nurse practitioner with psychiatric certification, or a physician's assistant with advanced duties in psychiatric medicine must be within ~~their~~ his or her particular areas of expertise, as recognized by the order of the authorizing court.

(b) *Three-day time limitation on examination.* — If the examination does not take place within three days from the date the individual is taken into custody, the individual shall be released. If the examination reveals that the individual is not mentally ill or ~~addicted~~ has a substance use disorder, the individual shall be released.

(c) *Three-day time limitation on certification.* — The certification required in §27-5-3(a) of this code ~~shall be~~ is valid for three days. Any individual with respect to whom the certification has been issued may not be admitted on the basis of the certification at any time after the expiration of three days from the date of the examination.

(d) *Findings and conclusions required for certification.* — A certification under this section must include findings and conclusions of the mental examination, the date, time, and place of the examination, and the facts upon which the conclusion that involuntary commitment is necessary is based.

(e) *Notice requirements.* — When an individual is admitted to a mental health facility or a state hospital pursuant to the provisions of this section, the chief medical officer of the facility shall immediately give notice of the individual's admission to the individual's spouse, if any, and one of the individual's parents or guardians or if there is no spouse and are no parents or guardians, to one of the individual's adult next of kin if the next of kin is not the applicant. Notice shall also be given to the community mental health facility, if any, having jurisdiction in the county of the individual's residence. The notices other than to the community mental health facility shall be in writing and shall be transmitted to the person or persons at his, her, or their last known address by certified mail, return receipt requested.

(f) *~~Five-day~~ Three-day time limitation for examination and certification at mental health facility or state hospital.* — After the individual's admission to a mental health facility or state hospital, he or she may not be detained more than ~~five~~ three days, excluding Sundays and holidays, unless, within the period, the individual is examined by a staff physician and the physician certifies that in his or her opinion the patient is mentally ill or ~~addicted~~ has a substance use disorder and is likely to injure himself, herself, or others if allowed to be at liberty. In the event the staff physician determines that the individual does not meet the criteria for continued commitment, that the individual can be treated in an available outpatient community-based treatment program and poses no present danger to himself, herself or others, or that the individual has an underlying medical issue or issues that resulted in a determination that the individual should not have been committed, the staff physician shall release and discharge the individual as appropriate as soon as practicable.

(g) *~~Fifteen-day~~ Ten-day time limitation for institution of final commitment proceedings.* — If, in the opinion of the examining physician, the patient is mentally ill or ~~addicted~~ has a substance use disorder and because of the mental illness or ~~addiction~~ substance use disorder is likely to injure himself, herself, or others if allowed to be at liberty, the chief medical officer shall, within ~~45~~ 10 days from the date of admission, institute final commitment proceedings

as provided in §27-5-4 of this code. If the proceedings are not instituted within ~~such 15-day~~ the 10-day period, the ~~patient~~ individual shall be immediately released. After the request for hearing is filed, the hearing may not be canceled on the basis that the individual has become a voluntary patient unless the mental hygiene commissioner concurs in the motion for cancellation of the hearing.

(h) ~~Thirty-day~~ Twenty-day *time limitation for conclusion of all proceedings.* — If all proceedings as provided in §27-3-1 *et seq.* and §27-4-1 *et seq.* of this code are not completed within ~~30~~ 20 days from the date of institution of the proceedings, the ~~patient~~ individual shall be immediately released.

#### **§27-5-4. Institution of final commitment proceedings; hearing requirements; release.**

(a) *Involuntary commitment.* — Except as provided in §27-5-3 of this code, no individual may be involuntarily committed to a mental health facility or state hospital except by order entered of record at any time by the circuit court of the county in which the person resides or was found, or if the individual is hospitalized in a mental health facility or state hospital located in a county other than where he or she resides or was found, in the county of the mental health facility and then only after a full hearing on issues relating to the necessity of committing an individual to a mental health facility or state hospital. If the individual objects to the hearing being held in the county where the mental health facility is located, the hearing shall be conducted in the county of the individual's residence.

(b) *How final commitment proceedings are commenced.* — Final commitment proceedings for an individual may be commenced by the filing of a written application under oath by an adult person having personal knowledge of the facts of the case. The certificate or affidavit is filed with the clerk of the circuit court or mental hygiene commissioner of the county where the individual is a resident or where he or she may be found, or the county of a mental health facility if he or she is hospitalized in a mental health

facility or state hospital located in a county other than where he or she resides or may be found.

(c) *Oath; contents of application; who may inspect application; when application cannot be filed.* —

(1) The person making the application shall do so under oath.

(2) The application shall contain statements by the applicant that the individual is likely to cause serious harm to self or others due to what the applicant believes are symptoms of mental illness or ~~addiction~~ substance use disorder. The applicant shall state in detail the recent overt acts upon which the belief is based.

(3) The written application, certificate, affidavit, and any warrants issued pursuant thereto, including any related documents, filed with a circuit court, mental hygiene commissioner, or ~~designated~~ magistrate for the involuntary hospitalization of an individual are not open to inspection by any person other than the individual, unless authorized by the individual or his or her legal representative or by order of the circuit court. The records may not be published unless authorized by the individual or his or her legal representative. Disclosure of these records may, however, be made by the clerk, circuit court, mental hygiene commissioner, or ~~designated~~ magistrate to provide notice to the Federal National Instant Criminal Background Check System established pursuant to section 103(d) of the Brady Handgun Violence Prevention Act, 18 U.S.C. § 922, and the central state mental health registry, in accordance with §61-7A-1 *et seq.* of this code. Disclosure may also be made to the prosecuting attorney and reviewing court in an action brought by the individual pursuant to §61-7A-5 of this code to regain firearm and ammunition rights.

(4) Applications may not be accepted for individuals who only have epilepsy, ~~a mental deficiency, senility~~ dementia, or an intellectual or developmental disability.

(d) *Certificate filed with application; contents of certificate; affidavit by applicant in place of certificate.* —

(1) The applicant shall file with his or her application the certificate of a physician or a psychologist stating that in his or her opinion the individual is mentally ill or ~~addicted~~ has a substance use disorder and that because of the mental illness or ~~addiction~~ substance use disorder, the individual is likely to cause serious harm to self or others if allowed to remain at liberty and, therefore, should be hospitalized. The certificate shall state in detail the recent overt acts on which the conclusion is based.

(2) A certificate is not necessary when an affidavit is filed by the applicant showing facts and the individual has refused to submit to examination by a physician or a psychologist.

(e) *Notice requirements; eight days' notice required.* — Upon receipt of an application, the mental hygiene commissioner or circuit court shall review the application, and if it is determined that the facts alleged, if any, are sufficient to warrant involuntary hospitalization, ~~forthwith~~ immediately fix a date for and have the clerk of the circuit court give notice of the hearing:

(1) To the individual;

(2) To the applicant or applicants;

(3) To the individual's spouse, one of the parents or guardians, or, if the individual does not have a spouse, parents or parent or guardian, to one of the individual's adult next of kin if the next of kin is not the applicant;

(4) To the mental health authorities serving the area;

(5) To the circuit court in the county of the individual's residence if the hearing is to be held in a county other than that of the individual's residence; and

(6) To the prosecuting attorney of the county in which the hearing is to be held.

(f) The notice shall be served on the individual by personal service of process not less than eight days prior to the date of the hearing and shall specify:

- (1) The nature of the charges against the individual;
- (2) The facts underlying and supporting the application of involuntary commitment;
- (3) The right to have counsel appointed;
- (4) The right to consult with and be represented by counsel at every stage of the proceedings; and
- (5) The time and place of the hearing.

The notice to the individual's spouse, parents or parent or guardian, the individual's adult next of kin or to the circuit court in the county of the individual's residence may be by personal service of process or by certified or registered mail, return receipt requested, and shall state the time and place of the hearing.

*(g) Examination of individual by court-appointed physician, ~~or~~ psychologist, advanced nurse practitioner, or physician's assistant; custody for examination; dismissal of proceedings. —*

(1) Except as provided in subdivision (3) of this subsection, within a reasonable time after notice of the commencement of final commitment proceedings is given, the circuit court or mental hygiene commissioner shall appoint a physician, ~~or~~ psychologist, an advanced nurse practitioner with psychiatric certification, or a physician's assistant with advanced duties in psychiatric medicine to examine the individual and report to the circuit court or mental hygiene commissioner his or her findings as to the mental condition or ~~addiction~~ substance use disorder of the individual and the likelihood of causing serious harm to self or others.

(2) If the designated physician, ~~or~~ psychologist, advanced nurse practitioner, or physician assistant reports to the circuit court or mental hygiene commissioner that the individual has refused to

submit to an examination, the circuit court or mental hygiene commissioner shall order him or her to submit to the examination. The circuit court or mental hygiene commissioner may direct that the individual be detained or taken into custody for the purpose of an immediate examination by the designated physician, ~~or~~ psychologist, nurse practitioner, or physician's assistant. All ~~such~~ orders shall be directed to the sheriff of the county or other appropriate law-enforcement officer. After the examination has been completed, the individual shall be released from custody unless proceedings are instituted pursuant to §27-5-3 of this code.

(3) If the reports of the appointed physician, ~~or~~ psychologist, nurse practitioner, or physician's assistant do not confirm that the individual is mentally ill or ~~addicted~~ has a substance use disorder and might be harmful to self or others, then the proceedings for involuntary hospitalization shall be dismissed.

(h) *Rights of the individual at the final commitment hearing; seven days' notice to counsel required.* —

(1) The individual shall be present at the final commitment hearing, and he or she, the applicant and all persons entitled to notice of the hearing shall be afforded an opportunity to testify and to present and cross-examine witnesses.

(2) In the event the individual has not retained counsel, the court or mental hygiene commissioner, at least six days prior to hearing, shall appoint a competent attorney and shall inform the individual of the name, address, and telephone number of his or her appointed counsel.

(3) The individual has the right to have an examination by an independent expert of his or her choice and to present testimony from the expert as a medical witness on his or her behalf. The cost of the independent expert is paid by the individual unless he or she is indigent.

(4) The individual may not be compelled to be a witness against himself or herself.



(i) *Duties of counsel representing individual; payment of counsel representing indigent.* —

(1) Counsel representing an individual shall conduct a timely interview, make investigation, and secure appropriate witnesses, be present at the hearing, and protect the interests of the individual.

(2) Counsel representing an individual is entitled to copies of all medical reports, psychiatric or otherwise.

(3) The circuit court, by order of record, may allow the attorney a reasonable fee not to exceed the amount allowed for attorneys in defense of needy persons as provided in §29-21-1 *et seq.* of this code.

(j) *Conduct of hearing; receipt of evidence; no evidentiary privilege; record of hearing.* —

(1) The circuit court or mental hygiene commissioner shall hear evidence from all interested parties in chamber, including testimony from representatives of the community mental health facility.

(2) The circuit court or mental hygiene commissioner shall receive all relevant and material evidence which may be offered.

(3) The circuit court or mental hygiene commissioner is bound by the rules of evidence promulgated by the Supreme Court of Appeals except that statements made to ~~physicians or psychologists~~ health care professionals appointed under subsection (g) of this section by the individual may be admitted into evidence by ~~physician's or psychologist's~~ the health care professional's testimony, notwithstanding failure to inform the individual that this statement may be used against him or her. A ~~psychologist or physician~~ health care professional testifying shall bring all records pertaining to the individual to the hearing. The medical evidence obtained pursuant to an examination under this section, or §27-5-2 or §27-5-3 of this code, is not privileged information for purposes of a hearing pursuant to this section.

(4) All final commitment proceedings shall be reported or recorded, whether before the circuit court or mental hygiene commissioner, and a transcript made available to the individual, his or her counsel or the prosecuting attorney within 30 days if requested for the purpose of further proceedings. In any case where an indigent person intends to pursue further proceedings, the circuit court shall, by order entered of record, authorize and direct the court reporter to furnish a transcript of the hearings.

(k) *Requisite findings by the court.* —

(1) Upon completion of the final commitment hearing and the evidence presented in the hearing, the circuit court or mental hygiene commissioner shall make findings as to the following:

(A) Whether the individual is mentally ill or ~~addicted~~ has a substance use disorder;

(B) Whether, because of illness or ~~addiction~~ substance use disorder, the individual is likely to cause serious harm to self or others if allowed to remain at liberty;

(C) Whether the individual is a resident of the county in which the hearing is held or currently is a patient at a mental health facility in the county; and

(D) Whether there is a less restrictive alternative than commitment appropriate for the individual. The burden of proof of the lack of a less restrictive alternative than commitment is on the person or persons seeking the commitment of the individual: Provided, That for any commitment to a state hospital as defined by §27-1-6 of this code, a specific finding shall be made that the commitment of, or treatment for, the individual requires inpatient hospital placement and that no suitable outpatient community-based treatment program exists in the individual's area.

(2) The findings of fact shall be incorporated into the order entered by the circuit court and must be based upon clear, cogent, and convincing proof.

(1) *Orders issued pursuant to final commitment hearing; entry of order; change in order of court; expiration of order. —*

(1) Upon the requisite findings, the circuit court may order the individual to a mental health facility or state hospital for ~~an indeterminate period or for a temporary observatory period not exceeding six months.~~ a period not to exceed 90 days except as otherwise provided in this subdivision. During that period and solely for individuals who are committed under §27-6A-1 et seq. of this code, the chief medical officer of the mental health facility or state hospital shall conduct a clinical assessment of the individual at least every 30 days to determine if the individual requires continued placement at the mental health facility or state hospital and whether the individual is suitable to receive any necessary treatment at an outpatient community-based treatment program. If at any time the chief medical officer, acting in good faith and in a manner consistent with the standard of care, determines that: (i) The individual is suitable for receiving outpatient community-based treatment; (ii) necessary outpatient community-based treatment is available in the individual's area as evidenced by a discharge and treatment plan jointly developed by the department and the comprehensive community mental health center or licensed behavioral health provider; and (iii) the individual's clinical presentation no longer requires inpatient commitment, the chief medical officer shall provide written notice to the court of record and prosecuting attorney as provided in subdivision (2) of this section that the individual is suitable for discharge. The chief medical officer may discharge the patient 30 days after the notice unless the court of record stays the discharge of the individual. In the event the court stays the discharge of the individual, the court shall conduct a hearing within 45 days of the stay, and the individual shall be thereafter discharged unless the court finds by clear and convincing evidence that the individual is a significant and present danger to self or others, and that continued placement at the mental health facility or state hospital is required.

If the chief medical officer determines that the individual requires commitment at the mental health facility or state hospital at any time for a period longer than 90 days, then the individual

shall remain at the mental health facility or state hospital until the chief medical officer of the mental health facility or state hospital determines that the individual's clinical presentation no longer requires further commitment. The chief medical officer shall provide notice to the court and the prosecuting attorney that the individual requires commitment for a period in excess of 90 days and, in the notice, the chief medical officer shall describe the reasons for ongoing commitment. In its discretion, the court or prosecuting attorney may request any information from the chief medical officer that the court or prosecuting attorney considers appropriate to justify the need for the individual's ongoing commitment.

(2) Notice to the court of record and prosecuting attorney shall be provided by personal service or certified mail, return receipt requested. The chief medical officer shall make the following findings:

(A) Whether the individual has a mental illness or substance use disorder that does not require inpatient treatment, and the mental illness or serious emotional disturbance is in remission;

(B) Whether the individual's condition resulting from mental illness or substance use disorder is likely to deteriorate to the point that the individual will pose a likelihood of serious harm to self or others unless treatment is continued;

(C) Whether the individual is likely to participate in outpatient treatment with a legal obligation to do so;

(D) Whether the individual is not likely to participate in outpatient treatment unless legally obligated to do so;

(E) Whether the individual is not a danger to self or others; and

(F) Whether mandatory outpatient treatment is a suitable, less restrictive alternative to ongoing commitment.

~~(2)~~ (3) The individual may not be detained in a mental health facility or state hospital for a period in excess of 10 days after a

final commitment hearing pursuant to this section unless an order has been entered and received by the facility.

~~(3) If the order pursuant to a final commitment hearing is for a temporary observation period, the circuit court or mental hygiene commissioner may, at any time prior to the expiration of such period on the basis of a report by the chief medical officer of the mental health facility in which the patient is confined, hold another hearing pursuant to the terms of this section and in the same manner as the hearing was held as if it were an original petition for involuntary hospitalization to determine whether the original order for a temporary observation period should be modified or changed to an order of indeterminate hospitalization of the patient. At the conclusion of the hearing, the circuit court shall order indeterminate hospitalization of the patient or dismissal of the proceedings.~~

~~(4) An order for an indeterminate period expires of its own terms at the expiration of two years from the date of the last order of commitment unless prior to the expiration, the Department of Health and Human Resources, upon findings based on an examination of the patient by a physician or a psychologist, extends the order for indeterminate hospitalization. If the patient or his or her counsel requests a hearing, a hearing shall be held by the mental hygiene commissioner or by the circuit court of the county as provided in subsection (a) of this section.~~

(4) An individual committed pursuant to §27-6A-3 of this code may be committed for the period he or she is determined by the court to remain an imminent danger to self or others.

(5) In the event the commitment of the individual as provided under subdivision (1) of this subsection exceeds two years, the individual or his or her counsel may request a hearing and a hearing shall be held by the mental hygiene commissioner or by the circuit court of the county as provided in subsection (a) of this section.

(m) Dismissal of proceedings. — In the event the individual is discharged as provided in subsection (l) of this section, If the circuit

~~court or mental hygiene commissioner shall find that the individual is not mentally ill or addicted, the proceedings shall be dismissed. If the circuit court or mental hygiene commissioner finds that the individual is mentally ill or addicted but is not, because of the illness or addiction, likely to cause serious harm to self or others if allowed to remain at liberty, the proceedings shall be dismissed.~~ dismiss the proceedings.

(n) *Immediate notification of order of hospitalization.* — The clerk of the circuit court in which an order directing hospitalization is entered, if not in the county of the individual's residence, shall immediately upon entry of the order forward a certified copy of the order to the clerk of the circuit court of the county of which the individual is a resident.

(o) *Consideration of transcript by circuit court of county of individual's residence; order of hospitalization; execution of order.* —

(1) If the circuit court or mental hygiene commissioner is satisfied that hospitalization should be ordered but finds that the individual is not a resident of the county in which the hearing is held and the individual is not currently a resident of a mental health facility or state hospital, a transcript of the evidence adduced at the final commitment hearing of the individual, certified by the clerk of the circuit court, shall ~~forthwith~~ immediately be forwarded to the clerk of the circuit court of the county of which the individual is a resident. The clerk shall immediately present the transcript to the circuit court or mental hygiene commissioner of the county.

(2) If the circuit court or mental hygiene commissioner of the county of the residence of the individual is satisfied from the evidence contained in the transcript that the individual should be hospitalized as determined by the standard set forth ~~above~~ in subdivision one of this subsection, the circuit court shall order the appropriate hospitalization as though the individual had been brought before the circuit court or its mental hygiene commissioner in the first instance.

(3) This order shall be transmitted ~~forthwith~~ immediately to the clerk of the circuit court of the county in which the hearing was held who shall execute the order promptly.

(p) *Order of custody to responsible person.* — In lieu of ordering the ~~patient~~ individual to a mental health facility or state hospital, the circuit court may order the individual delivered to some responsible person who will agree to take care of the individual and the circuit court may take from the responsible person a bond in an amount to be determined by the circuit court with condition to restrain and take proper care of the individual until further order of the court.

(q) *Individual not a resident of this state.* — If the individual is found to be mentally ill or ~~addicted to~~ have a substance use disorder by the circuit court or mental hygiene commissioner is a resident of another state, this information shall be ~~forthwith~~ immediately given to the Secretary of the Department of Health and Human Resources, or to his or her designee, who shall make appropriate arrangements for transfer of the individual to the state of his or her residence conditioned on the agreement of the individual, except as qualified by the interstate compact on mental health.

(r) *Report to the Secretary of the Department of Health and Human Resources.* —

(1) The chief medical officer of a mental health facility or state hospital admitting a patient pursuant to proceedings under this section shall ~~forthwith~~ immediately make a report of the admission to the Secretary of the Department of Health and Human Resources or to his or her designee.

(2) Whenever an individual is released from custody due to the failure of an employee of a mental health facility or state hospital to comply with the time requirements of this article, the chief medical officer of the mental health or state hospital facility shall ~~forthwith~~ immediately, after the release of the individual, make a report to the Secretary of the Department of Health and Human Resources or to his or her designee of the failure to comply.

(s) *Payment of some expenses by the state; mental hygiene fund established; expenses paid by the county commission. —*

(1) The state shall pay the commissioner's fee and the court reporter fees that are not paid and reimbursed under §29-21-1 *et seq.* of this code out of a special fund to be established within the Supreme Court of Appeals to be known as the Mental Hygiene Fund.

(2) The county commission shall pay out of the county treasury all other expenses incurred in the hearings conducted under the provisions of this article whether or not hospitalization is ordered, including any fee allowed by the circuit court by order entered of record for any physician, psychologist, and witness called by the indigent individual. The copying and mailing costs associated with providing notice of the final commitment hearing and issuance of the final order shall be paid by the county where the involuntary commitment petition was initially filed.

**§27-5-10. Transportation for the mentally ill or ~~substance abuser~~ persons with substance use disorder.**

(a) Whenever transportation of an individual is required under the provisions of §27-4-1 *et seq.* and §27-5-1 *et seq.* of this code, ~~it shall be the duty of the sheriff to~~ shall provide immediate transportation to or from the appropriate mental health facility or state hospital: *Provided*, That, where hospitalization occurs pursuant to §27-4-1 *et seq.* of this code, the sheriff may permit, upon the written request of a person having proper interest in the individual's hospitalization, for the interested person to arrange for the individual's transportation to the mental health facility or state hospital if the sheriff determines that ~~such~~ those means are suitable given the individual's condition.

(b) Upon written agreement between the county commission on behalf of the sheriff and the directors of the local community mental health center and emergency medical services, an alternative transportation program may be arranged. The agreement shall clearly define the responsibilities of each of the



parties, the requirements for program participation, and the persons bearing ultimate responsibility for the individual's safety and well-being.

(c) *Use of certified municipal law-enforcement officers.* — Sheriffs and municipal governments ~~are hereby authorized to~~ may enter into written agreements ~~whereby~~ by which certified municipal law-enforcement officers may perform the duties of the sheriff as described in this article. The agreement shall determine jurisdiction, responsibility of costs, and all other necessary requirements, including training related to the performance of these duties, and shall be approved by the county commission and circuit court of the county in which the agreement is made. For purposes of this subsection, 'certified municipal law-enforcement officer' means any duly authorized member of a municipal law-enforcement agency who is empowered to maintain public peace and order, make arrests, and enforce the laws of this state or any political subdivision thereof, other than parking ordinances, and who is currently certified as a law-enforcement officer pursuant to §30-29-1 *et seq.* of this code.

(d) In the event an individual requires transportation to a state hospital as defined by §27-1-6 of this code, the sheriff or certified municipal law-enforcement officer shall contact the state hospital in advance of the transportation to determine if the state hospital has suitable bed capacity to place the individual.

(e) ~~(d)~~ Nothing in this section is intended to alter security responsibilities for the patient by the sheriff unless mutually agreed upon as provided in subsection (c) of this section.

## **ARTICLE 6A. COMPETENCY AND CRIMINAL RESPONSIBILITY OF PERSONS CHARGED OR CONVICTED OF A CRIME.**

**§27-6A-12. Study of adult criminal competency and responsibility issues; requiring and requesting report and proposed legislation; submission to legislature.**

(a) The Secretary of the Department of Health and Human Resources shall, in collaboration with designees of the Supreme Court of Appeals, the Prosecuting Attorney's Institute, Prosecuting Attorney's Association, the Public Defender Services, Behavioral Health Providers Association, Disability Rights of West Virginia, and designees of the Board of Medicine, Board of Osteopathy, and the Board Examiners of Psychologists with experience in issues of competence and criminal responsibility, undertake an evaluation of the provisions of this article in the context of current constitutional requirements related to competency and responsibility issues, best medical practices, and pharmacological developments and draft proposed legislation to update the provisions of this article.

(b) The legislation required by the provisions of subsection (a) of this section shall be submitted to the President of the Senate and the Speaker of the House of Delegates on or before July 31, 2020."

And,

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

**Com. Sub. for H. B. 4009** - "A Bill to amend and reenact §27-1-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §27-5-2a; to amend and reenact §27-5-1, §27-5-2, §27-5-3, §27-5-4, and §27-5-10 of said code; and to amend said code by adding thereto a new section, designated §27-6A-12, all relating to involuntary hospitalization and competency and criminal responsibility of persons charged with or convicted of a crime; defining terms; updating outdated language in the code; requiring the development of an orientation program for mental hygiene commissioners and magistrates who preside over involuntary hospitalization hearings; establishing criteria and time frames for the involuntary admission to and discharge of individuals from a mental health facility or state hospital; addressing the transportation of persons to a state hospital; relating to competency and criminal responsibility of persons charged with criminal offenses generally; requiring persons be committed to least restrictive setting; permitting an authorized staff physician, after examination, to order the

involuntary hospitalization of an individual whom the physician believes is addicted or mentally ill and likely to cause serious harm to himself or herself or other individuals; setting forth a procedure; providing for payment for services; limiting liability; requesting the Supreme Court of Appeals to generate a statement for the attesting physician; providing the attesting physician statement be provided to the patient; requesting the Supreme Court of Appeals to produce information to hospitals regarding contact information for mental hygiene commissioners, county magistrates, and circuit judges; and establishing that if a mental hygiene commissioner, county magistrate, or circuit judge does not respond to the request within 24 hours, a report shall be filed to the Supreme Court of Appeals; requiring release when staff physicians determine after three days that individual does not meet criteria for continued commitment; requiring specific finding that inpatient hospital treatment is required; directing the Secretary of the Department of Health and Human Resources in collaboration with representatives of the judiciary, representatives of the prosecuting attorneys, the criminal defense bar, and advocates for the disability community to develop legislation to update and modify statutory provisions related to competence and criminal responsibility to ensure protection of constitutional rights and public safety; and requiring that proposed legislation be submitted to the President of the Senate and the Speaker of the House of Delegates on or before July 31, 2020.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 727**), and there were—yeas 82, nays 17, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Bibby, S. Brown, Cadle, Caputo, Dean, Diserio, Fleischauer, Fluharty, Kump, Longstreth, P. Martin, McGeehan, Miller, Phillips, Sponaugle and Walker.

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4009) passed.

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

Having been postponed in earlier proceedings, **Com. Sub. for H. B. 4092** was taken up for further consideration.

On motion of Delegate Summers, the House of Delegates reconsidered its action to concur in the amendment of the bill by the Senate with further amendment.

Delegate Summers then asked unanimous consent and, in the absence of objection, the previously offered amendments were withdrawn.

Delegate Summers then moved to concur in the Senate amendment, with further amendment, as follows:

On page eight, line one hundred seventy-four, by striking out “16” and inserting “17”.

On page thirteen, section one hundred eleven-c, line eleven, by striking out “July 1, 2021” and inserting “December 1, 2020”.

On page twenty-nine, section six hundred one-a, line three, by striking out the words “child’s caseworker” and inserting the word “department”.

And,

On page thirty-three, line forty-one, after the period, 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.”

And,

With the further title amendment, sponsored by Delegate Summers, being as follows:

**Com. Sub. for H. B. 4092** – “A Bill to repeal §49-2-102 and §49-2-104 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-1-206 of said code; to amend and reenact §49-2-108, §49-2-110, §49-2-111, §49-2-111a, §49-2-112, §49-2-118, §49-2-121, §49-2-124, and §49-2-126 of said code; to amend said code by adding thereto five new sections, designated §49-2-111c, §49-2-127, §49-2-127a, §49-2-128, and §49-2-129; to amend said code by adding thereto two new sections, designated §49-4-601a and §49-4-601b; and to amend and reenact §49-4-604, of said code, all relating generally to the child welfare system; defining terms; increasing the number children allowed in a foster family home; removing authorization for the Secretary of the Department of Health and Human Resources to transfer funds between certain accounts; eliminating requirement that the secretary provide public education; requiring certain information to be included in child placing agency data reports; setting a minimum amount that the Department of Health and Human Resources must pay child placing agencies per child adopted; requiring the department to review the rate of payment to foster parents at certain time intervals; authorizing and directing the department to expend funds to achieve certain priorities and objectives related to child placement and other services; requiring the department to expend an amount of appropriated funds in fiscal year 2021 to achieve certain priorities and objectives; requiring the secretary of the department to report annually, and upon request, to the Joint Standing Committee on Government and Finance regarding expenditures and progress toward meeting certain objectives and priorities; specifying when the department shall remit payments to foster families; eliminating summary review requirements for behavioral health care services and facilities for children in out of home placements; establishing the Foster Child Bill of Rights; establishing the Foster and Kinship Parent Bill of Rights; providing that violations of the rights provided to foster children and parents may be reported to and investigated by the foster care ombudsman;

setting forth certain duties of foster parents; requiring a number of provisions to be included in the agreement between the foster parent and the child placing agency and the department; providing that neglect of a foster or kinship parent's duties and violations of agreements may be reported to and investigated by the foster care ombudsman; requiring the foster care ombudsman to make certain reports; setting forth the reasonable and prudent foster parent standard; providing that children in out-of-home care are entitled to participate in certain activities and requiring caregivers to use the reasonable and prudent foster parent standard to make certain decisions regarding the child; limiting liability of a person adhering to the reasonable and prudent foster parent standard; requiring the department to establish minimum standards for transitional living services by legislative rule; establishing eligibility criteria for children and transitioning adults to participate in transitional living services; providing requirements for transitional living arrangements and the agency's duties in relation thereto; establishing preference that children removed from the home be placed with relatives and fictive kin; establishing a process by which the department shall, and others may assist, in identifying family members and fictive kin; requiring the department to provide notice to a person against whom an allegation of abuse or neglect, that does not result in a finding by a court, is substantiated; providing that a person against whom an allegation of abuse or neglect has been substantiated has a right to contest the substantiation and the right to appeal a decision of the department to the courts; establishing requirements for legislative rules of the department regarding substantiation of abuse and neglect allegations; requiring guardians ad litem to adhere to certain policies and meet certain requirements; requesting the supreme court to review certain rules; clarifying when the department, in an abuse and neglect case, is not required to make efforts to preserve the family; requiring the department to promulgate legislative rules; requiring the department promulgate emergency rules; making technical corrections; and eliminating obsolete language from the code."

On the passage of the bill, the yeas and nays were taken (**Roll No. 728**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4092) passed.

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

A message from the Senate, by

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

**S. C. R. 15** - “Requesting the Division of Highways name bridge number 16-259/00-010.43 (16A088), locally known as Lost City Bridge, carrying West Virginia Route 259 over the Lost River in Hardy County, the ‘Kaylee Grace Whetzel Memorial Bridge’.”

Whereas, Kaylee Grace was born March 20, 2004, and was the daughter of Michael Whetzel in Lost City, West Virginia; and

Whereas, Kaylee Grace had just started kindergarten in August 2009 and shared her days with her father and paternal grandparents as the joy of their lives; and

Whereas, Kaylee Grace was described as a happy and bubbly girl who enjoyed the time spent with her father and grandparents; and

Whereas, Kaylee Grace was a victim of a horrific crime committed against her; and

Whereas, Kaylee Grace died October 23, 2009, due to the crime committed against her; and

Whereas, Beginning in 2010, Kaylee Grace's surviving family worked with the Hardy County Community Foundation to give scholarships in memory of Kaylee Grace to graduates of Hardy County schools; and

Whereas, A scholarship has been granted to a student every year since 2011; and

Whereas, It is fitting that an enduring memorial be established to commemorate Kaylee Grace Whetzel and the love a community of this state bears for one of its citizens; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 16-259/00-010.43 (16A088), locally known as Lost City Bridge, carrying West Virginia Route 259 over the Lost River in Hardy County, the "Kaylee Grace Whetzel Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Kaylee Grace Whetzel Memorial Bridge"; and, be it

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

Unanimous consent having been obtained, the resolution (S. C. R. 15) was taken up for immediate consideration and adopted.

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

A message from the Senate, by

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



**Com. Sub. for H. B. 3098**, Allowing the same business owner to brew and sell beer to also distill and sell liquor.

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

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

**“CHAPTER 11. TAXATION.**

**ARTICLE 16. NONINTOXICATING BEER.**

**§11-16-6. License in one capacity only; no connection between different licensees; when brewer may act as distributor; credit and rebates proscribed; brewer, resident brewer, and brewpub requirements.**

(a) ~~No~~ A person shall not be licensed in more than one capacity under the terms of this article, and there shall be no connection whatsoever between any retailer, distributor, resident brewer, or brewer, and ~~no~~ a person shall be interested, directly or indirectly, through the ownership of corporate stock, membership in a partnership, or in any other way in the business of a retailer, if ~~such~~ the person is at the same time interested in the business of a brewer, resident brewer or distributor. A resident brewer may act as distributor in a limited capacity for his or her own product from ~~such~~ the resident brewery or place of manufacture or bottling, but a resident brewer, is not permitted to act as a distributor as defined in §11-16-3 of this code: *Provided*, That nothing in this article may prevent a resident brewer from using the services of licensed distributors as specified in this article. A resident brewer or distributor may sell to a patron for personal use and not for resale, quantities of draught beer in original containers that are no larger in size than one-half barrel for off-premises consumption. A resident brewer who also has a brewpub license may sell nonintoxicating beer or nonintoxicating craft beer produced by the resident brewer in cans, bottles, or sealed growlers, pursuant to

§11-16-6b of this code, for personal consumption off of the brewpub's licensed premises and not for resale.

(b) It is unlawful for any brewer, resident brewer, manufacturer, or distributor to assist any retailer or for any retailer to accept assistance from any brewer, manufacturer, or distributor, accept any gifts, loans, forbearance of money or property of any kind, nature, or description, or other thing of value, or give any rebates or discounts of any kind whatsoever, except as ~~may be~~ permitted by rule, ~~regulation~~ or order promulgated by the commissioner in accordance with this article.

(c) Notwithstanding subsections (a) and (b) of this section, a brewpub may offer for retail sale nonintoxicating beer or nonintoxicating craft beer so long as the sale of the nonintoxicating beer or nonintoxicating craft beer is limited to the brewpub's licensed premises, except as provided in §11-16-6b of this code.

(d) A brewer or resident brewer licensed under this section may also be licensed under §60-4-1 et seq. of this code: Provided, That the holder of the license meets all the requirements for the additional licenses required by the commissioner and pays all fees related to the license: Provided, however, That the licensee maintains all the rights and privileges associated with the license.

## CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

### ARTICLE 4. LICENSES.

#### §60-4-2. Licenses for manufacture.

(a) The commission may grant licenses for the manufacture of alcoholic liquors. Separate licenses shall be issued to the following classes of manufacturing establishments:

(1) Distilleries in which only alcoholic liquors other than wine or beer is manufactured;

(2) Wineries in which only wines are manufactured;

(3) Breweries in which beer is manufactured;

(4) Bottling plants in which beer only is bottled;

(5) Industrial plants in which alcohol is distilled, manufactured or otherwise produced for scientific, chemical, mechanical or industrial purposes;

(6) Farm wineries in which only wines are manufactured; and

(7) Mini-distilleries in which only alcoholic liquors other than wine, beer or nonintoxicating beer are manufactured.

(b) The commission may grant multiple licenses for the manufacture of alcoholic liquors or non-intoxicating beer to the same person or entity: *Provided*, That such licensure does not violate other provisions of this code, the licensee meets all requirements for the license established by the commissioner, and licensee submits the full payment of all fees required for licensure: *Provided, however*, That the licensee maintains all the rights and privileges associated with each license not violative of state or federal law.”

And,

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

**Com. Sub. for H. B. 3098** - “A Bill to amend and reenact §11-16-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-4-2 of said code, all relating to permitting the issuance of multiple licenses for manufacturing alcoholic liquors and nonintoxicating beer; establishing requirements for licenses; and requiring full payment of all fees.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 729**), and there were—yeas 86, nays 10, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Bartlett, Butler, Fast, D. Jeffries, Jennings, Kump, Pack, Porterfield, Rowan and Toney.

Absent and Not Voting: Hartman, J. Kelly, Queen and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3098) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4439**, Clarifying the method for calculating the amount of severance tax attributable to the increase in coal production.

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

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

**“ARTICLE 13EE. COAL SEVERANCE TAX REBATE.**

**§11-13EE-1. Findings and purpose.**

The Legislature finds that the encouragement of economic growth and development in this state is in the public interest and promotes the general welfare of the people of this state. In order to encourage capital investment in the coal industry in this state and thereby increase economic development, there is hereby provided a coal severance tax rebate.

**§11-13EE-2. Definitions.**

(a) General. — When used in this article, or in the administration of this article, terms defined in subsection (b) shall

have the meanings ascribed to them by this section, unless a different meaning is clearly required by either the context in which the term is used, or by specific definition, in this article.

(b) Terms defined.

(1) ‘Affiliated group’ means one or more chains of corporations, limited liability entities, or partnerships, or any combination thereof, connected through the ownership of stock or ownership interests with a common parent which is a corporation, limited liability entity, or partnership, but only if the common parent owns directly, or indirectly, a controlling interest in each of the members of the group.

(2) ‘Business’ means and is limited to the activity of producing coal for sale, profit or commercial use including coal preparation and processing.

(3) ‘Capital investment in new machinery and equipment’ means:

(A) Tangible personal property in the form of machinery and equipment that is purchased on or after the effective date of this article and placed in service for direct use in the production of coal, when the original or first use of the machinery or equipment commences in this State on or after the effective date of this article; and

(B) Tangible personal property in the form of machinery and equipment that is leased by the taxpayer and placed in service for direct use in the production of coal by the taxpayer on or after the effective date of this article, if the original or first use of the machinery or equipment commences in this State, with the taxpayer, on or after the effective date of this article and the machinery or equipment is depreciable, or amortizable, for federal income tax purposes and has a useful life of 5 or more years for federal income tax purposes.

(4) ‘Coal mine’ or ‘mine’ includes:

(A) A 'surface mine,' or 'surface mining operation' which means:

(i) Activities conducted on the surface of lands for the removal of coal, or, subject to the requirements of §11-13EE-14 of this code, surface operations and surface impacts incident to an underground coal mine, including the drainage and discharge from the mine. The activities include: Excavation for the purpose of obtaining coal, including, but not limited to, common methods as contour, strip, auger, mountaintop removal, box cut, open pit and area mining; the uses of explosives and blasting; reclamation; in situ distillation or retorting, leaching or other chemical or physical processing; the cleaning, concentrating or other processing or preparation and loading of coal for commercial purposes at or near the mine site; and

(ii) The areas upon which the above activities occur or where the activities disturb the natural land surface. The areas also include any adjacent land, the use of which is incidental to the activities; all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of the activities and for haulage; and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to the activities: *Provided*, That the activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed sixteen and two-thirds percent of the tonnage of minerals removed for purposes of commercial use or sale, or coal prospecting. Surface mining does not include any of the following:

(I) Coal extraction authorized pursuant to a government-financed reclamation contract;

(II) Coal extraction authorized as an incidental part of development of land for commercial, residential, industrial or civic use; or

(III) The reclamation of an abandoned or forfeited mine by a no cost reclamation contract; and

(B) An 'underground mine' which includes the shafts, slopes, drifts or inclines connected with, or intended in the future to be connected with, excavations penetrating coal seams or strata, which excavations are ventilated by one general air current or divisions thereof, and connected by one general system of mine haulage over which coal may be delivered to one or more points outside the mine, and the surface structures or equipment connected or associated therewith which contribute directly or indirectly to the mining, preparation or handling of coal.

(5) 'Coal mining operation' includes the mine and the coal preparation and processing plant.

(6) 'Coal preparation and processing plant' means any facility (excluding underground mining operations) which prepares coal by one or more of the following processes: breaking, crushing, screening, wet or dry cleaning, and thermal drying.

(7) 'Coal production' means the privilege of severing, extracting, reducing to possession and producing coal for sale, profit or commercial use and includes the processing of coal at a coal preparation and processing plant.

(8) 'Commissioner' or 'Tax Commissioner' are used interchangeably herein and mean the Tax Commissioner of the State of West Virginia, or his or her delegate.

(9) 'Controlled group' means one or more chains of corporations connected through stock ownership with a common parent corporation if stock possessing at least 50 percent of the voting power of all classes of stock of each of the corporations is owned, directly or indirectly, by one or more of the corporations; and the common parent owns directly stock possessing at least 50

percent of the voting power of all classes of stock of at least one of the other corporations.

(10) 'Controlling interest' means:

(A) For a corporation, either more than 50 percent ownership, directly or indirectly, of the total combined voting power of all classes of stock of the corporation, or more than 50 percent ownership, directly or indirectly, of the beneficial ownership interest in the voting stock of all classes of stock of the corporation;

(B) For a partnership, association, trust or other entity other than a limited liability company, more than 50 percent, ownership, directly or indirectly, of the capital, profits, or beneficial interest in the partnership, association, trust, or other entity;

(C) For a limited liability company, either more than 50 percent ownership, directly or indirectly, of the total membership interest of the limited liability company, or more than 50 percent ownership, directly or indirectly, of the beneficial ownership interest in the membership interest of the limited liability company.

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

(12) 'Delegate' used in the phrase 'or his delegate,' when used in reference to the Tax Commissioner, means any officer or employee of the State Tax Department duly authorized by the Tax Commissioner directly, or indirectly by one or more redelegations of authority, to perform the functions mentioned or described in this article.

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



(A) Uses of tangible personal property which constitute direct use or consumption in the production of coal include only:

(i) New machinery and equipment that is depreciable, or amortizable, for federal income tax purposes, that has a useful life of 5 or more years for federal income tax purposes, and that are directly used in the production of coal in this state;

(ii) Transportation of coal within the coal mine from the coal face or coal deposit to the exterior of the mine or to a point where the extracted coal is transported away from the mine;

(iii) Directly and physically recording the flow of coal during the production of coal including those coal treatment processes specified in §11-13A-4 of this code;

(iv) Safety equipment and apparatus directly used in the production of coal, or to secure the safety of mine personnel in direct use in the production of coal;

(v) Controlling or otherwise regulating atmospheric conditions required for the production of coal;

(vi) Transformers, pumps, rock dusting equipment and other property used to supply electricity or water, or to supply or apply rock dust directly used in the production of coal;

(vii) Storing, removal or transportation of economic waste, including coal gob, resulting from the production of coal;

(viii) Engaging in pollution control or environmental quality or protection activity directly relating to the production of coal; or

(ix) Otherwise using as an integral and essential part of the production of coal.

(B) Uses of tangible personal property which do not constitute direct use or consumption in the production of coal include, but are not limited to:

(i) Heating and illumination of office buildings;

(ii) Janitorial or general cleaning activities;

(iii) Personal comfort of personnel: *Provided*, That safety equipment and apparatus directly used in the production of coal or to secure the safety of mine personnel is direct use in the production of coal when the tangible personal property is depreciable, or amortizable, for federal income tax purposes and has a useful life of 5 or more years for federal income tax purposes when it is placed in service or use;

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

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

(vi) Measuring or determining weight, and ash content, water content and other physical and chemical characteristics of the coal after production;

(vii) An activity or function incidental or convenient to the production of coal, rather than an integral and essential part of these activities.

(14) 'Eligible taxpayer' means:

(A) Any person who pays the tax imposed by §11-13A-3 of this code on the privilege of producing coal for sale, profit or commercial use for at least 2 years before the capital investment in machinery and equipment is placed in service or use in this state;  
or

(B) A taxpayer that has experienced a change in business composition through merger, acquisition, split-up, spin-off or other ownership changes or changes in the form of the business organization from limited liability company to C corporation, or partnership, or from one form of business organization to a different form of business organization, may constitute an eligible

taxpayer if the entity currently operating in this state was operating in a different form of business organization in this state at least 2 years before the capital investment in new machinery and equipment is placed in service or use in this state. In the case of business composition change through merger, acquisition, split-up, spin-off or other ownership changes the current business may constitute an eligible taxpayer if at least 50 percent of the business assets of such component were actively and directly used in coal production activity in this state for such two-year period. If less than 50 percent of the assets of the current entity were not actively and directly used in coal production activity in this state for such two-year period, then the current entity resulting from a business composition change through merger, acquisition, split-up, spin-off or other ownership, shall not constitute an eligible taxpayer.

(15) 'Includes' and 'including' when used in a definition contained in this article, shall not be deemed to exclude other things otherwise within the generally understood meaning of the term defined.

(16) 'Original use' means the first use to which the property is put by anyone.

(17) 'Partnership' includes a syndicate, group, pool, joint venture or other unincorporated organization through or by means of which any business, operation or venture is carried on, which is taxed under Subchapter K of the Internal Revenue Code, as defined in §11-24-3 of this code, and which is not a trust or estate, a corporation or a sole proprietorship. The term 'partner' includes a member in such a syndicate, group, pool, joint venture or other unincorporated organization taxed under Subchapter K of the Internal Revenue Code.

(18) 'Person' includes any natural person, corporation, partnership, limited liability company or other business entity.

(19) 'Production of coal' means privilege of severing, extracting, reducing to possession and producing coal for sale,

profit or commercial use and includes the processing of coal at the coal preparation and processing plant.

(20) 'Property' means tangible personal property and is limited to new machinery and equipment that is depreciable or amortizable for federal income tax purposes and that has a useful life of 5 or more years for federal income tax purposes.

(21) 'Property purchased or leased for business expansion' means:

(A) *Included property.* — Except as provided in subparagraph (B) of this section, the term 'property purchased or leased for business expansion' means tangible personal property, but only if the tangible personal property was purchased, or leased and placed in service or use by the taxpayer, for use in West Virginia. This term includes only:

(i) Tangible personal property placed in service or use by the taxpayer on or after the effective date of this article, with respect to which depreciation, or amortization in lieu of depreciation, is allowable in determining the personal or corporation net income tax liability of the business, or its equity owners, under §11-21-1 *et seq.* or §11-24-1 *et seq.* of this code, and which has a useful economic life at the time the property is placed in service or use in this state, of 5 or more years.

(ii) Tangible personal property acquired by written lease having a primary term of 5 years or more, that is depreciable or amortizable by the lessor, or lessee, for federal income tax purposes and that has a useful life of 5 or more years for federal income purposes when it is placed in service or use, and when the lease commences and was executed by the parties thereto on or after the effective date of this article, if used as a component part of a new or expanded coal mining operation in this state shall be included within this definition.

(B) *Excluded property.* — The term 'property purchased or leased for business expansion' shall not include:

(i) Machinery and equipment owned or leased by the taxpayer and for which credit was taken or is claimed under any other article of this chapter for capital investment in the new machinery and equipment;

(ii) Repair costs, including materials used in the repair, unless for federal income tax purposes, the cost of the repair must be capitalized and not expensed;

(iii) Motor vehicles licensed by the West Virginia Division of Motor Vehicles;

(iv) Airplanes;

(v) Off-premise transportation equipment;

(vi) Machinery and equipment that is primarily used outside this state;

(vii) Machinery and equipment that is acquired incident to the purchase of the stock or assets of the seller; and

(viii) Used machinery and equipment.

(C) *Purchase date.* – New machinery and equipment shall be deemed to have been purchased prior to a specified date only if:

(i) The machinery or equipment was owned by the taxpayer prior to the effective date of this article or was acquired by the taxpayer pursuant to a binding purchase contract which was in effect prior to the effective date of this article; or

(ii) In the case of leased machinery and equipment, there was a binding written lease or contract to lease identifiable machinery or equipment in effect prior to the effective date of this article.

(22) ‘Purchase’ means any acquisition of new machinery or equipment, but only if:

(A) The machinery or equipment is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of deductions under Section 267 or 707 (b) of the United States Internal Revenue Code, as defined in §11-24-3 of this code;

(B) The machinery or equipment is not acquired by one component member of a controlled group from another component member of the same controlled group; and

(C) The basis of the machinery or equipment for federal income tax purposes, in the hands of the person acquiring it, is not determined:

(i) In whole or in part by reference to the federal adjusted basis of the machinery or equipment in the hands of the person from whom it was acquired; or

(ii) Under Section 1014 (e) of the United States Internal Revenue Code.

(23) ‘Qualified coal mining activity’ means any business or other activity subject to the tax imposed by §11-13A-3 of this code on the privilege of severing, extracting, reducing to possession and producing coal for sale, profit or commercial use including the treatment process described as mining in §11-13A-4(a)(1) of this code.

(24) ‘Qualified investment’ means capital investment in new machinery and equipment directly used in the production of coal in this state that is depreciable, or amortizable, for federal income tax purposes and has a useful life for federal income tax purposes of 5 or more years when it is placed in service or use in this state.

(25) ‘Rebate’ means the amount of rebate allowable under §11-13EE-4 of this article.

(26) ‘Related person’ means:

(A) A corporation, partnership, association or trust controlled by the taxpayer;

(B) An individual, corporation, partnership, association or trust that is in control of the taxpayer;

(C) A corporation, partnership, association or trust controlled by an individual, corporation, partnership, association or trust that is in control of the taxpayer; or

(D) A member of the same controlled group as the taxpayer.

For purposes of this subdivision, the term ‘control,’ with respect to a corporation, means ownership, directly or indirectly, of stock possessing 50 percent or more of the total combined voting power of all classes of the stock of the corporation entitled to vote. ‘Control,’ with respect to a trust, means ownership, directly or indirectly, of 50 percent or more of the beneficial interest in the principal or income of the trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership or association or of a beneficial interest in a trust is determined in accordance with the rules for constructive ownership of stock provided in section 267 (c) of the United States Internal Revenue Code, other than paragraph (3) of that section.

(27) ‘State portion of severance taxes paid’ means the portion of severance taxes due under §11-13A-3 of this code when computed at the 4.65 percent rate of tax.

(28) ‘Tangible personal property’ means and is limited to new machinery and equipment that is depreciable, or amortizable, for federal income tax purposes and that has a useful life of 5 or more years for federal income tax purposes when it is placed in service or use in this state.

(29) ‘Taxpayer’ means any person exercising the privilege of severing, extracting, reducing to possession and producing coal for

sale, profit or commercial use coal, which privilege is taxable under §11-13A-3 of this code.

(30) ‘This code’ means the Code of West Virginia, 1931, as amended.

(31) ‘This state’ means the State of West Virginia.

(32) ‘United States Internal Revenue Code’ or ‘Internal Revenue Code’ means the Internal Revenue Code as defined in §11-24-3 of this code.

**§11-13EE-3. Rebate allowable.**

(a) *Rebate allowable.* — Eligible taxpayers shall be allowed a rebate for a portion of state severance taxes imposed by §11-13A-3 of this code on the privilege of severing, extracting, reducing to possession and producing coal for sale, profit or commercial use that is attributable to the increase in the production of coal that is attributable to and the consequence of the taxpayer’s capital investment in new machinery and equipment used at the coal mine, or coal preparation and processing facility. The amount of this rebate shall be determined and applied as hereinafter provided in this article.

(b) *Amount of rebate.* — The amount of rebate allowable is determined by multiplying the amount of the taxpayer’s capital investment in new machinery and equipment directly used in the production of coal at a coal mining operation in this state by 35 percent. The product of this computation establishes the maximum amount of rebate allowable under this article for the capital investment in new machinery and equipment.

(c) *Application of rebate amount.* — The amount of rebate allowable is determined by applying the rebate amount determined in subsection (b) of this section against 80 percent of the state portion of the severance tax paid on the privilege of severing, extracting, reducing to possession and producing coal for sale, profit or commercial use that is directly attributable to the increased



production of coal at the mine due to taxpayer's capital investment in new machinery and equipment at the mine or coal processing and preparation plant.

(d) The amount of severance tax attributable to the increase in coal production at a mine due to the capital investment in new machinery and equipment shall be determined by comparing (1) the state portion of the severance tax due under §11-13A-3 of this code on coal produced from the mine during calendar year 2018, before allowance of any tax credits, except as provided in subsection (e) of this section (d), (2) with the state severance tax due on coal produced at the mine during the then current calendar year in which the capital investment in new mining machinery and equipment is placed in service or use, before allowance for any tax credits. When the amount in subdivision (2) of this section is greater than the amount in subdivision (1) of this section, the difference is the amount of state severance tax due to the increase in coal production at the mine that is attributable to the capital investment in new machinery and equipment: *Provided*, That when the producer of the coal operates more than one mine in this state, or is a member of a controlled or affiliated group that operates one or more coal mines in this state, no credit shall be allowed unless the total coal production from all mines operated by the taxpayer or by members of the affiliated or controlled group in this state has increased by at least the increase in production at the mine at which the capital investment in new machinery and equipment was made: *Provided, however*, That in no case shall the severance tax attributable to any mine other than the specific mine at which capital investment in new machinery and equipment is directly used in a coal mining operation has been placed in service or use be offset by this rebate.

(e) When the eligible taxpayer is a new business that has produced coal in this state for 2 years before making the capital investment in new machinery and equipment, then, for purposes of item (1) in subsection (d), the base shall be the amount of state severance tax due under §11-13A-3 of this code on coal produced in this state during the second year of this two-year period.

(f) When the operator of the coal mine at which capital investment in new machinery and equipment was made operates one or more other coal mines in this state, the operator may not cease production of coal, or reduce the production of coal, at one or more of those mines during the tax years for which rebate is allowed under this article. The Tax Commissioner shall promulgate a legislative rule providing exceptions to this subsection.

(g) When the operator of the coal mine at which capital investment in new machinery and equipment was made is a member of a controlled or affiliated group that operates one or more other coal mines in this state, then the controlled or affiliated group, as the case may be, may not cease production of coal, or reduce the production of coal, at one or more of those mines during the tax years for which rebate is allowed under this article. The Tax Commissioner shall promulgate a legislative rule providing exceptions to this subsection.

(h) No rebate shall be allowed under this article when credit is claimed under any other article of this chapter for capital investment in the new machinery and equipment. No credit shall be allowed under any other article of this chapter when rebate is allowed under this article for the capital investment in new machinery and equipment.

**§11-13EE-4. Information required to determine amount of rebate allowable.**

(a) A taxpayer claiming rebate under this article who operates more than one coal mine in this state shall provide a schedule with the annual severance tax return filed under §11-13A-1 *et seq.* of this code that shows, for each coal mine, the number of tons of coal produced and the gross value of the coal produced at each mine during the taxable year.

(b) When a taxpayer claiming rebate under this article is a member of an affiliated or controlled group, as the case may be, that operates more than one coal mine in this state the group shall provide a schedule with its annual severance tax return filed under

§11-13A-1 et seq. of this code for the taxable year that shows for each coal mine operated in this state by the affiliated or controlled group, as the case may be, the number of tons of coal produced at each mine and the gross value of the coal produced at each mine during the taxable year.

**§11-13EE-5. Claim for rebate.**

(a) After the severance taxes due for the taxable year are paid, a taxpayer may file a claim under this article for rebate of up to 80 percent of the state portion of the additional severance taxes paid under §11-13A-3 of this code that are directly attributable to taxpayer's capital investment in new machinery and equipment placed in service or use during that taxable year as set forth in §11-13EE-4.

(b) When the amount of rebate claimed exceeds 80 percent of the additional state severance tax paid as provided in subsection (a) of this section, the unused portion of the rebate amount may be carried forward and refunded by the Tax Commissioner after severance taxes due in subsequent years are paid: *Provided*, That the carryforward period may not exceed 10 years from the date the capital investment in new machinery and equipment is placed in service or use in this state.

**§11-13EE-6. Suspension of payment of rebate.**

(a) No rebate may be paid under this article when the taxpayer, or any member of the taxpayer's combined or affiliated group, as the case may be, is delinquent in the payment of severance taxes imposed pursuant to §11-13A-3 of this code, and any local, state or federal tax or fee, until such time as the delinquency is cured.

(b) For purposes of this section, a taxpayer is not delinquent if the taxpayer is contesting an assessment in the Office of Tax Appeals or in any court of this state, or of the appropriate federal agency or court, or is complying with the terms of any payment plan agreement with the Tax Commissioner.

(c) In the case of a taxpayer that files a combined tax return as a member of a unitary group, no rebate under this article that is earned by one member of the combined group, but not fully used by or allowed to that member, may be claimed, in whole or in part, by another member of the group.

**§11-13EE-7. Burden of proof; application required; failure to make timely application.**

(a) *Burden of proof.* — The burden of proof is on the taxpayer to establish by clear and convincing evidence that the taxpayer is entitled to the benefits allowed by this article.

(b) *Application for rebate required.*

(1) Notwithstanding any provision of this article to the contrary, no rebate shall be paid under this article for any capital investment in new machinery and equipment placed in service or use until the person asserting a claim for the allowance of rebate under this article makes written application to the Tax Commissioner for allowance of rebate as provided in this section.

(2) An application for rebate shall be filed, in the form prescribed by the Tax Commissioner, no later than the last day for filing the severance tax return, determined by including any authorized extension of time for filing the return, for the taxable year in which the machinery and equipment to which the rebate relates is placed in service or use and all information required by the form is provided.

(3) A separate application for rebate is required for each taxable year during which the taxpayer places new machinery and equipment in service or use in a mine or coal preparation and processing facility in this state.

(c) *Failure to make timely application.* — The failure to timely apply for the rebate results in the forfeiture of 25 percent of the

rebate amount otherwise allowable under this article. This penalty applies annually until the application is filed.

**§11-13EE-8. Identification of capital investment property.**

Every taxpayer who claims credit under this article shall maintain sufficient records to establish the following facts for each item of qualified investment property:

(1) Its identity;

(2) Its actual or reasonably determined cost;

(3) Its useful life for federal income tax purposes;

(4) The month and taxable year in which it was placed in service;

(5) The amount of credit taken; and

(6) The date it was disposed of or otherwise ceased to be qualified investment property.

**§11-13EE-9. Failure to keep records of investment credit property.**

A taxpayer who does not keep the records required for identification of investment credit property is subject to the following rules:

(1) A taxpayer is treated as having disposed of, during the taxable year, any machinery and equipment that the taxpayer cannot establish was still on hand, in this state, at the end of that year.

(2) If a taxpayer cannot establish when capital investment in new machinery and equipment property was reported for purposes of claiming this credit during the taxable year the machinery or equipment was placed in service or use, the taxpayer is treated as

having placed it in service or use in the most recent prior taxable year in which similar machinery and equipment was placed in service or use, unless the taxpayer can establish that the machinery and equipment placed in service or use in the most recent taxable year is still on hand. In that event, the taxpayer will be treated as having placed the returned machinery and equipment in service or use in the next most recent taxable year.

**§11-13EE-10. Transfer of qualified investment property to successors.**

(a) *Mere change in form of business.* – Machinery and equipment may not be treated as disposed of under §11-13EE-9 of this article, by reason of a mere change in the form of conducting the business as long as the machinery and equipment is retained in the successor business in this state, and the transferor business retains a controlling interest in the successor business. In this event, the successor business is allowed to claim the rebate amount of credit still available with respect to the machinery and equipment transferred, and the transferor business may not be required to redetermine the amount of rebate allowed in earlier years.

(b) *Transfer or sale to successor.* – Machinery and equipment is not treated as disposed of under §11-13EE-11 of this article by reason of any transfer or sale to a successor business which continues to operate machinery and equipment at the mine in this state at which the machinery and equipment was first placed in service or use. Upon transfer or sale, the successor shall acquire the amount of rebate, if any, that remains available under this article, and the transferor business is not required to redetermine the amount of rebate allowed in earlier years.

**§11-13EE-11. Recapture of rebate; recapture tax imposed.**

(a) *When recapture tax applies.* —

(1) Any person who places machinery and equipment in service or use for purposes of this credit and who fails to use the machinery and equipment for at least 5 years in the production of coal in this

state shall pay the recapture tax imposed by subsection (b) of this section.

(2) This section does not apply when §11-13EE-10 of this article applies. However, the successor, or the successors, and the person, or persons, who previously claimed credit under this article with respect to the machinery and equipment, are jointly and severally liable for payment of any recapture tax subsequently imposed under this section with respect to the machinery and equipment used to qualify for rebate under this article.

(b) *Recapture tax imposed.* — The recapture tax imposed by this subsection is the amount determined as follows. If the taxpayer prematurely removes machinery and equipment placed in service (when considered as a class) from economic service in the taxpayer's coal production activity in this state, the taxpayer shall recapture the amount of rebate claimed under this article for the taxable year, and all preceding taxable years, attributable to the machinery and equipment which has been prematurely removed from service. The amount of tax due under this subsection is an amount equal to the amount of rebate that is recaptured under this subsection.

(d) *Payment of recapture tax.* — The amount of tax recaptured under this section is due and payable on the day the person's annual return is due for the taxable year, in which this section applies, under §11-13A-1 *et seq.* of this code. When the employer is a partnership, limited liability company or S corporation for federal income tax purposes, the recapture tax shall be paid by those persons who are partners in the partnership, members in the company, or shareholders in the S corporation, in the taxable year in which recapture tax is imposed under this section.

### **§11-13EE-12. Interpretation and construction.**

(a) No inference, implication or presumption of legislative construction or intent may be drawn or made by reason of the location or grouping of any particular section, provision or portion of this article; and no legal effect may be given to any descriptive

matter or heading relating to any section, subsection or paragraph of this article.

(b) The provisions of this article shall be reasonably construed in order to effectuate the legislative intent recited in §11-13EE-1 of this article.

#### **§11-13EE-13. Rebate report.**

(a) The Tax Commissioner shall provide to the Joint Committee on Government and Finance by July 1, 2022, and on the first day of July of each year thereafter, a report detailing the amount of rebate claimed pursuant to this article. The report is to include the amount of rebate claimed against the severance tax imposed pursuant to §11-13A-3 of this code.

(b) Taxpayers claiming the rebate shall provide the information the Tax Commissioner may require to prepare the report: *Provided*, That the information provided is subject to the confidentiality and disclosure provisions of §11-10-5d and §11-10-5s of this code.

(c) The Tax Commissioner shall also identify any issues the Tax Commissioner has in the administration and enforcement of this rebate and make suggestions the Commissioner may have for improving the credit or the administration of the rebate.

#### **§11-13EE-14. Rules.**

The Tax Commissioner may promulgate such interpretive, legislative and procedural rules as the Commissioner deems to be useful or necessary to carry out the purpose of this article and to implement the intent of the Legislature. The tax commissioner may promulgate emergency rules if they are filed in the West Virginia Register before January 1, 2020. All rules shall be promulgated in accordance with the provisions of §29A-3-1 *et seq.* of this code.

#### **§11-13EE-15. Severability.**

(a) If any provision of this article or the application thereof is for any reason adjudged by any court of competent jurisdiction to



be invalid, the judgment may not affect, impair or invalidate the remainder of the article, but shall be confined in its operation to the provision thereof directly involved in the controversy in which the judgment shall have been rendered, and the applicability of the provision to other persons or circumstances may not be affected thereby.

(b) If any provision of this article or the application thereof is made invalid or inapplicable by reason of the repeal or any other invalidation of any statute therein addressed or referred to, such invalidation or inapplicability may not affect, impair or invalidate the remainder of the article, but shall be confined in its operation to the provision thereof directly involved with, pertaining to, addressing or referring to the statute, and the application of the provision with regard to other statutes or in other instances not affected by any such repealed or invalid statute may not be abrogated or diminished in any way.

**§11-13EE-16. Effective date.**

The rebate allowed by this article is allowed for capital investment in new machinery and equipment placed in service or use in this state on or after July 1, 2019.”

And,

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

**Com. Sub. for H. B. 4439** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, §11-13EE-2, §11-13EE-3, §11-13EE-4, §11-13EE-5, §11-13EE-6, §11-13EE-7, §11-13EE-8, §11-13EE-9, §11-13EE-10, §11-13EE-11, §11-13EE-12, §11-13EE-13, §11-13EE-14, §11-13EE-15, and §11-13EE-16, all relating generally to Coal Severance Tax Rebate; findings and purpose; defining terms; providing for rebate of severance tax when capital investment made in new machinery and equipment directly used in severance of coal, or in coal preparation and processing plants; providing rules and procedures for claiming rebate and transfer to successors;

imposing recapture tax in certain circumstance; providing rules for interpretation and construction; requiring periodic rebate reports; authorizing rulemaking; and providing for severability and effective date.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 730**), and there were—yeas 78, nays 19, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, S. Brown, Criss, Diserio, Doyle, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Pushkin, Skaff, Sponaugle, Summers, C. Thompson, Walker and Williams.

Absent and Not Voting: Boggs, Queen and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4439) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4530**, Authorizing daily passenger rental car companies to charge reasonable administrative fees.

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

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

**“ARTICLE 6D. DAILY PASSENGER RENTAL CAR BUSINESS.**

**§17A-6D-17. Authorized administrative fees.**

(a) As used in this section, ‘administrative fees’ means reasonable costs expressly provided for in the master rental agreement pertaining to parking tickets, tolls, citations for other non-moving violations, and other costs incurred by the rental customer and not timely paid by the rental customer and paid by the daily passenger car rental company. Administrative fees may not exceed \$25 per rental agreement or ten percent of the debt owed, whichever is less.

(b) Notwithstanding any provision of this code to the contrary, including, but not limited to §46A-2-128(d) of this code, a daily passenger rental car company may collect or charge administrative fees incidental to, or arising from, the rental transaction when the administrative fees are expressly provided for in the master rental agreement and affirmatively acknowledged by the rental customer.”

And,

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

**Com. Sub. for H. B. 4530** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6D-17, relating to fees that may be charged by daily passenger rental car companies pursuant to the master rental agreement; defining a term; authorizing daily passenger rental car companies to charge administrative fees under a certain amount related to certain costs incurred by the rental customer and paid by the daily passenger car rental company; and requiring that the rental customer affirmatively agree to the administrative fees in the master rental agreement.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 731**), and there were—yeas 90, nays 7, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, S. Brown, Fleischauer, Fluharty, J. Jeffries, Paynter and Robinson.

Absent and Not Voting: Boggs, Queen and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4530) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4557**, Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals.

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

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

**“§27-9-1. License from ~~director of health~~ Secretary of Health and Human Resources; regulations.”**

And,

On page two, section three, by striking out the section heading and inserting in lieu thereof the following:

**“§27-17-3. License from ~~director of health~~ Secretary of Health and Human Resources; regulations; and penalties.”**

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 732**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4557) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4573**, Relating to Medicaid subrogation liens of the Department of Health and Human Resources.

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

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

**“ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-11. Definitions; assignment of rights; right of subrogation by the department for third-party liability; notice requirement for claims and civil actions; notice requirement for settlement of third-party claim; penalty for failure to notify the department; provisions related to trial; attorneys fees; class actions and multiple plaintiff actions not authorized; and secretary’s authority to settle.**

(a) *Definitions.* — As used in this section, unless the context otherwise requires:

(1) ‘Bureau’ means the Bureau for Medical Services.

(2) ‘Department’ means the West Virginia Department of Health and Human Resources, or its contracted designee.

(3) ‘Recipient’ means a person who applies for and receives assistance under the Medicaid Program.

(4) ‘Secretary’ means the Secretary of the Department of Health and Human Resources.

(5) ‘Third party’ means:

(1) An individual or entity that is alleged to be liable to pay all or part of the costs of recipient’s medical treatment and medical-related services for personal injury, disease, illness or disability, as well as any entity including, but not limited to, a business organization, health service organization, insurer, or public or private agency acting by or on behalf of the allegedly liable third party; and

(2) Any insurer that may be liable under an uninsured or underinsured motorist policy covering the injuries to the recipient.

(b) *Assignment of rights.* —

(1) Submission of an application to the department for medical assistance is, as a matter of law, an assignment of the right of the applicant or his or her legal representative to recover from third parties past medical expenses paid for by the Medicaid program.

(2) At the time an application for medical assistance is made, the department shall include a statement along with the application that explains that the applicant has assigned all of his or her rights as provided in this section and the legal implications of making this assignment.

(3) This assignment of rights does not extend to Medicare benefits.

(4) This section does not prevent the recipient or his or her legal representative from maintaining an action for injuries or damages sustained by the recipient against any third party, and from including, as part of the compensatory damages sought to be recovered, the amounts of his or her past medical expenses.

(5) The department shall be legally subrogated to the rights of the recipient against the third party.

(6) The department shall have a priority right to be paid first out of any payments made to the recipient for past medical expenses before the recipient can recover any of his or her own costs for medical care.

(7) A recipient is considered to have authorized all third parties to release to the department information needed by the department to secure or enforce its rights as assignee under this chapter.

*(c) Notice requirement for claims and civil actions; Secretary's authority to intervene and to settle. —*

(1) A recipient's legal representative shall provide notice to the department within 60 days of asserting a claim against a third party. ~~If the claim is asserted in a formal civil action, the recipient's legal representative shall notify the department within 60 days of service of the complaint and summons upon the third party by causing a copy of the summons and a copy of the complaint to be served on the department as though it were named a party defendant.~~

(2) If the recipient has no legal representative, and the third party knows or reasonably should know that a recipient has no representation, then the third party shall provide notice to the department within 60 days of receipt of a claim or within 30 days of receipt of information or documentation reflecting the recipient is receiving Medicaid benefits, whichever is later in time.

(3) In any civil action implicated by this section, the department may file a notice of appearance and shall thereafter have the right to file and receive pleadings, intervene, and take other action permitted by law.

(4) The department shall provide the recipient and the third party, if the recipient is without legal representation, notice of the amount of the purported subrogation lien within 30 days of receipt of notice of the claim. The department shall provide related supplements in a timely manner, but no later than 15 days after receipt of a request for same.

(5) When determined by the department to be cost effective, the secretary or his or her designee may, in his or her discretion, negotiate for a reduction in the lien.

*(d) Notice of settlement requirement. —*

(1) A recipient or his or her representative shall notify the department of a settlement with a third party and retain in escrow an amount equal to the amount of the subrogation lien asserted by the department. The notification shall include the amount of the settlement being allocated for past medical expenses paid for by the Medicaid program. ~~Within 30 days of the receipt of any such notice, the department shall notify the recipient of its consent or rejection of the proposed allocation. If the department consents, the recipient or his or her legal representation shall issue payment out of the settlement proceeds in a manner directed by the secretary or his or her designee within 30 days of consent to the proposed allocation~~

(2) Within 30 days of the receipt of any such notice of a proposed settlement, the department shall notify the recipient of its consent or rejection of the proposed allocation. If the department consents, the recipient or his or her legal representative shall issue payment out of the settlement proceeds in a manner directed by the secretary or his or her designee within 30 days of consent to the proposed allocation.



(3) If the total amount of the settlement is less than the department's subrogation lien, then the settling parties shall obtain the department's consent to the settlement before finalizing the settlement. The department shall advise the parties within ~~30~~ 60 days and provide a detailed itemization of all past medical expenses paid by the department on behalf of the recipient for which the department seeks reimbursement out of the settlement proceeds.

(4) If the department rejects the proposed allocation, the ~~department recipient or his or her legal representative~~ shall seek a judicial determination within 30 days ~~and provide a detailed itemization of all past medical expenses paid by the department on behalf of the recipient for which the department seeks reimbursement out of the settlement proceeds~~ regarding the appropriateness of the proposed settlement in the court in which the action is then pending or, in the event no such action is pending, in any court in which the recipient could have filed such action for damages.

(A) If judicial determination becomes necessary, the trial court is required to hold an evidentiary hearing. The recipient and the department shall be provided ample notice of the same and be given just opportunity to present the necessary evidence, including fact witness and expert witness testimony, to establish the amount to which the department is entitled to be reimbursed pursuant to this section.

(B) The department shall have the burden to prove by a preponderance of the evidence the amount of its subrogation lien, and the recipient shall have the burden of proving by a preponderance of the evidence that the allocation agreed to by the parties is proper. The trial court shall give due consideration to the department's interests in being fairly reimbursed for purposes of the operation of the Medicaid program. The trial court's decision should be set forth in a detailed order containing the requisite findings of fact and conclusions of law to support its rulings.

~~(4) (5) Any settlement by a recipient with one or more third parties which would otherwise fully resolve the recipient's claim~~

~~for an amount collectively~~ If the amount of the department's final subrogation lien does not exceed \$1,500, the settlement not to exceed \$20,000 shall be exempt from the provisions of this section.

(5) (6) Nothing herein prevents a recipient from seeking judicial intervention to resolve any dispute as to allocation prior to effectuating a settlement with a third party.

(e) *Department failure to respond to notice of settlement.* — If the department fails to appropriately respond to a notification of settlement, the amount to which the department is entitled to be paid from the settlement shall be limited to the amount of the settlement the recipient has allocated toward past medical expenses.

(f) *Penalty for failure to notify the department.* — A legal representative acting on behalf of a recipient or third party that fails to comply with the provisions of this section is liable to the department for all reimbursement amounts the department would otherwise have been entitled to collect pursuant to this section but for the failure to comply, plus interest at the legal rate from the date of the settlement. Under no circumstances may a pro se recipient be penalized for failing to comply with the provisions of this section.

(g) *Miscellaneous provisions relating to trial.* —

(1) Where an action implicated by this section is tried by a jury, the jury may not be informed at any time as to the subrogation lien of the department.

(2) Where an action implicated by this section is tried by judge or jury, the trial judge shall, or in the instance of a jury trial, require that the jury, identify precisely the amount of the verdict awarded that represents past medical expenses.

(3) Upon the entry of judgment on the verdict, the court shall direct that upon satisfaction of the judgment any damages awarded for past medical expenses be withheld and paid directly to the

department, not to exceed the amount of past medical expenses paid by the department on behalf of the recipient.

(h) *Attorneys' fees.* — Irrespective of whether an action or claim is terminated by judgment or settlement without trial, from the amount required to be paid to the department there shall be deducted the reasonable costs and attorneys' fees attributable to the amount in accordance with and in proportion to the fee arrangement made between the recipient and his or her attorney of record so that the department shall bear the pro-rata share of the reasonable costs and attorneys' fees: *Provided*, That if there is no recovery, the department shall under no circumstances be liable for any costs or attorneys' fees expended in the matter.

(i) *Class actions and multiple plaintiff actions not authorized.* — Nothing in this article shall authorize the department to institute a class action or multiple plaintiff action against any manufacturer, distributor, or vendor of any product to recover medical care expenditures paid for by the Medicaid program.

(j) *Secretary's authority.* — The secretary or his or her designee may, in his or her sole discretion, compromise, settle, and execute a release of any claim relating to the department's right of subrogation, in whole or in part.

(k) *Effective Date.* — The amendments to this section enacted during the 2020 regular session of the West Virginia Legislature shall be effective with respect to claims against third parties arising on or after July 1, 2020."

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 733**), and there were—yeas 55, nays 44, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Hansen, Hartman,

Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Steele, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams, Wilson and Zukoff.

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4573) passed.

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

On this question, the yeas and nays were taken (**Roll No. 734**), and there were—yeas 59, nays 40, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Queen.

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

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4634**, Southern West Virginia Lake Development Study Commission Act.

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

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

**“ARTICLE 1B. SOUTHERN WEST VIRGINIA LAKE DEVELOPMENT STUDY COMMISSION.**

**§5B-1B-1. Southern West Virginia Lake Development Study Commission Act.**

This article shall be known as the ‘Southern West Virginia Lake Development Study Commission Act.’

**§5B-1B-2. Legislative findings.**

(a) The Legislature finds that the southern coalfields of West Virginia, long one of the most productive coal producing areas of the world, having provided untold millions of dollars to the state economy, and having been the financial backbone of the state’s economy for over a century, is now in the midst of a long decline in coal production and population, and because of rugged terrain and remoteness from surrounding regions, suffers from high unemployment and deteriorating infrastructure and economic base, and requires innovative and alternative approaches to revitalization; and therefore demands the Legislature look at innovative ideas and alternatives for new industries and businesses that provide sustainable long term development for southern West Virginia.

(b) The natural beauty of the mountainous regions, now popular with outdoor enthusiasts for its Hatfield McCoy Trail System, would be an ideal location for a large recreational lake or lakes, constructed with hundreds of miles of lake front property, tens of thousands of acres of lake surface, near a four lane highway and situated near large tracts of developable property, with

carefully considered design and development, could create a new and exciting recreational area of the state, and provide a myriad of opportunities for further development and with creative initiative could revitalize this area of our state. Such a proposal is worthy of careful study and marshalling the forces of our state and federal governments to thoroughly evaluate and consider this development, maximizing the design and use of a lake or lake system to provide a variety of benefits, potentially including hydro-electric generation, resort developments, housing, and economic opportunities that would create diversity and renewal to this long neglected and deserving area of our state.

**§5B-1B-3. Commission created; undertake study; report to the Legislature.**

(a) There is hereby created the Southern West Virginia Lake Development Study Commission within the West Virginia Development Office. The commission shall consist of the following members:

(1) The president of the West Virginia Economic Development Council, who will serve as chair of the commission;

(2) Six members designated by each of the county commissions of Boone, Logan, McDowell, Mercer, Mingo, and Wyoming Counties;

(3) One member representing the Department of Environmental Protection, to be appointed by the Governor;

(4) One member representing the Division of Natural Resources, to be appointed by the Governor;

(5) One member representing and having expertise in each of the following fields, to be appointed by the Governor:

(A) Geology;

(B) Land use planning;

(C) Law;

(D) Natural resource management;

(E) Tourism development;

(F) Public recreation;

(G) Hydrology; and

(H) Ecology; and

(6) Six citizen members representing Boone, Logan, McDowell, Mercer, Mingo, and Wyoming to be appointed by the Governor.

(b) The West Virginia University Bureau of Business and Economic Research and the Marshall University Center for Business and Economic Research shall assist the commission by undertaking the study of topics as directed by this section and by the commission. Working with the commission, the two research groups shall investigate lake developments across the region and country to identify what makes large lake developments successful, types of unique amenities and development sites that would promote economic growth, alternative uses for the lake and its resources in power generation, regional resource preservation and integration, enhancement of the Hatfield and McCoy ATV Trail System, and other outdoor recreational opportunities.

(c) The commission shall oversee studies that evaluate where a lake can be located to maximize economic benefits and assess environmental impacts, property ownership assessment and purchasing costs, impacts to mineral ownership and development impacts, and other issues as identified by the commission. The commission is empowered to form specialized committees of experts in various fields of law, science, economic development, geological, mineral, and natural resources to make recommendations and provide expertise in their respective fields regarding viability and implications of lake construction, road location, and resource preservation.

(d) The commission is directed to undertake the inclusion of federal resources for assistance in the study of the feasibility and implementation recommendations. The commission shall pursue federal funding for undertaking the study and the subsequent construction of this project upon the finding of viability of the study project.

(e) The commission may call upon other officers, departments, and agencies of state government to assist in its investigation. Upon the request of the commission, the Attorney General of the state shall render legal research and analysis on legal issues associated with developing recommendations for lawful land development construction and compliance with state and federal laws associated with land acquisition and lake construction, to the commission.

(f) All actual and necessary travel expenses of the members of the commission shall be reimbursed by the member's employing agency. All other expenses incurred by the commission shall be paid by the Development Office.

#### **§5B-1B-4. Report to the Legislature.**

The commission shall provide regular updates to the Legislature, through the Joint Committee on Government and Finance, and shall complete this study and its recommendations by July 1, 2022. The report shall include at a minimum, recommendations for any necessary legislation, funding recommendations, and analysis of the implications and costs associated with the development project provided in this article.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 735**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bibby, Hardy, Porterfield, Waxman and Wilson.

Absent and Not Voting: Queen.



So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4634) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4666**, Relating to competitive bids for intergovernmental relations and urban mass transportation.

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

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

**“ARTICLE 27. INTERGOVERNMENTAL RELATIONS —  
URBAN MASS TRANSPORTATION SYSTEMS.**

**§8-27-23. Competitive bids; publication of solicitation for sealed bids.**

(a) Any contract for the construction of facilities by any authority, when the expenditure required exceeds the sum of ~~\$10,000~~ \$25,000, shall be based solely on competitive sealed bids.

(b) Except as provided ~~below~~ in subsections (c) or (d) of this section, the procurement of all supplies, equipment and materials, where the expenditure required exceeds the sum of ~~\$10,000~~ \$25,000, shall be based on the competitive procedure that is best suited under the circumstances of the procurement.

(c) In determining the competitive bid ~~procedures~~ procedure that is best suited under the circumstances, an authority shall conduct:

(1) Competitive sealed bidding if:

(A) Time permits a competitive bid process to be used;

(B) The award of the bid will be made primarily on price and price-related factors;

(C) It is likely to be unnecessary to conduct discussions with suppliers regarding bids, including discussions regarding price; and

(D) There is a reasonable expectation of receiving more than one sealed bid; or

(2) Competitive negotiation where competitive sealed bidding is not best suited under the circumstances.

(d) Notwithstanding the provisions of subsections (b) and (c) of this section, an authority may provide for the procurement of property or services covered by this section using other than competitive procedures only when:

(1) The property or services needed are available only from one responsible source and no other type of property or service will satisfy the authority's needs;

(2) The authority's need for the property or service is urgent, unusual and compelling because the authority would be seriously injured unless the authority is permitted to limit the number of sources from which it solicits;

(3) It is necessary to award a contract to a particular source or sources in order to maintain a facility, producer, manufacturer or other supplier in case of emergency; ~~or~~

(4) It is necessary to establish or maintain an alternative source or sources of supply for the property or service to increase or maintain competition; or

(5) The authority is using the Federal Transit Administration Third Party Procurement Guidance circular, as may be amended by the Federal Transit Administration, when spending federal appropriations as a designated recipient of 49 U.S.C. §5307 and 49 U.S.C. §5340 - Urbanized Area Formula Appropriations - to finance its procurements or contracts.

(e) All sealed bids or competitive negotiated proposals received in response to a solicitation or request for bid may be rejected if an authority determines that the action is in the public interest.

(f) Sealed bids shall be opened publicly at the time and place stated in the solicitation and the authority shall evaluate the bids without discussions with bidders and award a contract with reasonable promptness to the responsible source whose bid conforms to the solicitation and is most advantageous to the authority, considering only price and other price-related factors included in the solicitation.

(g) The evaluation of competitive proposals may include written or oral discussions conducted with all responsible bidders or suppliers at any time after receipt of the proposals and before the award or may be made without discussions. In either event, the award shall be made to the lowest responsible bidder or supplier.

(h) Adequate public notice of the solicitation of bids and proposals shall be given. Public notice shall be given not less than seven days before the date set for bid opening or, in the case of competitive negotiation, not less than seven days before the due date for receipt of proposals: *Provided*, That bids for the construction of facilities shall be obtained by public notice published as a Class I legal advertisement in compliance with ~~the provisions of~~ §59-3-1 *et seq.* of this code, with ~~such~~ the publication being made at least 14 days before the final date for submitting bids.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 736**), and there were—yeas 92, nays 7, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bibby, Butler, Cadle, P. Martin, McGeehan, Paynter and Wilson.

Absent and Not Voting: Queen.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4666) passed.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 802**, Relating to public utilities generally.

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

On page two, section twenty, subsection (b), subdivision (v), by striking out “100,000” and inserting in lieu thereof “100”.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 737**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Queen.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 802) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**Com. Sub. for H. B. 4388**, Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising.

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

Senators Takubo, Rucker and Romano.

Whereupon,

In the absence of objection, the Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Howell, C. Martin and Stagers.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4558**, Creating a personal income tax credit for volunteer firefighters in West Virginia.

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

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

**“ARTICLE 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 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.

**ARTICLE 15. CONSUMERS SALES AND SERVICE TAX.**

**§11-15-9. Exemptions.**

*(a) Exemptions for which exemption certificate may be issued.*  
— A person having a right or claim to any exemption set forth in this subsection may, in lieu of paying the tax imposed by this article

and filing a claim for refund, execute a certificate of exemption, in the form required by the Tax Commissioner, and deliver it to the vendor of the property or service in the manner required by the Tax Commissioner. However, the Tax Commissioner may, by rule, specify those exemptions authorized in this subsection for which exemption certificates are not required. The following sales of tangible personal property and services are exempt as provided in this subsection:

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

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

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

(4) Sales of vehicles which are titled by the Division of Motor Vehicles and which are subject to the tax imposed by §11-15-3c of this code or like tax;

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

(6) Sales of tangible personal property or services to a corporation or organization which has a current registration

certificate issued under §11-12-1 *et seq.* of this code, which is exempt from federal income taxes under Section 501(c)(3) or (c)(4) of the Internal Revenue Code of 1986, as amended, and which is:

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

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

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

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

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

(F) For purposes of this subsection:

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

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



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

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

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

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

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

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

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

(G) The exemption allowed by this subdivision does not apply to sales of gasoline or special fuel or to sales of tangible personal property or services to be used or consumed in the generation of unrelated business income as defined in Section 513 of the Internal Revenue Code of 1986, as amended. The exemption granted in this

subdivision applies only to services, equipment, supplies, and materials used or consumed in the activities for which the organizations qualify as tax-exempt organizations under the Internal Revenue Code and does not apply to purchases of gasoline or special fuel which are taxable as provided in §11-14C-1 *et seq.* of this code;

(7) An isolated transaction in which any taxable service or any tangible personal property is sold, transferred, offered for sale or delivered by the owner of the property or by his or her representative for the owner's account, the sale, transfer, offer for sale, or delivery not being made in the ordinary course of repeated and successive transactions of like character by the owner or on his or her account by the representative: *Provided*, That nothing contained in this subdivision may be construed to prevent an owner who sells, transfers, or offers for sale tangible personal property in an isolated transaction through an auctioneer from availing himself or herself of the exemption provided in this subdivision, regardless of where the isolated sale takes place. The Tax Commissioner may propose a legislative rule for promulgation pursuant to §29A-3-1 *et seq.* of this code which he or she considers necessary for the efficient administration of this exemption;

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

(9) Sales of tangible personal property to a person for the purpose of resale in the form of tangible personal property: *Provided*, That sales of gasoline and special fuel by distributors and importers is taxable except when the sale is to another distributor for resale: *Provided, however*, That sales of building materials or

building supplies or other property to any person engaging in the activity of contracting, as defined in this article, which is to be installed in, affixed to, or incorporated by that person or his or her agent into any real property, building, or structure is not exempt under this subdivision;

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

(11) Sales of drugs, durable medical goods, mobility-enhancing equipment, and prosthetic devices dispensed upon prescription and sales of insulin to consumers for medical purposes;

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

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

(14) Casual and occasional sales of property or services not conducted in a repeated manner or in the ordinary course of repetitive and successive transactions of like character by a corporation or organization which is exempt from tax under subdivision (6) of this subsection on its purchases of tangible personal property or services. For purposes of this subdivision, the term 'casual and occasional sales not conducted in a repeated manner or in the ordinary course of repetitive and successive transactions of like character' means sales of tangible personal property or services at fundraisers sponsored by a corporation or organization which is exempt, under subdivision (6) of this subsection, from payment of the tax imposed by this article on its purchases when the fundraisers are of limited duration and are held no more than six times during any 12-month period and 'limited duration' means no more than 84 consecutive hours: *Provided*, That sales for volunteer fire departments and volunteer school support groups, with duration of events being no more than 84 consecutive hours at a time, which are held no more than 18 times in a 12-month period for the purposes of this subdivision are

considered ‘casual and occasional sales not conducted in a repeated manner or in the ordinary course of repetitive and successive transactions of a like character’;

(15) Sales of property or services to a school which has approval from the Higher Education Policy Commission or the Council for Community and Technical College Education to award degrees, which has its principal campus in this state and which is exempt from federal and state income taxes under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended: *Provided*, That sales of gasoline and special fuel are taxable as provided in §11-15-18, §11-15-18b, and §11-14C-1 *et seq.* of this code;

(16) Sales of lottery tickets and materials by licensed lottery sales agents and lottery retailers authorized by the State Lottery Commission, under the provisions of §29-22-1 *et seq.* of this code;

(17) Leases of motor vehicles titled pursuant to the provisions of §17A-3-1 *et seq.* of this code to lessees for a period of 30 or more consecutive days;

(18) Notwithstanding the provisions of §11-15-18 or §11-15-18b of this code or any other provision of this article to the contrary, sales of propane to consumers for poultry house heating purposes, with any seller to the consumer who may have prior paid the tax in his or her price, to not pass on the same to the consumer, but to make application and receive refund of the tax from the Tax Commissioner pursuant to rules which are promulgated after being proposed for legislative approval in accordance with chapter 29A of this code by the Tax Commissioner;

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

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

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

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

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

(22) Tuition charged for attending educational summer camps;

(23) (A) Dispensing of services performed by one corporation, partnership, or limited liability company for another corporation, partnership, or limited liability company when the entities are members of the same controlled group or are related taxpayers as defined in Section 267 of the Internal Revenue Code of 1986, as amended. 'Control' means ownership, directly or indirectly, of stock, equity interests, or membership interests possessing ~~fifty~~ 50 percent or more of the total combined voting power of all classes of the stock of a corporation, equity interests of a partnership, or membership interests of a limited liability company entitled to vote or ownership, directly or indirectly, of stock, equity interests, or membership interests possessing 50 percent or more of the value of the corporation, partnership, or limited liability company;

(B) Leases of heavy equipment or machinery among corporations with at least 50 percent common ownership;

(24) Food for the following are exempt:

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

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

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

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

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

(F) Food sold by any religious organization at a social or other gathering conducted by it or under its auspices, if the purpose in selling the food is to obtain revenue for the functions and activities of the organization and the revenue obtained from selling the food is actually used in carrying out those functions and activities:

*Provided*, That purchases made by the organizations are not exempt as a purchase for resale; or

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

(25) Sales of food by little leagues, midget football leagues, youth football or soccer leagues, band boosters, or other school or athletic booster organizations supporting activities for grades kindergarten through 12 and similar types of organizations, including scouting groups and church youth groups, if the purpose in selling the food is to obtain revenue for the functions and activities of the organization and the revenues obtained from selling the food is actually used in supporting or carrying on functions and activities of the groups: *Provided*, That the purchases made by the organizations are not exempt as a purchase for resale;

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

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

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

(29) Sales of tangible personal property or services to any person who claims exemption from the tax imposed by this article or §11-15A-1 *et seq.* of this code, or pursuant to the provision of any other chapter of this code;

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

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

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

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

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



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

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

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

(38) Sales of primary opinion research services when:

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

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

(C) The transfer of the results of the service activities is an indispensable part of the overall service.

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

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

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

(A) Lumber into furniture, toys, collectibles, and home furnishings;

(B) Fruits into wine;

(C) Honey into wine;

(D) Wool into fabric;

(E) Raw hides into semifinished or finished leather products;

(F) Milk into cheese;

(G) Fruits or vegetables into a dried, canned or frozen product;

(H) Feeder cattle into commonly accepted slaughter weights;

(I) Aquatic animals into a dried, canned, cooked or frozen product; and

(J) Poultry into a dried, canned, cooked, or frozen product;

(40) Sales of music instructional services by a music teacher and artistic services or artistic performances of an entertainer or performing artist pursuant to a contract with the owner or operator of a retail establishment, restaurant, inn, bar, tavern, sports or other entertainment facility, or any other business location in this state in which the public or a limited portion of the public may assemble to hear or see musical works or other artistic works be performed for the enjoyment of the members of the public there assembled when the amount paid by the owner or operator for the artistic service or artistic performance does not exceed \$3,000: *Provided*, That nothing contained herein may be construed to deprive private

social gatherings, weddings or other private parties from asserting the exemption set forth in this subdivision. For the purposes of this exemption, artistic performance or artistic service means and is limited to the conscious use of creative power, imagination, and skill in the creation of aesthetic experience for an audience present and in attendance and includes, and is limited to, stage plays, musical performances, poetry recitations and other readings, dance presentation, circuses, and similar presentations and does not include the showing of any film or moving picture, gallery presentations of sculptural or pictorial art, nude or strip show presentations, video games, video arcades, carnival rides, radio or television shows, or any video or audio-taped presentations or the sale or leasing of video or audio tapes, air shows, or any other public meeting, display, or show other than those specified herein: *Provided, however,* That nothing contained herein may be construed to exempt the sales of tickets from the tax imposed in this article. The State Tax Commissioner shall propose a legislative rule pursuant to §29A-3-1 *et seq.* of this code establishing definitions and eligibility criteria for asserting this exemption which is not inconsistent with the provisions set forth herein: *Provided further,* That nude dancers or strippers may not be considered as entertainers for the purposes of this exemption;

(41) Charges to a member by a membership association or organization which is exempt from paying federal income taxes under Section 501(c)(3) or (c)(6) of the Internal Revenue Code of 1986, as amended, for membership in the association or organization, including charges to members for newsletters prepared by the association or organization for distribution primarily to its members, charges to members for continuing education seminars, workshops, conventions, lectures, or courses put on or sponsored by the association or organization, including charges for related course materials prepared by the association or organization or by the speaker or speakers for use during the continuing education seminar, workshop, convention, lecture, or course, but not including any separate charge or separately stated charge for meals, lodging, entertainment, or transportation taxable under this article: *Provided,* That the association or organization pays the tax imposed by this article on its purchases of meals,

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

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

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

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

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

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

tax imposed by this article has previously been paid by the service provider;

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

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

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

(b) *Refundable exemptions.* — Any person having a right or claim to any exemption set forth in this subsection shall first pay to the vendor the tax imposed by this article and then apply to the Tax Commissioner for a refund or credit, or as provided in §11-15-9d of this code give to the vendor his or her West Virginia direct pay permit number. The following sales of tangible personal property and services are exempt from tax as provided in this subsection:

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

(2) Sales of services, machinery, supplies, and materials directly used or consumed in the activities of manufacturing, transportation, transmission, communication, production of natural resources, gas storage, generation or production or selling electric power, provision of a public utility service or the operation of a

utility service or the operation of a utility business, in the businesses or organizations named in this subdivision and does not apply to purchases of gasoline or special fuel;

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

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

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

(c) *Effective date.* – The amendments to this section in 2018 shall take effect beginning July 1, 2018, and apply to sales made on and after that date: *Provided*, That the amendments to subdivision (6), subsection (b) of this section take effect upon passage of this act of the Legislature and shall be construed to prohibit on and after January 1, 2018, all transfers to the State Road Fund established in the State Treasury pursuant to section 52, article VI of the Constitution of West Virginia, of the taxes imposed by §11-15-1 *et seq.* and §11-15A-1 *et seq.* of this code.”

And,

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

**Com. Sub. for H. B. 4558** - “A Bill to amend and reenact §11-10-14a of the Code of West Virginia, 1931, as amended; to further 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; to further 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; and to amend and reenact §11-15-9 of said code, 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 an exemption for the State Sales and Use Tax for the rental of equipment among corporations with a minimum of 50 percent common ownership; 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.”

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

### **Conference Committee Report Availability**

At 3:52 p.m., the Clerk announced availability of the report of the Committee of Conference on H. B. 4524, Making the entire state “wet” or permitting the sale of alcoholic liquors for off-premises consumption.

At 3:52 p.m., the House of Delegates recessed until 5:00 p.m.

\* \* \* \* \*

### **Evening Session**

\* \* \* \* \*

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

### **Conference Committee Report Availability**

At 7:08 p.m., the Clerk announced availability of the report of the Committee of Conference on **Com. Sub. for S. B. 529**, Establishing limitations on claims and benefits against state.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**Com. Sub. for H. B. 4558**, Creating a personal income tax credit for volunteer firefighters in West Virginia.



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

Senators Sypolt, Weld and Palumbo.

In the objection of objection, the House of Delegates agreed to the appointment of a Committee of Conference from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Criss, Maynard and Barrett.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 150**, Budget Bill.

Delegate Householder moved that the House of Delegates concur in the Senate amendment to the House amendment, and the House concurred in the following Senate amendment:

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

#### TITLE I – GENERAL PROVISIONS.

- 1 **Section 1. General policy.** – The purpose of this bill is to
- 2 appropriate money necessary for the economical and efficient
- 3 discharge of the duties and responsibilities of the state and its
- 4 agencies during the fiscal year 2021.

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

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

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

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

9       The “fiscal year 2021” shall mean the period from July 1, 2020,  
10 through June 30, 2021.

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

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

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

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

3       “Personal services” shall mean salaries, wages and other  
4 compensation paid to full-time, part-time and temporary  
5 employees of the spending unit but shall not include fees or

6 contractual payments paid to consultants or to independent  
7 contractors engaged by the spending unit. “Personal services” shall  
8 include “annual increment” for “eligible employees” and shall be  
9 disbursed only in accordance with Article 5, Chapter 5 of the Code.

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

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

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

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

34 Should the appropriation for “BRIM Premium” be insufficient  
35 to cover such cost, the remainder of such costs shall be paid by each  
36 spending unit from its “unclassified” appropriation, its “current  
37 expenses” appropriation or any other appropriate appropriation to  
38 the Board of Risk and Insurance Management. Each spending unit  
39 is hereby authorized and required to make such payments. If there

40 is no appropriation for “BRIM Premium” such costs shall be paid  
41 by each spending unit from its “current expenses” appropriation,  
42 “unclassified” appropriation or other appropriate appropriation.

43 West Virginia Council for Community and Technical College  
44 Education and Higher Education Policy Commission entities  
45 operating with special revenue funds and/or federal funds shall pay  
46 their proportionate share of the Board of Risk and Insurance  
47 Management total insurance premium cost for their respective  
48 institutions.

49 “Current expenses” shall mean operating costs other than  
50 personal services and shall not include equipment, repairs and  
51 alterations, buildings or lands. Each spending unit shall be  
52 responsible for and charged monthly for all postage meter service  
53 and shall reimburse the appropriate revolving fund monthly for all  
54 such amounts. Such expenditures shall be considered a current  
55 expense.

56 “Equipment” shall mean equipment items which have an  
57 appreciable and calculable period of usefulness in excess of one  
58 year.

59 “Repairs and alterations” shall mean routine maintenance and  
60 repairs to structures and minor improvements to property which do  
61 not increase the capital assets.

62 “Buildings” shall include new construction and major alteration  
63 of existing structures and the improvement of lands and shall  
64 include shelter, support, storage, protection or the improvement of  
65 a natural condition.

66 “Lands” shall mean the purchase of real property or interest in  
67 real property.

68 “Capital outlay” shall mean and include buildings, lands or  
69 buildings and lands, with such category or item of appropriation to  
70 remain in effect as provided by W.Va. Code §12-3-12.

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

75 Appropriations classified in any of the above categories shall be  
76 expended only for the purposes as defined above and only for the  
77 spending units herein designated: *Provided*, That the secretary of  
78 each department shall have the authority to transfer within the  
79 department those general revenue funds appropriated to the various  
80 agencies of the department: *Provided, however*, That no more than  
81 five percent of the general revenue funds appropriated to any one  
82 agency or board may be transferred to other agencies or boards  
83 within the department: and no funds may be transferred to a  
84 “personal services and employee benefits” appropriation unless the  
85 source funds are also wholly from a “personal services and  
86 employee benefits” line, or unless the source funds are from  
87 another appropriation that has exclusively funded employment  
88 expenses for at least twelve consecutive months prior to the time  
89 of transfer and the position(s) supported by the transferred funds  
90 are also permanently transferred to the receiving agency or board  
91 within the department: *Provided further*, That the secretary of each  
92 department and the director, commissioner, executive secretary,  
93 superintendent, chairman or any other agency head not governed  
94 by a departmental secretary as established by Chapter 5F of the  
95 Code shall have the authority to transfer funds appropriated to  
96 “personal services and employee benefits,” “current expenses,”  
97 “repairs and alterations,” “equipment,” “other assets,” “land,” and  
98 “buildings” to other appropriations within the same account and no  
99 funds from other appropriations shall be transferred to the  
100 “personal services and employee benefits” or the “unclassified”  
101 appropriation: *And provided further*, That no authority exists  
102 hereunder to transfer funds into appropriations to which no funds  
103 are legislatively appropriated: *And provided further*, That if the  
104 Legislature consolidates, reorganizes or terminates agencies,  
105 boards or functions, within any fiscal year the secretary or other  
106 appropriate agency head, or in the case of the termination of a  
107 spending unit of the state, the Director of the State Budget Office,  
108 in the absence of general law providing otherwise, may transfer the

109 funds formerly appropriated to such agency, board or function,  
110 allocating items of appropriation as may be necessary if only part  
111 of the item may be allocated, in order to implement such  
112 consolidation, reorganization or termination. No funds may be  
113 transferred from a Special Revenue Account, dedicated account,  
114 capital expenditure account or any other account or fund  
115 specifically exempted by the Legislature from transfer, except that  
116 the use of the appropriations from the State Road Fund for the  
117 office of the Secretary of the Department of Transportation is not  
118 a use other than the purpose for which such funds were dedicated  
119 and is permitted.

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

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

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

## TITLE II – APPROPRIATIONS.

## ORDER OF SECTIONS

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

- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.



1           **Section 1. Appropriations from general revenue.** – From  
 2 the State Fund, General Revenue, there are hereby appropriated  
 3 conditionally upon the fulfillment of the provisions set forth in  
 4 Article 2, Chapter 11B the following amounts, as itemized, for  
 5 expenditure during the fiscal year 2021.

## LEGISLATIVE

### *I - Senate*

#### Fund 0165 FY 2021 Org 2100

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

13           The appropriations for the Senate for the fiscal year 2020 are to  
 14 remain in full force and effect and are hereby reappropriated to  
 15 June 30, 2021. Any balances so reappropriated may be transferred  
 16 and credited to the fiscal year 2020 accounts.

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

20           The Clerk of the Senate, with the approval of the President, is  
 21 authorized to draw his or her requisitions upon the Auditor, payable

22 out of the Current Expenses and Contingent Fund of the Senate, for  
23 any bills for supplies and services that may have been incurred by  
24 the Senate and not included in the appropriation bill, for supplies  
25 and services incurred in preparation for the opening, the conduct of  
26 the business and after adjournment of any regular or extraordinary  
27 session, and for the necessary operation of the Senate offices, the  
28 requisitions for which are to be accompanied by bills to be filed  
29 with the Auditor.

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

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

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

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

*2 - House of Delegates*

Fund 0170 FY 2021 Org 2200

1	Compensation of Members (R)..... 00300	\$	3,000,000
2	Compensation and Per Diem		
3	of Officers and Employees (R)..... 00500		575,000
4	Current Expenses and		
5	Contingent Fund (R)..... 02100		4,399,031
6	Expenses of Members (R)..... 9900		1,350,000
7	BRIM Premium (R) ..... 91300		<u>80,000</u>
8	Total.....	\$	9,404,031

9 The appropriations for the House of Delegates for the fiscal year  
10 2020 are to remain in full force and effect and are hereby  
11 reappropriated to June 30, 2021. Any balances so reappropriated  
12 may be transferred and credited to the fiscal year 2020 accounts.

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

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

27 The Speaker of the House of Delegates shall have authority to  
 28 employ such staff personnel during and between sessions of the  
 29 Legislature as shall be needed, in addition to personnel designated  
 30 in the House resolution, and the compensation of all personnel shall  
 31 be as fixed in such House resolution for the session, or fixed by the  
 32 Speaker during and between sessions of the Legislature,  
 33 notwithstanding such House resolution. The Clerk of the House of  
 34 Delegates is hereby authorized to draw requisitions upon the  
 35 Auditor for such services, payable out of the appropriation for the  
 36 Compensation and Per Diem of Officers and Employees or Current  
 37 Expenses and Contingent Fund of the House of Delegates.

38 For duties imposed by law and by the House of Delegates,  
 39 including salary allowed by law as keeper of the rolls, the Clerk of  
 40 the House of Delegates shall be paid a monthly salary as provided  
 41 in the House resolution, unless increased between sessions under  
 42 the authority of the Speaker and payable out of the appropriation  
 43 for Compensation and Per Diem of Officers and Employees or  
 44 Current Expenses and Contingent Fund of the House of Delegates.

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

*3 - Joint Expenses*

(WV Code Chapter 4)

Fund 0175 FY 2021 Org 2300

1	Joint Committee on Government		
2	and Finance (R).....	10400	\$ 6,725,138
3	Legislative Printing (R).....	10500	260,000
4	Legislative Rule-Making		
5	Review Committee (R).....	10600	147,250
6	Legislative Computer System (R).....	10700	1,447,500
7	Legislative Fees & Dues (R).....	10701	600,000
8	BRIM Premium (R) .....	91300	<u>60,569</u>

9 Total..... \$ 9,240,457

10 The appropriations for the Joint Expenses for the fiscal year  
11 2020 are to remain in full force and effect and are hereby  
12 reappropriated to June 30, 2021. Any balances reappropriated may  
13 be transferred and credited to the fiscal year 2020 accounts.

14 Upon the written request of the Clerk of the Senate, with the  
15 approval of the President of the Senate, and the Clerk of the House  
16 of Delegates, with the approval of the Speaker of the House of  
17 Delegates, and a copy to the Legislative Auditor, the Auditor shall  
18 transfer amounts between items of the total appropriation in order  
19 to protect or increase the efficiency of the service.

## JUDICIAL

### *4 - Supreme Court –*

#### *General Judicial*

#### Fund 0180 FY 2021 Org 2400

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

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

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

22 The appropriation for the Judges’ Retirement System (fund  
 23 0180, appropriation 11000) is to be transferred to the Consolidated  
 24 Public Retirement Board, in accordance with the law relating  
 25 thereto, upon requisition of the Administrative Director of the  
 26 Supreme Court of Appeals.

**EXECUTIVE**

*5 - Governor’s Office*

(WV Code Chapter 5)

Fund 0101 FY 2021 Org 0100

1	Personal Services and		
2	Employee Benefits.....00100	\$	3,250,758
3	Current Expenses (R).....13000		800,000
4	Repairs and Alterations.....06400		25,000
5	National Governors Association.....12300		60,700
6	Herbert Henderson Office of		
7	Minority Affairs.....13400		396,726
8	Community Food Program.....18500		1,000,000
9	Office of Resiliency.....18600		596,157
10	BRIM Premium.....91300		<u>183,645</u>
11	Total.....	\$	<u>6,312,986</u>

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

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

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

(WV Code Chapter 5)

Fund 0102 FY 2021 Org 0100

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

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

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

*7 - Governor's Office –**Civil Contingent Fund*

(WV Code Chapter 5)

Fund 0105 FY 2021 Org 0100

1	Milton Flood Wall (R).....	75701	\$ 6,000,000
2	Public Health Emergency		
3	Response Fund.....	xxxxx	<u>2,000,000</u>
4	Total.....		8,000,000

5 Any unexpended balances remaining in the appropriations for  
6 Business and Economic Development Stimulus – Surplus (fund  
7 0105, appropriation 08400), Civil Contingent Fund – Total (fund

8 0105, appropriation 11400), 2012 Natural Disasters – Surplus  
 9 (fund 0105, appropriation 13500), Civil Contingent Fund – Total –  
 10 Surplus (fund 0105, appropriation 23800), Civil Contingent Fund  
 11 – Surplus (fund 0105, appropriation 26300), Business and  
 12 Economic Development Stimulus (fund 0105, appropriation  
 13 58600), Civil Contingent Fund (fund 0105, appropriation 61400),  
 14 Milton Flood Wall (fund 0105, appropriation 75701), and Natural  
 15 Disasters – Surplus (fund 0105, appropriation 76400) at the close  
 16 of the fiscal year 2020 are hereby reappropriated for expenditure  
 17 during the fiscal year 2021.

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

21 The above fund is intended to provide contingency funding for  
 22 accidental, unanticipated, emergency or unplanned events which  
 23 may occur during the fiscal year and is not to be expended for the  
 24 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

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

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



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

*9 - Treasurer's Office*

(WV Code Chapter 12)

Fund 0126 FY 2021 Org 1300

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

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

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

*10 - Department of Agriculture*

(WV Code Chapter 19)

Fund 0131 FY 2021 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 6,298,229
3	Animal Identification Program.....	03900	131,942
4	State Farm Museum.....	05500	87,759
5	Current Expenses (R).....	13000	848,115

6	Gypsy Moth Program (R) .....	11900	1,003,440
7	WV Farmers Market .....	12801	150,467
8	Black Fly Control.....	13700	453,698
9	HEMP Program.....	13701	350,000
10	Donated Foods Program .....	36300	45,000
11	Veterans to Agriculture Program (R)...	36301	255,624
12	Predator Control (R) .....	47000	176,400
13	Bee Research.....	69100	70,634
14	Microbiology Program.....	78500	99,828
15	Moorefield Agriculture Center.....	78600	975,284
16	Chesapeake Bay Watershed.....	83000	112,427
17	Livestock Care Standards Board.....	84300	8,820
18	BRIM Premium.....	91300	138,905
19	State FFA-FHA Camp and		
20	Conference Center .....	94101	738,554
21	Threat Preparedness .....	94200	73,122
22	WV Food Banks.....	96900	426,000
23	Senior's Farmers' Market		
24	Nutrition Coupon Program .....	97000	<u>55,835</u>
25	Total.....		\$ 12,500,083

26 Any unexpended balances remaining in the appropriations for  
27 Gypsy Moth Program (fund 0131, appropriation 11900), Current  
28 Expenses (fund 0131, appropriation 13000), Veterans to  
29 Agriculture Program (fund 0131, appropriation 36301), Predator  
30 Control (fund 0131, appropriation 47000), and Agricultural  
31 Disaster and Mitigation Needs – Surplus (fund 0131, appropriation  
32 85000) at the close of the fiscal year 2020 are hereby  
33 reappropriated for expenditure during the fiscal year 2021.

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

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

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

44 From the above appropriation for WV Food Banks (fund 0131,  
 45 appropriation 96900), \$20,000 is for House of Hope and the  
 46 remainder of the appropriation shall be allocated to the Huntington  
 47 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 794,191
3	Unclassified.....	09900	77,059
4	Current Expenses (R).....	13000	317,848
5	Soil Conservation Projects (R).....	12000	9,799,709
6	BRIM Premium.....	91300	<u>34,428</u>
7	Total.....		\$ 11,023,235

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

*12 - Department of Agriculture –*

*Meat Inspection Fund*

(WV Code Chapter 19)

Fund 0135 FY 2021 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 668,030
3	Unclassified.....	09900	7,090

4	Current Expenses .....	13000		<u>82,605</u>
5	Total.....		\$	757,725

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

*13 - Department of Agriculture –*

*Agricultural Awards Fund*

(WV Code Chapter 19)

Fund 0136 FY 2021 Org 1400

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

*14 - Department of Agriculture –*

*West Virginia Agricultural Land Protection Authority*

(WV Code Chapter 8A)

Fund 0607 FY 2021 Org 1400

1	Personal Services and			
2	Employee Benefits.....	00100	\$	99,547
3	Unclassified.....	09900		<u>950</u>
4	Total.....		\$	100,497

*15 - Attorney General*

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

Fund 0150 FY 2021 Org 1500

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

12 Any unexpended balances remaining in the above  
13 appropriations for Personal Services and Employee Benefits (fund  
14 0150, appropriation 00100), Unclassified (fund 0150,  
15 appropriation 09900), Current Expenses (fund 0150, appropriation  
16 13000), Criminal Convictions and Habeas Corpus Appeals (fund  
17 0150, appropriation 26000), and Agency Client Revolving  
18 Liquidity Pool (fund 0150, appropriation 36200) at the close of the  
19 fiscal year 2020 are hereby reappropriated for expenditure during  
20 the fiscal year 2021.

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

24 When legal counsel or secretarial help is appointed by the  
25 Attorney General for any state spending unit, this account shall be  
26 reimbursed from such spending units specifically appropriated  
27 account or from accounts appropriated by general language  
28 contained within this bill: *Provided*, That the spending unit shall  
29 reimburse at a rate and upon terms agreed to by the state spending  
30 unit and the Attorney General: *Provided, however*, That if the  
31 spending unit and the Attorney General are unable to agree on the  
32 amount and terms of the reimbursement, the spending unit and the  
33 Attorney General shall submit their proposed reimbursement rates  
34 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

1	Personal Services and		
2	Employee Benefits.....00100	\$	118,794
3	Unclassified (R) .....09900		8,352
4	Current Expenses (R) .....13000		795,948
5	BRIM Premium.....91300		<u>34,500</u>
6	Total.....	\$	957,594

7 Any unexpended balances remaining in the appropriations for  
8 Unclassified (fund 0155, appropriation 09900) and Current  
9 Expenses (fund 0155, appropriation 13000) at the close of the fiscal  
10 year 2020 are hereby reappropriated for expenditure during the  
11 fiscal year 2021.

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

*17 - State Election Commission*

(WV Code Chapter 3)

Fund 0160 FY 2021 Org 1601

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

**DEPARTMENT OF ADMINISTRATION***18 - Department of Administration –**Office of the Secretary*

## (WV Code Chapter 5F)

Fund 0186 FY 2021 Org 0201

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 606,584
3	Unclassified.....	09900	9,177
4	Current Expenses .....	13000	85,009
5	Repairs and Alterations .....	06400	100
6	Equipment.....	07000	1,000
7	Financial Advisor (R) .....	30400	27,546
8	Lease Rental Payments .....	51600	15,000,000
9	Design-Build Board .....	54000	4,000
10	Other Assets.....	69000	100
11	BRIM Premium.....	91300	<u>6,736</u>
12	Total.....		\$ 15,740,252

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

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

*19 - Consolidated Public Retirement Board*

## (WV Code Chapter 5)

Fund 0195 FY 2021 Org 0205

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

*20 - Division of Finance*

(WV Code Chapter 5A)

Fund 0203 FY 2021 Org 0209

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

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

*21 - Division of General Services*

(WV Code Chapter 5A)

Fund 0230 FY 2021 Org 0211

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



15 Any unexpended balances remaining in the above  
 16 appropriations for Buildings (fund 0230, appropriation 25800),  
 17 Capital Outlay, Repairs and Equipment (fund 0230, appropriation  
 18 58900), Capital Outlay, Repairs and Equipment – Surplus (fund  
 19 0230, appropriation 67700), and Land (fund 0230, appropriation  
 20 73000) at the close of the fiscal year 2020 are hereby  
 21 reappropriated for expenditure during the fiscal year 2021.

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

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

*22 - Division of Purchasing*

(WV Code Chapter 5A)

Fund 0210 FY 2021 Org 0213

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,055,926
3	Unclassified.....	09900	144
4	Current Expenses .....	13000	1,285
5	Repairs and Alterations.....	06400	200
6	BRIM Premium.....	91300	<u>6,922</u>
7	Total.....		\$ 1,064,477

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

*23 - Travel Management*

(WV Code Chapter 5A)

Fund 0615 FY 2021 Org 0215

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

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

*24 - Commission on Uniform State Laws*

(WV Code Chapter 29)

Fund 0214 FY 2021 Org 0217

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

*25 - West Virginia Public Employees Grievance Board*

(WV Code Chapter 6C)

Fund 0220 FY 2021 Org 0219

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 969,627
3	Unclassified.....	09900	1,000
4	Current Expenses .....	13000	145,295
5	Equipment.....	07000	50
6	BRIM Premium.....	91300	8,740
7	Total.....		<u>\$ 1,124,712</u>

*26 - Ethics Commission*

(WV Code Chapter 6B)

Fund 0223 FY 2021 Org 0220

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

*27 - Public Defender Services*

(WV Code Chapter 29)

Fund 0226 FY 2021 Org 0221

1	Personal Services and		
2	Employee Benefits.....00100	\$	1,899,483
3	Unclassified.....09900		314,700
4	Current Expenses .....13000		12,740
5	Public Defender Corporations.....35200		19,538,435
6	Appointed Counsel Fees (R).....78800		12,709,713
7	BRIM Premium.....91300		<u>10,575</u>
8	Total.....	\$	34,485,646

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

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

*28 - Committee for the Purchase of*

*Commodities and Services from the Handicapped*

(WV Code Chapter 5A)

Fund 0233 FY 2021 Org 0224

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,187
3	Current Expenses .....	3000	<u>868</u>
4	Total.....		\$ 4,055

*29 - Public Employees Insurance Agency*

(WV Code Chapter 5)

Fund 0200 FY 2021 Org 0225

1	PEIA Subsidy.....	80100	\$ 21,000,000
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2       The Division of Highways, Division of Motor Vehicles, Public  
3       Service Commission and other departments, bureaus, divisions, or  
4       commissions operating from special revenue funds and/or federal  
5       funds shall pay their proportionate share of the public employees  
6       health insurance cost for their respective divisions.

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

*30 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 0557 FY 2021 Org 0228

1	Forensic Medical		
2	Examinations (R).....	68300	\$ 141,579
3	Federal Funds/Grant Match (R).....	74900	<u>105,074</u>
4	Total.....		\$ 246,653

5 Any unexpended balances remaining in the appropriations for  
6 Forensic Medical Examinations (fund 0557, appropriation 68300)  
7 and Federal Funds/Grant Match (fund 0557, appropriation 74900)  
8 at the close of the fiscal year 2020 are hereby reappropriated for  
9 expenditure during the fiscal year 2021.

*31 - Real Estate Division*

(WV Code Chapter 5A)

Fund 0610 FY 2021 Org 0233

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

**DEPARTMENT OF COMMERCE***32 - West Virginia Tourism Office*

(WV Code Chapter 5B)

Fund 0246 FY 2021 Org 0304

1	Tourism – Brand Promotion (R).....	61803	\$ 10,000,000
2	Tourism – Public Relations (R) .....	61804	1,500,000
3	Tourism – Events and		
4	Sponsorships (R).....	61805	500,000
5	Tourism – Industry		
6	Development (R) .....	61806	500,000
7	State Parks and Recreation		
8	Advertising (R) .....	61900	<u>1,500,000</u>
9	Total.....		\$ 14,000,000

10 Any unexpended balances remaining in the appropriations for  
 11 Tourism – Brand Promotion (fund 0246, appropriation 61803),  
 12 Tourism – Public Relations (fund 0246, appropriation 61804),  
 13 Tourism – Events and Sponsorships (fund 0246, appropriation  
 14 61805), Tourism – Industry Development (fund 0246,  
 15 appropriation 61806), and State Parks and Recreation Advertising  
 16 (fund 0246, appropriation 61900) at the close of the fiscal year  
 17 2020 are hereby reappropriated for expenditure during the fiscal  
 18 year 2021.

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

*33 - Division of Forestry*

(WV Code Chapter 19)

Fund 0250 FY 2021 Org 0305

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

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

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

*34 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 0253 FY 2021 Org 0306

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

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

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

*35 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 0256 FY 2021 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 4,500,420
3	Unclassified.....	09900	108,055
4	Current Expenses .....	13000	5,815,277
5	National Youth Science Camp.....	13200	241,570
6	Local Economic Development		
7	Partnerships (R) .....	13300	1,250,000
8	ARC Assessment .....	13600	152,585
9	Guaranteed Work Force Grant (R).....	24200	976,579
10	Mainstreet Program.....	79400	167,467
11	Local Economic Development		
12	Assistance (R).....	18900	1,750,000
13	BRIM Premium.....	91300	3,157
14	Hatfield McCoy Recreational Trail.....	96000	<u>198,415</u>
15	Total.....		\$ 15,163,525

16 Any unexpended balances remaining in the appropriations for  
17 Sales and Marketing Enhancement – Surplus (fund 0256,  
18 appropriation 05099), Unclassified – Surplus (fund 0256,  
19 appropriation 09700), Partnership Grants (fund 0256,  
20 appropriation 13100), Local Economic Development Partnerships  
21 (fund 0256, appropriation 13300), Guaranteed Work Force Grant  
22 (fund 0256, appropriation 24200), Industrial Park Assistance (fund  
23 0256, appropriation 48000), and Local Economic Development  
24 Assistance (fund 0256, appropriation 81900) at the close of the  
25 fiscal year 2020 are hereby reappropriated for expenditure during  
26 the fiscal year 2021.

27 From the above appropriation for Current Expenses (fund 0256,  
28 appropriation 13000), \$1,800,000 shall be used for the Eastern  
29 West Virginia Regional Airport; \$50,000 shall be used for the  
30 Western Potomac Economic Partnership;\$100,000 shall be used  
31 for Techconnect West Virginia and \$100,000 shall be used for  
32 Advantage Valley.

33 The above appropriation to Local Economic Development  
34 Partnerships (fund 0256, appropriation 13300) shall be used by the  
35 West Virginia Development Office for the award of funding  
36 assistance to county and regional economic development



37 corporations or authorities participating in the Certified  
 38 Development Community Program developed under the provisions  
 39 of W.Va. Code §5B-2-14. The West Virginia Development Office  
 40 shall award the funding assistance through a matching grant  
 41 program, based upon a formula whereby funding assistance may  
 42 not exceed \$34,000 per county served by an economic  
 43 development or redevelopment corporation or authority.

*36 - Division of Labor*

(WV Code Chapters 21, and 47)

Fund 0260 FY 2021 Org 0308

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

*37 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 0265 FY 2021 Org 0310

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

13	Land (R).....	73000	100
14	Law Enforcement.....	80600	2,552,994
15	BRIM Premium.....	91300	<u>45,141</u>
16	Total.....		\$ 23,248,350

17 Any unexpended balances remaining in the appropriations for  
 18 Buildings (fund 0265, appropriation 25800), Capital Outlay –  
 19 Parks (fund 0265, appropriation 28800), Land (fund 0265,  
 20 appropriation 73000), and State Park Improvements – Surplus  
 21 (fund 0265, appropriation 76300) at the close of the fiscal year  
 22 2020 are hereby reappropriated for expenditure during the fiscal  
 23 year 2021.

24 Any revenue derived from mineral extraction at any state park  
 25 shall be deposited in a special revenue account of the Division of  
 26 Natural Resources, first for bond debt payment purposes and with  
 27 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

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

9 Included in the above appropriation for Current Expenses (fund  
 10 0277, appropriation 13000) is \$500,000 to be used for coal mine  
 11 training activities at an established mine training facility in  
 12 southern West Virginia.

*39 - Board of Coal Mine Health and Safety*

(WV Code Chapter 22)

Fund 0280 FY 2021 Org 0319

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

6 Included in the above appropriation for Current Expenses (fund  
7 0280, appropriation 13000) up to \$29,000 shall be used for the Coal  
8 Mine Safety and Technical Review Committee.

*40 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 0572 FY 2021 Org 0323

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

*41 - Department of Commerce –**Office of the Secretary*

(WV Code Chapter 19)

Fund 0606 FY 2021 Org 0327

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 588,872
3	Unclassified.....	09900	1,490
4	Current Expenses .....	13000	<u>17,099</u>

5	Directed Transfer .....	70000		<u>500,000</u>
6	Total.....		\$	1,107,461

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

*42 - Office of Energy*

(WV Code Chapter 5B)

Fund 0612 FY 2021 Org 0328

1	Personal Services and			
2	Employee Benefits.....	00100	\$	198,299
3	Unclassified.....	09900		12,395
4	Current Expenses .....	13000		1,029,679
5	BRIM Premium.....	91300		<u>3,894</u>
6	Total.....		\$	1,244,267

7 From the above appropriation for Current Expenses (fund 0612,  
8 appropriation 13000) \$558,247 is for West Virginia University and  
9 \$308,247 is for Southern West Virginia Community and Technical  
10 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

1	Personal Services and			
2	Employee Benefits.....	00100	\$	11,459,977
3	Independent Living Services.....	00900		429,418
4	Current Expenses .....	13000		558,815
5	Workshop Development .....	16300		1,817,427
6	Supported Employment			
7	Extended Services.....	20600		77,960

8	Ron Yost Personal		
9	Assistance Fund .....	40700	333,828
10	Employment Attendant		
11	Care Program .....	59800	131,575
12	BRIM Premium.....	91300	<u>77,464</u>
13	Total.....		\$ 14,886,464

14 From the above appropriation for Workshop Development  
 15 (fund 0310, appropriation 16300), fund shall be used exclusively  
 16 with the private nonprofit community rehabilitation program  
 17 organizations known as work centers or sheltered workshops. The  
 18 appropriation shall also be used to continue the support of the  
 19 program, services, and individuals with disabilities currently in  
 20 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 348,042
3	Current Expenses .....	13000	<u>2,118,865</u>
4	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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 4,598,523

3	Teachers' Retirement		
4	Savings Realized.....	09500	33,028,000
5	Unclassified (R) .....	09900	500,000
6	Current Expenses (R).....	13000	5,330,000
7	Center for Professional		
8	Development (R) .....	11500	150,000
9	Increased Enrollment .....	14000	5,090,000
10	Safe Schools.....	14300	5,104,544
11	Attendance Incentive Bonus .....	15001	2,056,717
12	National Teacher Certification (R) .....	16100	300,000
13	Jobs & Hope – Childhood		
14	Drug Prevention Education.....	21901	5,000,000
15	Allowance for County Transfer .....	26400	238,174
16	Technology Repair and		
17	Modernization.....	29800	951,003
18	HVAC Technicians .....	35500	516,791
19	Early Retirement Notification		
20	Incentive .....	36600	300,000
21	MATH Program .....	36800	336,532
22	Assessment Programs .....	39600	1,339,588
23	Benedum Professional		
24	Development Collaborative (R).....	42700	429,775
25	Governor's Honors Academy (R).....	47800	1,059,270
26	21 <sup>st</sup> Century Fellows .....	50700	274,899
27	English as a Second Language.....	52800	96,000
28	Teacher Reimbursement .....	57300	297,188
29	Hospitality Training.....	60000	272,775
30	Youth in Government .....	61600	100,000
31	High Acuity Special Needs (R).....	63400	1,500,000
32	Foreign Student Education.....	63600	100,294
33	State Board of Education		
34	Administrative Costs .....	68400	277,403
35	IT Academy (R) .....	72100	500,000
36	Early Literacy Program.....	75600	5,705,624
37	School Based Truancy		
38	Prevention (R).....	78101	2,032,238
39	Mastery Based Education .....	78104	125,000
40	Communities in Schools (R).....	78103	4,900,000
41	21 <sup>st</sup> Century Learners (R).....	88600	1,756,470

42	BRIM Premium.....	91300	342,859
43	21 <sup>st</sup> Century Assessment and		
44	Professional Development.....	93100	2,006,978
45	21 <sup>st</sup> Century Technology		
46	Infrastructure Network		
47	Tools and Support.....	93300	7,636,586
48	Mountain State Digital		
49	Literacy Program .....	xxxxx	415,500
50	Special Olympic Games.....	96600	25,000
51	Educational Program Allowance .....	99600	<u>516,250</u>
52	Total.....		\$ 95,209,981

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

55 From the above appropriation for Unclassified (fund 0313,  
56 appropriation 09900) \$80,000 shall be used for creating a career  
57 exploration tool for students.

58 From the above appropriation for Current Expenses (fund 0313,  
59 appropriation 13000), \$2,000,000 shall be used for the Department  
60 of Education Child Nutrition Program – Non-traditional Child  
61 Hunger Solutions, \$750,000 shall be used for Local Education  
62 Projects.

63 Any unexpended balances remaining in the appropriations for  
64 Unclassified (fund 0313, appropriation 09900), Current Expenses  
65 (fund 0313, appropriation 13000), Center for Professional  
66 Development (fund 0313, appropriation 11500), National Teacher  
67 Certification (fund 0313, appropriation 16100), Benedum  
68 Professional Development Collaborative (fund 0313, appropriation  
69 42700), Governor’s Honors Academy (fund 0313, appropriation  
70 47800), High Acuity Special Needs (fund 0313, appropriation  
71 63400), IT Academy (fund 0313, appropriation 72100), School  
72 Based Truancy Prevention (fund 0313, appropriation 78101),  
73 Communities in Schools (fund 0313, appropriation 78103), and  
74 21<sup>st</sup> Century Learners (fund 0313, appropriation 88600) at the close  
75 of the fiscal year 2020 are hereby reappropriated for expenditure  
76 during the fiscal year 2021.

77 The above appropriation for Teachers’ Retirement Savings  
 78 Realized (fund 0313, appropriation 09500) shall be transferred to  
 79 the Employee Pension and Health Care Benefit Fund (fund 2044).

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

83 The above appropriation for Hospitality Training (fund 0313,  
 84 appropriation 60000), shall be allocated only to entities that have a  
 85 plan approved for funding by the Department of Education, at the  
 86 funding level determined by the State Superintendent of Schools.  
 87 Plans shall be submitted to the State Superintendent of Schools to  
 88 be considered for funding.

89 From the above appropriation for Educational Program  
 90 Allowance (fund 0313, appropriation 99600), \$100,000 shall be  
 91 expended for Morgan County Board of Education for Paw Paw  
 92 Schools; \$150,000 shall be for the Randolph County Board of  
 93 Education for Pickens School; \$100,000 shall be for the Preston  
 94 County Board of Education for the Aurora School; \$100,000 shall  
 95 be for the Fayette County Board of Education for Meadow Bridge  
 96 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

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



9 Any unexpended balance remaining in the appropriation for  
 10 Education of Institutionalized Juveniles and Adults (fund 0314,  
 11 appropriation 47200) at the close of the fiscal year 2020 is hereby  
 12 reappropriated for expenditure during the fiscal year 2021.

13 From the above appropriations, the superintendent shall have  
 14 authority to expend funds for the costs of special education for  
 15 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

1	Other Current Expenses .....	02200	\$ 170,216,073
2	Advanced Placement.....	05300	734,729
3	Professional Educators.....	15100	897,576,715
4	Service Personnel.....	15200	301,789,240
5	Fixed Charges .....	15300	106,219,537
6	Transportation.....	15400	78,177,730
7	Professional Student		
8	Support Services .....	65500	62,148,699
9	Improved Instructional Programs .....	15600	51,956,792
10	21 <sup>st</sup> Century Strategic		
11	Technology Learning Growth.....	93600	26,408,349
12	Teacher and Leader Induction.....	93601	<u>5,443,468</u>
13	Basic Foundation Allowances.....		1,700,671,332
14	Less Local Share .....		(476,083,702)
15	Adjustments .....		<u>(2,716,826)</u>
16	Total Basic State Aid .....		1,221,870,804
17	Public Employees'		
18	Insurance Matching .....	01200	222,461,499
19	Teachers' Retirement System .....	01900	66,511,000
20	School Building Authority .....	45300	24,000,000
21	Retirement Systems –		
22	Unfunded Liability.....	77500	<u>304,728,000</u>
23	Total.....		\$ 1,839,571,303

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

(WV Code Chapters 18, and 18A)

Fund 0390 FY 2021 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,339,713
3	Unclassified.....	09900	268,800
4	Current Expenses .....	13000	883,106
5	Wood Products – Forestry		
6	Vocational Program .....	14600	79,873
7	Albert Yanni Vocational Program .....	14700	132,123
8	Vocational Aid.....	14800	24,229,691
9	Adult Basic Education .....	14900	5,271,228
10	Jobs & Hope.....	14902	3,100,000
11	Program Modernization .....	30500	884,313
12	High School Equivalency		
13	Diploma Testing (R).....	72600	803,397
14	FFA Grant Awards.....	83900	11,496
15	Pre-Engineering Academy		
16	Program.....	84000	<u>265,294</u>
17	Total.....		\$ 37,269,034

18 Any unexpended balances remaining in the appropriations for  
19 Jim’s Dream (fund 0390, appropriation 14901) and High School  
20 Equivalency Diploma Testing (fund 0390, appropriation 72600) at  
21 the close of the fiscal year 2020 are hereby reappropriated for  
22 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 11,379,675
3	Unclassified.....	09900	110,000
4	Current Expenses .....	13000	2,250,696
5	Repairs and Alterations.....	06400	164,675
6	Equipment.....	07000	77,000
7	Buildings (R).....	25800	45,000
8	Capital Outlay and		
9	Maintenance (R) .....	75500	520,000
10	BRIM Premium.....	91300	<u>130,842</u>
11	Total.....		\$ 14,677,888

12 Any unexpended balances remaining in the appropriations for  
13 Buildings (fund 0320, appropriation 25800) and Capital Outlay and  
14 Maintenance (fund 0320, appropriation 75500) at the close of the  
15 fiscal year 2020 are hereby reappropriated for expenditure during  
16 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,463,493
3	Current Expenses .....	13000	610,843
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	1
6	Unclassified (R) .....	09900	28,483
7	WV Humanities Council.....	16800	250,000
8	Buildings (R).....	25800	1
9	Other Assets.....	69000	1
10	Educational Enhancements .....	69500	573,500
11	Land (R).....	73000	1
12	Culture and History Programming.....	73200	231,573
13	Capital Outlay and		
14	Maintenance (R) .....	75500	19,600

15	Historical Highway		
16	Marker Program.....	84400	57,548
17	BRIM Premium.....	91300	<u>39,337</u>
18	Total.....		\$ 5,275,381

19 Any unexpended balances remaining in the appropriations for  
 20 Unclassified (fund 0293, appropriation 09900), Buildings (fund  
 21 0293, appropriation 25800), Capital Outlay, Repairs and  
 22 Equipment (fund 0293, appropriation 58900), Capital  
 23 Improvements – Surplus (fund 0293, appropriation 66100), Capital  
 24 Outlay, Repairs and Equipment – Surplus (fund 0293,  
 25 appropriation 67700), Land (fund 0293, appropriation 73000), and  
 26 Capital Outlay and Maintenance (fund 0293, appropriation 75500)  
 27 at the close of the fiscal year 2020 are hereby reappropriated for  
 28 expenditure during the fiscal year 2021.

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

35 From the above appropriation for Educational Enhancements  
 36 (fund 0293, appropriation 69500), \$500,000 shall be used for Save  
 37 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

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

*52 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 0300 FY 2021 Org 0439

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

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

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

(WV Code Chapter 20)

Fund 0270 FY 2021 Org 0311

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

*54 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 0273 FY 2021 Org 0313

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

*55 - Air Quality Board*

(WV Code Chapter 16)

Fund 0550 FY 2021 Org 0325

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 60,737
3	Current Expenses .....	13000	11,612
4	Repairs and Alterations.....	06400	800
5	Equipment.....	07000	400
6	Other Assets.....	69000	200
7	BRIM Premium.....	91300	<u>2,304</u>
8	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

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

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

*57 - Division of Health –*

*Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2021 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 12,544,773
3	Chief Medical Examiner .....	04500	8,714,647
4	Unclassified.....	09900	671,795
5	Current Expenses .....	13000	5,588,459
6	State Aid for Local and Basic		
7	Public Health Services.....	18400	14,160,490
8	Safe Drinking Water Program (R) .....	18700	1,891,323
9	Women, Infants and Children .....	21000	38,621
10	Early Intervention .....	22300	8,134,060
11	Cancer Registry.....	22500	206,306
12	Office of Drug Control Policy (R) .....	35401	545,153
13	Statewide EMS Program		
14	Support (R) .....	38300	1,695,271
15	Office of Medical Cannabis (R).....	42001	1,459,989
16	Black Lung Clinics .....	46700	170,885
17	Vaccine for Children.....	55100	338,235
18	Tuberculosis Control.....	55300	329,256

19	Maternal and Child Health		
20	Clinics, Clinicians Medical		
21	Contracts and Fees (R).....	57500	5,892,707
22	Epidemiology Support .....	62600	1,497,192
23	Primary Care Support .....	62800	4,263,706
24	Sexual Assault Intervention		
25	and Prevention .....	72300	250,000
26	Health Right Free Clinics.....	72700	3,750,000
27	Capital Outlay and		
28	Maintenance (R) .....	75500	70,000
29	Healthy Lifestyles .....	77800	890,000
30	Maternal Mortality Review.....	83400	49,933
31	Diabetes Education and Prevention .....	87300	97,125
32	BRIM Premium.....	91300	169,791
33	State Trauma and Emergency		
34	Care System.....	91800	1,921,322
35	WVU Charleston Poison		
36	Control Hotline .....	94400	<u>712,942</u>
37	Total.....		\$ 76,053,981

38 Any unexpended balances remaining in the appropriations for  
39 Safe Drinking Water Program (fund 0407, appropriation 18700),  
40 Office of Drug Control Policy (fund 0407, appropriation 35401),  
41 Office of Drug Control Policy – Surplus (fund 0407, appropriation  
42 35402), Statewide EMS Program Support (fund 0407,  
43 appropriation 38300), Office of Medical Cannabis (fund 0407,  
44 appropriation 42001), Maternal and Child Health Clinics,  
45 Clinicians and Medical Contracts and Fees (fund 0407,  
46 appropriation 57500), Capital Outlay and Maintenance (fund 0407,  
47 appropriation 75500), Emergency Response Entities – Special  
48 Projects (fund 0407, appropriation 82200), and Tobacco Education  
49 Program (fund 0407, appropriation 90600) at the close of the fiscal  
50 year 2020 are hereby reappropriated for expenditure during the  
51 fiscal year 2021.

52 From the above appropriation for Current Expenses (fund 0407,  
53 appropriation 13000), an amount not less than \$100,000 is for the  
54 West Virginia Cancer Coalition; \$50,000 shall be expended for the  
55 West Virginia Aids Coalition; \$100,000 is for Adolescent



56 Immunization Education; \$73,065 is for informal dispute  
 57 resolution relating to nursing home administrative appeals;  
 58 \$50,000 is for Hospital Hospitality House of Huntington; \$200,000  
 59 is for Potomac Center Inc. of Romney, West Virginia; and  
 60 \$1,000,000 shall be used for the administration of the Telestroke  
 61 program.

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

*58 - Consolidated Medical Services Fund*

(WV Code Chapter 16)

Fund 0525 FY 2021 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,632,588
3	Current Expenses .....	13000	14,113
4	Behavioral Health Program (R) .....	21900	68,613,953
5	Jobs & Hope.....	14902	200,000
6	Family Support Act.....	22100	251,226
7	Institutional Facilities		
8	Operations (R) .....	33500	147,729,180
9	Substance Abuse Continuum		
10	of Care (R) .....	5400	1,840,000
11	Capital Outlay and		
12	Maintenance (R) .....	75500	2,875,000
13	Renaissance Program .....	80400	165,996
14	BRIM Premium.....	91300	<u>1,296,098</u>
15	Total.....		\$ 224,618,154

16 Any unexpended balances remaining in the appropriations for  
 17 Jim's Dream (fund 0525, appropriation 14901), Behavioral Health  
 18 Program (fund 0525, appropriation 21900), Institutional Facilities  
 19 Operations (fund 0525, appropriation 33500), Substance Abuse

20 Continuum of Care (fund 0525, appropriation 35400), and Capital  
21 Outlay and Maintenance (fund 0525, appropriation 75500) at the  
22 close of the fiscal year 2020 are hereby reappropriated for  
23 expenditure during the fiscal year 2021.

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

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

35 The above appropriation for Institutional Facilities Operations  
36 (fund 0525, appropriation 33500) contains prior year salary  
37 increases due to the Hartley court order in the amount of  
38 \$2,202,013 for William R. Sharpe Jr. Hospital, and \$2,067,984 for  
39 Mildred Mitchel-Bateman Hospital.

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

44 Additional funds have been appropriated in fund 5156, fiscal  
45 year 2021, organization 0506, for the operation of the institutional  
46 facilities. The secretary of the Department of Health and Human  
47 Resources is authorized to utilize up to ten percent of the funds  
48 from the Institutional Facilities Operations appropriation to  
49 facilitate cost effective and cost saving services at the community  
50 level.

*59 - Division of Health –*

*West Virginia Drinking Water Treatment*

## (WV Code Chapter 16)

Fund 0561 FY 2021 Org 0506

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

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

*60 - Human Rights Commission*

## (WV Code Chapter 5)

Fund 0416 FY 2021 Org 0510

1 Personal Services and  
 2 Employee Benefits..... 00100 \$ 1,073,553  
 3 Unclassified..... 09900 4,024  
 4 Current Expenses ..... 13000 331,304  
 5 BRIM Premium..... 1300 10,764  
 6 Total..... \$ 1,419,645

*61 - Division of Human Services*

## (WV Code Chapters 9, 48, and 49)

Fund 0403 FY 2021 Org 0511

1 Personal Services and  
 2 Employee Benefits..... 00100 \$ 50,356,249  
 3 Unclassified..... 09900 5,688,944  
 4 Current Expenses ..... 13000 11,708,336  
 5 Child Care Development..... 14400 3,102,718  
 6 Medical Services..... 18900 297,855,264

7	Social Services.....	19500	226,476,781
8	Family Preservation Program .....	19600	1,565,000
9	Family Resource Networks.....	27400	1,762,464
10	Domestic Violence Legal		
11	Services Fund.....	38400	400,000
12	James “Tiger” Morton		
13	Catastrophic Illness Fund .....	45500	105,695
14	I/DD Waiver.....	46600	108,541,736
15	Child Protective Services		
16	Case Workers.....	46800	27,843,073
17	Title XIX Waiver for Seniors.....	53300	13,593,620
18	WV Teaching Hospitals		
19	Tertiary/Safety Net .....	54700	6,356,000
20	In-Home Family Education.....	68800	1,000,000
21	WV Works Separate State Program.....	69800	135,000
22	Child Support Enforcement .....	70500	6,458,806
23	Temporary Assistance for Needy		
24	Families/Maintenance of Effort .....	70700	25,819,096
25	Child Care – Maintenance of		
26	Effort Match.....	70800	5,693,743
27	Grants for Licensed Domestic		
28	Violence Programs and		
29	Statewide Prevention .....	75000	2,500,000
30	Capital Outlay and		
31	Maintenance (R) .....	75500	11,875
32	Community Based Services and		
33	Pilot Programs for Youth.....	75900	1,000,000
34	Medical Services		
35	Administrative Costs .....	78900	38,234,761
36	Traumatic Brain Injury Waiver.....	83500	800,000
37	Indigent Burials (R) .....	85100	1,550,000
38	CHIP Administrative Costs.....	85601	700,000
39	CHIP Services.....	85602	6,390,665
40	BRIM Premium.....	91300	892,642
41	Rural Hospitals Under 150 Beds.....	4000	2,596,000
42	Children’s Trust Fund – Transfer.....	95100	220,000
43	PATH .....	95400	<u>7,162,452</u>
44	Total.....		\$ 856,520,920

45 Any unexpended balances remaining in the appropriations for  
46 Capital Outlay and Maintenance (fund 0403, appropriation 75500)  
47 and Indigent Burials (fund 0403, appropriation 85100) at the close  
48 of the fiscal year 2020 are hereby reappropriated for expenditure  
49 during the fiscal year 2021.

50 Notwithstanding the provisions of Title I, section three of this  
51 bill, the secretary of the Department of Health and Human  
52 Resources shall have the authority to transfer funds within the  
53 above appropriations: *Provided*, That no more than five percent of  
54 the funds appropriated to one appropriation may be transferred to  
55 other appropriations: *Provided, however*, That no funds from other  
56 appropriations shall be transferred to the personal services and  
57 employee benefits appropriation.

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

61 Included in the above appropriation for Social Services (fund  
62 0403, appropriation 19500) is funding for continuing education  
63 requirements relating to the practice of social work.

64 The above appropriation for Domestic Violence Legal Services  
65 Fund (fund 0403, appropriation 38400) shall be transferred to the  
66 Domestic Violence Legal Services Fund (fund 5455).

67 The above appropriation for James “Tiger” Morton  
68 Catastrophic Illness Fund (fund 0403, appropriation 45500) shall  
69 be transferred to the James “Tiger” Morton Catastrophic Illness  
70 Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the  
71 Code.

72 The above appropriation for WV Works Separate State Program  
73 (fund 0403, appropriation 69800), shall be transferred to the WV  
74 Works Separate State College Program Fund (fund 5467), and the  
75 WV Works Separate State Two-Parent Program Fund (fund 5468)  
76 as determined by the secretary of the Department of Health and  
77 Human Resources.

78 From the above appropriation for Child Support Enforcement  
 79 (fund 0403, appropriation 70500) an amount not to exceed  
 80 \$300,000 may be transferred to a local banking depository to be  
 81 utilized to offset funds determined to be uncollectible.

82 From the above appropriation for the Grants for Licensed  
 83 Domestic Violence Programs and Statewide Prevention (fund  
 84 0403, appropriation 75000), 50% of the total shall be divided  
 85 equally and distributed among the fourteen (14) licensed programs  
 86 and the West Virginia Coalition Against Domestic Violence  
 87 (WVCADV). The balance remaining in the appropriation for  
 88 Grants for Licensed Domestic Violence Programs and Statewide  
 89 Prevention (fund 0403, appropriation 75000), shall be distributed  
 90 according to the formula established by the Family Protection  
 91 Services Board.

92 The above appropriation for Children’s Trust Fund – Transfer  
 93 (fund 0403, appropriation 95100) shall be transferred to the  
 94 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 684,426
3	Unclassified (R) .....	09900	16,386
4	Current Expenses .....	13000	168,968
5	Repairs and Alterations.....	06400	1,500
6	Equipment.....	07000	1,500
7	Fusion Center (R).....	46900	2,724,000
8	Other Assets.....	69000	2,500
9	Directed Transfer .....	70000	32,000
10	BRIM Premium.....	91300	22,563

11	WV Fire and EMS Survivor		
12	Benefit (R) .....	93900	<u>200,000</u>
13	Total.....		\$ 3,853,843

14 Any unexpended balances remaining in the appropriations for  
 15 Unclassified (fund 0430, appropriation 09900), Fusion Center  
 16 (fund 0430, appropriation 46900), Justice Reinvestment Training –  
 17 Surplus (fund 0430, appropriation 69900), WV Fire and EMS  
 18 Survivor Benefit (fund 0430, appropriation 93900), and Homeland  
 19 State Security Administrative Agency (fund 0430, appropriation  
 20 95300) at the close of the fiscal year 2020 are hereby  
 21 reappropriated for expenditure during the fiscal year 2021.

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

*63 - West Virginia Parole Board*

(WV Code Chapter 62)

Fund 0440 FY 2021 Org 0605

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

9 The above appropriation for Salaries of Members of West  
 10 Virginia Parole Board (fund 0440, appropriation 22700) includes  
 11 funding for salary, annual increment (as provided for in W.Va.  
 12 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

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

15 Any unexpended balances remaining in the appropriations for  
 16 Federal Funds/Grant Match (fund 0443, appropriation 74900),  
 17 Early Warning Flood System (fund 0443, appropriation 87700),  
 18 and Disaster Mitigation (fund 0443, appropriation 95200) at the  
 19 close of the fiscal year 2020 are hereby reappropriated for  
 20 expenditure during the fiscal year 2021.

*65 - Division of Corrections and Rehabilitation –**Central Office*

(WV Code Chapter 15A)

Fund 0446 FY 2021 Org 0608

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



*66 - Division of Corrections and Rehabilitation –**Correctional Units*

(WV Code Chapter 15A)

Fund 0450 FY 2021 Org 0608

1	Employee Benefits .....	01000	\$	1,258,136
2	Children's Protection Act (R) .....	09000		838,437
3	Unclassified.....	09900		1,578,800
4	Current Expenses (R).....	13000		52,016,936
5	Facilities Planning and			
6	Administration (R).....	38600		1,274,200
7	Charleston Correctional Center .....	45600		3,400,402
8	Beckley Correctional Center.....	49000		2,518,874
9	Anthony Correctional Center .....	50400		6,096,779
10	Huttonsville Correctional Center .....	51400		21,920,001
11	Northern Correctional Center.....	53400		8,018,685
12	Inmate Medical Expenses (R).....	53500		21,226,064
13	Pruntytown Correctional Center .....	54300		8,597,911
14	Corrections Academy.....	56900		1,925,980
15	Information Technology Services.....	59901		2,759,052
16	Martinsburg Correctional Center .....	66300		4,348,990
17	Parole Services.....	68600		5,850,564
18	Special Services .....	68700		6,477,777
19	Investigative Services .....	71600		3,394,070
20	Capital Outlay and			
21	Maintenance (R) .....	75500		2,000,000
22	Salem Correctional Center.....	77400		11,455,381
23	McDowell County			
24	Correctional Center.....	79000		2,542,590
25	Stevens Correctional Center .....	79100		7,863,195
26	Parkersburg Correctional Center.....	82800		3,927,845
27	St. Mary's Correctional Center .....	88100		14,497,534
28	Denmar Correctional Center .....	88200		5,189,043
29	Ohio County Correctional Center .....	88300		2,147,492
30	Mt. Olive Correctional Complex .....	88800		22,357,432
31	Lakin Correctional Center.....	89600		10,711,864

32	BRIM Premium.....	91300	<u>2,527,657</u>
33	Total.....		\$ 238,721,691

34 Any unexpended balances remaining in the appropriations for  
 35 Children’s Protection Act (fund 0450, appropriation 09000),  
 36 Unclassified – Surplus (fund 0450, appropriation 09700), Current  
 37 Expenses (fund 0450, appropriation 13000), Facilities Planning  
 38 and Administration (fund 0450, appropriation 38600), Inmate  
 39 Medical Expenses (fund 0450, appropriation 53500), Capital  
 40 Improvements – Surplus (fund 0450, appropriation 66100), Capital  
 41 Outlay, Repairs and Equipment – Surplus (fund 0450,  
 42 appropriation 67700), Capital Outlay and Maintenance (fund 0450,  
 43 appropriation 75500), Security System Improvements – Surplus  
 44 (fund 0450, appropriation 75501), and Roof Repairs and  
 45 Mechanical System Upgrades (fund 0450, appropriation 75502) at  
 46 the close of the fiscal year 2020 are hereby reappropriated for  
 47 expenditure during the fiscal year 2021.

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

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

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

*67 - Division of Corrections and Rehabilitation –*

*Bureau of Juvenile Services*

(WV Code Chapter 15A)

Fund 0570 FY 2021 Org 0608

1	Statewide Reporting Centers.....	26200	\$	7,358,529
2	Robert L. Shell Juvenile Center .....	26700		2,519,068
3	Resident Medical Expenses (R) .....	53501		3,604,999
4	Central Office.....	70100		2,167,320
5	Capital Outlay and			
6	Maintenance (R) .....	75500		250,000
7	Gene Spadaro Juvenile Center .....	79300		2,692,984
8	BRIM Premium.....	91300		115,967
9	Kenneth Honey Rubenstein			
10	Juvenile Center (R) .....	98000		5,808,523
11	Vicki Douglas Juvenile Center .....	98100		2,389,494
12	Northern Regional Juvenile Center .....	98200		2,876,302
13	Lorrie Yeager Jr. Juvenile Center .....	98300		2,422,880
14	Sam Perdue Juvenile Center .....	98400		2,614,497
15	Tiger Morton Center .....	98500		2,633,060
16	Donald R. Kuhn Juvenile Center .....	98600		5,060,657
17	J.M. "Chick" Buckbee			
18	Juvenile Center .....	98700		<u>2,527,617</u>
19	Total.....		\$	<u>45,041,897</u>

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

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

*68 - West Virginia State Police*

(WV Code Chapter 15)

Fund 0453 FY 2021 Org 0612

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 62,255,235
3	Children’s Protection Act .....	09000	1,009,529
4	Current Expenses .....	13000	10,384,394
5	Repairs and Alterations.....	06400	450,523
6	Trooper Class.....	52100	3,207,832
7	Barracks Lease Payments .....	55600	237,898
8	Communications and Other		
9	Equipment (R) .....	55800	1,070,968
10	Trooper Retirement Fund.....	60500	11,487,590
11	Handgun Administration Expense .....	74700	77,892
12	Capital Outlay and		
13	Maintenance (R) .....	75500	250,000
14	Retirement Systems –		
15	Unfunded Liability.....	7500	16,648,000
16	Automated Fingerprint		
17	Identification System.....	89800	2,211,693
18	BRIM Premium.....	91300	<u>5,743,921</u>
19	Total.....		\$ 115,035,475

20 Any unexpended balances remaining in the appropriations for  
21 Communications and Other Equipment (fund 0453, appropriation  
22 55800), and Capital Outlay and Maintenance (fund 0453,  
23 appropriation 75500) at the close of the fiscal year 2020 are hereby  
24 reappropriated for expenditure during the fiscal year 2021.

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

*69 - Fire Commission*

(WV Code Chapter 29)

Fund 0436 FY 2021 Org 0619

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

(WV Code Chapter 5F)

Fund 0585 FY 2021 Org 0622

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

9 Any unexpended balances remaining in the appropriations for  
 10 Equipment (fund 0585, appropriation 07000), and Unclassified  
 11 (fund 0585, appropriation 09900) at the close of the fiscal year  
 12 2020 are hereby reappropriated for expenditure during the fiscal  
 13 year 2021.

*71 - Division of Administrative Services*

(WV Code Chapter 15A)

Fund 0619 FY 2021 Org 0623

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

*72 - Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 0546 FY 2021 Org 0623

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 570,979

3	Current Expenses .....	13000	133,360
4	Repairs and Alterations .....	06400	1,804
5	Child Advocacy Centers (R).....	45800	2,206,954
6	Community Corrections (R) .....	56100	4,595,222
7	Justice Reinvestment Initiative .....	89501	2,332,101
8	Statistical Analysis Program .....	59700	49,819
9	Sexual Assault Forensic		
10	Examination Commission (R) .....	71400	77,525
11	Qualitative Analysis and Training		
12	for Youth Services (R).....	76200	332,446
13	Law Enforcement Professional		
14	Standards.....	83800	164,272
15	BRIM Premium.....	91300	2,123
16	Total.....		\$ 10,466,605

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

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

## DEPARTMENT OF REVENUE

*73 - Office of the Secretary*

(WV Code Chapter 11)

Fund 0465 FY 2021 Org 0701

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 516,906

3	Unclassified.....	09900	5,837
4	Current Expenses .....	13000	81,594
5	Repairs and Alterations.....	06400	1,262
6	Equipment.....	07000	8,000
7	Other Assets.....	69000	<u>500</u>
8	Total.....		\$ 614,099

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

*74 - Tax Division*

(WV Code Chapter 11)

Fund 0470 FY 2021 Org 0702

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

14 Any unexpended balances remaining in the appropriations for  
 15 Personal Services and Employee Benefits (fund 0470,  
 16 appropriation 00100), Unclassified (fund 0470, appropriation  
 17 09900), Current Expenses (fund 0470, appropriation 13000), and  
 18 Integrated Tax Assessment System (fund 0470, appropriation  
 19 29200) at the close of the fiscal year 2020 are hereby  
 20 reappropriated for expenditure during the fiscal year 2021.

*75 - State Budget Office*

(WV Code Chapter 11B)

Fund 0595 FY 2021 Org 0703

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

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

*76 - West Virginia Office of Tax Appeals*

(WV Code Chapter 11)

Fund 0593 FY 2021 Org 0709

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

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

*77 - Division of Professional and Occupational Licenses –**State Athletic Commission*



## (WV Code Chapter 29)

Fund 0523 FY 2021 Org 0933

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

**DEPARTMENT OF TRANSPORTATION***78 - State Rail Authority*

## (WV Code Chapter 29)

Fund 0506 FY 2021 Org 0804

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 361,627
3	Current Expenses .....	13000	3,087,707
4	Other Assets (R).....	69000	1,270,019
5	BRIM Premium.....	91300	<u>201,541</u>
6	Total.....		\$ 4,920,894

7 From the above appropriation for Current Expenses (fund  
8 0506, appropriation 13000), \$2,800,000 shall be transferred to the  
9 State Rail Authority – Commuter Rail Access Fund (fund 8402).

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

*79 - Division of Public Transit*

## (WV Code Chapter 17)

Fund 0510 FY 2021 Org 0805

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

4 Any unexpended balances remaining in the appropriations for  
 5 Equipment (fund 0510, appropriation 07000), Current Expenses  
 6 (fund 0510, appropriation 13000), Buildings (fund 0510,  
 7 appropriation 25800), and Other Assets (fund 0510, appropriation  
 8 69000) at the close of the fiscal year 2020 are hereby  
 9 reappropriated for expenditure during the fiscal year 2021.

*80 - Aeronautics Commission*

(WV Code Chapter 29)

Fund 0582 FY 2021 Org 0807

1	Personal Services and			
2	Employee Benefits.....	00100	\$	223,740
3	Current Expenses (R).....	13000		591,839
4	Repairs and Alterations.....	06400		100
5	BRIM Premium.....	91300		<u>4,438</u>
6	Total.....		\$	820,117

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

**DEPARTMENT OF VETERANS' ASSISTANCE**

*81 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 0456 FY 2021 Org 0613

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

18 Any unexpended balances remaining in the appropriations for  
19 Veterans' Nursing Home (fund 0456, appropriation 28600),  
20 Veterans' Reeducation Assistance (fund 0456, appropriation  
21 32900), Veterans' Grant Program (fund 0456, appropriation  
22 34200), Veterans' Bonus – Surplus (fund 0456, appropriation  
23 34400), and Educational Opportunities for Children of Deceased  
24 Veterans (fund 0456, appropriation 85400) at the close of the fiscal  
25 year 2020 are hereby reappropriated for expenditure during the  
26 fiscal year 2021.

*82 - Department of Veterans' Assistance –*

*Veterans' Home*

(WV Code Chapter 9A)

Fund 0460 FY 2021 Org 0618

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

### **BUREAU OF SENIOR SERVICES**

*83 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 0420 FY 2021 Org 0508

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

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

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

15 The above appropriation is in addition to funding provided in  
16 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

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

14 Any unexpended balances remaining in the appropriations for  
 15 West Virginia Council for Community and Technical Education  
 16 (fund 0596, appropriation 39200), Capital Improvements – Surplus  
 17 (fund 0596, appropriation 66100), Community College Workforce  
 18 Development (fund 0596, appropriation 87800), West Virginia  
 19 Advance Workforce Development (fund 0596, appropriation  
 20 89300), and Technical Program Development (fund 0596,  
 21 appropriation 89400) at the close of the fiscal year 2020 are hereby  
 22 reappropriated for expenditure during the fiscal year 2021.

23 From the above appropriation for the Community College  
 24 Workforce Development (fund 0596, appropriation 87800),  
 25 \$200,000 shall be expended on the Mine Training Program in  
 26 Southern West Virginia.

27 Included in the above appropriation for West Virginia Advance  
 28 Workforce Development (fund 0596, appropriation 89300) is  
 29 \$200,000 to be used exclusively for advanced manufacturing and  
 30 energy industry specific training programs.

*85 - Mountwest Community and Technical College*

(WV Code Chapter 18B)

Fund 0599 FY 2021 Org 0444

1	Mountwest Community and		
2	Technical College .....	48700	\$ 6,489,307

*86 - New River Community and Technical College*

(WV Code Chapter 18B)

Fund 0600 FY 2021 Org 0445

1	New River Community and		
2	Technical College .....	35800	\$ 5,864,886

*87 - Pierpont Community and Technical College*

(WV Code Chapter 18B)

Fund 0597 FY 2021 Org 0446

1	Pierpont Community and		
2	Technical College .....	93000	\$ 7,820,129

*88 - Blue Ridge Community and Technical College*

(WV Code Chapter 18B)

Fund 0601 FY 2021 Org 0447

1	Blue Ridge Community and		
2	Technical College .....	88500	\$ 7,830,842

*89 - West Virginia University at Parkersburg*

(WV Code Chapter 18B)

Fund 0351 FY 2021 Org 0464

1	West Virginia University –		
2	Parkersburg .....	47100	\$ 10,319,284

*90 - Southern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0380 FY 2021 Org 0487

1	Southern West Virginia		
2	Community and		
3	Technical College .....	44600	\$ 8,241,823

*91 - West Virginia Northern Community and Technical College*

(WV Code Chapter 18B)

Fund 0383 FY 2021 Org 0489

1	West Virginia Northern		
2	Community and		
3	Technical College .....	44700	\$ 7,285,825

*92 - Eastern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0587 FY 2021 Org 0492

1	Eastern West Virginia Community		
2	and Technical College .....	41200	\$ 2,179,912

*93 - BridgeValley Community and Technical College*

(WV Code Chapter 18B)

Fund 0618 FY 2021 Org 0493

1 BridgeValley Community and  
 2 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,710,154
3	Current Expenses .....	13000	1,113,606
4	Higher Education Grant Program .....	16400	40,619,864
5	Tuition Contract Program (R).....	16500	1,225,120
6	Underwood-Smith Scholarship		
7	Program-Student Awards.....	16700	628,349
8	Facilities Planning an		
9	Administration .....	38600	1,760,254
10	Higher Education System		
11	Initiatives .....	48801	1,630,000
12	PROMISE Scholarship – Transfer.....	80000	18,500,000
13	HEAPS Grant Program (R).....	86700	5,014,728
14	Mental Health Provider		
15	Loan Repayment.....	XXXXX	330,000
16	RHI Program and Site Support –		
17	RHEP Program Administration .....	03700	80,000
18	Health Professionals’ Student		
19	Loan Program .....	86701	400,000
20	BRIM Premium.....	91300	<u>17,817</u>
21	Total.....		\$ 74,029,892

22 Any unexpended balances remaining in the appropriations for  
 23 Tuition Contract Program (fund 0589, appropriation 16500),  
 24 Capital Improvements – Surplus (fund 0589, appropriation 66100),



25 and HEAPS Grant Program (fund 0589, appropriation 86700) at  
26 the close of the fiscal year 2020 are hereby reappropriated for  
27 expenditure during the fiscal year 2021.

28 The above appropriation for Facilities Planning and  
29 Administration (fund 0589, appropriation 38600) is for operational  
30 expenses of the West Virginia Education, Research and  
31 Technology Park between construction and full occupancy.

32 The above appropriation for Higher Education Grant Program  
33 (fund 0589, appropriation 16400) shall be transferred to the Higher  
34 Education Grant Fund (fund 4933, org 0441) established by W.Va.  
35 Code §18C-5-3.

36 The above appropriation for Underwood-Smith Scholarship  
37 Program-Student Awards (fund 0589, appropriation 16700) shall  
38 be transferred to the Underwood-Smith Teacher Scholarship and  
39 Loan Assistance Fund (fund 4922, org 0441) established by W.Va.  
40 Code §18C-4-1.

41 The above appropriation for PROMISE Scholarship – Transfer  
42 (fund 0589, appropriation 80000) shall be transferred to the  
43 PROMISE Scholarship Fund (fund 4296, org 0441) established by  
44 W.Va. Code §18C-7-7.

*95 - Higher Education Policy Commission –*

*Administration -*

*West Virginia Network for Educational Telecomputing (WVNET)*

(WV Code Chapter 18B)

Fund 0551 FY 2021 Org 0495

1 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

1	WVU School of Health		
2	Science – Eastern Division .....	5600	\$ 2,235,352
3	WVU – School of Health Sciences .....	17400	15,056,370
4	WVU – School of Health		
5	Sciences – Charleston Division .....	17500	2,286,711
6	Rural Health Outreach Programs .....	37700	164,517
7	West Virginia University		
8	School of Medicine		
9	BRIM Subsidy .....	46000	<u>1,203,087</u>
10	Total .....		\$ 20,946,037

11       The above appropriation for Rural Health Outreach Programs  
 12 (fund 0343, appropriation 37700) includes rural health activities  
 13 and programs; rural residency development and education; and  
 14 rural outreach activities.

15       The above appropriation for West Virginia University School  
 16 of Medicine BRIM Subsidy (fund 0343, appropriation 46000) shall  
 17 be paid to the Board of Risk and Insurance Management as a  
 18 general revenue subsidy against the “Total Premium Billed” to the  
 19 institution as part of the full cost of their malpractice insurance  
 20 coverage.

*97 - West Virginia University –**General Administrative Fund*

(WV Code Chapter 18B)

Fund 0344 FY 2021 Org 0463

1	West Virginia University .....	45900	\$ 97,017,960
2	Jackson’s Mill .....	46100	491,458
3	West Virginia University		

4	Institute of Technology.....	47900	8,020,938
5	State Priorities – Brownfield		
6	Professional Development.....	53100	316,556
7	Energy Express .....	86100	382,935
8	West Virginia University –		
9	Potomac State .....	99400	<u>4,512,711</u>
10	Total.....		\$ 110,742,558

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

*98 - Marshall University –*

*School of Medicine*

(WV Code Chapter 18B)

Fund 0347 FY 2021 Org 0471

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

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

13 The above appropriation for Rural Health Outreach Programs  
 14 (fund 0347, appropriation 37700) includes rural health activities  
 15 and programs; rural residency development and education; and  
 16 rural outreach activities.

17 The above appropriation for Marshall University Medical  
 18 School BRIM Subsidy (fund 0347, appropriation 44900) shall be  
 19 paid to the Board of Risk and Insurance Management as a general  
 20 revenue subsidy against the “Total Premium Billed” to the  
 21 institution as part of the full cost of their malpractice insurance  
 22 coverage.

*99 - Marshall University –*

*General Administration Fund*

(WV Code Chapter 18B)

Fund 0348 FY 2021 Org 0471

1	Marshall University .....	44800	\$ 46,761,199
2	Luke Lee Listening Language		
3	and Learning Lab .....	44801	149,015
4	Vista E-Learning (R).....	51900	229,019
5	State Priorities – Brownfield		
6	Professional Development (R).....	53100	309,606
7	Marshall University Graduate		
8	College Writing Project (R).....	80700	25,412
9	WV Autism Training Center (R) .....	93200	<u>1,808,381</u>
10	Total.....		\$ 49,282,632

11 Any unexpended balances remaining in the appropriations for  
 12 Vista E-Learning (fund 0348, appropriation 51900), State Priorities  
 13 – Brownfield Professional Development (fund 0348, appropriation  
 14 53100), Marshall University Graduate College Writing Project  
 15 (fund 0348, appropriation 80700), and WV Autism Training  
 16 Center (fund 0348, appropriation 93200) at the close of the fiscal  
 17 year 2020 are hereby reappropriated for expenditure during the  
 18 fiscal year 2021.

*100 - West Virginia School of Osteopathic Medicine*

(WV Code Chapter 18B)

Fund 0336 FY 2021 Org 0476

1	West Virginia School of		
2	Osteopathic Medicine .....	17200	\$ 8,879,296
3	Rural Health Outreach		
4	Programs (R).....	37700	166,111
5	West Virginia School of		
6	Osteopathic Medicine		
7	BRIM Subsidy .....	40300	153,405
8	Rural Health Initiative –		
9	Medical Schools Support.....	58100	<u>397,592</u>
10	Total.....		\$ 9,596,404

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

15 The above appropriation for Rural Health Outreach Programs  
 16 (fund 0336, appropriation 37700) includes rural health activities  
 17 and programs; rural residency development and education; and  
 18 rural outreach activities.

19 The above appropriation for West Virginia School of  
 20 Osteopathic Medicine BRIM Subsidy (fund 0336, appropriation  
 21 40300) shall be paid to the Board of Risk and Insurance  
 22 Management as a general revenue subsidy against the “Total  
 23 Premium Billed” to the institution as part of the full cost of their  
 24 malpractice insurance coverage.

*101 - Bluefield State College*

(WV Code Chapter 18B)

Fund 0354 FY 2021 Org 0482

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

(WV Code Chapter 18B)

Fund 0357 FY 2021 Org 0483

1	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>			
1	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>			
1	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>			
1	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>			
1	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

1	Unclassified (R) .....	09900	\$	106,798
2	College Education Fund.....	23200		4,000,000
3	Civil Air Patrol.....	23400		249,664
4	Mountaineer ChalleNGe Academy .....	70900		4,800,000
5	Armory Board Transfer.....	70015		2,317,555
6	Military Authority (R).....	74800		6,260,251
7	Drug Enforcement and Support .....	74801		<u>1,500,000</u>
8	Total.....		\$	19,234,268

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

15 From the above appropriations an amount approved by the  
 16 Adjutant General may be transferred to the State Armory Board for  
 17 operation and maintenance of National Guard Armories.

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

20 From the above appropriation and other state and federal  
 21 funding, the Adjutant General shall provide an amount not less than  
 22 \$4,800,000 to the Mountaineer Challenge Academy to meet  
 23 anticipated program demand.

*109 - Adjutant General –*

*Military Fund*

(WV Code Chapter 15)

Fund 0605 FY 2021 Org 0603

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 100,000
3	Current Expenses .....	13000	<u>57,775</u>
4	Total.....		\$ 157,775
5	Total TITLE II, Section 1 –		
6	General Revenue (Including		
7	claims against the state).....		<u>\$ 4,574,513,367</u>

1 **Sec. 2. Appropriations from state road fund.** — From the  
 2 state road fund there are hereby appropriated conditionally upon  
 3 the fulfillment of the provisions set forth in Article 2, Chapter 11B  
 4 of the Code the following amounts, as itemized, for expenditure  
 5 during the fiscal year 2021.

**DEPARTMENT OF TRANSPORTATION**

*110 - Division of Motor Vehicles*

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

Fund 9007 FY 2021 Org 0802

			<b>State Road Fund</b>
		<b>Appro- priation</b>	
1	Personal Services and		
2	Employee Benefits.....	00100	\$ 25,977,939



3	Current Expenses .....	13000	16,175,840
4	Repairs and Alterations .....	06400	144,000
5	Equipment .....	07000	1,080,000
6	Buildings .....	25800	10,000
7	Other Assets .....	69000	2,600,000
8	BRIM Premium.....	91300	<u>89,940</u>
9	Total.....		\$ 46,077,719

*III - Division of Highways*

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2021 Org 0803

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

12 The above appropriations are to be expended in accordance with  
13 the provisions of Chapters 17 and 17C of the code.

14 The Commissioner of Highways shall have the authority to  
15 operate revolving funds within the State Road Fund for the  
16 operation and purchase of various types of equipment used directly  
17 and indirectly in the construction and maintenance of roads and for  
18 the purchase of inventories and materials and supplies.

19 There is hereby appropriated in addition to the above  
20 appropriations, sufficient money for the payment of claims,  
21 accrued or arising during this budgetary period, to be paid in  
22 accordance with Sections 17 and 18, Article 2, Chapter 14 of the  
23 code.

24 It is the intent of the Legislature to capture and match all federal  
 25 funds available for expenditure on the Appalachian highway  
 26 system at the earliest possible time. Therefore, should amounts in  
 27 excess of those appropriated be required for the purposes of  
 28 Appalachian programs, funds in excess of the amount appropriated  
 29 may be made available upon recommendation of the commissioner  
 30 and approval of the Governor. Further, for the purpose of  
 31 Appalachian programs, funds appropriated by appropriation may  
 32 be transferred to other appropriations upon recommendation of the  
 33 commissioner and approval of the Governor.

*112 - Office of Administrative Hearings*

(WV Code Chapter 17C)

Fund 9027 FY 2021 Org 0808

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,698,752
3	Current Expenses .....	13000	338,278
4	Repairs and Alterations.....	06400	3,000
5	Equipment.....	07000	15,500
6	BRIM Premium.....	91300	<u>10,000</u>
7	Total.....		\$ 2,065,530
8	Total TITLE II, Section 2 –		
9	State Road Fund (Including		
10	claims against the state).....		<u>\$ 1,357,570,267</u>

1       **Sec. 3. Appropriations from other funds.** — From the funds  
 2 designated there are hereby appropriated conditionally upon the  
 3 fulfillment of the provisions set forth in Article 2, Chapter 11B of  
 4 the Code the following amounts, as itemized, for expenditure  
 5 during the fiscal year 2021.

**LEGISLATIVE**

*113 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 1731 FY 2021 Org 2300

	<b>Appropriation</b>	<b>Other Funds</b>
1	Personal Services and	
2	Employee Benefits.....00100	\$ 498,020
3	Current Expenses ..... 13000	133,903
4	Repairs and Alterations.....06400	1,000
5	Economic Loss Claim	
6	Payment Fund.....33400	2,000,000
7	Other Assets.....69000	<u>3,700</u>
8	Total.....	\$ 2,636,623

**JUDICIAL**

*114 - Supreme Court –*

*Family Court Fund*

(WV Code Chapter 51)

Fund 1763 FY 2021 Org 2400

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

*115 - Supreme Court –*

*Court Advanced Technology Subscription Fund*

(WV Code Chapter 51)

Fund 1704 FY 2021 Org 2400

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

*Adult Drug Court Participation Fund*

(WV Code Chapter 62)

Fund 1705 FY 2021 Org 2400

1	Current Expenses .....	13000	\$	200,000
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**EXECUTIVE***117 - Governor's Office –**Minority Affairs Fund*

(WV Code Chapter 5)

Fund 1058 FY 2021 Org 0100

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

*118 - Auditor's Office –**Land Operating Fund*

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

Fund 1206 FY 2021 Org 1200

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

9        There is hereby appropriated from this fund, in addition to the  
 10 above appropriations if needed, the necessary amount for the  
 11 expenditure of funds other than Personal Services and Employee  
 12 Benefits to enable the division to pay the direct expenses relating  
 13 to land sales as provided in Chapter 11A of the West Virginia  
 14 Code.

15        The total amount of these appropriations shall be paid from the  
 16 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$     627,779
3	Current Expenses .....	13000	282,030
4	Repairs and Alterations.....	06400	6,000
5	Equipment.....	07000	10,805
6	Other Assets.....	69000	50,000
7	Statutory Revenue Distribution.....	74100	<u>3,500,000</u>
8	Total.....		\$   4,476,614

9        There is hereby appropriated from this fund, in addition to the  
 10 above appropriations if needed, the amount necessary to meet the  
 11 transfer of revenue distribution requirements to provide a  
 12 proportionate share of rebates back to the general fund of local  
 13 governments based on utilization of the program in accordance  
 14 with W.Va. Code §6-9-2b.

*120 - Auditor's Office –*

*Securities Regulation Fund*

(WV Code Chapter 32)

Fund 1225 FY 2021 Org 1200

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

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

(WV Code Chapter 12)

Fund 1233 FY 2021 Org 1200

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

4 Fifty percent of the deposits made into this fund shall be  
5 transferred to the Treasurer's Office – Technology Support and  
6 Acquisition Fund (fund 1329, org 1300) for expenditure for the  
7 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

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

9        There is hereby appropriated from this fund, in addition to the  
 10 above appropriations if needed, the amount necessary to meet the  
 11 transfer and revenue distribution requirements to the Purchasing  
 12 Improvement Fund (fund 2264), the Hatfield-McCoy Regional  
 13 Recreation Authority, and the State Park Operating Fund (fund  
 14 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,583,096
3	Current Expenses .....	13000	765,915
4	Equipment.....	07000	<u>50,000</u>
5	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

1	Volunteer Fire Department		
2	Workers' Compensation		
3	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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 810,372
3	Unclassified.....	09900	14,000
4	Current Expenses .....	13000	<u>897,559</u>
5	Total.....		\$ 1,721,931

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

## (WV Code Chapter 19)

Fund 1401 FY 2021 Org 1400

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

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

## (WV Code Chapter 19)

Fund 1408 FY 2021 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 78,251
3	Unclassified.....	09900	10,476
4	Current Expenses .....	13000	<u>963,404</u>
5	Total.....		\$ 1,052,131



*128 - Department of Agriculture –**General John McCausland Memorial Farm Fund*

(WV Code Chapter 19)

Fund 1409 FY 2021 Org 1400

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

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

*129 - Department of Agriculture –**Farm Operating Fund*

(WV Code Chapter 19)

Fund 1412 FY 2021 Org 1400

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

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

## (WV Code Chapter 19)

Fund 1413 FY 2021 Org 1400

1	Unclassified.....	09900		10,000
2	Current Expenses .....	13000		10,000
3	Repairs and Alterations.....	06400		250,000
4	Equipment.....	07000		350,000
5	Building Improvements .....	25800		370,000
6	Other Assets.....	69000		10,000
7	Total.....		\$	1,000,000

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

## (WV Code Chapter 19)

Fund 1446 FY 2021 Org 1400

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

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

## (WV Code Chapter 7)

Fund 1465 FY 2021 Org 1400

1	Current Expenses .....	13000	\$	112,500
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*133 - Department of Agriculture –**West Virginia Spay Neuter Assistance Fund*

(WV Code Chapter 19)

Fund 1481 FY 2021 Org 1400

1	Current Expenses .....	13000	\$	500,000
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*134 - Department of Agriculture –**Veterans and Warriors to Agriculture Fund*

(WV Code Chapter 19)

Fund 1483 FY 2021 Org 1400

1	Current Expenses .....	13000	\$	7,500
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*135 - Department of Agriculture –**State FFA-FHA Camp and Conference Center*

(WV Code Chapters 18 and 18A)

Fund 1484 FY 2021 Org 1400

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

*136 - Attorney General –**Antitrust Enforcement Fund*

(WV Code Chapter 47)

Fund 1507 FY 2021 Org 1500

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

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

(WV Code Chapter 47)

Fund 1513 FY 2021 Org 1500

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

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

(WV Code Chapter 47)

Fund 1514 FY 2021 Org 1500

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

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2021 Org 1600

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,065,106
3	Unclassified.....	09900	4,524
4	Current Expenses .....	13000	<u>8,036</u>
5	Total.....		\$ 1,077,666

*140 - Secretary of State –**General Administrative Fees Account*

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2021 Org 1600

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

**DEPARTMENT OF ADMINISTRATION***141 - Department of Administration –**Office of the Secretary –**Tobacco Settlement Fund*

(WV Code Chapter 4)

Fund 2041 FY 2021 Org 0201

1	Tobacco Settlement Securitization		
2	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

1	Current Expenses .....	13000	\$ 33,028,000
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2 The above appropriation for Current Expenses (fund 2044,  
 3 appropriation 13000) shall be transferred to the Consolidated  
 4 Public Retirement Board – Teachers’ Accumulation Fund (fund  
 5 2600).

*143 - Department of Administration –*

*Division of Finance –*

*Shared Services Section Fund*

(WV Code Chapter 5A)

Fund 2020 FY 2021 Org 0209

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,500,000
3	Current Expenses .....	13000	500,000
4	Total.....		\$ 2,000,000

*144 - Division of Information Services and Communications*

(WV Code Chapter 5A)

Fund 2220 FY 2021 Org 0210

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

9       The total amount of these appropriations shall be paid from a  
10      special revenue fund out of collections made by the Division of  
11      Information Services and Communications as provided by law.

12       Each spending unit operating from the General Revenue Fund,  
13      from special revenue funds or receiving reimbursement for postage  
14      from the federal government shall be charged monthly for all  
15      postage meter service and shall reimburse the revolving fund  
16      monthly for all such amounts.

*145 - Division of Purchasing –*

*Vendor Fee Fund*

(WV Code Chapter 5A)

Fund 2263 FY 2021 Org 0213

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

*146 - Division of Purchasing –*

*Purchasing Improvement Fund*

## (WV Code Chapter 5A)

Fund 2264 FY 2021 Org 0213

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 778,176
3	Unclassified.....	09900	5,562
4	Current Expenses .....	13000	393,066
5	Repairs and Alterations .....	06400	500
6	Equipment.....	07000	500
7	Other Assets.....	69000	500
8	BRIM Premium.....	91300	850
9	Total.....		\$ 1,179,154

*147 - Travel Management –**Aviation Fund*

## (WV Code Chapter 5A)

Fund 2302 FY 2021 Org 0215

1	Unclassified.....	09900	\$ 1,000
2	Current Expenses .....	13000	149,700
3	Repairs and Alterations .....	06400	1,175,237
4	Equipment.....	07000	1,000
5	Buildings .....	25800	100
6	Other Assets .....	69000	100
7	Land .....	73000	100
8	Total.....		\$ 1,327,237

*148 - Fleet Management Division Fund*

## (WV Code Chapter 5A)

Fund 2301 FY 2021 Org 0216

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 757,145
3	Unclassified.....	09900	4,000



4	Current Expenses .....	13000	8,130,614
5	Repairs and Alterations .....	06400	12,000
6	Equipment .....	07000	800,000
7	Other Assets .....	69000	<u>2,000</u>
8	Total .....		\$ 9,705,759

*149 - Division of Personnel*

(WV Code Chapter 29)

Fund 2440 FY 2021 Org 0222

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 4,760,683
3	Unclassified .....	09900	51,418
4	Current Expenses .....	13000	1,262,813
5	Repairs and Alterations .....	06400	5,000
6	Equipment .....	07000	20,000
7	Other Assets .....	69000	<u>60,000</u>
8	Total .....		\$ 6,159,914

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

*150 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 2521 FY 2021 Org 0228

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

*151 - Office of Technology –*

*Chief Technology Officer Administration Fund*

(WV Code Chapter 5A)

Fund 2531 FY 2021 Org 0231

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

9 From the above fund, the provisions of W.Va. Code §11B-2-18  
10 shall not operate to permit expenditures in excess of the funds  
11 authorized for expenditure herein.

**DEPARTMENT OF COMMERCE**

*152 - Division of Forestry*

(WV Code Chapter 19)

Fund 3081 FY 2021 Org 0305

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

*153 - Division of Forestry –*

*Timbering Operations Enforcement Fund*

## (WV Code Chapter 19)

Fund 3082 FY 2021 Org 0305

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

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

## (WV Code Chapter 11)

Fund 3084 FY 2021 Org 0305

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

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

## (WV Code Chapter 29)

Fund 3100 FY 2021 Org 0306

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

9 The above appropriations shall be used in accordance with  
 10 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,724,082
3	Equipment.....	07000	36,000
4	Unclassified.....	09900	30,000
5	Current Expenses .....	13000	<u>1,315,078</u>
6	Total.....		\$ 3,105,160

*157 - West Virginia Development Office –*

*Office of Coalfield Community Development*

(WV Code Chapter 5B)

Fund 3162 FY 2021 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 435,661
3	Unclassified.....	09900	8,300
4	Current Expenses .....	13000	<u>399,191</u>
5	Total.....		\$ 843,152

*158 - West Virginia Development Office*

*Entrepreneurship and Innovation Investment Fund*

(WV Code Chapter 5B)

Fund 3014 FY 2021 Org 0307

1	Entrepreneurship and Innovation		
2	Investment Fund .....	70301	\$ 500,000

*159 - 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>25,500</u>
3	Total .....		\$ 100,000

*160 - Division of Labor –*

*HVAC Fund*

(WV Code Chapter 21)

Fund 3186 FY 2021 Org 0308

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

*161 - Division of Labor –*

*Contractor Licensing Board Fund*

(WV Code Chapter 21)

Fund 3187 FY 2021 Org 0308

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 2,532,000

3	Unclassified.....	09900		21,000
4	Current Expenses .....	13000		500,000
5	Repairs and Alterations.....	06400		5,000
6	Buildings .....	25800		5,000
7	BRIM Premium.....	91300		8,500
8	Total.....		\$	3,071,500

*162 - Division of Labor –*

*Elevator Safety Fund*

(WV Code Chapter 21)

Fund 3188 FY 2021 Org 0308

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

*163 - Division of Labor –*

*Steam Boiler Fund*

(WV Code Chapter 21)

Fund 3189 FY 2021 Org 0308

1	Personal Services and			
2	Employee Benefits.....	00100	\$	82,716
3	Unclassified.....	09900		1,000
4	Current Expenses .....	13000		15,000
5	Repairs and Alterations.....	06400		2,000
6	Buildings .....	25800		1,000
7	BRIM Premium.....	91300		1,000
8	Total.....		\$	102,716

*164 - Division of Labor –**Crane Operator Certification Fund*

(WV Code Chapter 21)

Fund 3191 FY 2021 Org 0308

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

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

(WV Code Chapter 21)

Fund 3192 FY 2021 Org 0308

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

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

(WV Code Chapter 21)

Fund 3195 FY 2021 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 289,199
3	Unclassified.....	09900	1,847
4	Current Expenses .....	13000	43,700
5	Repairs and Alterations.....	06400	1,000
6	Buildings.....	25800	1,000
7	BRIM Premium.....	91300	<u>3,404</u>
8	Total.....		\$ 340,150

*167 - Division of Labor –*

*Weights and Measures Fund*

(WV Code Chapter 47)

Fund 3196 FY 2021 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 0
3	Current Expenses .....	13000	100,000
4	Unclassified.....	09900	1,200
5	Repairs and Alterations.....	06400	10,000
6	Equipment.....	07000	10,000
7	BRIM Premium.....	91300	<u>0</u>
8	Total.....		\$ 121,200

*168 - Division of Labor –*

*Bedding and Upholstery Fund*

(WV Code Chapter 21)

Fund 3198 FY 2021 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 150,000
3	Unclassified.....	09900	2,000
4	Current Expenses .....	13000	43,000
5	Repairs and Alterations.....	06400	2,000
6	Buildings.....	25800	1,000



7	BRIM Premium.....	91300		2,000
8	Total.....		\$	200,000

*169 - Division of Labor –*

*Psychophysiological Examiners Fund*

(WV Code Chapter 21)

Fund 3199 FY 2021 Org 0308

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

*License Fund – Wildlife Resources*

(WV Code Chapter 20)

Fund 3200 FY 2021 Org 0310

1	Wildlife Resources.....	02300		\$ 5,200,996
2	Administration .....	15500		1,300,249
3	Capital Improvements and			
4	Land Purchase (R) .....	24800		1,300,248
5	Law Enforcement.....	80600		5,200,996
6	Total.....		\$	13,002,489

7       The total amount of these appropriations shall be paid from a  
8       special revenue fund out of fees collected by the Division of  
9       Natural Resources.

10       Any unexpended balance remaining in the appropriation for  
11       Capital Improvements and Land Purchase (fund 3200,  
12       appropriation 24800) at the close of the fiscal year 2020 is hereby  
13       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

1	Current Expenses .....	13000	\$	125,000
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*172 - Division of Natural Resources –**Nongame Fund*

## (WV Code Chapter 20)

Fund 3203 FY 2021 Org 0310

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

*173 - Division of Natural Resources –**Planning and Development Division*

## (WV Code Chapter 20)

Fund 3205 FY 2021 Org 0310

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

*174 - Division of Natural Resources –**Whitewater Study and Improvement Fund*

## (WV Code Chapter 20)

Fund 3253 FY 2021 Org 0310

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

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

## (WV Code Chapter 20)

Fund 3256 FY 2021 Org 0310

1	Unclassified.....09900	\$	200
2	Current Expenses .....13000		<u>19,800</u>
3	Total.....	\$	20,000

*176 - Division of Miners' Health, Safety and Training –**Special Health, Safety and Training Fund*

## (WV Code Chapter 22A)

Fund 3355 FY 2021 Org 0314

1	Personal Services and		
2	Employee Benefits.....00100	\$	501,228
3	WV Mining Extension Service .....02600		150,000
4	Unclassified.....09900		40,985
5	Current Expenses .....13000		1,954,557
6	Buildings .....25800		2,481,358
7	Land .....73000		<u>1,000,000</u>
8	Total.....	\$	6,128,128

*177 - Department of Commerce –**Office of the Secretary –**Broadband Enhancement Fund*Fund 3013 FY 2021 Org 0327

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 131,682
3	Current Expenses .....	13000	<u>\$ 1,648,318</u>
4	Total.....		1,780,000

*178 - Office of Energy –**Energy Assistance*

(WV Code Chapter 5B)

Fund 3010 FY 2021 Org 0328

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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 119,738
3	Current Expenses .....	13000	1,180,122
4	Repairs and Alterations.....	06400	85,500
5	Equipment.....	07000	220,000
6	Buildings.....	25800	150,000
7	Other Assets.....	69000	<u>150,000</u>
8	Total.....		\$ 1,905,360

**DEPARTMENT OF EDUCATION***180 - State Board of Education –**Strategic Staff Development*

(WV Code Chapter 18)

Fund 3937 FY 2021 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 134,000
3	Unclassified.....	09900	1,000
4	Current Expenses .....	13000	<u>765,000</u>
5	Total.....		\$ 900,000

*181 - State Board of Education –**School Construction Fund*

(WV Code Chapters 18 and 18A)

Fund 3952 FY 2021 Org 0402

1	SBA Construction Grants .....	24000	\$ 35,845,818
2	Directed Transfer .....	70000	<u>1,371,182</u>
3	Total.....		\$ 37,217,000

4     The above appropriation for Directed Transfer (fund 3951,  
5     appropriation 70000) shall be transferred to the School Building  
6     Authority Fund (fund 3959) for the administrative expenses of the  
7     School Building Authority.

*182 - School Building Authority*

(WV Code Chapter 18)

Fund 3959 FY 2021 Org 0404

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,134,522

3	Current Expenses .....	13000	244,100
4	Repairs and Alterations .....	06400	13,150
5	Equipment .....	07000	<u>26,000</u>
6	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

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 226,624
3	Current Expenses .....	13000	862,241
4	Equipment .....	07000	75,000
5	Buildings .....	25800	1,000
6	Other Assets .....	69000	52,328
7	Land .....	73000	<u>1,000</u>
8	Total .....		\$ 1,218,193

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

*184 - Solid Waste Management Board*

(WV Code Chapter 22C)

Fund 3288 FY 2021 Org 0312

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 842,305
3	Current Expenses .....	13000	2,060,457
4	Repairs and Alterations .....	06400	1,000
5	Equipment .....	07000	5,000
6	Other Assets .....	69000	<u>4,403</u>
7	Total .....		\$ 2,913,165

*185 - Division of Environmental Protection –**Hazardous Waste Management Fund*

(WV Code Chapter 22)

Fund 3023 FY 2021 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 779,766
3	Current Expenses .....	13000	155,969
4	Repairs and Alterations.....	06400	500
5	Equipment.....	07000	1,505
6	Unclassified.....	09900	8,072
7	Other Assets.....	69000	<u>2,000</u>
8	Total.....		\$ 947,812

*186 - Division of Environmental Protection –**Air Pollution Education and Environment Fund*

(WV Code Chapter 22)

Fund 3024 FY 2021 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 950,135
3	Current Expenses .....	13000	1,026,863
4	Repairs and Alterations.....	06400	13,000
5	Equipment.....	07000	53,105
6	Unclassified.....	09900	14,647
7	Other Assets.....	69000	<u>20,000</u>
8	Total.....		\$ 2,077,750

*187 - Division of Environmental Protection –**Special Reclamation Fund*

(WV Code Chapter 22)

Fund 3321 FY 2021 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,627,573
3	Current Expenses .....	13000	16,185,006
4	Repairs and Alterations.....	06400	79,950
5	Equipment.....	07000	130,192
6	Other Assets.....	69000	<u>32,000</u>
7	Total.....		\$ 18,054,721

*188 - Division of Environmental Protection –*

*Oil and Gas Reclamation Fund*

(WV Code Chapter 22)

Fund 3322 FY 2021 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 143,906
3	Current Expenses .....	13000	<u>356,094</u>
4	Total.....		\$ 500,000

*189 - Division of Environmental Protection –*

*Oil and Gas Operating Permit and Processing Fund*

(WV Code Chapter 22)

Fund 3323 FY 2021 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,486,896
3	Current Expenses .....	13000	1,249,758
4	Repairs and Alterations.....	06400	40,600
5	Equipment.....	07000	8,000
6	Unclassified.....	09900	44,700
7	Other Assets.....	69000	<u>15,000</u>
8	Total.....		\$ 4,844,954

*190 - Division of Environmental Protection –*

*Mining and Reclamation Operations Fund*



## (WV Code Chapter 22)

Fund 3324 FY 2021 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,566,280
3	Current Expenses .....	13000	2,202,231
4	Repairs and Alterations.....	06400	60,260
5	Equipment.....	07000	83,000
6	Unclassified.....	09900	920
7	Other Assets.....	69000	<u>57,500</u>
8	Total.....		\$ 5,970,191

*191 - Division of Environmental Protection –**Underground Storage Tank**Administrative Fund*

## (WV Code Chapter 22)

Fund 3325 FY 2021 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 476,417
3	Current Expenses .....	13000	318,420
4	Repairs and Alterations.....	06400	5,350
5	Equipment.....	07000	3,610
6	Unclassified.....	09900	7,520
7	Other Assets.....	69000	<u>3,500</u>
8	Total.....		\$ 814,817

*192 - Division of Environmental Protection –**Hazardous Waste Emergency Response Fund*

## (WV Code Chapter 22)

Fund 3331 FY 2021 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 598,154
3	Current Expenses .....	13000	767,905
4	Repairs and Alterations.....	06400	7,014
5	Equipment.....	07000	9,000
6	Unclassified.....	09900	10,616
7	Other Assets.....	69000	<u>3,500</u>
8	Total.....		\$ 1,396,189

*193 - Division of Environmental Protection –*

*Solid Waste Reclamation and*

*Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2021 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 825,811
3	Current Expenses .....	13000	3,604,737
4	Repairs and Alterations.....	06400	25,000
5	Equipment.....	07000	31,500
6	Unclassified.....	09900	22,900
7	Buildings .....	25800	500
8	Other Assets.....	69000	<u>1,000</u>
9	Total.....		\$ 4,511,448

*194 - Division of Environmental Protection –*

*Solid Waste Enforcement Fund*

(WV Code Chapter 22)

Fund 3333 FY 2021 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,274,054
3	Current Expenses .....	13000	940,229

2020] HOUSE OF DELEGATES 3179

4	Repairs and Alterations.....	06400	30,930
5	Equipment.....	07000	23,356
6	Unclassified.....	09900	31,145
7	Other Assets.....	69000	<u>25,554</u>
8	Total.....		\$ 4,325,268

*195 - Division of Environmental Protection –*

*Air Pollution Control Fund*

(WV Code Chapter 22)

Fund 3336 FY 2021 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 5,934,859
3	Current Expenses.....	13000	1,469,467
4	Repairs and Alterations.....	06400	84,045
5	Equipment.....	07000	103,601
6	Unclassified.....	09900	70,572
7	Other Assets.....	69000	<u>52,951</u>
8	Total.....		\$ 7,715,495

*196 - Division of Environmental Protection –*

*Environmental Laboratory*

*Certification Fund*

(WV Code Chapter 22)

Fund 3340 FY 2021 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 352,834
3	Current Expenses.....	13000	201,146
4	Repairs and Alterations.....	06400	1,000
5	Unclassified.....	09900	1,120
6	Other Assets.....	69000	<u>163,000</u>
7	Total.....		\$ 719,100

*197 - Division of Environmental Protection –**Stream Restoration Fund*

(WV Code Chapter 22)

Fund 3349 FY 2021 Org 0313

1	Current Expenses .....	13000	\$	5,182,076
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*198 - Division of Environmental Protection –**Litter Control Fund*

(WV Code Chapter 22)

Fund 3486 FY 2021 Org 0313

1	Current Expenses .....	13000	\$	60,000
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*199 - Division of Environmental Protection –**Recycling Assistance Fund*

(WV Code Chapter 22)

Fund 3487 FY 2021 Org 0313

1	Personal Services and			
2	Employee Benefits .....	00100	\$	660,575
3	Current Expenses .....	13000		2,754,258
4	Repairs and Alterations .....	06400		800
5	Equipment .....	07000		500
6	Unclassified .....	09900		400
7	Other Assets .....	69000		<u>2,500</u>
8	Total .....		\$	3,419,033

*200 - Division of Environmental Protection –**Mountaintop Removal Fund*

## (WV Code Chapter 22)

Fund 3490 FY 2021 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,250,562
3	Current Expenses .....	13000	642,934
4	Repairs and Alterations.....	06400	30,112
5	Equipment.....	07000	23,500
6	Unclassified.....	09900	1,180
7	Other Assets.....	69000	<u>11,520</u>
8	Total.....		\$ 1,959,808

*201 - Oil and Gas Conservation Commission –**Special Oil and Gas Conservation Fund*

## (WV Code Chapter 22C)

Fund 3371 FY 2021 Org 0315

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 162,161
3	Current Expenses .....	13000	161,225
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	9,481
6	Other Assets.....	69000	<u>1,500</u>
7	Total.....		\$ 335,367

**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

1	Current Expenses .....	13000	\$ 10,667,392
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*203 - Division of Health –**The Vital Statistics Account*

(WV Code Chapter 16)

Fund 5144 FY 2021 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 938,484
3	Unclassified.....	09900	15,500
4	Current Expenses .....	13000	<u>2,757,788</u>
5	Total.....		\$ 3,711,772

*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

1	Institutional Facilities Operations .....	33500	\$ 35,555,221
2	Medical Services Trust		
3	Fund – Transfer.....	51200	<u>27,800,000</u>
4	Total.....		\$ 63,355,221

5 The total amount of these appropriations shall be paid from the  
6 Hospital Services Revenue Account Special Fund created by  
7 W.Va. Code §16-1-13, and shall be used for operating expenses  
8 and for improvements in connection with existing facilities.

9 Additional funds have been appropriated in fund 0525, fiscal  
10 year 2021, organization 0506, for the operation of the institutional  
11 facilities. The Secretary of the Department of Health and Human  
12 Resources is authorized to utilize up to ten percent of the funds

13 from the appropriation for Institutional Facilities Operations to  
 14 facilitate cost effective and cost saving services at the community  
 15 level.

16 Necessary funds from the above appropriation may be used for  
 17 medical facilities operations, either in connection with this fund or  
 18 in connection with the appropriation designated Institutional  
 19 Facilities Operations in the Consolidated Medical Service Fund  
 20 (fund 0525, organization 0506).

*205 - Division of Health –*

*Laboratory Services Fund*

(WV Code Chapter 16)

Fund 5163 FY 2021 Org 0506

1	Personal Services and		
2	Employee Benefits.....00100	\$	936,712
3	Unclassified.....09900		18,114
4	Current Expenses .....13000		<u>1,803,327</u>
5	Total.....	\$	2,758,153

*206 - Division of Health –*

*The Health Facility Licensing Account*

(WV Code Chapter 16)

Fund 5172 FY 2021 Org 0506

1	Personal Services and		
2	Employee Benefits.....00100	\$	645,446
3	Unclassified.....09900		7,113
4	Current Expenses .....13000		<u>98,247</u>
5	Total.....	\$	750,806

*207 - Division of Health –**Hepatitis B Vaccine*

(WV Code Chapter 16)

Fund 5183 FY 2021 Org 0506

1	Current Expenses .....	13000	\$	9,740
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*208 - Division of Health –**Lead Abatement Account*

(WV Code Chapter 16)

Fund 5204 FY 2021 Org 0506

1	Personal Services and			
2	Employee Benefits .....	00100	\$	19,100
3	Unclassified.....	09900		373
4	Current Expenses .....	13000		<u>17,875</u>
5	Total.....		\$	37,348

*209 - Division of Health –**West Virginia Birth-to-Three Fund*

(WV Code Chapter 16)

Fund 5214 FY 2021 Org 0506

1	Personal Services and			
2	Employee Benefits .....	00100	\$	691,978
3	Unclassified.....	09900		223,999
4	Current Expenses .....	13000		<u>30,134,400</u>
5	Total.....		\$	31,050,377

*210 - Division of Health –**Tobacco Control Special Fund*



## (WV Code Chapter 16)

Fund 5218 FY 2021 Org 0506

1	Current Expenses .....	13000	\$	7,579
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*211 - Division of Health –**Medical Cannabis Program Fund*

(WV Code Chapter 16A)

Fund 5420 FY 2021 Org 0506

1	Personal Services and			
2	Employee Benefits.....	00100	\$	509,658
3	Current Expenses .....	13000		<u>2,046,040</u>
4	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

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,345,380
3	Unclassified.....	09900		20,100
4	Current Expenses .....	13000		<u>785,445</u>
5	Total.....		\$	2,150,925

6 The above appropriation is to be expended in accordance with  
7 and pursuant to the provisions of W.Va. Code §16-29B and from  
8 the special revolving fund designated Health Care Cost Review  
9 Fund.

*213 - West Virginia Health Care Authority –**Certificate of Need Program Fund*

(WV Code Chapter 16)

Fund 5377 FY 2021 Org 0507

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 829,798
3	Current Expenses .....	13000	<u>474,967</u>
4	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

1	Medical Services.....	18900	\$ 213,594,315
2	Medical Services		
3	Administrative Costs .....	78900	<u>242,287</u>
4	Total.....		\$ 213,836,602

5       The above appropriation for Medical Services Administrative  
6       Costs (fund 5090, appropriation 78900) shall be transferred to a  
7       special revenue account in the treasury for use by the Department  
8       of Health and Human Resources for administrative purposes. The  
9       remainder of all moneys deposited in the fund shall be transferred  
10      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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 24,809,509

3	Unclassified.....	09900	380,000
4	Current Expenses .....	13000	<u>12,810,491</u>
5	Total.....		\$ 38,000,000

*216 - Division of Human Services –*

*Medical Services Trust Fund*

(WV Code Chapter 9)

Fund 5185 FY 2021 Org 0511

1	Medical Services.....	18900	\$ 83,168,707
2	Medical Services Administrative		
3	Costs .....	78900	<u>602,486</u>
4	Total.....		\$ 83,771,193

5 The above appropriation to Medical Services shall be used to  
6 provide state match of Medicaid expenditures as defined and  
7 authorized in subsection (c) of W.Va. Code §9-4A-2a.  
8 Expenditures from the fund are limited to the following: payment  
9 of backlogged billings, funding for services to future federally  
10 mandated population groups and payment of the required state  
11 match for Medicaid disproportionate share payments. The  
12 remainder of all moneys deposited in the fund shall be transferred  
13 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

1	Unclassified.....	09900	\$ 7,000
2	Current Expenses .....	13000	<u>393,000</u>
3	Total.....		\$ 400,000

*218 - Division of Human Services –  
Domestic Violence Legal Services Fund*

(WV Code Chapter 48)

Fund 5455 FY 2021 Org 0511

1	Current Expenses .....	13000	\$	900,000
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*219 - Division of Human Services –*

*West Virginia Works Separate State College Program Fund*

(WV Code Chapter 9)

Fund 5467 FY 2021 Org 0511

1	Current Expenses .....	13000	\$	500,000
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*220 - Division of Human Services –*

*West Virginia Works Separate State Two-Parent Program Fund*

(WV Code Chapter 9)

Fund 5468 FY 2021 Org 0511

1	Current Expenses .....	13000	\$	1,500,000
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*221 - Division of Human Services –*

*Marriage Education Fund*

(WV Code Chapter 9)

Fund 5490 FY 2021 Org 0511

1	Personal Services and			
2	Employee Benefits.....	00100	\$	10,000
3	Current Expenses .....	13000		<u>25,000</u>
4	Total.....		\$	<u>35,000</u>

**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

1	Current Expenses .....	13000	\$	32,000
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*223 - Division of Emergency Management –**Statewide Interoperable Radio Network Account*

(WV Code Chapter 15)

Fund 6208 FY 2021 Org 0606

1	Current Expenses .....	13000	\$	80,000
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*224 - Division Emergency Management –**West Virginia Interoperable Radio Project*

(WV Code Chapter 24)

Fund 6295 FY 2021 Org 0606

1	Current Expenses .....	13000	\$	2,000,000
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2	Any unexpended balance remaining in the appropriation for			
3	Unclassified – Total (fund 6295, appropriation 09600) at the close			

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

*225 - Division of Corrections and Rehabilitation –*

*Parolee Supervision Fees*

(WV Code Chapter 15A)

Fund 6362 FY 2021 Org 0608

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,118,697
3	Unclassified.....	09900	9,804
4	Current Expenses .....	13000	758,480
5	Equipment.....	07000	30,000
6	Other Assets.....	69000	<u>40,129</u>
7	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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 544,798
3	Debt Service.....	04000	9,000,000
4	Current Expenses .....	13000	<u>245,472</u>
5	Total.....		\$ 9,790,270

*227 - West Virginia State Police –*

*Motor Vehicle Inspection Fund*

(WV Code Chapter 17C)

Fund 6501 FY 2021 Org 0612

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,907,726
3	Current Expenses .....	13000	1,488,211
4	Repairs and Alterations.....	06400	204,500
5	Equipment.....	07000	3,770,751
6	Buildings.....	25800	534,000
7	Other Assets.....	69000	5,000
8	BRIM Premium.....	91300	<u>302,432</u>
9	Total.....		\$ 8,212,620

10       The total amount of these appropriations shall be paid from the  
11 special revenue fund out of fees collected for inspection stickers  
12 as provided by law.

*228 - West Virginia State Police –*

*Forensic Laboratory Fund*

(WV Code Chapter 15)

Fund 6511 FY 2021 Org 0612

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,600,000
3	Current Expenses .....	13000	90,000
4	Repairs and Alterations.....	06400	5,000
5	Equipment.....	07000	<u>545,000</u>
6	Total.....		\$ 2,240,000

*229 - West Virginia State Police –*

*Drunk Driving Prevention Fund*

(WV Code Chapter 15)

Fund 6513 FY 2021 Org 0612

1	Current Expenses .....	13000	\$ 1,327,000
2	Equipment.....	07000	3,491,895
3	BRIM Premium.....	91300	<u>154,452</u>
4	Total.....		\$ 4,973,347

5 The total amount of these appropriations shall be paid from the  
 6 special revenue fund out of receipts collected pursuant to W.Va.  
 7 Code §11-15-9a and 16 and paid into a revolving fund account in  
 8 the State Treasury.

*230 - West Virginia State Police –*

*Surplus Real Property Proceeds Fund*

(WV Code Chapter 15)

Fund 6516 FY 2021 Org 0612

1	Buildings .....	25800	\$	1,022,778
2	Land .....	73000		1,000
3	BRIM Premium.....	91300		<u>77,222</u>
4	Total.....		\$	1,101,000

*231 - West Virginia State Police –*

*Surplus Transfer Account*

(WV Code Chapter 15)

Fund 6519 FY 2021 Org 0612

1	Current Expenses .....	13000	\$	225,000
2	Repairs and Alterations .....	06400		20,000
3	Equipment.....	07000		250,000
4	Buildings .....	25800		40,000
5	Other Assets.....	69000		45,000
6	BRIM Premium.....	91300		<u>5,000</u>
7	Total.....		\$	585,000

*232 - West Virginia State Police –*

*Central Abuse Registry Fund*

(WV Code Chapter 15)

Fund 6527 FY 2021 Org 0612



1	Personal Services and		
2	Employee Benefits.....	00100	\$ 256,629
3	Current Expenses .....	13000	51,443
4	Repairs and Alterations.....	06400	500
5	Equipment .....	07000	300,500
6	Other Assets.....	69000	300,500
7	BRIM Premium.....	91300	<u>18,524</u>
8	Total.....		\$ 928,096

*233 - West Virginia State Police –*

*Bail Bond Enforcer Account*

(WV Code Chapter 15)

Fund 6532 FY 2021 Org 0612

1	Current Expenses .....	13000	\$ 8,300
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*234 - West Virginia State Police –*

*State Police Academy Post Exchange*

(WV Code Chapter 15)

Fund 6544 FY 2021 Org 0612

1	Current Expenses .....	13000	\$ 160,000
2	Repairs and Alterations.....	06400	<u>40,000</u>
3	Total.....		\$ 200,000

*235 - Fire Commission –*

*Fire Marshal Fees*

(WV Code Chapter 29)

Fund 6152 FY 2021 Org 0619

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,480,533

3	Unclassified.....	09900		3,800
4	Current Expenses .....	13000		1,246,550
5	Repairs and Alterations .....	06400		58,500
6	Equipment.....	07000		140,800
7	BRIM Premium.....	91300		<u>65,000</u>
8	Total.....		\$	4,995,183

*236 - Division of Administrative Services –*

*WV Community Corrections Fund*

(WV Code Chapter 62)

Fund 6386 FY 2021 Org 0623

1	Personal Services and			
2	Employee Benefits.....	00100	\$	161,923
3	Unclassified.....	09900		750
4	Current Expenses .....	13000		1,846,250
5	Repairs and Alterations .....	06400		<u>1,000</u>
6	Total.....		\$	2,009,923

*237 - Division of Administrative Services –*

*Court Security Fund*

(WV Code Chapter 51)

Fund 6804 FY 2021 Org 0623

1	Personal Services and			
2	Employee Benefits.....	00100	\$	23,840
3	Current Expenses .....	13000		<u>1,478,135</u>
4	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

1	Current Expenses .....	13000	\$	125,000
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**DEPARTMENT OF REVENUE**

*239 - Division of Financial Institutions*

(WV Code Chapter 31A)

Fund 3041 FY 2021 Org 0303

1	Personal Services and			
2	Employee Benefits.....	00100	\$	2,703,057
3	Current Expenses .....	13000		650,475
4	Equipment.....	07000		<u>8,500</u>
5	Total.....		\$	3,362,032

*240 - Office of the Secretary –*

*State Debt Reduction Fund*

(WV Code Chapter 29)

Fund 7007 FY 2021 Org 0701

1	Retirement Systems –			
2	Unfunded Liability.....	77500	\$	20,000,000

3     The above appropriation for Retirement System – Unfunded  
4     Liability shall be transferred to the Consolidated Public Retirement  
5     Board – West Virginia Teachers Retirement System Employers  
6     School Aid Formula Funds Holding Account Fund (fund 2606).

*241 - Home Rule Board Operations*

(WV Code Chapter 8)

Fund 7010 FY 2021 Org 0701

1	Personal Services and			
2	Employee Benefits.....	00100	\$	25,000
3	Unclassified.....	09900		680

4	Current Expenses .....	13000		42,000
5	Repairs and Alterations .....	06400		120
6	Equipment .....	07000		<u>200</u>
7	Total .....		\$	68,000

*242 - Tax Division –*

*Cemetery Company Account*

(WV Code Chapter 35)

Fund 7071 FY 2021 Org 0702

1	Personal Services and			
2	Employee Benefits .....	00100	\$	25,928
3	Current Expenses .....	13000		<u>7,717</u>
4	Total .....		\$	33,645

*243 - Tax Division –*

*Special Audit and Investigative Unit*

(WV Code Chapter 11)

Fund 7073 FY 2021 Org 0702

1	Personal Services and			
2	Employee Benefits .....	00100	\$	696,428
3	Unclassified .....	09900		8,500
4	Current Expenses .....	13000		273,297
5	Repairs and Alterations .....	06400		7,000
6	Equipment .....	07000		<u>5,000</u>
7	Total .....		\$	990,225

*244 - Tax Division –*

*Wine Tax Administration Fund*

(WV Code Chapter 60)

Fund 7087 FY 2021 Org 0702

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 268,973
3	Current Expenses .....	13000	<u>5,406</u>
4	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

1	Current Expenses .....	13000	\$ 35,000
2	Equipment.....	07000	<u>15,000</u>
3	Total.....		\$ 50,000

*246 - Tax Division –*

*Local Sales Tax and Excise Tax*

*Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2021 Org 0702

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,543,527
3	Unclassified.....	09900	10,000
4	Current Expenses .....	13000	784,563
5	Repairs and Alterations.....	06400	1,000
6	Equipment.....	07000	<u>5,000</u>
7	Total.....		\$ 2,344,090

*247 - State Budget Office –*

*Public Employees Insurance Reserve Fund*

(WV Code Chapter 11B)

Fund 7400 FY 2021 Org 0703

1 Public Employees Insurance

2 Reserve Fund – Transfer..... 90300 \$ 6,800,000

3 The above appropriation for Public Employees Insurance  
4 Reserve Fund – Transfer shall be transferred to the Medical  
5 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

1 Retiree Premium Offset ..... 80101 \$ 5,000,000

2 PEIA Reserve..... 80102 10,000,000

3 Total..... \$ 15,000,000

4 The above appropriation shall be transferred to special revenue  
5 funds to be utilized by the West Virginia Public Employees  
6 Insurance Agency for the purposes of permitting the PEIA Finance  
7 Board to offset \$5 million in retiree premium increases.  
8 Additionally, \$10 million will be put into a reserve fund to stabilize  
9 and preserve the future solvency of PEIA. Such amount shall not  
10 be included in the calculation of the plan year aggregate premium  
11 cost-sharing percentages between employers and employees.

*249 - Insurance Commissioner –*

*Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2021 Org 0704

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 748,764
3	Current Expenses .....	13000	1,357,201
4	Repairs and Alterations.....	06400	3,000
5	Equipment.....	07000	81,374
6	Buildings.....	25800	8,289
7	Other Assets.....	69000	11,426
8	Total.....		\$ 2,210,054

*250 - Insurance Commissioner –*

*Consumer Advocate*

(WV Code Chapter 33)

Fund 7151 FY 2021 Org 0704

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 571,976
3	Current Expenses .....	13000	202,152
4	Repairs and Alterations.....	06400	5,000
5	Equipment.....	07000	34,225
6	Buildings.....	25800	4,865
7	Other Assets.....	69000	19,460
8	Total.....		\$ 837,678

*251 - Insurance Commissioner –*

*Insurance Commission Fund*

(WV Code Chapter 33)

Fund 7152 FY 2021 Org 0704

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 24,169,021
3	Current Expenses .....	13000	8,797,758
4	Repairs and Alterations.....	06400	68,614
5	Equipment.....	07000	1,728,240
6	Buildings.....	25800	25,000

7	Other Assets .....	69000		<u>340,661</u>
8	Total .....		\$	35,129,294

*252 - Insurance Commissioner –*

*Workers' Compensation Old Fund*

(WV Code Chapter 23)

Fund 7162 FY 2021 Org 0704

1	Employee Benefits .....	01000	\$	50,000
2	Current Expenses .....	13000		<u>250,500,000</u>
3	Total .....		\$	250,550,000

*253 - Insurance Commissioner –*

*Workers' Compensation Uninsured Employers' Fund*

(WV Code Chapter 23)

Fund 7163 FY 2021 Org 0704

1	Current Expenses .....	13000	\$	15,000,000
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*254 - Insurance Commissioner –*

*Self-Insured Employer Guaranty Risk Pool*

(WV Code Chapter 23)

Fund 7164 FY 2021 Org 0704

1	Current Expenses .....	13000	\$	9,000,000
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*255 - Insurance Commissioner –*

*Self-Insured Employer Security Risk Pool*

(WV Code Chapter 23)

Fund 7165 FY 2021 Org 0704



1 Current Expenses ..... 13000 \$ 14,000,000

*256 - Municipal Bond Commission*

(WV Code Chapter 13)

Fund 7253 FY 2021 Org 0706

1	Personal Services and		
2	Employee Benefits..... 00100	\$	282,589
3	Current Expenses ..... 13000		144,844
4	Equipment..... 07000		<u>100</u>
5	Total.....	\$	427,533

*257 - Racing Commission –*

*Relief Fund*

(WV Code Chapter 19)

Fund 7300 FY 2021 Org 0707

1 Medical Expenses – Total..... 24500 \$ 57,000

2 The total amount of this appropriation shall be paid from the  
 3 special revenue fund out of collections of license fees and fines as  
 4 provided by law.

5 No expenditures shall be made from this fund except for  
 6 hospitalization, medical care and/or funeral expenses for persons  
 7 contributing to this fund.

*258 - Racing Commission –*

*Administration and Promotion Account*

(WV Code Chapter 19)

Fund 7304 FY 2021 Org 0707

1 Personal Services and

2	Employee Benefits.....	00100	\$	264,564
3	Current Expenses .....	13000		85,433
4	Other Assets.....	69000		<u>5,000</u>
5	Total.....		\$	354,997

*259 - Racing Commission –*

*General Administration*

(WV Code Chapter 19)

Fund 7305 FY 2021 Org 0707

1	Personal Services and			
2	Employee Benefits.....	00100	\$	2,352,306
3	Current Expenses .....	13000		497,284
4	Repairs and Alterations.....	06400		5,000
5	Other Assets.....	69000		<u>40,000</u>
6	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

1	Personal Services and			
2	Employee Benefits.....	00100	\$	918,781
3	Current Expenses .....	13000		160,099
4	Other Assets.....	69000		<u>200,000</u>
5	Total.....		\$	1,278,880

*261 - Alcohol Beverage Control Administration –*

*Wine License Special Fund*

## (WV Code Chapter 60)

Fund 7351 FY 2021 Org 0708

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 147,213
3	Unclassified.....	09900	30,750
4	Current Expenses .....	13000	54,186
5	Repairs and Alterations .....	06400	7,263
6	Equipment.....	07000	10,000
7	Buildings .....	25800	100,000
8	Other Assets.....	69000	100
9	Total.....		\$ 349,512

10 To the extent permitted by law, four classified exempt positions  
 11 shall be provided from Personal Services and Employee Benefits  
 12 appropriation for field auditors.

*262 - Alcohol Beverage Control Administration*

## (WV Code Chapter 60)

Fund 7352 FY 2021 Org 0708

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 5,790,574
3	Current Expenses .....	13000	2,890,577
4	Repairs and Alterations.....	06400	91,000
5	Equipment.....	07000	108,000
6	Buildings .....	25800	375,100
7	Purchase of Supplies for Resale.....	41900	76,500,000
8	Transfer Liquor Profits and Taxes .....	42500	21,200,000
9	Other Assets.....	69000	125,100
10	Land .....	73000	100
11	Total.....		\$ 107,080,451

12 The total amount of these appropriations shall be paid from a  
 13 special revenue fund out of liquor revenues and any other revenues  
 14 available.

15 The above appropriations include the salary of the  
16 commissioner and the salaries, expenses, and equipment of  
17 administrative offices, warehouses, and inspectors.

18 The above appropriations include funding for the  
19 Tobacco/Alcohol Education Program.

20 There is hereby appropriated from liquor revenues, in addition  
21 to the above appropriations as needed, the necessary amount for  
22 the purchase of liquor as provided by law and the remittance of  
23 profits and taxes to the General Revenue Fund.

*263 - State Athletic Commission Fund*

(WV Code Chapter 29)

Fund 7009 FY 2021 Org 0933

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 10,500
3	Current Expenses .....	13000	<u>29,500</u>
4	Total.....		\$ 40,000

**DEPARTMENT OF TRANSPORTATION**

*264 - Division of Motor Vehicles –*

*Dealer Recovery Fund*

(WV Code Chapter 17)

Fund 8220 FY 2021 Org 0802

1	Current Expenses .....	13000	\$ 189,000
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*265 - Division of Motor Vehicles –*

*Motor Vehicle Fees Fund*

(WV Code Chapter 17B)

Fund 8223 FY 2021 Org 0802

2020]

HOUSE OF DELEGATES

3205

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,733,074
3	Current Expenses .....	13000	4,357,773
4	Repairs and Alterations.....	06400	16,000
5	Equipment.....	07000	75,000
6	Other Assets.....	69000	10,000
7	BRIM Premium.....	91300	<u>89,939</u>
8	Total.....		\$ 8,281,786

*266 - Division of Highways –*

*A. James Manchin Fund*

(WV Code Chapter 22)

Fund 8319 FY 2021 Org 0803

1	Current Expenses .....	13000	\$ 2,500,000
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*267 - 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
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**DEPARTMENT OF VETERANS' ASSISTANCE**

*268 - Veterans' Facilities Support Fund*

(WV Code Chapter 9A)

Fund 6703 FY 2021 Org 0613

1	Current Expenses .....	13000	\$ 1,654,234
2	Other Assets.....	69000	<u>10,000</u>
3	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

1	Current Expenses .....	13000	\$	289,400
2	Repairs and Alterations .....	06400		<u>10,600</u>
3	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

1	Personal Services and			
2	Employee Benefits .....	00100	\$	160,883
3	Current Expenses .....	13000		<u>10,348,710</u>
4	Total .....		\$	10,509,593

5       The total amount of these appropriations are funded from annual  
6 table game license fees to enable the aged and disabled citizens of  
7 West Virginia to stay in their homes through the provision of home  
8 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

1	Debt Service.....	04000	\$	27,713,123
2	General Capital Expenditures .....	30600		5,000,000
3	Facilities Planning and			
4	Administration .....	38600		<u>441,111</u>
5	Total.....		\$	33,154,234

6 The total amount of these appropriations shall be paid from the  
7 Special Capital Improvement Fund created in W.Va. Code §18B-  
8 10-8. Projects are to be paid on a cash basis and made available on  
9 July 1.

10 The above appropriations, except for Debt Service, may be  
11 transferred to special revenue funds for capital improvement  
12 projects at the institutions.

*272 - Tuition Fee Revenue Bond Construction Fund*

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2021 Org 0442

1 Any unexpended balance remaining in the appropriation for  
2 Capital Outlay (fund 4906, appropriation 51100) at the close of the  
3 fiscal year 2020 is hereby reappropriated for expenditure during the  
4 fiscal year 2021.

5 The appropriation shall be paid from available unexpended cash  
6 balances and interest earnings accruing to the fund. The  
7 appropriation shall be expended at the discretion of the Higher  
8 Education Policy Commission and the funds may be allocated to  
9 any institution within the system.

10 The total amount of this appropriation shall be paid from the  
 11 unexpended proceeds of revenue bonds previously issued pursuant  
 12 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

1 Any unexpended balance remaining in the appropriation for  
 2 Capital Improvements – Total (fund 4908, appropriation 95800) at  
 3 the close of fiscal year 2020 is hereby reappropriated for  
 4 expenditure during the fiscal year 2021.

5 The total amount of this appropriation shall be paid from the  
 6 sale of the Series 2017 Community and Technical College Capital  
 7 Improvement Refunding Revenue Bonds and anticipated interest  
 8 earnings.

*274 - West Virginia University –*

*West Virginia University Health Sciences Center*

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2021 Org 0463

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 10,764,347
3	Current Expenses .....	13000	4,524,300
4	Repairs and Alterations.....	06400	425,000
5	Equipment .....	07000	512,000
6	Buildings .....	25800	150,000
7	Other Assets.....	69000	<u>50,000</u>
8	Total.....		\$ 16,425,647



**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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 543,993
3	Current Expenses .....	13000	234,969
4	Repairs and Alterations.....	06400	<u>5,000</u>
5	Total.....		\$ 783,962

6 The total amount of these appropriations shall be paid from a  
7 special revenue fund out of collections made by the Board of  
8 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 93,279
3	Unclassified.....	09900	1,501
4	Current Expenses .....	13000	<u>55,328</u>
5	Total.....		\$ 150,108

6 The total amount of these appropriations shall be paid from the  
7 special revenue fund out of fees and collections as provided by  
8 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 495,505
3	Current Expenses .....	13000	<u>107,700</u>
4	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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,300,612
3	Current Expenses .....	13000	312,655
4	Repairs and Alterations.....	06400	3,000
5	Equipment.....	07000	25,000
6	Other Assets.....	69000	<u>4,500</u>
7	Total.....		\$ 1,645,767

*279 - Public Service Commission*

## (WV Code Chapter 24)

Fund 8623 FY 2021 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 12,481,921
3	Unclassified.....	09900	147,643
4	Current Expenses .....	13000	2,572,202
5	Repairs and Alterations.....	06400	55,000
6	Equipment.....	07000	160,000
7	Buildings .....	25800	10
8	PSC Weight Enforcement.....	34500	4,605,652
9	Debt Payment/Capital Outlay .....	52000	350,000

10	Land .....	73000		10
11	BRIM Premium.....	91300		<u>172,216</u>
12	Total.....		\$	20,544,654

13       The total amount of these appropriations shall be paid from a  
 14 special revenue fund out of collections for special license fees from  
 15 public service corporations as provided by law.

16       The Public Service Commission is authorized to transfer up to  
 17 \$500,000 from this fund to meet the expected deficiencies in the  
 18 Motor Carrier Division (fund 8625, org 0926) due to the  
 19 amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled  
 20 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

1	Personal Services and			
2	Employee Benefits.....	00100	\$	294,658
3	Unclassified.....	09900		3,851
4	Current Expenses .....	13000		93,115
5	Repairs and Alterations.....	06400		<u>4,000</u>
6	Total.....		\$	395,624

7       The total amount of these appropriations shall be paid from a  
 8 special revenue fund out of receipts collected for or by the Public  
 9 Service Commission pursuant to and in the exercise of regulatory  
 10 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,377,514
3	Unclassified.....	09900	29,233
4	Current Expenses .....	13000	577,557
5	Repairs and Alterations .....	06400	23,000
6	Equipment.....	07000	<u>50,000</u>
7	Total.....		\$ 3,057,304

8 The total amount of these appropriations shall be paid from a  
9 special revenue fund out of receipts collected for or by the Public  
10 Service Commission pursuant to and in the exercise of regulatory  
11 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 876,994
3	Current Expenses .....	13000	386,472
4	Equipment.....	07000	9,872
5	BRIM Premium.....	91300	<u>4,660</u>
6	Total.....		\$ 1,277,998

7 The total amount of these appropriations shall be supported by  
8 cash from a special revenue fund out of collections made by the  
9 Public Service Commission.

*283 - Real Estate Commission –**Real Estate License Fund*

## (WV Code Chapter 30)

Fund 8635 FY 2021 Org 0927

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 607,098
3	Current Expenses .....	13000	293,122
4	Repairs and Alterations.....	06400	2,500
5	Equipment.....	07000	<u>5,000</u>
6	Total.....		\$ 907,720

7 The total amount of these appropriations shall be paid out of  
8 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 91,513
3	Current Expenses .....	13000	<u>63,499</u>
4	Total.....		\$ 155,012

*285 - WV Board of Respiratory Care –**Board of Respiratory Care Fund*

## (WV Code Chapter 30)

Fund 8676 FY 2021 Org 0935

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 94,050
3	Current Expenses .....	13000	54,137
4	Repairs and Alterations.....	06400	<u>400</u>
5	Total.....		\$ 148,587

*286 - WV Board of Licensed Dietitians –**Dietitians Licensure Board Fund*

(WV Code Chapter 30)

Fund 8680 FY 2021 Org 0936

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 20,219
3	Current Expenses .....	13000	<u>20,250</u>
4	Total.....		\$ 40,469

*287 - Massage Therapy Licensure Board –**Massage Therapist Board Fund*

(WV Code Chapter 30)

Fund 8671 FY 2021 Org 0938

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 109,555
3	Current Expenses .....	13000	<u>42,448</u>
4	Total.....		\$ 152,003

*288 - Board of Medicine –**Medical Licensing Board Fund*

(WV Code Chapter 30)

Fund 9070 FY 2021 Org 0945

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,378,807
3	Current Expenses .....	13000	1,108,789
4	Repairs and Alterations.....	06400	<u>8,000</u>
5	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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 6,856,239
3	Unclassified.....	09900	232,000
4	Current Expenses .....	13000	13,662,210
5	Repairs and Alterations.....	06400	300
6	Equipment .....	07000	302,000
7	Buildings.....	25800	2,000
8	Other Assets.....	69000	<u>203,500</u>
9	Total.....		\$ 21,258,249

290 - *Board of Treasury Investments –*

*Board of Treasury Investments Fee Fund*

(WV Code Chapter 12)

Fund 9152 FY 2021 Org 0950

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 832,889
3	Unclassified.....	09900	14,850
4	Current Expenses .....	13000	605,714
5	BRIM Premium.....	91300	31,547
6	Fees of Custodians, Fund		
7	Advisors and Fund Managers .....	93800	<u>3,500,000</u>
8	Total.....		\$ 4,985,000

9       There is hereby appropriated from this fund, in addition to the  
10 above appropriation if needed, an amount of funds necessary for  
11 the Board of Treasury Investments to pay the fees and expenses of  
12 custodians, fund advisors and fund managers for the consolidated  
13 fund of the State as provided in Article 6C, Chapter 12 of the Code.

14 The total amount of these appropriations shall be paid from the  
15 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,681,247
3	Current Expenses .....	13000	650,000
4	Repairs and Alterations.....	06400	385,652
5	Equipment.....	07000	250,000
6	Buildings.....	25800	520,820
7	Other Assets.....	69000	350,000
8	Land .....	73000	<u>200,000</u>
9	Total.....		\$ 4,037,719

10 From the above appropriations, the Adjutant General may  
11 receive and expend funds to conduct operations and activities to  
12 include functions of the Military Authority. The Adjutant General  
13 may transfer funds between appropriations, except no funds may  
14 be transferred to Personal Services and Employee Benefits (fund  
15 6057, appropriation 00100).

16 Total TITLE II, Section 3 –  
17 Other Funds (Including  
18 claims against the state)..... \$ 1,513,410,079

1 **Sec. 4. Appropriations from lottery net profits.** — Net profits  
2 of the lottery are to be deposited by the Director of the Lottery to  
3 the following accounts in the amounts indicated. The Director of  
4 the Lottery shall prorate each deposit of net profits in the  
5 proportion the appropriation for each account bears to the total of  
6 the appropriations for all accounts.



7 After first satisfying the requirements for Fund 2252, Fund  
 8 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the  
 9 Director of the Lottery shall make available from the remaining net  
 10 profits of the lottery any amounts needed to pay debt service for  
 11 which an appropriation is made for Fund 9065, Fund 4297, Fund  
 12 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized to  
 13 transfer any such amounts to Fund 9065, Fund 4297, Fund 3390,  
 14 Fund 3514, Fund 9067, and Fund 9068 for that purpose. Upon  
 15 receipt of reimbursement of amounts so transferred, the Director of  
 16 the Lottery shall deposit the reimbursement amounts to the  
 17 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

	<b>Appro- priation</b>	<b>Lottery Funds</b>
1 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

1 Tourism – Telemarketing Center .....	46300	\$ 82,080
2 Tourism – Advertising (R).....	61800	2,422,407
3 Tourism – Operations (R) .....	66200	<u>4,227,938</u>
4 Total.....		\$ 6,732,425

5 Any unexpended balances remaining in the appropriations for  
 6 Tourism – Advertising (fund 3067, appropriation 61800), and

7 Tourism – Operations (fund 3067, appropriation 66200) at the  
 8 close of the fiscal year 2020 are hereby reappropriated for  
 9 expenditure during the fiscal year 2021.

*294 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 3267 FY 2021 Org 0310

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,428,178
3	Current Expenses .....	13000	26,900
4	Pricketts Fort State Park.....	32400	106,560
5	Non-Game Wildlife (R) .....	52700	386,935
6	State Parks and Recreation		
7	Advertising (R) .....	61900	<u>494,578</u>
8	Total.....		\$ 3,443,151

9 Any unexpended balances remaining in the appropriations for  
 10 Unclassified (fund 3267, appropriation 09900), Capital Outlay –  
 11 Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund  
 12 3267, appropriation 52700), and State Parks and Recreation  
 13 Advertising (fund 3267, appropriation 61900) at the close of the  
 14 fiscal year 2020 are hereby reappropriated for expenditure during  
 15 the fiscal year 2021.

*295 - State Board of Education*

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2021 Org 0402

1	FBI Checks.....	37200	\$ 116,548
2	Vocational Education		
3	Equipment Replacement.....	39300	800,000
4	Assessment Program (R).....	39600	3,016,444
5	Literacy Project.....	89900	350,000
6	21 <sup>st</sup> Century Technology		
7	Infrastructure Network		
8	Tools and Support (R) .....	93300	<u>14,600,383</u>

9 Total..... \$ 18,883,375

10 Any unexpended balances remaining in the appropriations for  
 11 Unclassified (fund 3951, appropriation 09900), Current Expenses  
 12 (fund 3951, appropriation 13000), Assessment Program (fund  
 13 3951, appropriation 39600), and 21<sup>st</sup> Century Technology  
 14 Infrastructure Network Tools and Support (fund 3951,  
 15 appropriation 93300) at the close of the fiscal year 2020 are hereby  
 16 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

1	Debt Service – Total .....	31000	\$ 15,320,363
2	Directed Transfer .....	70000	<u>2,679,637</u>
3	Total.....		\$ 18,000,000

4 The School Building Authority shall have the authority to  
 5 transfer between the above appropriations in accordance with  
 6 W.Va. Code §29-22-18.

7 The above appropriation for Directed Transfer (fund 3963,  
 8 appropriation 70000) may be transferred to the Department of  
 9 Education, State Board of Education, School Building Authority,  
 10 School Construction Fund, fund 3952, organization 0404 to be  
 11 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

1	Huntington Symphony .....	02700	\$	59,058
2	Preservation WV (R).....	09200		491,921
3	Fairs and Festivals (R) .....	12200		1,346,814
4	Commission for National and			
5	Community Service (R).....	19300		374,980
6	Archeological Curation/Capital			
7	Improvements (R).....	24600		36,276
8	Historic Preservation Grants (R).....	31100		368,428
9	West Virginia Public Theater.....	31200		120,019
10	Greenbrier Valley Theater .....	42300		115,000
11	Theater Arts of West Virginia.....	46400		90,000
12	Marshall Artists Series .....	51800		36,005
13	Grants for Competitive			
14	Arts Program (R) .....	62400		726,000
15	West Virginia State Fair.....	65700		31,241
16	Save the Music.....	68000		24,000
17	Contemporary American			
18	Theater Festival .....	81100		57,281
19	Independence Hall .....	81200		27,277
20	Mountain State Forest Festival .....	86400		38,187
21	WV Symphony.....	90700		59,058
22	Wheeling Symphony.....	90800		59,058
23	Appalachian Children's Chorus.....	91600		54,554
24	Total.....		\$	4,115,157

25 From the above appropriation for Preservation West Virginia  
26 (fund 3534, appropriation 09200) funding shall be provided to the  
27 African-American Heritage Family Tree Museum (Fayette)  
28 \$2,673, Arts Monongahela (Monongalia) \$11,881, Barbour  
29 County Arts and Humanities Council \$891, Beckley Main Street  
30 (Raleigh) \$2,970, Buffalo Creek Memorial (Logan) \$2,970,  
31 Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society  
32 (Wayne) \$1,188, Ceredo Kenova Railroad Museum (Wayne)  
33 \$1,188, Ceredo Museum (Wayne) \$720, Children's Theatre of  
34 Charleston (Kanawha) \$3,127, Chuck Mathena Center (Mercer)  
35 \$62,532, Collis P. Huntington Railroad Historical Society (Cabell)  
36 \$5,941, Country Music Hall of Fame and Museum (Marion)  
37 \$4,159, First Stage Children's Theater Company \$1,188, Flannigan  
38 Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral)

39 \$891, Fort New Salem (Harrison) \$2,198, Fort Randolph (Mason)  
40 \$2,970, General Adam Stephen Memorial Foundation (Berkeley)  
41 \$11,006, Grafton Mother's Day Shrine Committee (Taylor)  
42 \$8,749, Hardy County Tour and Crafts Association \$11,881,  
43 Heartwood in the Hills (Calhoun) \$5,040, Heritage Farm Museum  
44 & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette)  
45 \$3,267, Historic Middleway Conservancy (Jefferson) \$594,  
46 Jefferson County Black History Preservation Society \$2,970,  
47 Jefferson County Historical Landmark Commission \$4,753,  
48 Maddie Carroll House (Cabell) \$4,455, Marshall County Historical  
49 Society \$5,049, McCoy Theater (Hardy) \$11,881, Memorial Day  
50 Patriotic Exercise (Taylor) \$20,000, Morgantown Theater  
51 Company (Monongalia) \$11,881, Mountaineer Boys' State  
52 (Lewis) \$5,941, Nicholas Old Main Foundation (Nicholas) \$1,188,  
53 Norman Dillon Farm Museum (Berkeley) \$5,941, Old Opera  
54 House Theater Company (Jefferson) \$8,911, Parkersburg Arts  
55 Center (Wood) \$11,881, Pocahontas Historic Opera House \$3,564,  
56 Raleigh County All Wars Museum \$5,941, Rhododendron Girl's  
57 State (Ohio) \$5,941, Roane County 4-H and FFA Youth Livestock  
58 Program \$2,970, Society for the Preservation of McGrew House  
59 (Preston) \$2,079, Southern West Virginia Veterans' Museum  
60 \$3,393, Summers County Historic Landmark Commission \$2,970,  
61 Those Who Served War Museum (Mercer) \$2,376, Three Rivers  
62 Avian Center (Summers) \$5,311, Veterans Committee for Civic  
63 Improvement of Huntington (Wayne) \$2,970, West Virginia  
64 Museum of Glass (Lewis) \$2,970, West Virginia Music Hall of  
65 Fame (Kanawha) \$20,792, Camp Horseshoe (Tucker) \$59,406,  
66 Youth Museum of Southern West Virginia (Raleigh) \$7,129, Z. D.  
67 Ramsdell House (Wayne) \$720.

68 From the above appropriation for Fairs and Festivals (fund  
69 3534, appropriation 12200) funding shall be provided to the A  
70 Princeton 4th (Mercer) \$1,800, African-American Cultural  
71 Heritage Festival (Jefferson) \$2,970, Alderson 4th of July  
72 Celebration (Greenbrier) \$2,970, Allegheny Echo (Pocahontas)  
73 \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683,  
74 American Civil War (Grant) \$3,127, American Legion Post 8  
75 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle  
76 Show (Lewis) \$891, Annual Don Redman Heritage Concert &

77 Awards (Jefferson) \$938, Annual Ruddle Park Jamboree  
78 (Pendleton) \$4,690, Antique Market Fair (Lewis) \$1,188, Apple  
79 Butter Festival (Morgan) \$3,564, Arkansaw Homemaker's  
80 Heritage Weekend (Hardy) \$2,079, Armed Forces Day-South  
81 Charleston (Kanawha) \$1,782, Arthurdale Heritage New Deal  
82 Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188,  
83 Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe)  
84 \$2,448, Barbour County Fair \$14,851, Barboursville Octoberfest  
85 (Cabell) \$2,970, Battelle District Fair (Monongalia) \$2,970, Battle  
86 of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial  
87 Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$2,673,  
88 Belleville Homecoming (Wood) \$11,881, Bergoo Down Home  
89 Days (Webster) \$1,485, Berkeley County Youth Fair \$10,990,  
90 Black Bear 4K Mountain Bike Race (Kanawha) \$684, Black  
91 Heritage Festival (Harrison) \$3,564, Black Walnut Festival  
92 (Roane) \$5,940, Blast from the Past (Upshur) \$1,440, Blue-Gray  
93 Reunion (Barbour) \$2,079, Boone County Fair \$5,940, Boone  
94 County Labor Day Celebration \$2,376, Bradshaw Fall Festival  
95 (McDowell) \$1,188, Brandonville Heritage Day (Preston) \$1,048,  
96 Braxton County Fair \$6,832, Braxton County Monster Fest / West  
97 Virginia Autumn Festival \$1,485, Brooke County Fair \$2,079,  
98 Bruceton Mills Good Neighbor Days (Preston) \$1,188, Buckwheat  
99 Festival (Preston) \$5,050, Buffalo 4th of July Celebration  
100 (Putnam) \$400, Buffalo October Fest (Putnam) \$3,240, Burlington  
101 Apple Harvest Festival (Mineral) \$17,821, Burlington Pumpkin  
102 Harvest Festival (Raleigh) \$2,970, Burnsville Freedom Festival  
103 (Braxton) \$1,407, Cabell County Fair \$5,940, Calhoun County  
104 Wood Festival \$1,188, Campbell's Creek Community Fair  
105 (Kanawha) \$1,485, Cape Coalwood Festival Association  
106 (McDowell) \$1,485, Capon Bridge Founders Day Festival  
107 (Hampshire) \$1,188, Capon Springs Ruritan 4th of July  
108 (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188,  
109 Cedarville Town Festival (Gilmer) \$684, Celebration of America  
110 (Monongalia) \$3,564, Chapmanville Apple Butter Festival  
111 (Logan) \$684, Chapmanville Fire Department 4th of July (Logan)  
112 \$1,782, Charles Town Christmas Festival (Jefferson) \$2,970,  
113 Charles Town Heritage Festival (Jefferson) \$2,970, Cherry River  
114 Festival (Nicholas) \$3,861, Chester Fireworks (Hancock) \$891,  
115 Chester 4th of July Festivities (Hancock) \$2,970, Chief Logan

116 State Park-Civil War Celebration (Logan) \$4,752, Chilifest West  
117 Virginia State Chili Championship (Cabell) \$1,563, Christmas In  
118 Our Town (Marion) \$3,127, Christmas in Shepherdstown  
119 (Jefferson) \$2,376, Christmas in the Park (Brooke) \$2,970,  
120 Christmas in the Park (Logan) \$14,851, City of Dunbar Critter  
121 Dinner (Kanawha) \$5,940, City of Logan Polar Express (Logan)  
122 \$4,456, City of New Martinsville Festival of Memories (Wetzel)  
123 \$6,534, Clay County Golden Delicious Apple Festival \$4,158,  
124 Clay District Fair (Monongalia) \$1,080, Coal Field Jamboree  
125 (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158,  
126 Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton  
127 (Mercer) \$2,160, Culturefest World Music & Arts Festival  
128 (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079,  
129 Doddridge County Fair \$4,158, Durbin Days (Pocahontas) \$2,970,  
130 Elbert/Filbert Reunion Festival (McDowell) \$891, Fairview 4th of  
131 July Celebration (Marion) \$684, Farm Safety Day (Preston)  
132 \$1,188, Farmer's Day Festival (Monroe) \$2,330, Fenwick  
133 Mountain Old Time Community Festival (Nicholas) \$2,880,  
134 FestivALL Charleston (Kanawha) \$11,881, Flemington Day Fair  
135 and Festival (Taylor) \$2,379, Follansbee Community Days  
136 (Brooke) \$4,900, Fort Gay Mountain Heritage Days (Wayne)  
137 \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry Living History  
138 (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival  
139 (Harrison) \$2,432, Frankford Autumnfest (Greenbrier) \$2,970,  
140 Franklin Fishing Derby (Pendleton) \$4,456, Freshwater Folk  
141 Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe  
142 Hospital (Lewis) \$2,970, Frontier Days (Harrison) \$1,782, Fund  
143 for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,485,  
144 Gassaway Days Celebration (Braxton) \$2,970, Gilbert Elementary  
145 Fall Blast (Mingo) \$2,188, Gilbert Spring Fling (Mingo) \$3,595,  
146 Gilmer County Farm Show \$2,376, Grant County Arts Council  
147 \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, Greater  
148 Quinwood Days (Greenbrier) \$781, Guyandotte Civil War Days  
149 (Cabell) \$5,941, Hamlin 4th of July Celebration (Lincoln) \$2,970,  
150 Hampshire Civil War Celebration Days (Hampshire) \$684,  
151 Hampshire County 4th of July Celebration \$11,881, Hampshire  
152 County Fair \$5,002, Hancock County Oldtime Fair \$2,970, Hardy  
153 County Commission - 4th of July \$5,940, Hatfield McCoy  
154 Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy

155 Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970,  
156 Heat'n the Hills Chilifest (Lincoln) \$2,970, Heritage Craft Festival  
157 (Monroe) \$1,044, Heritage Days Festival (Roane) \$891, Hilltop  
158 Festival (Cabell) \$684, Hilltop Festival of Lights (McDowell)  
159 \$1,188, Hinton Railroad Days (Summers) \$4,347, Holly River  
160 Festival (Webster) \$891, Hometown Mountain Heritage Festival  
161 (Fayette) \$2,432, Hundred 4th of July (Wetzel) \$4,307, Hurricane  
162 4th of July Celebration (Putnam) \$2,970, Iaeger Town Fair  
163 (McDowell) \$891, Irish Heritage Festival of West Virginia  
164 (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684, Italian  
165 Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County  
166 Fair \$2,970, Jamboree (Pocahontas) \$2,970, Jane Lew Arts and  
167 Crafts Fair (Lewis) \$684, Jefferson County Fair Association  
168 \$14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire)  
169 \$684, John Henry Days Festival (Monroe) \$4,698, Johnnie  
170 Johnson Blues and Jazz Festival (Marion) \$2,970, Johnstown  
171 Community Fair (Harrison) \$1,485, Junior Heifer Preview Show  
172 (Lewis) \$1,188, Kanawha Coal Riverfest-St. Albans 4th of July  
173 Festival (Kanawha) \$2,970, Keeper of the Mountains-Kayford  
174 (Kanawha) \$1,485, Kenova Autumn Festival (Wayne) \$4,377,  
175 Kermit Fall Festival (Mingo) \$1,782, Keystone Reunion Gala  
176 (McDowell) \$1,563, King Coal Festival (Mingo) \$2,970,  
177 Kingwood Downtown Street Fair and Heritage Days (Preston)  
178 \$1,188, L.Z. Rainelle West Virginia Veterans Reunion  
179 (Greenbrier) \$2,970, Lady of Agriculture (Preston) \$684, Larry Joe  
180 Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$5,940,  
181 Larry Joe Harless Community Center Spring Middle School Event  
182 (Mingo) \$2,970, Last Blast of Summer (McDowell) \$2,970,  
183 Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall  
184 Festival \$4,752, Lincoln County Winterfest \$2,970, Lindsie  
185 Veterans' Day Parade (Monroe) \$720, Little Levels Heritage  
186 Festival (Pocahontas) \$1,188, Lost Creek Community Festival  
187 (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127,  
188 Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley)  
189 \$2,813, Mannington District Fair (Marion) \$3,564, Maple Syrup  
190 Festival (Randolph) \$684, Marion County FFA Farm Fest \$1,485,  
191 Marmet Labor Day Celebration (Kanawha) \$3,078, Marshall  
192 County Antique Power Show \$1,485, Mason County Fair \$2,970,  
193 Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-



194 Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County  
195 \$11,881, McGrew House History Day (Preston) \$1,188, McNeill's  
196 Rangers (Mineral) \$4,752, Meadow Bridge Hometown Festival  
197 (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782,  
198 Mercer Bluestone Valley Fair (Mercer) \$1,188, Mercer County  
199 Fair \$1,188, Mercer County Heritage Festival \$3,474, Milton  
200 Christmas in the Park (Cabell) \$1,485, Milton Old Timey Days  
201 (Cabell) \$1,485, Mineral County Veterans Day Parade \$891,  
202 Molasses Festival (Calhoun) \$1,188, Monongahfest (Marion)  
203 \$3,752, Moon Over Mountwood Fishing Festival (Wood) \$1,782,  
204 Morgan County Fair-History Wagon \$891, Moundsville Bass  
205 Festival (Marshall) \$2,376, Moundsville July 4th Celebration  
206 (Marshall) \$2,970, Mount Liberty Fall Festival (Barbour) \$1,485,  
207 Mountain Fest (Monongalia) \$11,881, Mountain Festival (Mercer)  
208 \$2,747, Mountain Heritage Arts and Crafts Festival (Jefferson)  
209 \$2,970, Mountain Music Festival (McDowell) \$1,485, Mountain  
210 State Apple Harvest Festival (Berkeley) \$4,456, Mountain State  
211 Arts & Crafts Fair Cedar Lakes (Jackson) \$26,732, Mullens  
212 Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of  
213 West Virginia (Kanawha) \$11,881, Music and Barbecue - Banks  
214 District VFD (Upshur) \$1,278, New Cumberland Christmas Parade  
215 (Hancock) \$1,782, New Cumberland 4th of July (Hancock)  
216 \$2,970, New River Bridge Day Festival (Fayette) \$23,762,  
217 Nicholas County Fair \$2,970, Nicholas County Potato Festival  
218 \$2,079, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage  
219 Festival (Wyoming) \$3,564, Oglebay City Park - Festival of Lights  
220 (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County  
221 Country Fair \$5,346, Ohio River Fest (Jackson) \$4,320, Ohio  
222 Valley Beef Association (Wood) \$1,485, Ohio Valley Black  
223 Heritage Festival (Ohio) \$3,267, Old Central City Fair (Cabell)  
224 \$2,970, Old Tyme Christmas (Jefferson) \$1,425, Paden City Labor  
225 Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood)  
226 \$8,754, Patty Fest (Monongalia) \$1,188, Paw Paw District Fair  
227 (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970,  
228 Pendleton County 4-H Weekend \$1,188, Pendleton County  
229 Committee for Arts \$8,910, Pendleton County Fair \$6,253,  
230 Pennsboro Country Road Festival (Ritchie) \$1,188, Petersburg 4th  
231 of July Celebration (Grant) \$11,881, Petersburg HS Celebration  
232 (Grant) \$5,940, Piedmont-Annual Back Street Festival (Mineral)

233 \$2,376, Pinch Reunion (Kanawha) \$891, Pine Bluff Fall Festival  
234 (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel)  
235 \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County  
236 Agriculture Youth Fair \$2,970, Poca Heritage Days (Putnam)  
237 \$1,782, Pocahontas County Pioneer Days \$4,159, Point Pleasant  
238 Stern Wheel Regatta (Mason) \$2,970, Pratt Fall Festival  
239 (Kanawha) \$1,485, Princeton Autumnfest (Mercer) \$1,563,  
240 Princeton Street Fair (Mercer) \$2,970, Putnam County Fair \$2,970,  
241 Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival  
242 (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha)  
243 \$1,485, Randolph County Community Arts Council \$1,782,  
244 Randolph County Fair \$4,158, Randolph County Ramp and Rails  
245 \$1,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson  
246 Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier)  
247 \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair and  
248 Exposition \$2,970, Ritchie County Pioneer Days \$684, River City  
249 Festival (Preston) \$684, Roane County Agriculture Field Day  
250 \$1,782, Rock the Park (Kanawha) \$3,240, Rocket Boys Festival  
251 (Raleigh) \$1,710, Romney Heritage Days (Hampshire) \$1,876,  
252 Ronceverte River Festival (Greenbrier) \$2,970, Rowlesburg Labor  
253 Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier)  
254 \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem  
255 Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of July  
256 (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on  
257 the Water (Wetzel) \$1,782, South Charleston Summerfest  
258 (Kanawha) \$5,940, Southern Wayne County Fall Festival \$684,  
259 Spirit of Grafton Celebration (Taylor) \$6,240, St. Albans City of  
260 Lights - December (Kanawha) \$2,970, Sternwheel Festival (Wood)  
261 \$1,782, Stoco Reunion (Raleigh) \$1,485, Stonewall Jackson  
262 Heritage Arts & Crafts Jubilee (Lewis) \$6,534, Stonewall  
263 Jackson's Roundhouse Raid (Berkeley) \$7,200, Strawberry  
264 Festival (Upshur) \$17,821, Sylvester Big Coal River Festival  
265 (Boone) \$1,944, Tacy Fair (Barbour) \$684, Taste of Parkersburg  
266 (Wood) \$2,970, Taylor County Fair \$3,567, The Gathering at  
267 Sweet Creek (Wood) \$1,782, Three Rivers Coal Festival (Marion)  
268 \$4,604, Thunder on the Tygart - Mothers' Day Celebration  
269 (Taylor) \$7,300, Town of Delbarton 4th of July Celebration  
270 (Mingo) \$1,782, Town of Fayetteville Heritage Festival (Fayette)  
271 \$4,456, Town of Rivesville 4th of July Festival (Marion) \$3,127,

272 Town of Winfield - Putnam County Homecoming \$3,240, St.  
273 Albans Train Fest (Kanawha) \$6,120, Treasure Mountain Festival  
274 (Pendleton) \$14,851, Tri-County Fair (Grant) \$22,548, Tucker  
275 County Arts Festival and Celebration \$10,692, Tucker County Fair  
276 \$2,821, Tucker County Health Fair \$1,188, Turkey Festival  
277 (Hardy) \$1,782, Tyler County Fair \$3,088, Union Community Irish  
278 Festival (Barbour) \$648, Upper Kanawha Valley Oktoberfest  
279 (Kanawha) \$1,485, Upper Ohio Valley Italian Festival (Ohio)  
280 \$7,128, Valley District Fair (Preston) \$2,079, Veterans Welcome  
281 Home Celebration (Cabell) \$938, Vietnam Veterans of America #  
282 949 Christmas Party (Cabell) \$684, Volcano Days at Mountwood  
283 Park (Wood) \$2,970, War Homecoming Fall Festival (McDowell)  
284 \$891, Wardensville Fall Festival (Hardy) \$2,970, Wayne County  
285 Fair \$2,970, Wayne County Fall Festival \$2,970, Webster County  
286 Fair \$3,600, Webster County Wood Chopping Festival \$8,910,  
287 Webster Wild Water Weekend (Webster) \$1,188, Weirton July 4th  
288 Celebration (Hancock) \$11,881, Welcome Home Family Day  
289 (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke)  
290 \$4,456, Wellsburg Apple Festival of Brooke County \$2,970, West  
291 Virginia Blackberry Festival (Harrison) \$2,970, West Virginia  
292 Chestnut Festival (Preston) \$684, West Virginia Coal Festival  
293 (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West  
294 Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia  
295 Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the  
296 Railroad Museum (Mercer) \$1,800, West Virginia Fair and  
297 Exposition (Wood) \$4,812, West Virginia Fireman's Rodeo  
298 (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler)  
299 \$6,534, West Virginia Peach Festival (Hampshire) \$3,240, West  
300 Virginia Polled Hereford Association (Braxton) \$891, West  
301 Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia Water  
302 Festival - City of Hinton (Summers) \$9,144, Weston VFD 4th of  
303 July Firemen Festival (Lewis) \$1,188, Wetzel County Autumnfest  
304 \$3,267, Wetzel County Town and Country Days \$10,098,  
305 Wheeling Celtic Festival (Ohio) \$1,166, Wheeling City of Lights  
306 (Ohio) \$4,752, Wheeling Sternwheel Regatta (Ohio) \$5,940,  
307 Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple  
308 Community Action (Fayette) \$1,485, Wine Festival and Mountain  
309 Music Event (Harrison) \$2,970, Wirt County Fair \$1,485, Wirt

310 County Pioneer Days \$1,188, Wyoming County Civil War Days  
311 \$1,296, Youth Stockman Beef Expo (Lewis) \$1,188.

312 Any unexpended balances remaining in the appropriations  
313 for Commission for National and Community Service (fund 3534,  
314 appropriation 19300), Archeological Curation/Capital  
315 Improvements (fund 3534, appropriation 24600), Historic  
316 Preservation Grants (fund 3534, appropriation 31100), Grants for  
317 Competitive Arts Program (fund 3534, appropriation 62400), and  
318 Project ACCESS (fund 3534, appropriation 86500) at the close of  
319 the fiscal year 2020 are hereby reappropriated for expenditure  
320 during the fiscal year 2021.

*298 - Library Commission –*

*Lottery Education Fund*

(WV Code Chapter 10)

Fund 3559 FY 2021 Org 0433

1	Books and Films .....	17900	\$	360,784
2	Services to Libraries .....	18000		550,000
3	Grants to Public Libraries .....	18200		9,439,571
4	Digital Resources .....	30900		219,992
5	Infomine Network.....	88400		<u>943,353</u>
6	Total.....		\$	11,513,700

7 Any unexpended balance remaining in the appropriation for  
8 Libraries – Special Projects (fund 3559, appropriation 62500) at  
9 the close of fiscal year 2020 is hereby reappropriated for  
10 expenditure during the fiscal year 2021.

*299 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 3587 FY 2021 Org 0439

1 Any unexpended balance remaining in the appropriation for  
 2 Capital Outlay and Maintenance (fund 3587, appropriation 75500)  
 3 at the close of fiscal year 2020 is hereby reappropriated for  
 4 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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 209,640
3	Current Expenses .....	13000	332,284
4	Repairs and Alterations .....	06400	1,000
5	Local Programs Service		
6	Delivery Costs .....	20000	2,435,250
7	Silver Haired Legislature .....	20200	18,500
8	Transfer to Division of Human		
9	Services for Health Care and		
10	Title XIX Waiver for		
11	Senior Citizens.....	53900	4,615,503
12	Roger Tompkins Alzheimer's		
13	Respite Care.....	64300	2,302,016
14	WV Alzheimer's Hotline .....	72400	45,000
15	Regional Aged and Disabled		
16	Resource Center.....	76700	425,000
17	Senior Services Medicaid Transfer .....	87100	16,400,070
18	Legislative Initiatives		
19	for the Elderly .....	90400	9,671,239
20	Long Term Care Ombudsman .....	90500	297,226
21	BRIM Premium.....	91300	7,718
22	In-Home Services and Nutrition		
23	for Senior Citizens .....	91700	<u>6,095,941</u>
24	Total.....		\$ 42,856,387

25 Any unexpended balance remaining in the appropriation for  
 26 Senior Citizen Centers and Programs (fund 5405, appropriation

27 46200) at the close of the fiscal year 2020 is hereby reappropriated  
28 for expenditure during the fiscal year 2021.

29 Included in the above appropriation for Current Expenses (fund  
30 5405, appropriation 13000), is funding to support an in-home direct  
31 care workforce registry.

32 The above appropriation for Transfer to Division of Human  
33 Services for Health Care and Title XIX Waiver for Senior Citizens  
34 (appropriation 53900) along with the federal moneys generated  
35 thereby shall be used for reimbursement for services provided  
36 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

1	RHI Program and Site Support (R)..... 03600	\$	1,912,491
2	RHI Program and Site Support –		
3	RHEP Program		
4	Administration ..... 03700		146,653
5	RHI Program and Site Support –		
6	Grad Med Ed and		
7	Fiscal Oversight (R)..... 03800		88,913
8	Minority Doctoral Fellowship (R) ..... 16600		129,604
9	Health Sciences Scholarship (R)..... 17600		225,527
10	Vice Chancellor for Health		
11	Sciences – Rural Health		
12	Residency Program (R)..... 60100		62,725
13	WV Engineering, Science, and		
14	Technology Scholarship		
15	Program..... 86800		<u>452,831</u>

16 Total..... \$ 3,018,744

17 Any unexpended balances remaining in the appropriations for  
 18 RHI Program and Site Support (fund 4925, appropriation 03600),  
 19 RHI Program and Site Support – Grad Med Ed and Fiscal  
 20 Oversight (fund 4925, appropriation 03800), Minority Doctoral  
 21 Fellowship (fund 4925, appropriation 16600), Health Sciences  
 22 Scholarship (fund 4925, appropriation 17600), and Vice  
 23 Chancellor for Health Sciences – Rural Health Residency Program  
 24 (fund 4925, appropriation 60100) at the close of fiscal year 2020  
 25 are hereby reappropriated for expenditure during the fiscal year  
 26 2021.

27 The above appropriation for WV Engineering, Science, and  
 28 Technology Scholarship Program (fund 4925, appropriation  
 29 86800) shall be transferred to the West Virginia Engineering,  
 30 Science and Technology Scholarship Fund (fund 4928, org 0441)  
 31 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

1 Debt Service – Total ..... 31000 \$ 5,000,000

2 Any unexpended balance remaining in the appropriation for  
 3 Capital Outlay and Improvements – Total (fund 4908,  
 4 appropriation 84700) at the close of fiscal year 2020 is hereby  
 5 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

1	WVU Health Sciences –		
2	RHI Program and Site		
3	Support (R) .....	03500	\$ 1,181,728
4	MA Public Health Program and		
5	Health Science Technology (R).....	62300	52,445
6	Health Sciences Career		
7	Opportunities Program (R) .....	86900	336,987
8	HSTA Program (R) .....	87000	1,761,948
9	Center for Excellence in		
10	Disabilities (R).....	96700	<u>313,517</u>
11	Total.....		\$ 3,646,625

12 Any unexpended balances remaining in the appropriations for  
13 WVU Health Sciences – RHI Program and Site Support (fund  
14 4185, appropriation 03500), MA Public Health Program and  
15 Health Science Technology (fund 4185, appropriation 62300),  
16 Health Sciences Career Opportunities Program (fund 4185,  
17 appropriation 86900), HSTA Program (fund 4185, appropriation  
18 87000), and Center for Excellence in Disabilities (fund 4185,  
19 appropriation 96700) at the close of fiscal year 2020 are hereby  
20 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

1	Marshall Medical School –		
2	RHI Program and		
3	Site Support (R) .....	03300	\$ 427,075



4	Vice Chancellor for Health		
5	Sciences – Rural Health		
6	Residency Program (R).....	60100	<u>171,361</u>
7	Total.....		\$ 598,436

8 Any unexpended balances remaining in the appropriations for  
 9 Marshall Medical School – RHI Program and Site Support (fund  
 10 4896, appropriation 03300) and Vice Chancellor for Health  
 11 Sciences – Rural Health Residency Program (fund 4896,  
 12 appropriation 60100) at the close of fiscal year 2020 are hereby  
 13 reappropriated for expenditure during the fiscal year 2021.

14	Total TITLE II, Section 4 –		
15	Lottery Revenue.....		<u>\$ 127,808,000</u>

1 **Sec. 5. Appropriations from state excess lottery revenue**  
 2 **fund.** — In accordance with W.Va. Code §29-22-18a, §29-22A-  
 3 10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following  
 4 appropriations shall be deposited and disbursed by the Director of  
 5 the Lottery to the following accounts in this section in the amounts  
 6 indicated.

7 After first funding the appropriations required by W.Va. Code  
 8 §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-  
 9 25-22b, the Director of the Lottery shall provide funding from the  
 10 State Excess Lottery Revenue Fund for the remaining  
 11 appropriations in this section to the extent that funds are available.  
 12 In the event that revenues to the State Excess Lottery Revenue  
 13 Fund are sufficient to meet all the appropriations required made  
 14 pursuant to this section, then the Director of the Lottery shall then  
 15 provide the funds available for fund 5365, appropriation 18900.

*305 - Lottery Commission –*

*Refundable Credit*

Fund 7207 FY 2021 Org 0705

<b>Appro-</b>	<b>Excess</b>
<b>priation</b>	<b>Lottery</b>
	<b>Funds</b>

1 Directed Transfer ..... 70000 \$ 10,000,000

2 The above appropriation shall be transferred to the General  
3 Revenue Fund to provide reimbursement for the refundable credit  
4 allowable under W.Va. Code §11-21-21. The amount of the  
5 required transfer shall be determined solely by the State Tax  
6 Commissioner and shall be completed by the Director of the  
7 Lottery upon the commissioner’s request.

*306 - Lottery Commission –*

*General Purpose Account*

Fund 7206 FY 2021 Org 0705

1 General Revenue Fund – Transfer ..... 70011 \$ 65,000,000

2 The above appropriation shall be transferred to the General  
3 Revenue Fund as determined by the Director of the Lottery in  
4 accordance with W.Va. Code §29-22-18a.

*307 - Higher Education Policy Commission –*

*Education Improvement Fund*

Fund 4295 FY 2021 Org 0441

1 PROMISE Scholarship – Transfer ..... 80000 \$ 29,000,000

2 The above appropriation shall be transferred to the PROMISE  
3 Scholarship Fund (fund 4296, org 0441) established by W.Va.  
4 Code §18C-7-7.

5 The Legislature has explicitly set a finite amount of available  
6 appropriations and directed the administrators of the Program to  
7 provide for the award of scholarships within the limits of available  
8 appropriations.

*308 - Economic Development Authority –*

*Economic Development Project Fund*

Fund 9065 FY 2021 Org 0944

1 Debt Service – Total ..... 31000      \$ 19,000,000

2 Pursuant to W.Va. Code §29-22-18a, subsection (f), excess  
3 lottery revenues are authorized to be transferred to the lottery fund  
4 as reimbursement of amounts transferred to the economic  
5 development project fund pursuant to section four of this title and  
6 W.Va. Code §29-22-18, subsection (f).

*309 - Department of Education –*

*School Building Authority*

Fund 3514 FY 2021 Org 0404

1 Debt Service – Total ..... 31000      \$ 19,000,000  
2 Direct Transfer ..... 70000      100  
3 Total .....      \$ 19,000,100

4 The School Building Authority shall have the authority to  
5 transfer between the above appropriations in accordance with W.  
6 Va. Code §29-22-18a

7 The above appropriation for Directed Transfer (fund 3514,  
8 appropriation 70000) may be transferred to the Department of  
9 Education, State Board of Education, School Building Authority,  
10 School Construction Fund, fund 3952, organization 0404 to be  
11 used for school construction and maintenance projects.

*310 - West Virginia Infrastructure Council –*

*West Virginia Infrastructure Transfer Fund*

Fund 3390 FY 2021 Org 0316

1 Directed Transfer ..... 70000      \$ 46,000,000

2 The above appropriation shall be allocated pursuant to W.Va.  
3 Code §29-22-18d and §31-15-9.

*311 - Higher Education Policy Commission –**Higher Education Improvement Fund*Fund 4297 FY 2021 Org 0441

1 Directed Transfer ..... 70000 \$ 15,000,000

2 The above appropriation shall be transferred to fund 4903, org  
3 0442 as authorized by Senate Concurrent Resolution No. 41.

*312 - Division of Natural Resources –**State Park Improvement Fund*Fund 3277 FY 2021 Org 0310

1	Current Expenses (R).....	13000	\$	23,300
2	Repairs and Alterations (R) .....	06400		161,200
3	Equipment (R).....	07000		200,000
4	Buildings (R).....	25800		100,000
5	Other Assets (R).....	69000		<u>1,020,500</u>
6	Total.....		\$	1,505,000

7 Any unexpended balances remaining in the above  
8 appropriations for Repairs and Alterations (fund 3277,  
9 appropriation 06400), Equipment (fund 3277, appropriation  
10 07000), Unclassified – Total (fund 3277, appropriation 09600),  
11 Unclassified (fund 3277, appropriation 09900), Current Expenses  
12 (fund 3277, appropriation 13000), Buildings (fund 3277,  
13 appropriation 25800), and Other Assets (fund 3277, appropriation  
14 69000) at the close of the fiscal year 2020 are hereby  
15 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

1	Debt Service.....	04000	\$	2,032,000
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*314 - Economic Development Authority –*

*State Parks Lottery Revenue Debt Service Fund*

Fund 9068 FY 2021 Org 0944

1	Debt Service.....	04000	\$	4,395,000
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*315 - Racing Commission –*

Fund 7308 FY 2021 Org 0707

1	Special Breeders Compensation			
2	(WVC §29-22-18a,			
3	subsection (l)) .....	21800	\$	2,000,000

*316 - Lottery Commission –*

*Distributions to Statutory Funds and Purposes*

Fund 7213 FY 2021 Org 0705

1	Parking Garage Fund – Transfer.....	70001	\$	500,000
2	2004 Capitol Complex Parking			
3	Garage Fund – Transfer.....	70002		216,478
4	Capitol Dome and Improvements			
5	Fund – Transfer.....	70003		1,796,256
6	Capitol Renovation and			
7	Improvement Fund – Transfer .....	70004		2,381,252
8	Development Office Promotion			
9	Fund – Transfer.....	70005		1,298,864
10	Research Challenge Fund –			
11	Transfer.....	70006		1,731,820
12	Tourism Promotion Fund –			
13	Transfer.....	70007		4,808,142
14	Cultural Facilities and Capitol			
15	Resources Matching Grant			
16	Program Fund – Transfer.....	70008		1,250,535

17	State Debt Reduction		
18	Fund – Transfer.....	70010	20,000,000
19	General Revenue Fund – Transfer .....	70011	1,167,799
20	West Virginia Racing		
21	Commission Racetrack		
22	Video Lottery Account .....	70012	3,463,637
23	Historic Resort Hotel Fund .....	70013	24,010
24	Licensed Racetrack Regular		
25	Purse Fund .....	70014	<u>22,383,247</u>
26	Total.....		\$ 61,022,040

*317 - Governor's Office*

(WV Code Chapter 5)

Fund 1046 FY 2021 Org 0100

1 Any unexpended balance remaining in the appropriation for  
2 Publication of Papers and Transition Expenses – Lottery Surplus  
3 (fund 1046, appropriation 06600) at the close of the fiscal year  
4 2020 is hereby reappropriated for expenditure during the fiscal  
5 year 2021.

*318 - Office of Technology*

(WV Code Chapter 5A)

Fund 2532 FY 2021 Org 0231

1 Any unexpended balances remaining in the appropriations for  
2 Cyber Security (fund 2532, appropriation 99001), Enterprise Data  
3 Center (fund 2532, appropriation 99002), and Enterprise  
4 Telephony Modernization (fund 2532, appropriation 99003) at the  
5 close of the fiscal year 2020 is hereby reappropriated for  
6 expenditure during the fiscal year 2021.

*319 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 3170 FY 2021 Org 0307

1 Any unexpended balances remaining in the appropriations for  
 2 Unclassified – Total (fund 3170, appropriation 09600),  
 3 Recreational Grants or Economic Development Loans (fund 3170,  
 4 appropriation 25300), and Connectivity Research and  
 5 Development – Lottery Surplus (fund 3170, appropriation 92300)  
 6 at the close of the fiscal year 2020 are hereby reappropriated for  
 7 expenditure during the fiscal year 2021.

*320 - Higher Education Policy Commission –*

*Administration –*

*Control Account*

(WV Code Chapter 18B)

Fund 4932 FY 2021 Org 0441

1 Any unexpended balance remaining in the appropriation for  
 2 Advanced Technology Centers (fund 4932, appropriation 02800)  
 3 at the close of the fiscal year 2020 is hereby reappropriated for  
 4 expenditure during the fiscal year 2021.

*321 - Division of Human Services*

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2021 Org 0511

1 Medical Services..... 18900 \$ 66,302,960

*322 - Division of Corrections and Rehabilitation –*

*Correctional Units*

(WV Code Chapter 15A)

Fund 6283 FY 2021 Org 0608

1 Any unexpended balance remaining in the appropriation for  
 2 Capital Outlay and Maintenance (fund 6283, appropriation  
 3 75500) at the close of the fiscal year 2020 is hereby  
 4 reappropriated for expenditure during the fiscal year 2021.

5 Total TITLE II, Section 5 –  
 6 Excess Lottery Funds..... \$ 340,257,000

1 **Sec. 6. Appropriations of federal funds.** — In accordance  
 2 with Article 11, Chapter 4 of the Code from federal funds there are  
 3 hereby appropriated conditionally upon the fulfillment of the  
 4 provisions set forth in Article 2, Chapter 11B of the Code the  
 5 following amounts, as itemized, for expenditure during the fiscal  
 6 year 2021.

**LEGISLATIVE**

*323 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 8738 FY 2021 Org 2300

	<b>Appro- piation</b>		<b>Federal Funds</b>
1 Economic Loss Claim			
2 Payment Fund .....	33400	\$	1,400,000

**JUDICIAL**

*324 - Supreme Court*

Fund 8867 FY 2021 Org 2400

1 Personal Services and			
2 Employee Benefits .....	00100	\$	1,813,000
3 Current Expenses .....	13000		1,557,000
4 Repairs and Alterations .....	06400		100,000
5 Equipment .....	07000		250,000



6	Other Assets.....	69000		<u>280,000</u>
7	Total.....		\$	4,000,000

**EXECUTIVE***325 - Department of Agriculture*

(WV Code Chapter 19)

Fund 8736 FY 2021 Org 1400

1	Personal Services and			
2	Employee Benefits.....	00100	\$	2,628,780
3	Unclassified.....	09900		50,534
4	Current Expenses .....	13000		3,828,661
5	Repairs and Alterations.....	06400		650,000
6	Equipment.....	07000		910,500
7	Buildings.....	25800		1,000,000
8	Other Assets.....	69000		50,000
9	Land .....	73000		<u>500,000</u>
10	Total.....		\$	9,618,475

*326 - Department of Agriculture –**Meat Inspection Fund*

(WV Code Chapter 19)

Fund 8737 FY 2021 Org 1400

1	Personal Services and			
2	Employee Benefits.....	00100	\$	658,571
3	Unclassified.....	09900		8,755
4	Current Expenses .....	13000		136,012
5	Repairs and Alterations.....	06400		5,500
6	Equipment.....	07000		<u>114,478</u>
7	Total.....		\$	923,316

*327 - Department of Agriculture –**State Conservation Committee*

(WV Code Chapter 19)

Fund 8783 FY 2021 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 97,250
3	Current Expenses .....	13000	<u>15,599,974</u>
4	Total.....		\$ 15,697,224

*328 - Department of Agriculture –**Land Protection Authority*Fund 8896 FY 2021 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 46,526
3	Unclassified.....	09900	5,004
4	Current Expenses .....	13000	<u>448,920</u>
5	Total.....		\$ 500,450

*329 - Attorney General –**Medicaid Fraud Unit*Fund 8882 FY 2021 Org 1500

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,038,458
3	Unclassified.....	09900	15,336
4	Current Expenses .....	13000	456,638
5	Repairs and Alterations.....	06400	4,313
6	Equipment.....	07000	7,500
7	Other Assets.....	69000	<u>11,336</u>
8	Total.....		\$ 1,533,581

*330 - Secretary of State –**State Election Fund*

(WV Code Chapter 3)

Fund 8854 FY 2021 Org 1600

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 210,240
3	Unclassified.....	09900	7,484
4	Current Expenses .....	13000	415,727
5	Repairs and Alterations .....	06400	15,000
6	Other Assets.....	69000	<u>100,000</u>
7	Total.....		\$ 748,451

**DEPARTMENT OF COMMERCE***331 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2021 Org 0305

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,640,060
3	Unclassified.....	09900	51,050
4	Current Expenses .....	13000	5,232,560
5	Repairs and Alterations .....	06400	155,795
6	Equipment.....	07000	100,000
7	Other Assets.....	69000	<u>1,808,300</u>
8	Total.....		\$ 8,987,765

*332 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 8704 FY 2021 Org 0306

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 54,432

3	Unclassified.....	09900		2,803
4	Current Expenses .....	13000		195,639
5	Repairs and Alterations.....	06400		5,000
6	Equipment.....	07000		7,500
7	Other Assets.....	69000		15,000
8	Total.....		\$	280,374

*333 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 8705 FY 2021 Org 0307

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,039,921
3	Unclassified.....	09900		50,000
4	Current Expenses .....	13000		4,504,019
5	Total.....		\$	5,593,940

*334 - West Virginia Development Office –*

*Office of Economic Opportunity*

(WV Code Chapter 5)

Fund 8901 FY 2021 Org 0307

1	Personal Services and			
2	Employee Benefits.....	00100	\$	497,289
3	Repairs and Alterations.....	06400		250
4	Equipment.....	07000		6,000
5	Unclassified.....	09900		106,795
6	Current Expenses .....	13000		10,069,166
7	Total.....		\$	10,679,500

*335 - Division of Labor*

(WV Code Chapters 21 and 47)

Fund 8706 FY 2021 Org 0308

2020]

HOUSE OF DELEGATES

3245

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 409,251
3	Unclassified.....	09900	5,572
4	Current Expenses .....	13000	167,098
5	Repairs and Alterations.....	06400	<u>500</u>
6	Total.....		\$ 582,421

*336 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 8707 FY 2021 Org 0310

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 10,064,006
3	Unclassified.....	09900	107,693
4	Current Expenses .....	13000	7,887,660
5	Repairs and Alterations.....	06400	566,250
6	Equipment.....	07000	2,126,141
7	Administration .....	15500	50,325
8	Buildings .....	25800	951,000
9	Other Assets.....	69000	7,088,880
10	Land .....	73000	<u>2,893,920</u>
11	Total.....		\$ 31,735,875

*337 - Division of Miners' Health,*

*Safety and Training*

(WV Code Chapter 22)

Fund 8709 FY 2021 Org 0314

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 642,799
3	Current Expenses .....	13000	<u>150,000</u>
4	Total.....		\$ 792,799

*338 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 8835 FY 2021 Org 0323

1	Unclassified.....	09900	\$	5,127
2	Current Expenses .....	13000		507,530
3	Reed Act 2002 – Unemployment			
4	Compensation .....	62200		2,850,000
5	Reed Act 2002 – Employment			
6	Services.....	63000		<u>1,650,000</u>
7	Total.....		\$	5,012,657

8 Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of  
9 the Social Security Act, as amended, and the provisions of W.Va.  
10 Code §21A-9-9, the above appropriation to Unclassified and  
11 Current Expenses shall be used by WorkForce West Virginia for  
12 the specific purpose of administration of the state’s unemployment  
13 insurance program or job service activities, subject to each and  
14 every restriction, limitation or obligation imposed on the use of the  
15 funds by those federal and state statutes.

*339 - Office of Energy*

(WV Code Chapter 5B)

Fund 8892 FY 2021 Org 0328

1	Personal Services and			
2	Employee Benefits.....	00100	\$	426,385
3	Unclassified.....	09900		7,350
4	Current Expenses .....	13000		<u>2,816,076</u>
5	Total.....		\$	3,249,811

*340 - State Board of Rehabilitation –**Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 8734 FY 2021 Org 0932

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 11,863,244
3	Current Expenses .....	13000	34,440,940
4	Repairs and Alterations.....	06400	350,400
5	Equipment.....	07000	<u>1,275,870</u>
6	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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 12,476,122
3	Current Expenses .....	13000	13,383,206
4	Repairs and Alterations.....	06400	1,100
5	Equipment.....	07000	<u>83,350</u>
6	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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 5,785,359
3	Unclassified.....	09900	2,000,000
4	Current Expenses .....	13000	222,367,820
5	Repairs and Alterations.....	06400	10,000
6	Equipment.....	07000	10,000

7	Other Assets.....	69000		<u>10,000</u>
8	Total.....		\$	230,183,179

*343 - State Board of Education –*

*School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2021 Org 0402

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,881,766
3	Unclassified.....	09900		1,150,500
4	Current Expenses .....	13000		148,281,265
5	Repairs and Alterations.....	06400		20,000
6	Equipment.....	07000		100,000
7	Other Assets.....	69000		<u>25,000</u>
8	Total.....		\$	151,458,531

*344 - State Board of Education –*

*Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2021 Org 0402

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,896,249
3	Unclassified.....	09900		155,000
4	Current Expenses .....	13000		15,820,081
5	Repairs and Alterations.....	06400		10,000
6	Equipment.....	07000		10,000
7	Other Assets.....	69000		<u>10,000</u>
8	Total.....		\$	17,901,330

*345 - State Board of Education –*

*Aid for Exceptional Children*



(WV Code Chapters 18 and 18A)

Fund 8715 FY 2021 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,477,006
3	Unclassified.....	09900	1,000,000
4	Current Expenses .....	13000	123,346,390
5	Repairs and Alterations .....	06400	10,000
6	Equipment.....	07000	10,000
7	Other Assets.....	69000	<u>10,000</u>
8	Total.....		\$ 127,853,396

**DEPARTMENT OF ARTS, CULTURE, AND HISTORY***346 - Commission for National and Community Service*

(WV Code Chapter 5F)

Fund 8841 FY 2021 Org 0432

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 437,040
3	Current Expenses .....	13000	5,587,325
4	Repairs and Alterations .....	06400	<u>1,000</u>
5	Total.....		\$ 6,025,365

*347 - Division of Culture and History*

(WV Code Chapter 29)

Fund 8718 FY 2021 Org 0432

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 810,436
3	Current Expenses .....	13000	1,947,372
4	Repairs and Alterations .....	06400	1,000
5	Equipment.....	07000	1,000
6	Buildings.....	25800	1,000
7	Other Assets.....	69000	1,000

8	Land .....	73000		<u>360</u>
9	Total.....		\$	2,762,168

*348 - Library Commission*

(WV Code Chapter 10)

Fund 8720 FY 2021 Org 0433

1	Personal Services and			
2	Employee Benefits.....	00100	\$	353,396
3	Current Expenses .....	13000		1,076,162
4	Equipment.....	07000		<u>543,406</u>
5	Total.....		\$	1,972,964

*349 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 8721 FY 2021 Org 0439

1	Equipment.....	07000	\$	200,000
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION***350 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 8708 FY 2021 Org 0313

1	Personal Services and			
2	Employee Benefits.....	00100	\$	31,406,529
3	Current Expenses .....	13000		153,850,118
4	Repairs and Alterations.....	06400		739,783
5	Equipment.....	07000		1,712,238
6	Unclassified.....	09900		1,923,580
7	Other Assets.....	69000		2,177,261
8	Land .....	73000		<u>80,000</u>
9	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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,532,219
3	Unclassified.....	09900	73,307
4	Current Expenses .....	13000	<u>36,583,302</u>
5	Total.....		\$ 38,188,828

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

(WV Code Chapter 16)

Fund 8802 FY 2021 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 14,610,947
3	Unclassified.....	09900	856,614
4	Current Expenses .....	13000	69,201,885
5	Equipment.....	07000	456,972
6	Buildings .....	25800	155,000
7	Other Assets.....	69000	<u>380,000</u>
8	Total.....		\$ 85,661,418

*353 - Division of Health –**West Virginia Safe Drinking Water Treatment*

(WV Code Chapter 16)

Fund 8824 FY 2021 Org 0506

1	West Virginia Drinking Water Treatment		
2	Revolving Fund – Transfer.....	68900	\$ 16,000,000

*354 - Human Rights Commission*

(WV Code Chapter 5)

Fund 8725 FY 2021 Org 0510

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 449,874
3	Unclassified.....	09900	5,050
4	Current Expenses .....	13000	<u>64,950</u>
5	Total.....		\$ 519,874

*355 - Division of Human Services*

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2021 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 76,486,842
3	Unclassified.....	09900	22,855,833
4	Current Expenses .....	13000	112,110,500
5	Medical Services.....	18900	3,598,409,155
6	Medical Services Administrative		
7	Costs .....	78900	132,247,536
8	CHIP Administrative Costs.....	85601	4,539,496
9	CHIP Services.....	85602	47,422,974
10	Federal Economic Stimulus .....	89100	<u>5,000,000</u>
11	Total.....		\$ 3,999,072,336

**DEPARTMENT OF HOMELAND SECURITY***356 - Office of the Secretary*

(WV Code Chapter 5F)

Fund 8876 FY 2021 Org 0601

1	Unclassified.....	09900	\$ 5,000
2	Current Expenses .....	13000	<u>495,000</u>
3	Total.....		\$ 500,000

*357 - Division of Emergency Management*

(WV Code Chapter 15)

Fund 8727 FY 2021 Org 0606

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,260,422
3	Current Expenses .....	13000	20,429,281
4	Repairs and Alterations.....	06400	5,000
5	Equipment.....	07000	<u>100,000</u>
6	Total.....		\$ 21,794,703

*358 - Division of Corrections and Rehabilitation*

(WV Code Chapter 15A)

Fund 8836 FY 2021 Org 0608

1	Unclassified.....	09900	\$ 1,100
2	Current Expenses .....	13000	<u>108,900</u>
3	Total.....		\$ 110,000

*359 - West Virginia State Police*

(WV Code Chapter 15)

Fund 8741 FY 2021 Org 0612

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,480,877
3	Current Expenses .....	13000	2,125,971
4	Repairs and Alterations.....	06400	42,000
5	Equipment.....	07000	2,502,285
6	Buildings.....	25800	750,500
7	Other Assets.....	69000	144,500
8	Land .....	73000	<u>500</u>
9	Total.....		\$ 8,046,633

*360 - Fire Commission*

(WV Code Chapter 29)

Fund 8819 FY 2021 Org 0619

1	Current Expenses .....	13000	\$	80,000
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*361 - Division of Administrative Services*

(WV Code Chapter 15)

Fund 8803 FY 2021 Org 0623

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,222,258
3	Unclassified.....	09900		25,185
4	Current Expenses .....	13000		25,381,973
5	Repairs and Alterations.....	06400		<u>1,750</u>
6	Total.....		\$	26,631,166

**DEPARTMENT OF REVENUE**

*362 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2021 Org 0704

1	Current Expenses .....	13000	\$	3,000,000
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**DEPARTMENT OF TRANSPORTATION**

*363 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2021 Org 0802

1	Personal Services and			
2	Employee Benefits.....	00100	\$	551,394

3	Current Expenses .....	13000		5,448,106
4	Repairs and Alterations .....	06400		<u>500</u>
5	Total.....		\$	6,000,000

*364 - Division of Public Transit*

(WV Code Chapter 17)

Fund 8745 FY 2021 Org 0805

1	Personal Services and			
2	Employee Benefits.....	00100	\$	922,070
3	Current Expenses .....	13000		8,663,149
4	Repairs and Alterations.....	06400		2,500
5	Equipment.....	07000		2,801,714
6	Buildings.....	25800		1,250,000
7	Other Assets.....	69000		<u>100,000</u>
8	Total.....		\$	13,739,433

*365 - 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

**DEPARTMENT OF VETERANS' ASSISTANCE***366 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2021 Org 0613

1	Personal Services and			
2	Employee Benefits.....	00100	\$	2,947,485
3	Current Expenses .....	13000		2,840,300
4	Repairs and Alterations.....	06400		20,000

5	Equipment.....	07000	25,000
6	Buildings.....	25800	250,000
7	Land.....	73000	500
8	Veterans' Cemetary.....	80800	<u>175,000</u>
9	Total.....		\$ 6,258,285

*367 - Department of Veterans' Assistance –*

*Veterans' Home*

(WV Code Chapter 9A)

Fund 8728 FY 2021 Org 0618

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 906,850
3	Current Expenses.....	13000	601,700
4	Repairs and Alterations.....	06400	60,500
5	Equipment.....	07000	10,500
6	Buildings.....	25800	500
7	Other Assets.....	69000	500
8	Land.....	73000	<u>100</u>
9	Total.....		\$ 1,580,650

**BUREAU OF SENIOR SERVICES**

*368 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 8724 FY 2021 Org 0508

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 767,364
3	Current Expenses.....	13000	13,811,853
4	Repairs and Alterations.....	06400	<u>3,000</u>
5	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

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,352,576
3	Current Expenses .....	13000	368,953
4	Repairs and Alterations.....	06400	39,000
5	Equipment.....	07000	<u>935,500</u>
6	Total.....		\$ 2,696,029

*370 - Public Service Commission –**Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2021 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 621,039
3	Current Expenses .....	13000	124,628
4	Equipment.....	07000	3,000
5	Unclassified.....	09900	<u>4,072</u>
6	Total.....		\$ 752,739

*371 - National Coal Heritage Area Authority*

(WV Code Chapter 29)

Fund 8869 FY 2021 Org 0941

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 163,405
3	Current Expenses .....	13000	633,417

4	Repairs and Alterations.....	06400		5,000
5	Equipment.....	07000		3,000
6	Other Assets.....	69000		<u>2,000</u>
7	Total.....		\$	806,822

*372 - Adjutant General –*

*State Militia*

(WV Code Chapter 15)

Fund 8726 FY 2021 Org 0603

1	Unclassified.....	09900	\$	982,705
2	Mountaineer ChalleNGe Academy.....	70900		7,200,000
3	Martinsburg Starbase .....	74200		439,622
4	Charleston Starbase.....	74300		424,685
5	Military Authority.....	74800		<u>91,380,274</u>
6	Total.....		\$	100,427,286

7 The Adjutant General shall have the authority to transfer  
8 between appropriations.

*373 - Adjutant General –*

*West Virginia National Guard Counterdrug Forfeiture Fund*

(WV Code Chapter 15)

Fund 8785 FY 2021 Org 0603

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,350,000
3	Current Expenses .....	13000		150,000
4	Repairs and Alterations.....	06400		50,000
5	Buildings.....	25800		100,000
6	Land .....	73000		50,000
7	Other Assets.....	69000		100,000
8	Equipment.....	07000		<u>200,000</u>
9	Total.....		\$	2,000,000

10 Total TITLE II, Section 6 -  
 11 Federal Funds (Including claims  
 12 against the state) ..... \$ 5,254,586,178

1 **Sec. 7. Appropriations from federal block grants.** — The  
 2 following items are hereby appropriated from federal block grants  
 3 to be available for expenditure during the fiscal year 2021.

*374 - West Virginia Development Office –*

*Community Development*

Fund 8746 FY 2021 Org 0307

1	Personal Services and		
2	Employee Benefits.....00100	\$	10,658,978
3	Unclassified.....09900		2,375,000
4	Current Expenses .....13000		<u>224,476,883</u>
5	Total.....	\$	<u>237,510,861</u>

*375 - Department of Commerce*

*West Virginia Development Office –*

*Office of Economic Opportunity –*

*Community Services*

Fund 8902 FY 2021 Org 0307

1	Personal Services and		
2	Employee Benefits.....00100	\$	362,389
3	Unclassified.....09900		125,000
4	Current Expenses .....13000		12,002,111
5	Repairs and Alterations.....06400		1,500
6	Equipment.....07000		<u>9,000</u>
7	Total.....	\$	<u>12,500,000</u>

*376 - WorkForce West Virginia –*

*Workforce Investment Act*

Fund 8749 FY 2021 Org 0323

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,999,497
3	Unclassified.....	09900	23,023
4	Current Expenses .....	13000	39,263,511
5	Repairs and Alterations.....	06400	1,600
6	Equipment.....	07000	500
7	Buildings.....	25800	1,100
8	Total.....		<u>\$ 42,289,231</u>

*377 - Division of Health –*

*Maternal and Child Health*

Fund 8750 FY 2021 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,268,209
3	Unclassified.....	09900	81,439
4	Current Expenses .....	13000	<u>5,794,267</u>
5	Total.....		<u>\$ 8,143,915</u>

*378 - Division of Health –*

*Preventive Health*

Fund 8753 FY 2021 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 268,337
3	Unclassified.....	09900	22,457
4	Current Expenses .....	13000	1,895,366
5	Equipment.....	07000	<u>165,642</u>
6	Total.....		<u>\$ 2,351,802</u>

*379 - Division of Health –*

*Substance Abuse Prevention and Treatment*

Fund 8793 FY 2021 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 657,325
3	Unclassified.....	09900	115,924
4	Current Expenses .....	13000	<u>10,853,740</u>
5	Total.....		\$ 11,626,989

*380 - Division of Health –*

*Community Mental Health Services*

Fund 8794 FY 2021 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 551,368
3	Unclassified.....	09900	33,533
4	Current Expenses .....	13000	<u>4,883,307</u>
5	Total.....		\$ 5,468,208

*381 - Division of Human Services –*

*Energy Assistance*

Fund 8755 FY 2021 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,860,574
3	Unclassified.....	09900	350,000
4	Current Expenses .....	13000	<u>38,182,151</u>
5	Total.....		\$ 40,392,725

*382 - Division of Human Services –*

*Social Services*

Fund 8757 FY 2021 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 8,806,005
3	Unclassified.....	09900	171,982
4	Current Expenses .....	13000	<u>8,870,508</u>

5 Total..... \$ 17,848,495

*383 - Division of Human Services –*

*Temporary Assistance for Needy Families*

Fund 8816 FY 2021 Org 0511

1	Personal Services and		
2	Employee Benefits.....00100	\$	20,559,397
3	Unclassified.....09900		1,250,000
4	Current Expenses .....13000		<u>105,851,386</u>
5	Total.....	\$	127,660,783

*384 - Division of Human Services –*

*Child Care and Development*

Fund 8817 FY 2021 Org 0511

1	Personal Services and		
2	Employee Benefits.....00100	\$	2,797,226
3	Unclassified.....09900		350,000
4	Current Expenses .....13000		<u>47,000,307</u>
5	Total.....	\$	50,147,533
6	Total TITLE II, Section 7 –		
7	Federal Block Grants .....	\$	<u>555,940,542</u>

1     **Sec. 8. Awards for claims against the state.** — There are  
 2 hereby appropriated for fiscal year 2021, from the fund as  
 3 designated, in the amounts as specified, general revenue funds in  
 4 the amount of \$1,397,579, special revenue funds in the amount of  
 5 \$6,433, state road funds in the amount of \$844,164, and federal  
 6 revenue funds in the amount of \$280,346 for payment of claims  
 7 against the state.

1     **Sec. 9. Appropriations from general revenue fund surplus**  
 2 **accrued.** — The following item is hereby appropriated from the  
 3 state fund, general revenue, and is to be available for expenditure  
 4 during the fiscal year 2021 out of surplus funds only, accrued from

5 the fiscal year ending June 30, 2020, subject to the terms and  
6 conditions set forth in this section.

7 It is the intent and mandate of the Legislature that the following  
8 appropriations be payable only from surplus as of July 31, 2020  
9 from the fiscal year ending June 30, 2020, only after first meeting  
10 requirements of W.Va. Code §11B-2-20(b).

11 In the event that surplus revenues available on July 31, 2020,  
12 are not sufficient to meet the appropriation made pursuant to this  
13 section, then the appropriation shall be made to the extent that  
14 surplus funds are available as of the date mandated to meet the  
15 appropriation in this section and shall be allocated first to provide  
16 the necessary funds to meet the first appropriation of this section  
17 and each subsequent appropriation in the order listed in this  
18 section.

*385 - Governor's Office –*

*Civil Contingent Fund*

(WV Code Chapter 5)

Fund 0105 FY 2021 Org 0100

1	Milton Flood Wall - Surplus(R).....	XXXXX	\$	6,000,000
2	Total TITLE II, Section 9 –			
3	Surplus Accrued.....		\$	<u>6,000,00</u>

1 **Sec. 10. Appropriations from lottery net profits surplus**  
2 **accrued.** — The following item is hereby appropriated from the  
3 lottery net profits, and is to be available for expenditure during the  
4 fiscal year 2021 out of surplus funds only, as determined by the  
5 director of lottery, accrued from the fiscal year ending June 30,  
6 2020, subject to the terms and conditions set forth in this section.

7 It is the intent and mandate of the Legislature that the following  
8 appropriation be payable only from surplus accrued from the fiscal  
9 year ending June 30, 2020.

10 In the event that surplus revenues available from the fiscal  
 11 year ending June 30, 2020, are not sufficient to meet the  
 12 appropriation made pursuant to this section, then the  
 13 appropriation shall be made to the extent that surplus funds are  
 14 available.

*386 - Bureau of Senior Services –*

*Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2021 Org 0508

1	In-Home Services and Nutrition		
2	for Senior Citizens –		
3	Lottery Surplus .....	76699	\$ 750,000
4	Senior Services Medicaid		
5	Transfer – Lottery Surplus.....	68199	<u>16,000,000</u>
6	Total.....		\$ 16,750,000
7	Total TITLE II, Section 10 –		
8	Surplus Accrued .....		<u>\$ 16,750,000</u>

1 **Sec. 11. Appropriations from state excess lottery revenue**  
 2 **surplus accrued.** — The following item is hereby appropriated  
 3 from the state excess lottery revenue fund, and is to be available  
 4 for expenditure during the fiscal year 2021 out of surplus funds  
 5 only, as determined by the director of lottery, accrued from the  
 6 fiscal year ending June 30, 2020, subject to the terms and  
 7 conditions set forth in this section.

8 It is the intent and mandate of the Legislature that the following  
 9 appropriation be payable only from surplus accrued from the fiscal  
 10 year ending June 30, 2020.

11 In the event that surplus revenues available from the fiscal year  
 12 ending June 30, 2020, are not sufficient to meet the appropriation  
 13 made pursuant to this section, then the appropriation shall be made  
 14 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

1	Medical Services –		
2	Lottery Surplus .....	68100	\$ 17,000,000
3	Total TITLE II, Section 11 –		
4	Surplus Accrued .....		<u>\$ 17,000,000</u>

1       **Sec. 12. Special revenue appropriations.** — There are hereby  
2 appropriated for expenditure during the fiscal year 2021  
3 appropriations made by general law from special revenues which  
4 are not paid into the state fund as general revenue under the  
5 provisions of W.Va. Code §12-2-2: *Provided*, That none of the  
6 money so appropriated by this section shall be available for  
7 expenditure except in compliance with the provisions of W.Va.  
8 Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending  
9 unit has filed with the director of the budget and the legislative  
10 auditor prior to the beginning of each fiscal year:

11       (a) An estimate of the amount and sources of all revenues  
12 accruing to such fund; and

13       (b) A detailed expenditure schedule showing for what purposes  
14 the fund is to be expended.

15       During Fiscal Year 2021, the following funds are hereby  
16 available and are to be transferred to the appropriate funds as  
17 specified from available balances per the following:

*388 -Attorney General*

*Consumer Protection Recovery Fund*

*(WV Code Chapter 46A)*

Fund 1509 FY 2021 Org 1500

1	Directed Transfer .....	70000	\$	6,100,000
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2 From the above appropriation for Directed Transfer (Fund  
 3 1509, appropriation 70000), \$100,000 shall be transferred to the  
 4 Supreme Court – Family Court Fund (Fund 1763), \$1,000,000  
 5 shall be transferred to the West Virginia State Police – Forensic  
 6 Laboratory Fund (Fund 6511) and \$5,000,000 shall be transferred  
 7 to the Department of Health and Human Resources, Division of  
 8 Health – Ryan Brown Addiction Prevention and Recovery Fund  
 9 (Fund 5111).

*389 - Attorney General*

*Medicaid Fraud Control Fund*

(WV Code Chapter 9)

Fund 1506 FY 2021 Org 1500

1	Directed Transfer .....	70000	\$	941,000
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2 From the above appropriation for Directed Transfer (Fund  
 3 1509, appropriation 70000), \$941,000 shall be transferred to the  
 4 Department of Health and Human Resources, Division of Human  
 5 Services – Medical Services Trust Fund (Fund 5185).

6	Total TITLE II, Section 12 –			
7	Appropriations for Special			
8	Revenue Appropriations .....		\$	<u>7,041,000</u>

1 **Sec. 13. State improvement fund appropriations.** —  
 2 Requests or donations of nonpublic funds, received by the  
 3 Governor on behalf of the state during the fiscal year 2021, for the  
 4 purpose of making studies and recommendations relative to  
 5 improvements of the administration and management of spending  
 6 units in the executive branch of state government, shall be  
 7 deposited in the state treasury in a separate account therein  
 8 designated state improvement fund.

9        There are hereby appropriated all moneys so deposited during  
10 the fiscal year 2021 to be expended as authorized by the Governor,  
11 for such studies and recommendations which may encompass any  
12 problems of organization, procedures, systems, functions, powers  
13 or duties of a state spending unit in the executive branch, or the  
14 betterment of the economic, social, educational, health and general  
15 welfare of the state or its citizens.

1        **Sec. 14. Specific funds and collection accounts.** — A fund or  
2 collection account which by law is dedicated to a specific use is  
3 hereby appropriated in sufficient amount to meet all lawful  
4 demands upon the fund or collection account and shall be expended  
5 according to the provisions of Article 3, Chapter 12 of the Code.

1        **Sec. 15. Appropriations for refunding erroneous payment.**  
2 — Money that has been erroneously paid into the state treasury is  
3 hereby appropriated out of the fund into which it was paid, for  
4 refund to the proper person.

5        When the officer authorized by law to collect money for the  
6 state finds that a sum has been erroneously paid, he or she shall  
7 issue his or her requisition upon the Auditor for the refunding of  
8 the proper amount. The Auditor shall issue his or her warrant to the  
9 Treasurer and the Treasurer shall pay the warrant out of the fund  
10 into which the amount was originally paid.

1        **Sec. 16. Sinking fund deficiencies.** — There is hereby  
2 appropriated to the Governor a sufficient amount to meet any  
3 deficiencies that may arise in the mortgage finance bond insurance  
4 fund of the West Virginia housing development fund which is  
5 under the supervision and control of the municipal bond  
6 commission as provided by W.Va. Code §31-18-20b, or in the  
7 funds of the municipal bond commission because of the failure of  
8 any state agency for either general obligation or revenue bonds or  
9 any local taxing district for general obligation bonds to remit funds  
10 necessary for the payment of interest and sinking fund  
11 requirements. The Governor is authorized to transfer from time to  
12 time such amounts to the municipal bond commission as may be  
13 necessary for these purposes.

14 The municipal bond commission shall reimburse the state of  
15 West Virginia through the Governor from the first remittance  
16 collected from the West Virginia housing development fund or  
17 from any state agency or local taxing district for which the  
18 Governor advanced funds, with interest at the rate carried by the  
19 bonds for security or payment of which the advance was made.

1 **Sec. 17. Appropriations for local governments.** — There are  
2 hereby appropriated for payment to counties, districts and  
3 municipal corporations such amounts as will be necessary to pay  
4 taxes due counties, districts and municipal corporations and which  
5 have been paid into the treasury:

6 (a) For redemption of lands;

7 (b) By public service corporations;

8 (c) For tax forfeitures.

1 **Sec. 18. Total appropriations.** — Where only a total sum is  
2 appropriated to a spending unit, the total sum shall include personal  
3 services and employee benefits, annual increment, current  
4 expenses, repairs and alterations, buildings, equipment, other  
5 assets, land, and capital outlay, where not otherwise specifically  
6 provided and except as otherwise provided in TITLE I –  
7 GENERAL PROVISIONS, Sec. 3.

1 **Sec. 19. General school fund.** — The balance of the proceeds  
2 of the general school fund remaining after the payment of the  
3 appropriations made by this act is appropriated for expenditure in  
4 accordance with W.Va. Code §18-9A-16.

### TITLE III – ADMINISTRATION

1 **Sec. 1. Appropriations conditional.** — The expenditure of the  
2 appropriations made by this act, except those appropriations made  
3 to the legislative and judicial branches of the state government, are  
4 conditioned upon the compliance by the spending unit with the  
5 requirements of Article 2, Chapter 11B of the Code.

1 Where spending units or parts of spending units have been  
2 absorbed by or combined with other spending units, it is the intent  
3 of this act that appropriations and reappropriations shall be to the  
4 succeeding or later spending unit created, unless otherwise  
5 indicated.

1 **Sec. 2. Constitutionality.** — If any part of this act is declared  
2 unconstitutional by a court of competent jurisdiction, its decision  
3 shall not affect any portion of this act which remains, but the  
4 remaining portion shall be in full force and effect as if the portion  
5 declared unconstitutional had never been a part of the act.”

### Conference Committee Report Availability

At 7:52 p.m., the Clerk announced availability of the reports of the Committee of Conference on **Com. Sub. for H. B. 4558**, Creating a personal income tax credit for volunteer firefighters in West Virginia and **Com. Sub. for H. B. 4388**.

The House of Delegates then returned to further consideration of **Com. Sub. for S. B. 150**.

Delegates Cowles, Maynard, Paynter, Higginbotham, Hanna, Rowe, Storch, Evans, C. Thompson, Graves, Steele and Dean requested to be excused from voting on Com. Sub. for S. B. 150 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill and directed the Members to vote.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 738**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Butler, McGeehan and Wilson.

Absent and Not Voting: P. Martin.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 150) passed.

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

On this question, the yeas and nays were taken (**Roll No. 739**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Butler and McGeehan.

Absent and Not Voting: Hardy and Linville.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 150) takes effect from its passage.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2419**, Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance.

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

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

**“ARTICLE 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 other than the proceeding at which the conditions of release are initially set.

(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.”

And,

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

**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 740**), and there were—yeas 79, nays 21, absent and not voting none, with the nays being as follows:

Nays: Barnhart, Barrett, N. Brown, S. Brown, Butler, Cadle, Dean, Fast, Graves, Hicks, Lovejoy, C. Martin, P. Martin, McGeehan, Miley, Pack, Paynter, Phillips, Robinson, Steele and R. Thompson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2419) passed.

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

In the absence of objection, the House of Delegates then stood at ease to hear a brief address by His Excellency, Governor Jim Justice.

A message from the Senate, by

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

**Com. Sub. for H. B. 2478**, Modifying the Fair Trade Practices Act.

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

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

**“ARTICLE 11A. UNFAIR TRADE PRACTICES.**

**§47-11A-2. When selling below cost prohibited; penalty.**

Except as otherwise provided ~~herein~~ in this article, it shall be unlawful for any person, partnership, firm, corporation, or other entity engaged in business as a retailer or wholesaler within this state to sell, offer for sale, or advertise for sale any product or item of merchandise at a price less than the cost thereof with the intent to destroy or the effect of destroying competition. Each violation shall constitute a misdemeanor and, upon conviction thereof, any person, partnership, firm, corporation, or other entity violating this section shall be subject to the penalty set forth in §47-11A-11 of this code.

**§47-11A-6. How cost determined.**

(a) The term ‘cost’ when applicable to the business of retailer shall mean bona fide cost and shall mean: (i) The invoice cost of

~~the each separate or distinct~~ product or item of merchandise to the retailer to include applicable taxes, or the replacement cost thereof to the retailer within 30 days prior to the date of sale, offer for sale, or advertisement for sale, as the case may be, in the quantity last purchased, whichever is lower, from either of which there shall be deducted all trade discounts, except customary discounts for cash; and (ii) to either of which there shall be added ~~the following items of expense:~~

(1) ~~Freight~~ freight charges not otherwise included in the cost of the article, product, or item of merchandise, but which freight charges shall not be construed as including cartage to retail outlet if done or paid for by the retailer.

~~(2) A markup to cover, in part, the cost of doing business, which markup, in the absence of proof of a lesser cost, shall be seven percent of the aggregate of invoice cost or replacement cost (whichever is used), less trade discounts as aforesaid, and plus said freight charges: *Provided*, That such a markup to cover the cost of doing business as provided for in this subdivision shall be exclusive of any federal and state motor fuel taxes.~~

(b) The term 'cost' when applicable to the business of a wholesaler shall mean bona fide cost and shall mean: (i) The invoice cost of the merchandise to the wholesaler to include applicable taxes, or the replacement cost of the merchandise to the wholesaler within 30 days prior to the date of sale, offer for sale, or advertisement for sale, as the case may be, in the quantity last purchased, whichever is lower, from either of which there shall be deducted all trade discounts except customary discounts for cash; and (ii) to either of which there shall be added the following items of expense:

(1) Freight charges not otherwise included in the cost of the article, product, or item of merchandise, but which freight charges shall not be construed as including cartage to the retail outlet if done or paid for by the wholesaler;

(2) A markup to cover, in part, the cost of doing business, which markup in the absence of proof of a lesser cost, shall be four

percent of the aggregate of invoice cost or replacement cost (whichever is used), less trade discounts as aforesaid, and plus said freight charges: *Provided*, That such a markup to cover the cost of doing business as provided for in this subdivision shall be exclusive of any federal and state motor fuel taxes.

#### **§47-11A-9. Injunctions; damage suits; and jurisdiction.**

(a) Any person, partnership, firm, corporation, or other entity injured by a violation of ~~the provisions of this article~~ §47-11A-2 or §47-11A-3 of this code may maintain an action to enjoin a continuance of any such violation in the circuit court of the county wherein said violation is alleged to have occurred. If a violation is established in such an action, the court shall enjoin, restrain, or otherwise prohibit such violation. In such action, if damages are alleged and proven, the plaintiff in the action, in addition to injunctive relief, shall recover from the defendant the actual damages sustained and proven to be a result of the violation, and the court may award the plaintiff treble damages, court costs, litigation costs, and attorneys' fees.

(b) In the event no injunctive relief is sought or required, any person, partnership, firm, corporation, or other entity injured by a violation of the provisions of this article may maintain an action for damages alone in the circuit court of the county wherein said violation is alleged to have occurred. If a violation is established in such an action and proven, a plaintiff shall recover from the defendant the actual damages sustained and proven to be a result of the violation, and the court may award the plaintiff treble damages, court costs, litigation costs, and attorneys' fees.

(c) In any action under subsections (a) and (b) of this section it shall be an absolute defense that the sale price of any product or item of merchandise alleged to be in violation of this article is equal to or greater than the sales price of the same product or item being sold by a competitor of the defendant.

(d) A court may dismiss any action under subsections (a) and (b) of this section upon a motion for summary judgment if the court finds pursuant to Rule 56 of the West Virginia Rules of Civil

Procedure that the provisions of subsection (c) of this section have been satisfied.

(e) The circuit courts of this state shall have jurisdiction of actions under this section.”

And,

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

**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 741**), and there were—yeas 95, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Howell, Jennings, McGeehan and Wilson.

Absent and Not Voting: Atkinson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2478) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4061**, Health Benefit Plan Network Access and Adequacy Act.

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

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

**“ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.**

**§33-15-4u. Incorporation of the Health Benefit Plan Network Access and Adequacy Act.**

The provisions of the Health Benefit Plan Network Access and Adequacy Act codified at §33-53-1 *et seq.* of this code are made applicable to the provisions of this article.

**§33-15-22. Assignment of certain benefits in dental care insurance coverage.**

(a) Any entity regulated under this article that provides dental care coverage to a covered person shall honor an assignment, made in writing by the person covered under the policy, of payments due under the policy to a dentist or a dental corporation for services provided to the covered person that are covered under the policy. Upon notice of the assignment, the entity shall make payments directly to the provider of the covered services. A dentist or dental corporation with a valid assignment may bill the entity and notify the entity of the assignment. Upon request of the entity, the dentist or dental corporation shall provide a copy of the assignment to the entity.

(b) A covered person may revoke an assignment made pursuant to subsection (a) of this section with or without the consent of the provider. The revocation shall be in writing. The covered person shall provide notice of the revocation to the entity. The entity shall send a copy of the revocation notice to the dentist or dental corporation subject to the assignment. The revocation is effective when both the entity and the provider have received a copy of the



revocation notice. The revocation is only effective for any charges incurred after both parties have received the revocation notice.

(c) If, under an assignment authorized in subsection (a) of this section, a dentist or dental corporation collects payment from a covered person and subsequently receives payment from the entity, the dentist or dental corporation shall reimburse the covered person, less any applicable copayments, deductibles, or coinsurance amounts, within 45 days.

(d) Nothing in this section limits an entity's ability to determine the scope of the entity's benefits, services, or any other terms of the entity's policies or to negotiate any contract with a licensed health care provider regarding reimbursement rates or any other lawful provisions.

(e) Any entity providing dental care shall provide conspicuous notice to the covered person that the assignment of benefits is optional, and that additional payments may be required if the assigned benefits are not sufficient to pay for received services.

## **ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.**

### **§33-16-3ff. Incorporation of the Health Benefit Plan Network Access and Adequacy Act.**

The provisions of the Health Benefit Plan Network Access and Adequacy Act codified at §33-53-1 *et seq.* of this code are made applicable to the provisions of this article.

### **§33-16-18. Assignment of certain benefits in dental care insurance coverage.**

(a) Any entity regulated under this article that provides dental care coverage to a covered person shall honor an assignment, made in writing by the person covered under the policy, of payments due under the policy to a dentist or a dental corporation for services provided to the covered person that are covered under the policy. Upon notice of the assignment, the entity shall make payments directly to the provider of the covered services. A dentist or dental corporation with a valid assignment may bill the entity and notify the entity of the assignment. Upon request of the entity, the dentist

or dental corporation shall provide a copy of the assignment to the entity.

(b) A covered person may revoke an assignment made pursuant to subsection (a) of this section with or without the consent of the provider. The revocation shall be in writing. The covered person shall provide notice of the revocation to the entity. The entity shall send a copy of the revocation notice to the dentist or dental corporation subject to the assignment. The revocation is effective when both the entity and the provider have received a copy of the revocation notice. The revocation is only effective for any charges incurred after both parties have received the revocation notice.

(c) If, under an assignment authorized in subsection (a) of this section, a dentist or dental corporation collects payment from a covered person and subsequently receives payment from the entity, the dentist or dental corporation shall reimburse the covered person, less any applicable copayments, deductibles, or coinsurance amounts, within 45 days.

(d) Nothing in this section limits an entity's ability to determine the scope of the entity's benefits, services, or any other terms of the entity's policies or to negotiate any contract with a licensed health care provider regarding reimbursement rates or any other lawful provisions.

(e) Any entity providing dental care shall provide conspicuous notice to the covered person that the assignment of benefits is optional, and that additional payments may be required if the assigned benefits are not sufficient to pay for received services.

## **ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, DENTAL SERVICE CORPORATIONS, AND HEALTH SERVICE CORPORATIONS.**

### **§33-24-7u. Incorporation of the Health Benefit Plan Network Access and Adequacy Act.**

The provisions of the Health Benefit Plan Network Access and Adequacy Act codified at §33-53-1 *et seq.* of this code is made applicable to the provisions of this article.

**§33-24-45. Assignment of certain benefits in dental care insurance coverage.**

(a) Any entity regulated under this article that provides dental care coverage to a covered person shall honor an assignment, made in writing by the person covered under the policy, of payments due under the policy to a dentist or a dental corporation for services provided to the covered person that are covered under the policy. Upon notice of the assignment, the entity shall make payments directly to the provider of the covered services. A dentist or dental corporation with a valid assignment may bill the entity and notify the entity of the assignment. Upon request of the entity, the dentist or dental corporation shall provide a copy of the assignment to the entity.

(b) A covered person may revoke an assignment made pursuant to subsection (a) of this section with or without the consent of the provider. The revocation shall be in writing. The covered person shall provide notice of the revocation to the entity. The entity shall send a copy of the revocation notice to the dentist or dental corporation subject to the assignment. The revocation is effective when both the entity and the provider have received a copy of the revocation notice. The revocation is only effective for any charges incurred after both parties have received the revocation notice.

(c) If, under an assignment authorized in subsection (a) of this section, a dentist or dental corporation collects payment from a covered person and subsequently receives payment from the entity, the dentist or dental corporation shall reimburse the covered person, less any applicable copayments, deductibles, or coinsurance amounts, within 45 days.

(d) Nothing in this section limits an entity's ability to determine the scope of the entity's benefits, services, or any other terms of the entity's policies or to negotiate any contract with a licensed health care provider regarding reimbursement rates or any other lawful provisions.

(e) Any entity providing dental care shall provide conspicuous notice to the covered person that the assignment of benefits is

optional, and that additional payments may be required if the assigned benefits are not sufficient to pay for received services.

## **ARTICLE 25. HEALTH CARE CORPORATIONS.**

### **§33-25-8r. Incorporation of the Health Benefit Plan Network Access and Adequacy Act.**

The provisions of the Health Benefit Plan Network Access and Adequacy Act codified at §33-53-1 *et seq.* of this code are made applicable to the provisions of this article.

### **§33-25-22. Assignment of certain benefits in dental care insurance coverage.**

(a) Any entity regulated under this article that provides dental care coverage to a covered person shall honor an assignment, made in writing by the person covered under the policy, of payments due under the policy to a dentist or a dental corporation for services provided to the covered person that are covered under the policy. Upon notice of the assignment, the entity shall make payments directly to the provider of the covered services. A dentist or dental corporation with a valid assignment may bill the entity and notify the entity of the assignment. Upon request of the entity, the dentist or dental corporation shall provide a copy of the assignment to the entity.

(b) A covered person may revoke an assignment made pursuant to subsection (a) of this section with or without the consent of the provider. The revocation shall be in writing. The covered person shall provide notice of the revocation to the entity. The entity shall send a copy of the revocation notice to the dentist or dental corporation subject to the assignment. The revocation is effective when both the entity and the provider have received a copy of the revocation notice. The revocation is only effective for any charges incurred after both parties have received the revocation notice.

(c) If, under an assignment authorized in subsection (a) of this section, a dentist or dental corporation collects payment from a covered person and subsequently receives payment from the entity, the dentist or dental corporation shall reimburse the covered

person, less any applicable copayments, deductibles, or coinsurance amounts, within 45 days.

(d) Nothing in this section limits an entity's ability to determine the scope of the entity's benefits, services, or any other terms of the entity's policies or to negotiate any contract with a licensed health care provider regarding reimbursement rates or any other lawful provisions.

(e) Any entity providing dental care shall provide conspicuous notice to the covered person that the assignment of benefits is optional, and that additional payments may be required if the assigned benefits are not sufficient to pay for received services.

## **ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.**

### **§33-25A-8u. Incorporation of the Health Benefit Plan Access and Adequacy Act.**

The provisions of the Health Benefit Plan Network Access and Adequacy Act codified at §33-53-1 *et seq.* of this code is made applicable to the provisions of this article.

### **§33-25A-36. Assignment of certain benefits in dental care insurance coverage.**

(a) Any entity regulated under this article that provides dental care coverage to a covered person shall honor an assignment, made in writing by the person covered under the policy, of payments due under the policy to a dentist or a dental corporation for services provided to the covered person that are covered under the policy. Upon notice of the assignment, the entity shall make payments directly to the provider of the covered services. A dentist or dental corporation with a valid assignment may bill the entity and notify the entity of the assignment. Upon request of the entity, the dentist or dental corporation shall provide a copy of the assignment to the entity.

(b) A covered person may revoke an assignment made pursuant to subsection (a) of this section with or without the consent of the

provider. The revocation shall be in writing. The covered person shall provide notice of the revocation to the entity. The entity shall send a copy of the revocation notice to the dentist or dental corporation subject to the assignment. The revocation is effective when both the entity and the provider have received a copy of the revocation notice. The revocation is only effective for any charges incurred after both parties have received the revocation notice.

(c) If, under an assignment authorized in subsection (a) of this section, a dentist or dental corporation collects payment from a covered person and subsequently receives payment from the entity, the dentist or dental corporation shall reimburse the covered person, less any applicable copayments, deductibles, or coinsurance amounts, within 45 days.

(d) Nothing in this section limits an entity's ability to determine the scope of the entity's benefits, services, or any other terms of the entity's policies or to negotiate any contract with a licensed health care provider regarding reimbursement rates or any other lawful provisions.

(e) Any entity providing dental care shall provide conspicuous notice to the covered person that the assignment of benefits is optional, and that additional payments may be required if the assigned benefits are not sufficient to pay for received services.

(f) The provisions of this section shall not apply to insurers or managed care organizations with respect to their Medicaid or CHIP plans or contracts which are reviewed and approved by the Department of Health and Human Resources Bureau for Medical Services.

## **ARTICLE 53. HEALTH BENEFIT PLAN NETWORK ACCESS AND ADEQUACY ACT.**

### **§33-53-1. Definitions.**

For purposes of this article:

'Authorized representative' means:

(A) A person to whom a covered person has given express written consent to represent the covered person;

(B) A person authorized by law to provide substituted consent for a covered person; or

(C) The covered person's treating health care professional, only when the covered person is unable to provide consent, or a family member of the covered person.

'Commissioner' means the Insurance Commissioner of this state.

'Covered benefit' or 'benefit' means those health care services to which a covered person is entitled under the terms of a health benefit plan.

'Covered person' means a policyholder, subscriber, enrollee, or other individual participating in a health benefit plan.

'Emergency medical condition' means a physical, mental, or behavioral health condition that manifests itself by acute symptoms of sufficient severity, including severe pain that would lead a prudent layperson, possessing an average knowledge of medicine and health, to reasonably expect, in the absence of immediate medical attention, to result in:

(A) Placing the individual's physical, mental, or behavioral health, or, with respect to a pregnant woman, the woman's or her fetus's health in serious jeopardy;

(B) Serious impairment to a bodily function;

(C) Serious impairment of any bodily organ or part; or

(D) With respect to a pregnant woman who is having contractions:

(i) Inadequate time to affect a safe transfer to another hospital before delivery; or

(ii) When transfer to another hospital may pose a threat to the health or safety of the woman or fetus.

‘Emergency services’ means, with respect to an emergency condition:

(A) A medical or mental health screening examination that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate the emergency medical condition; and

(B) Any further medical or mental health examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital to stabilize the patient.

‘Essential community provider’ or ‘ECP’ means a provider that:

(A) Serves predominantly low-income, medically underserved individuals, including a health care provider defined in Section 340B(a)(4) of the Public Health Service Act (PHSA); or

(B) Is described in Section 1927(c)(1)(D)(i)(IV) of the Social Security Act, as set forth by Section 221 of Pub.L.111-8.

‘Facility’ means an institution providing health care services or a health care setting, including, but not limited to, hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, urgent care centers, diagnostic, laboratory, and imaging centers, and rehabilitation and other therapeutic health settings.

‘Health benefit plan’ means a policy, contract, certificate, or agreement entered into, offered, or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

‘Health care professional’ means a physician or other health care practitioner licensed, accredited, or certified to perform specified (physical, mental, or behavioral) health care services consistent with their scope of practice under state law.



‘Health care provider’ or ‘provider’ means a health care professional, a pharmacy, or a facility.

‘Health care services’ means services for the diagnosis, prevention, treatment, cure, or relief of a physical, mental, or behavioral health condition, illness, injury, or disease, including mental health and substance use disorders.

‘Health carrier’ or ‘carrier’ means an entity subject to the insurance laws and rules of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract, or enters into an agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including an insurer issuing an accident and sickness insurance policy pursuant to §33-15-1 *et seq.* of this code, an insurer issuing an accident and sickness group policy pursuant to §33-16-1 *et seq.* of this code, a hospital medical and dental corporation licensed pursuant to §33-24-1 *et seq.* of this code, a health care corporation licensed pursuant to §33-25-1 *et seq.* of this code, or a health maintenance organization licensed pursuant to §33-25A-1 *et seq.* of this code. For purposes of this article, the term ‘health carrier’ or ‘carrier’ does not include insurers or managed care organizations with respect to their Medicaid or Children’s Health Insurance Program (CHIP) plans or contracts which are reviewed and approved by the Department of Health and Human Resources Bureau for Medical Services.

‘Intermediary’ means a person authorized to negotiate and execute provider contracts with health carriers on behalf of health care providers or on behalf of a network.

‘Limited scope dental plan’ means a plan that provides coverage, substantially all of which is for treatment of the mouth, including any organ or structure within the mouth, which is provided under a separate policy, certificate, or contract of insurance or is otherwise not an integral part of a group benefit plan.

‘Limited scope vision plan’ means a plan that provides coverage, substantially all of which is for treatment of the eye, that

is provided under a separate policy, certificate, or contract of insurance or is otherwise not an integral part of a group benefit plan.

‘Network’ means the group or groups of participating providers providing services under a network plan.

‘Network plan’ means a health benefit plan that either requires a covered person to use, or creates incentives, including financial incentives, for a covered person to use health care providers managed, owned, under contract with, or employed by the health carrier.

‘Participating provider’ means a provider who, under a contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to covered persons with an expectation of receiving payment, other than coinsurance, copayments, or deductibles, directly or indirectly from the health carrier.

‘Person’ means an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity, or any combination of the foregoing.

‘Primary care’ means health care services for a range of common physical, mental, or behavioral health conditions provided by a physician or nonphysician primary care professional.

‘Primary care professional’ means a participating health care professional designated by the health carrier to supervise, coordinate, or provide initial care or continuing care to a covered person, and who may be required by the health carrier to initiate a referral for specialty care and maintain supervision of health care services rendered to the covered person.

‘Specialist’ means a physician or non-physician health care professional who:

(A) Focuses on a specific area of physical, mental, or behavioral health or a group of patients; and

(B) Has successfully completed required training and is recognized by the state in which he or she practices to provide specialty care.

‘Specialist’ includes a subspecialist who has additional training and recognition above and beyond his or her specialty training.

‘Specialty care’ means advanced medically necessary care and treatment of specific physical, mental, or behavioral health conditions, or those health conditions which may manifest in particular ages or subpopulations, that are provided by a specialist, preferably in coordination with a primary care professional or other health care professional.

‘Telemedicine’ or ‘Telehealth’ means health care services provided through telecommunications technology by a health care professional who is at a location other than where the covered person is located.

‘Tiered network’ means a network that identifies and groups some or all types of providers and facilities into specific groups to which different provider reimbursement, covered person cost-sharing, or provider access requirements, or any combination thereof, apply for the same services.

‘To stabilize’ means with respect to an emergency medical condition to provide such medical treatment of the condition as may be necessary to assure, within a reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual to or from a facility, or, with respect to an emergency birth with no complications resulting in a continued emergency to deliver the child and the placenta.

‘Transfer’ means the movement, including the discharge, of an individual outside a hospital’s facilities at the direction of any person employed by, or affiliated or associated, directly or indirectly, with the hospital, but does not include the movement of an individual who:

(A) Has been declared dead; or

(B) Leaves the facility without the permission of any such person.

**§33-53-2. Applicability and scope.**

(a) Except as provided in subsection (b) of this section, this article applies to all health carriers that offer network plans.

(b) The following provisions of this article do not apply to health carriers that offer network plans that consist solely of limited scope dental plans or limited scope vision plans:

(1) §33-53-3(a)(2) of this code;

(2) §33-53-3(f)(7)(E), §33-53-3(f)(8)(B) and §33-53-3(f)(11) of this code;

(3) §33-53-4(b)(2) and (3) of this code; and

(4) §33-53-4(c)(1)(A) and (B), §33-53-4(c)(2), §33-53-4(c)(3), §33-53-4(d)(1)(B) and §33-53-4(d)(1)(C) of this code.

**§33-53-3. Network adequacy.**

(a)(1) A health carrier providing a network plan shall maintain a network that is sufficient in numbers and appropriate types of providers, including those that serve predominantly low-income, medically underserved individuals, to assure that all covered services to covered persons, including children and adults, will be accessible without unreasonable travel or delay.

(2) Covered persons have access to emergency services 24 hours per day, seven days per week.

(b) The commissioner shall determine sufficiency in accordance with the requirements of this section, and may establish sufficiency by reference to any reasonable criteria, which may include, but are not limited to:

(1) Provider-covered person ratios by specialty;

(2) Primary care professional-covered person ratios;

(3) Geographic accessibility of providers;

(4) Geographic variation and population dispersion;

(5) Waiting times for an appointment with participating providers;

(6) Hours of operation;

(7) The ability of the network to meet the needs of covered persons, which may include low-income persons, children and adults with serious, chronic, or complex health conditions or physical or mental disabilities, or persons with limited English proficiency;

(8) Other health care service delivery system options, such as telemedicine or telehealth, mobile clinics, centers of excellence, and other ways of delivering care; and

(9) The volume of technological and specialty care services available to serve the needs of covered persons requiring technologically advanced or specialty care services.

(c)(1) A health carrier shall have a process to assure that a covered person obtains a covered benefit at an in-network level of benefits, including an in-network level of cost-sharing, from a nonparticipating provider, or make other arrangements acceptable to the commissioner when:

(A) The health carrier has a sufficient network, but does not have a type of participating provider available to provide the covered benefit to the covered person, or it does not have a participating provider available to provide the covered benefit to the covered person without unreasonable travel or delay; or

(B) The health carrier has an insufficient number or type of participating providers available to provide the covered benefit to the covered person without unreasonable travel or delay.

(2) The health carrier shall specify and inform covered persons of the process a covered person may use to request access to obtain

a covered benefit from a non-participating provider as provided in subdivision (1) of this subsection when:

(A) The covered person is diagnosed with a condition or disease that requires specialized health care services or medical services; and

(B) The health carrier:

(i) Does not have a participating provider of the required specialty with the professional training and expertise to treat or provide health care services for the condition or disease; or

(ii) Cannot provide reasonable access to a participating provider with the required specialty with the professional training and expertise to treat or provide health care services for the condition or disease without unreasonable travel or delay.

(3) The health carrier shall treat the health care services the covered person receives from a nonparticipating provider pursuant to subdivision (2) of this subsection as if the services were provided by a participating provider, including counting the covered person's cost-sharing for such services toward the maximum out-of-pocket limit applicable to services obtained from participating providers under the health benefit plan.

(4) The process described under subdivisions (1) and (2) of this subsection shall ensure that requests to obtain a covered benefit from a nonparticipating provider are addressed in a timely fashion appropriate to the covered person's condition.

(5) The health carrier shall have a system in place that documents all requests to obtain a covered benefit from a nonparticipating provider under this subsection and shall provide this information to the commissioner upon request.

(6) The process established in this subsection is not intended to be used by health carriers as a substitute for establishing and maintaining a sufficient provider network in accordance with the provisions of this article nor is it intended to be used by covered

persons to circumvent the use of covered benefits available through a health carrier's network delivery system options.

(7) Nothing in this section prevents a covered person from exercising the rights and remedies available under applicable state or federal law relating to internal and external claims grievance and appeals processes.

(d)(1) A health carrier shall establish and maintain adequate arrangements to ensure covered persons have reasonable access to participating providers located near their home or business address. In determining whether the health carrier has complied with this provision, the commissioner shall give due consideration to the relative availability of health care providers with the requisite expertise and training in the service area under consideration.

(2) A health carrier shall monitor, on an ongoing basis, the ability, clinical capacity, and legal authority of its participating providers to furnish all contracted covered benefits to covered persons.

(e)(1) Beginning January 1, 2021, a health carrier shall file with the commissioner for review prior to or at the time it files a newly offered network, in a manner and form defined by rule of the commissioner, an access plan meeting the requirements of this article.

(2)(A) The health carrier may request the commissioner to deem sections of the access plan as proprietary information that may not be made public. The health carrier shall make the access plans, absent proprietary information, available online, at its business premises, and to any person upon request.

(B) For the purposes of this subsection, information is proprietary if revealing the information would cause the health carrier's competitors to obtain valuable business information.

(3) The health carrier shall prepare an access plan prior to offering a new network plan and shall notify the commissioner of any material change to any existing network plan within 15 business days after the change occurs. The carrier shall include in

the notice to the commissioner a reasonable timeframe within which it will submit to the commissioner for approval or file with the commissioner, as appropriate, an update to an existing access plan.

(f) The access plan shall describe or contain at least the following:

(1) The health carrier's network, including how the use of telemedicine or telehealth or other technology may be used to meet network access standards, if applicable;

(2) The health carrier's procedures for making and authorizing referrals within and outside its network, if applicable;

(3) The health carrier's process for monitoring and assuring on an ongoing basis the sufficiency of the network to meet the health care needs of populations that enroll in network plans;

(4) The factors used by the health carrier to build its provider network, including a description of the network and the criteria used to select providers;

(5) The health carrier's efforts to address the needs of covered persons, including, but not limited to, children and adults, including those with limited English proficiency or illiteracy, diverse cultural or ethnic backgrounds, physical or mental disabilities, and serious, chronic, or complex medical conditions. This includes the carrier's efforts, when appropriate, to include various types of ECPs in its network;

(6) The health carrier's methods for assessing the health care needs of covered persons and their satisfaction with services;

(7) The health carrier's method of informing covered persons of the plan's covered services and features, including, but not limited to:

(A) The plan's grievance and appeals procedures;

(B) Its process for choosing and changing providers;



(C) Its process for updating its provider directories for each of its network plans;

(D) A statement of health care services offered, including those services offered through the preventive care benefit, if applicable; and

(E) Its procedures for covering and approving emergency, urgent, and specialty care, if applicable;

(8) The health carrier's system for ensuring the coordination and continuity of care:

(A) For covered persons referred to specialty physicians; and

(B) For covered persons using ancillary services, including social services and other community resources, and for ensuring appropriate discharge planning;

(9) The health carrier's process for enabling covered persons to change primary care professionals, if applicable;

(10) The health carrier's proposed plan for providing continuity of care in the event of contract termination between the health carrier and any of its participating providers, or in the event of the health carrier's insolvency or other inability to continue operations. The description shall explain how covered persons will be notified of the contract termination, or the health carrier's insolvency or other cessation of operations, and transitioned to other providers in a timely manner;

(11) The health carrier's process for monitoring access to physician specialist services in emergency room care, anesthesiology, radiology, hospitalist care, and pathology/laboratory services at their participating hospitals; and

(12) Any other information required by the commissioner to determine compliance with the provisions of this article.

**§33-53-4. Provider directories.**

(a)(1)(A) A health carrier shall post electronically a current and accurate provider directory for each of its network plans with the information and search functions, as described in subsection (b) of this section.

(B) In making the directory available electronically, the carrier shall ensure that the general public is able to view all of the current providers for a plan through a clearly identifiable link or tab and without creating or accessing an account or entering a policy or contract number.

(2)(A) The health carrier shall update each network plan provider directory at least monthly.

(B) The health carrier shall periodically audit at least a reasonable sample size of its provider directories for accuracy, and retain documentation of such an audit to be made available to the commissioner upon request.

(3) A health carrier shall provide a print copy, or a print copy of the requested directory information of a current provider directory with the information described in subsection (b) of this section upon request of a covered person or a prospective covered person.

(4) For each network plan, a health carrier shall include in plain language, in both the electronic and print directory, the following general information:

(A) In plain language, a description of the criteria the carrier has used to build its provider network;

(B) If applicable, in plain language, a description of the criteria the carrier has used to tier providers;

(C) If applicable, in plain language, how the carrier designates the different provider tiers or levels in the network and identifies for each specific provider, hospital, or other type of facility in the network which tier each is placed, for example, by name, symbols, or grouping, in order for a covered person or a prospective covered person to be able to identify the provider tier; and

(D) If applicable, note that authorization or referral may be required to access some providers.

(5)(A) A health carrier shall make it clear for both its electronic and print directories what provider directory applies to which network plan, such as including the specific name of the network plan as marketed and issued in this state.

(B) The health carrier shall include in both its electronic and print directories a customer service email address and telephone number or electronic link that covered persons or the general public may use to notify the health carrier of inaccurate provider directory information.

(6) For the pieces of information required pursuant to subsections (b), (c), and (d) of this section in a provider directory pertaining to a health care professional, a hospital, or a facility other than a hospital, the health carrier shall make available through the directory the source of the information and any limitations, if applicable.

(7) A provider directory, whether in electronic or print format, shall accommodate the communication needs of individuals with disabilities, and include a link to or information regarding available assistance for persons with limited English proficiency.

(b) The health carrier shall make available through an electronic provider directory, for each network plan, the information under this subsection in a searchable format:

(1) For health care professionals:

(A) Name;

(B) Gender;

(C) Participating office location(s);

(D) Specialty, if applicable;

(E) Medical group affiliations, if applicable;

(F) Facility affiliations, if applicable;

(G) Participating facility affiliations, if applicable;

(H) Languages spoken other than English, if applicable; and

(I) Whether accepting new patients.

(2) For hospitals:

(A) Hospital name;

(B) Hospital type (i. e., acute, rehabilitation, children's, cancer);

(C) Participating hospital location;

(D) Hospital accreditation status; and

(3) For facilities, other than hospitals, by type:

(A) Facility name;

(B) Facility type;

(C) Types of services performed; and

(D) Participating facility location(s).

(c) For the electronic provider directories, for each network plan, a health carrier shall make available the following information in addition to all of the information available under subsection (b) of this section:

(1) For health care professionals:

(A) Contact information;

(B) Board certification(s); and

(C) Languages spoken other than English by clinical staff, if applicable.

(2) For hospitals: Telephone number; and

(3) For facilities other than hospitals: Telephone number.

(d)(1) The health carrier shall make available in print, upon request, the following provider directory information for the applicable network plan:

(A) For health care professionals:

(i) Name;

(ii) Contact information;

(iii) Participating office location(s);

(iv) Specialty, if applicable;

(v) Languages spoken other than English, if applicable; and

(vi) Whether accepting new patients.

(B) For hospitals:

(i) Hospital name;

(ii) Hospital type, (i. e., acute, rehabilitation, children's, cancer); and

(iii) Participating hospital location and telephone number; and

(C) For facilities, other than hospitals, by type:

(i) Facility name;

(ii) Facility type;

(iii) Types of services performed; and

(iv) Participating facility location(s) and telephone number.

(2) The health carrier shall include a disclosure in the directory that the information in subdivision (1) of this subsection, included in the directory, is accurate as of the date of printing, and that covered persons or prospective covered persons should consult the

carrier's electronic provider directory on its website to obtain current provider directory information.

**§33-53-5. Intermediaries.**

A contract between a health carrier and an intermediary shall satisfy all the requirements contained in this section.

(a) A health carrier's statutory responsibility to monitor the offering of covered benefits to covered persons may not be delegated or assigned to the intermediary.

(b) A health carrier has the right to approve or disapprove participation status of a subcontracted provider in its own or a contracted network for the purpose of delivering covered benefits to the carrier's covered persons.

(c) A health carrier shall maintain copies of all intermediary health care subcontracts at its principal place of business in the state, or ensure that it has access to all intermediary subcontracts, including the right to make copies to facilitate regulatory review, upon 20 days prior written notice from the health carrier.

(d) If applicable, an intermediary shall transmit utilization documentation and claims-paid documentation to the health carrier. The carrier shall monitor the timeliness and appropriateness of payments made to providers and health care services received by covered persons.

(e) If applicable, an intermediary shall maintain the books, records, financial information, and documentation of services provided to covered persons at its principal place of business in the state and preserve them for two years in a manner that facilitates regulatory review.

(f) An intermediary shall allow the commissioner access to the intermediary's books, records, financial information, and any documentation of services provided to covered persons, as necessary to determine compliance with this article.

(g) A health carrier has the right, in the event of the intermediary's insolvency, to require the assignment to the health carrier of the provisions of a provider's contract addressing the provider's obligation to furnish covered services. If a health carrier requires assignment, the health carrier remains obligated to pay the provider for furnishing covered services under the same terms and conditions as the intermediary prior to the insolvency.

(h) Notwithstanding any other provision of this section, to the extent the health carrier delegates its responsibilities to the intermediary, the carrier shall retain full responsibility for the intermediary's compliance with the requirements of this article.

#### **§33-53-6. Filing requirements and state administration.**

(a) At the time a health carrier files its access plan, the health carrier shall file for approval with the commissioner sample contract forms proposed for use with its participating providers and intermediaries.

(b) A health carrier shall submit material changes to a contract that would affect a provision required under this article or implementing regulations to the commissioner for approval at least 30 days prior to use.

(c) The health carrier shall maintain provider and intermediary contracts at its principal place of business in the state, or the health carrier shall have access to all contracts and provide copies to facilitate regulatory review upon 20 days prior written notice from the commissioner.

#### **§33-53-7. Contracting.**

(a) The execution of a contract by a health carrier does not relieve the health carrier of its liability to any person with whom it has contracted for the provision of services, nor of its responsibility for compliance with the law or applicable regulations.

(b) All contracts shall be in writing and subject to review.

(c) All contracts shall comply with applicable requirements of the law and applicable regulations.

**§33-53-8. Enforcement.**

(a) If the commissioner determines that a health carrier has not contracted with a sufficient number of participating providers to assure that covered persons have accessible health care services in a geographic area, or that a health carrier's network access plan does not assure reasonable access to covered benefits, or that a health carrier has entered into a contract that does not comply with this article, or that a health carrier has not complied with a provision of this article, the commissioner shall require a modification to the access plan or institute a corrective action plan, as appropriate, that shall be followed by the health carrier, or may use any of the commissioner's other enforcement powers to obtain the health carrier's compliance with this article.

(b) The commissioner will not act to arbitrate, mediate, or settle disputes regarding a decision not to include a provider in a network plan or in a provider network or regarding any other dispute between a health carrier, its intermediaries, or one or more providers arising under or by reason of a provider contract or its termination.

**§33-53-9. Rulemaking.**

The commissioner shall propose a rule for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to implement the provisions of this article.

**§33-53-10. Penalties.**

A violation of this article shall be penalized in accordance with §33-4-11 of this code.”

And,

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



**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 742**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Howell.

Absent and Not Voting: Capito and Wilson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4061) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4069**, West Virginia Student Religious Liberties Act.

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

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

**“ARTICLE 33. STUDENT RELIGIOUS LIBERTIES.**

**§18-33-1. West Virginia Student Religious Liberties Act.**

This article shall be known and may be cited as the ‘West Virginia Student Religious Liberties Act.’

**§18-33-2. Student expression.**

A public school district shall not discriminate against students or parents on the basis of a religious viewpoint or religious expression. A school district shall treat a student’s voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student’s voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

**§18-33-3. Religious expression in class assignments.**

As more fully set forth in §18-33-5(b) of this code, students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination and may not be penalized or rewarded on account of the religious content of their work: *Provided*, That a student may express disagreement and offer opposing views regarding any issue based on religious beliefs, but may not be excused from answering a test question or other assignment correctly because the answer to that question that was provided in course content is counter to the religious beliefs of the student.

**§18-33-4. Freedom to organize and advertise religious groups and activities.**

As more fully set forth in §18-33-5(c) and §18-33-5(d) of this code, students in public schools may pray or engage in religious activities or religious expression before, during, and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression.

**§18-33-5. Student expression of religious viewpoints; religious expression in class assignments; freedom to organize and advertise religious groups and activities; displaying religious messages or symbols.**

(a) *Student expression of religious viewpoints.* — The school district shall treat a student’s voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student’s voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

(b) *Religious expression in class assignments.* — Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of the students’ submissions. Homework and classroom work shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school. Students may not be penalized or rewarded on account of religious content. If a teacher’s assignment involves writing a poem, the work of a student who submits a poem in the form of a prayer (for example, a psalm) should be judged on the basis of academic standards, including literary quality, and not penalized or rewarded on account of its religious content.

(c) *Freedom to organize and advertise religious groups and activities.* — Students may organize prayer groups, religious clubs, ‘see you at the pole’ gatherings, and other religious gatherings

before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups must be given the same access to school facilities for assembling as is given to other noncurricular groups, without discrimination based on the religious content of the group's expression. If student groups that meet for nonreligious activities are permitted to advertise or announce the groups' meetings, for example, by advertising in a student newspaper, putting up posters, making announcements on a student activities bulletin board or public address system, religious groups must also be permitted to advertise or announce group meetings.

(d) *Displaying religious messages or symbols.* — Students in public schools may wear clothing, accessories, and jewelry that display religious messages or religious symbols in the same manner and to the same extent that other types of clothing, accessories, and jewelry that display messages or symbols are permitted.

**§18-33-6. Certain acts restricted.**

This act may not be construed to authorize this state or any of its political subdivisions to do either of the following:

(1) Require any person to participate in prayer or in any other religious activity; or

(2) Violate the constitutional rights of any person.

**§18-33-7. Certain authority may not be limited.**

This act shall not be construed to limit the authority of any public school to do any of the following:

(1) Maintain order and discipline on the campus of the public school in a content- and viewpoint-neutral manner;

(2) Protect the safety of students, employees, and visitors of the public school; and

(3) Adopt and enforce policies and procedures regarding student speech at school, provided that the policies and procedures do not violate the rights of students as guaranteed by the United States and West Virginia constitutions and laws.

**§18-33-8. First school year affected.**

This act shall be in force beginning with the 2020-2021 school year.”

And,

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

**Com. Sub. for H. B. 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.”

With the further amendment, sponsored by Delegate Ellington, being as follows:

On page three, section five, line twenty-eight, after the word “permitted” and the period, by inserting thereafter a new section 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,

Renumbering the remaining sections.

And,

The further title amendment amending the title of the bill to read as follows:

**Com. Sub. for H. B. 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; requiring school districts to adopt and implement a policy that includes the establishment of a limited public forum for students speakers and setting forth parameters therefore; allowing for disclaimers by school authorities; 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 743**), and there were—yeas 83, nays 16, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, S. Brown, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hornbuckle, Pushkin, Pyles, Robinson, Rowe, Storch, C. Thompson, Walker and Williams.

Absent and Not Voting: Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4069) passed.

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

A message from the Senate, by

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

**H. B. 4161**, Making it illegal to scleral tattoo a person.

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

On page two, section one, line twenty-three, by striking out the word “conjunctive” and inserting in lieu thereof the word “conjunctiva”.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 744**), and there were—yeas 69, nays 31, absent and not voting none, with the nays being as follows:

Nays: Barnhart, Barrett, Bibby, N. Brown, S. Brown, Butler, Cadle, Canestraro, Dean, Diserio, Doyle, Estep-Burton, Evans, Fluharty, Hartman, Hornbuckle, Howell, J. Jeffries, Kump,



Lavender-Bowe, Longstreth, McGeehan, Paynter, Pushkin, Skaff, Sponaugle, Staggers, Swartzmiller, Tomblin, Walker and Wilson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4161) passed.

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

A message from the Senate, by

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

**H. B. 4178**, Requiring calls which are recorded be maintained for a period of five years.

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

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

**“ARTICLE 6. LOCAL EMERGENCY TELEPHONE SYSTEM.**

**§24-6-13. Confidentiality of certain calls to county answering points and records; retention of records.**

(a) Except as provided by the provisions of this section, calls for emergency service to a county answering point are not confidential. All calls for emergency service reporting alleged criminal conduct which are recorded electronically, in writing or in any other form are to be kept confidential by the county answering point receiving the call and may be released only pursuant to an order entered by a court of competent jurisdiction, a valid subpoena or through the course of discovery in a criminal action requiring the release of the information: *Provided*, That nothing contained in this section may be construed as preventing the county answering point from releasing information to a responding agency as may be

necessary for that agency's response on a call or the completion of necessary reports relating to that call.

(b) Upon proper request and payment of a reasonable fee set by the center director to cover the cost of production, a person or entity may obtain, without court order or a valid subpoena, a transcription of a call for emergency service reporting alleged criminal conduct. The answering point shall exclude from the transcription any information relating to the identity of the caller including, but not limited to, the caller's name, address, telephone number or his or her location in relation to the alleged offense or the alleged perpetrator. If the transcript of a call is such that it cannot be successfully redacted so as to protect the identity of the caller, the answering point may decline to provide the transcript. In that case, the person requesting the transcription may apply to a court of competent jurisdiction for a court order releasing the transcript.

(c) All calls for emergency service which are recorded electronically, in writing or in any other form are to be maintained for a period of at least ~~ninety days~~ two years or longer if required by an order entered by a court of competent jurisdiction or a valid subpoena.

(d) A county answering point may release information to bonafide law-enforcement agencies, the prosecuting attorney of a county or a United States attorney pursuant to a lawful criminal investigation. Nothing in this article may be construed as prohibiting a freedom of information request under §29B-1-1 *et seq.* of this code for information relating to the operation of the center or to calls for emergency service which do not involve reporting of alleged criminal conduct.

(e) Nothing in this article requires disclosure of any information that is specifically exempt from disclosure by statute. Except as otherwise provided in this article, nothing prohibits disclosure of information that is not specifically exempted from disclosure under a provision of this code.

(f) Every county answering point shall, within 90 days of the effective date of this section, promulgate a written policy, available

to the public, reflecting its compliance with the provisions of this section.

(g) No answering point or center personnel ~~shall~~ may be civilly liable for any injury arising from disclosure of information pursuant to the provisions of this section.”

And,

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

**H. B. 4178** - “A Bill to amend and reenact §24-6-13 of the Code of West Virginia, 1931, as amended, relating to requiring calls which are recorded be maintained for a period of two years.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 745**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Mandt and Paynter.

Absent and Not Voting: Diserio.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4178) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4422**, The Patient Brokering Act.

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

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

**“ARTICLE 60. THE PATIENT BROKERING ACT.**

**§16-60-1. Definitions.**

For the purposes of this article:

‘Health care provider or health care facility’ means any person or entity licensed or certified or authorized by law to provide professional health care service in this state to a patient during that patient’s medical, remedial or behavioral health care, treatment, or confinement.

‘Health care provider network entity’ means a corporation, partnership, or limited liability company owned or operated by two or more health care providers, and organized for the purpose of entering into agreements with health insurers, health care purchasing groups, or the Medicare or Medicaid program.

‘Health insurer’ means any insurance company authorized to transact health insurance in the state, any insurance company authorized to transact health insurance or casualty insurance in the state that is offering a minimum premium plan or stop-loss coverage for any person or entity providing health care benefits, any self-insurance plan, any health maintenance organization, any prepaid health clinic, any prepaid limited health service organization, any multiple-employer welfare arrangement, or any fraternal benefit society providing health benefits to its members.

**§16-60-2. Patient brokering prohibited.**

(a) It is unlawful for any person, including any health care provider or health care facility, to:

(1) Offer or pay a commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to induce the referral of a patient or patronage to or from a health care provider or health care facility;

(2) Solicit or receive a commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for referring a patient or patronage to or from a health care provider or health care facility;

(3) Solicit or receive a commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for the acceptance or acknowledgment of treatment from a health care provider or health care facility;

(4) Aid, abet, advise, or otherwise participate in the conduct prohibited under this subsection; or

(5) Engage in any of the unlawful acts provided for in this subsection in regard to a recovery residence as defined in §16-59-1 of this code.

(b) Penalties. –

(1) Any person who violates the provisions of subsection (a) of this section is guilty of a felony and, upon conviction thereof, shall be fined not more than \$50,000, or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned.

(2) Notwithstanding the provisions of subdivision (1) of this section, any person who violates subsection (a) of this section, where the prohibited conduct involves 10 or more patients, is guilty of a felony and, upon conviction, shall be fined not more than \$100,000, or imprisoned in a state correctional facility not less than two years nor more than five years, or both fined and imprisoned.

**§16-60-3. Exceptions.**

This article does not apply to the following payment practices:

(1) Any discount, payment, waiver of payment, or payment practice expressly authorized by 42 U.S.C. §1320a-7b(b)(3) or regulations adopted thereunder;

(2) Any payment, compensation, or financial arrangement within a group practice provided the payment, compensation, or arrangement is not to or from persons who are not members of the group practice;

(3) Payments to a health care provider or health care facility for professional consultation services;

(4) Commissions, fees, or other remuneration lawfully paid to insurance agents;

(5) Payments by a health insurer who reimburses, provides, offers to provide, or administers health, mental health, or substance abuse goods or services under a health benefit plan;

(6) Payments to or by a health care provider or health care facility, or a health care provider network entity, that has contracted with a health insurer, a health care purchasing group, or the Medicare or Medicaid program to provide health, mental health, or substance abuse goods or services under a health benefit plan when the payments are for goods or services under the plan;

(7) Insurance advertising and promotional gifts;

(8) Commissions or fees paid to a person or entity providing a referral service to nurses which provide health care services;

(9) Payments by a health care provider or health care facility to a health, mental health, or substance abuse information service that provides information upon request and without charge to consumers about providers of health care goods or services to enable consumers to select appropriate providers or facilities, provided that the information service;

(A) Does not attempt through its standard questions for solicitation of consumer criteria or through any other means to steer or lead a consumer to select or consider selection of a particular health care provider or health care facility;

(B) Does not provide or represent itself as providing diagnostic or counseling services or assessments of illness or injury and does not make any promises of cure or guarantees of treatment;

(C) Does not provide or arrange for transportation of a consumer to or from the location of a health care provider or health care facility; and

(D) Charges and collects fees from a health care provider or health care facility participating in its services that are set in advance, are consistent with the fair market value for those information services, and are not based on the potential value of a patient or patients to a health care provider or health care facility or of the goods or services provided by the health care provider or health care facility.

(10) Payments made by an assisted living facility to an individual employed by the assisted living facility, or with whom the facility contracts to provide marketing services for the facility, if the individual clearly indicates that he or she works with or for the facility; and

(11) Payments made to a resident of an assisted living facility who refers a friend, family members, or other individuals with whom the resident has a personal relationship to the assisted living facility, in which case the assisted living facility may provide a monetary reward to the resident for making the referral.”

And,

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

**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 746**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4422) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4433**, Relating to deeds of trust.

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

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

**“ARTICLE 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 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;

(4) 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

(5) 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 amending the title of the bill to read as follows:

**Com. Sub. for H. B. 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.”

With the further amendment, sponsored by Delegate Shott, being as follows:

On page one, after the enacting clause, by striking out the remainder of the bill 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,

The further title amendment, sponsored by Delegate Shott, amending the title of the bill to read as follows:

**Com. Sub for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 747**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: S. Brown, Fast, Hansen and Walker.

Absent and Not Voting: Graves and Pyles.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4433) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4444**, Establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers.

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

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

**“ARTICLE 32. MEDALS OF VALOR.**

**§29-32-1. Medal of Valor.**

(a) There is hereby established a Medal of Valor to be awarded to firefighters, law-enforcement officers, and emergency medical services personnel who distinguish themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty in the performance of their duties.

(b) A Medal of Valor can only be awarded in the manner set forth in this article.

**§29-32-2. Firefighters Honor Board.**

(a) The Firefighters Honor Board is hereby established as an advisory board to the Legislature. The purpose of the board is to recommend to the Legislature, firefighters in West Virginia who have distinguished themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty in the performance of their duties, to be awarded a Medal of Valor.

(b) Board membership. —

(1) The board shall consist of two members from each of the state’s senatorial districts. Each state senator shall appoint one member representing his or her district.

(2) The board shall be composed of firefighters, fire chiefs, and other professionals who are qualified to evaluate and determine whether the actions of firefighters rise to the level of being above and beyond the call of duty.

(3) Members shall serve a one-year term and shall serve without compensation.

(c) The board may consider candidates for the Medal of Valor who are identified by members of the board or by other citizens, and may design a system for the receipt of those recommendations.

(d) The board shall review identified individuals to determine if those firefighters have gone above and beyond the call of duty in their professional capacities. Upon determination that a firefighter is worthy of this honor, the board shall submit the nomination to the Speaker of the House of Delegates and the President of the Senate for consideration by the Legislature.

### **§29-32-3. Law Enforcement Officers Honor Board.**

(a) The Law Enforcement Officers Honor Board is hereby established as an advisory board to the Legislature. The purpose of the board is to recommend to the Legislature, law enforcement officers in West Virginia who distinguish themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty in the performance of their duties, to be awarded a Medal of Valor.

#### (b) Board membership. —

(1) The board shall consist of two members from each of the state's senatorial districts. Each state senator shall appoint one member representing his or her district.

(2) The board shall be composed of law enforcement officials, such as sheriffs and police chiefs, and other professionals who are qualified to evaluate and determine whether the actions of law enforcement officers rise to the level of being above and beyond the call of duty.

(3) Members shall serve a one-year term and shall serve without compensation.

(c) The board may consider candidates for the Medal of Valor who are identified by members of the board or by other citizens, and may design a system for the receipt of those recommendations.

(d) The board shall review identified individuals to determine if those law enforcement officers have gone above and beyond the call of duty in their professional capacities. Upon determination that a law enforcement officer is worthy of this honor, the board shall submit the nomination to the Speaker of the House of Delegates and the President of the Senate for consideration by the Legislature.

#### **§29-32-4. Emergency Medical Services Honor Board.**

(a) The Emergency Medical Services Honor Board is hereby established as an advisory board to the Legislature. The purpose of the board is to recommend to the Legislature, emergency medical services personnel in West Virginia who distinguish themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty in the performance of their duties, to be awarded a Medal of Valor.

(b) *Board membership.* —

(1) The board shall consist of two members from each of the state's senatorial districts. Each state senator shall appoint one member representing his or her district.

(2) The board shall be composed of emergency medical services personnel, medical officials, doctors, and other professionals who are qualified to evaluate and determine whether the actions of emergency medical services personnel rise to the level of being above and beyond the call of duty.

(3) Members shall serve a one-year term and shall serve without compensation.

(c) The board may consider candidates for the Medal of Valor who are identified by members of the board or by other citizens, and may design a system for the receipt of those recommendations.

(d) The board shall review identified individuals to determine if those emergency medical services personnel have gone above and beyond the call of duty in their professional capacities. Upon determination that an emergency medical services provider is worthy of this honor, the board shall submit the nomination to the Speaker of the House of Delegates and the President of the Senate for consideration by the Legislature.

**§29-32-5. Awarding of the Medal of Valor.**

(a) The Legislature may act on a nomination from one of the Honor Boards established by this article by passing a concurrent resolution.

(b) Upon nomination by the Firefighters Honor Board, and adoption of a concurrent resolution by the Legislature, the Governor shall bestow the Medal of Valor for Firefighters upon the nominee.

(c) Upon nomination by the Law Enforcement Officers Honor Board, and adoption of a concurrent resolution by the Legislature, the Governor shall bestow the Medal of Valor for Law Enforcement Officers upon the nominee.

(d) Upon nomination by the Emergency Medical Services Honor Board, and adoption of a concurrent resolution by the Legislature, the Governor shall bestow the Medal of Valor for Emergency Medical Services personnel upon the nominee.

(e) The West Virginia Department of Arts, Culture and History shall create the designs for the Medal of Valor for Firefighters, Law Enforcement Officers, and Emergency Medical Services personnel.”

And,

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



**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 748**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Graves.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4444) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4497**, Requiring an external defibrillator device at any secondary school athlete event.

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

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

**“ARTICLE 2. STATE BOARD OF EDUCATION.**

**§18-2-25c. Defibrillator required at certain events.**

(a) In memory of Alex Miller, a Roane County football player who collapsed and died during a school football game, this law shall be known as The Alex Miller Law.

(b) By the 2021-2022 school year, the West Virginia Secondary School Activities Commission shall 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.

(c) The commission shall propose rules for promulgation by the State Board in accordance with §29A-3B-1 et seq. of this code to implement the provisions of this section including proximity.

(d) No individual, school, county board of education, or other entity shall be held liable for civil damages when such individual, school, county board of education, or other entity in good faith attempted to comply with the requirements of this section or rules promulgated pursuant thereto.”

And,

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

**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 749**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Graves.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4497) passed.

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

A message from the Senate, by

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

**H. B. 4499**, Relating to multicounty trail network authorities.

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

**H. B. 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 trails; eliminating permit requirement; continuing Mountaineer Trail Network Authority; expanding counties in Mountaineer Trail Network Authority; and expanding permitted recreational purposes.”

And,

The further amendment, sponsored by Delegate Summers, amending the title of the bill to read as follows:

**H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 750**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Graves.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4499) passed.

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

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

**Com. Sub. for H. B. 4611**, Relating to fireworks.

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

On page one, section five, lines six and seven, by striking out  
all of subdivision (3) and inserting in lieu thereof a new  
subdivision, designated subdivision (3), to read as follows:

“(3) Pay a fee of \$500 for each temporary retail sales location  
and \$1,000 for each permanent retail sales location to the State Fire  
Marshal;”.

And,

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

**Com. Sub. for H. B. 4611** - “A Bill to amend and reenact §29-3E-5 and §29-3E-8 of the Code of West Virginia, 1931, as amended, all relating generally to fireworks; requiring the State Fire Marshal to establish a procedure that allows a fireworks retailer to combine and pay all applicable fees in a single payment.”

Delegate Howell requested to be excused from voting on Com.  
Sub. for H. B. 4611 under the provisions of House Rule 49.

The Speaker replied that the previous ruling that the Delegate  
was a member of a class of persons possibly to be affected by the  
passage of the bill stands and directed the Member to vote.

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

On the passage of the bill, the yeas and nays were taken (**Roll  
No. 751**), and there were—yeas 92, nays 7, absent and not voting  
1, with the nays and absent and not voting being as follows:

Nays: S. Brown, Doyle, Hansen, Longstreth, Pack, Rowe and Walker.

Absent and Not Voting: Graves.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4611) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4615**, West Virginia Critical Infrastructure Protection Act.

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

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

**“ARTICLE 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 causing damage in excess of \$2,500 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 who conspires with any person 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 who conspires with any person to willfully damage, destroy, vandalize, deface, or tamper with equipment in a critical infrastructure facility and the damage, destruction, vandalization, defacing or tampering causing damage in excess of \$2,500 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) ~~Fe~~ 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."

And,

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

**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 752**), and there were—yeas 67, nays 33, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miller, Phillips, Pushkin, Pyles, Rodighiero, Rowe, Skaff, Sponaugle, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4615) passed.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 288**, Relating to family planning and child spacing.

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

**Com. Sub. for S. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 753**), and there were—yeas 86, nays 13, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bartlett, Bibby, Fast, D. Jeffries, D. Kelly, P. Martin, McGeehan, Porterfield, Rowan, Toney, Wilson and Worrell.

Absent and Not Voting: Jennings.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 288) passed.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 303**, Enacting Students’ Right to Know Act.

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

**Com. Sub. for S. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 754**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Jennings.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 303) passed.

Delegate Kessinger moved the bill take effect January 1, 2021.

On this question, the yeas and nays were taken (**Roll No. 755**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: S. Brown, Estep-Burton, Jennings and Rowe.

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

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

A message from the Senate, by

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

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

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

**Com. Sub. for S. B. 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; and establishing criteria for the fire department as a safe-surrender site.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 756**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Jennings.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 575) passed.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 648**, Providing dental coverage for adult Medicaid recipients.

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

**Com. Sub. for S. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 757**), and there were—yeas 85, nays 15, absent and not voting none, with the nays being as follows:

Nays: Bibby, Butler, Cadle, Fast, Foster, Hardy, D. Jeffries, J. Jeffries, P. Martin, McGeehan, Paynter, Phillips, Waxman, Wilson and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 648) passed.

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

A message from the Senate, by

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

**S. B. 723**, Requiring Department of Education develop plan based on analyzed data on school discipline.

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

**S. B. 723** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to requiring 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 758**), and there were—yeas 97, nays 3, absent and not voting none, with the nays being as follows:

Nays: Bibby, Butler and Wilson.



So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 723) passed.

Delegate Kessinger moved that the bill take effect its passage.

On this question, the yeas and nays were taken (**Roll No. 759**), and there were—yeas 97, nays 3, absent and not voting none, with the nays being as follows:

Nays: Bibby, Butler and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 723) takes effect from its passage.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4176**, West Virginia Intelligence/Fusion Center Act.

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

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

**“ARTICLE 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.”

And,

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

**Com. Sub. for H. B. 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.”

And,

The further title amendment, sponsored by Delegate Shott, amending the title of the bill to read as follows:

**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 760**), and there were—yeas 88, nays 11, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: S. Brown, Dean, Fast, Fluharty, Hornbuckle, McGeehan, Paynter, Phillips, Rowe, Staggers and Walker.

Absent and Not Voting: Angelucci.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4176) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4015**, Relating to Broadband Enhancement and Expansion.

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

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

**“ARTICLE 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.

## **ARTICLE 5. VERTICAL REAL ESTATE MANAGEMENT AND AVAILABILITY ACT.**

### **§31G-5-1. Short title.**

This article shall be known and cited as the Vertical Real Estate Management and Availability Act.

### **§31G-5-2. Definitions.**

For the purposes of this article unless the context otherwise requires:

‘Ground facilities’ means any shed, buildings, server rooms, or other ancillary structure providing essential services to a tower, including, but not limited to, distributing power, providing communications backhaul, or other service necessary to carry out the purposes of the tower.

‘Tower’ means a structure which hosts an antenna or other equipment used for the purposes of transmitting cellular or wireless signals for communications purposes, including telephonically, or, for computing purposes, including any antenna and all associated equipment; and

‘Vertical Real Estate’ means any communication or broadcast tower, or any other structure or similar installation mounted on a

rooftop or other prominent place, and any other such facilities associated with that structure, upon which is suitable to mount communications equipment thereon, and the associated ground facilities necessary to accommodate that communications purpose, or other real estate suitable for the installation of a telecommunications vertical asset: *Provided*, That any excess telecommunications facilities owned or controlled by the West Virginia Division of Highways that do not meet this definition of Vertical Real Estate, shall be subject to the provisions of §17-2E-6a of this code: *Provided further*, That nothing in this definition may serve to prohibit terrestrial, middle-mile or last-mile broadband or high speed internet wiring or facilities installation pursuant to §17-2E-1 *et seq.* nor may classification as such facilities serve to prevent utility installation including, but not limited to, water, electric and sewer services.

### **§31G-5-3. Management of vertical real estate.**

(a) Beginning on July 1, 2020, the Department of Administration shall coordinate with the executive to issue a request for proposals to manage state-owned vertical real estate. This request for proposals shall contain at a minimum the following information from each prospective manager:

(1) A standard method for valuation of space on each tower that is reasonable and customary for the reach of and the numbers of the population served by the vertical real estate.

(2) A clause which forbids any vendor to enter into an exclusive arrangement with any person for the right to use the vertical real estate, unless no other entity is interested, and a clause which forbids the sharing of information, backhaul, or any other resources gleaned from managing the assets competitively with any competitors.

(3) A clause forbidding the vendor from engaging in any preferential treatment to their own operations as a competing provider of wireless broadband access.

(4) A minimum of 50 percent rental reduction for any entity whose utilization of that vertical real estate is providing broadband access which is rate unlimited or unthrottled; subject to current load/demand network management.

(b) There is hereby created in the state treasury a special account to be known as the Technology Infrastructure Reinvestment Fund to be administered by the Office of Technology. All revenue derived from the management of the vertical real estate shall be deposited into the fund pursuant to §31G-5-3 of this code. Expenditures from the fund shall be made by the Office of Technology for the purpose of reinvestment in the vertical real estate or technology infrastructure supporting broadband on state-owned property. Expenditures are not authorized from collections but are to be made in accordance with appropriation by the Legislature pursuant to the provisions of §12-3-1, *et seq.* of this code and upon the fulfillment of the provisions of §11B-2-1, *et seq.* of this code.

(c) The Office of Technology shall remit to the manager the compensation as per the contract and then on June 30 each year shall distribute any funds received in excess of the compensation due the manager as follows:

(1) Fifty percent to the Technology Infrastructure Reinvestment Fund,

(2) Fifty percent will go to the Broadband Expansion Fund established in §31G-1-5 of this code in control of the Broadband Enhancement Council with the specific purpose of:

(A) Funding the ongoing operations of the Broadband Enhancement Council, and

(B) To provide funds to match federal grants.

(d) Counties, municipalities and other political subdivisions, as applicable, may join or participate in an awarded agreement with a successful manager under the same terms and conditions: *Provided, That distribution of funds attributable to their assets may be expended at the discretion of their governing body.*



**§31G-5-4. Exceptions to the management of vertical real estate.**

Any vertical real estate shall be exempted from management if:

(A) The rental of that vertical real estate would potentially affect the operations of any public safety, emergency management or homeland security operations; *Provided*, That if there is a showing that a reasonable, technically feasible, nondiscriminatory design can prevent such adverse effect on any public safety, emergency management or homeland security operations then such management may occur; or

(B) It would have an adverse effect on historic preservation of a property; *Provided*, That if there is a showing that a reasonable, technically feasible, nondiscriminatory, and technologically neutral design or concealment measures can prevent such adverse effect on the property's historic preservations then such management may occur.”

And,

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

**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 761**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Cowles and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4015) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4123**, Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform “emergency services” during a disaster.

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

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

#### **“CHAPTER 15. PUBLIC SAFETY.**

#### **ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.**

#### **§15-5-2. Definitions.**

As used in this article:

~~(a) 'Emergency services' means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to protect, respond and recover, to prevent, detect, deter and mitigate, to minimize and repair injury and damage resulting from disasters or other event caused by flooding, terrorism, enemy attack, sabotage or other natural or other man made causes. These functions include, without limitation, firefighting services, police services, medical and health services, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to the health, safety and welfare of the citizens of this state, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions. Disaster includes the imminent threat of disaster as well as its occurrence and any power or authority exercisable on account of a disaster that may be exercised during the period when there is an imminent threat thereof;~~

~~(b) 'Local organization for emergency services' means an organization created in accordance with the provisions of this article by state or local authority to perform local emergency services function;~~

~~(c) 'Mobile support unit' means an organization for emergency services created in accordance with the provisions of this article by state or local authority to be dispatched by the Governor to supplement local organizations for emergency services in a stricken area;~~

~~(d) 'Political subdivision' means any county or municipal corporation in this state;~~

~~(e) 'Board' means the West Virginia Disaster Recovery Board created by this article;~~

~~(f) 'Code' means the Code of West Virginia, 1931, as amended;~~

~~(g) ‘Community facilities’ means a specific work or improvement within this state or a specific item of equipment or tangible personal property owned or operated by any political subdivision or nonprofit corporation and used within this state to provide any essential service to the general public;~~

~~(h) ‘Disaster’ means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or terrorist or man-made cause, including weapons of mass destruction, fire, flood, earthquake, wind, snow, storm, chemical or oil spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation or other public calamity requiring emergency action;~~

~~(i) ‘Disaster recovery activities’ means activities undertaken prior to, during or following a disaster to provide, or to participate in the provision of, emergency services, temporary housing, residential housing, essential business activities and community facilities;~~

~~(j) ‘Essential business activities’ means a specific work or improvement within this state or a specific item of equipment or tangible personal property used within this state by any person to provide any essential goods or service deemed by the authority to be necessary for recovery from a disaster;~~

~~(k) ‘Person’ means any individual, corporation, voluntary organization or entity, partnership, firm or other association, organization or entity organized or existing under the laws of this or any other state or country;~~

~~(l) ‘Recovery fund’ means the West Virginia Disaster Recovery Trust Fund created by this article;~~

~~(m) ‘Residential housing’ means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for residential housing, including, but not limited to, facilities for~~

~~temporary housing and emergency housing, and such other nonhousing facilities as may be incidental or appurtenant thereto;~~

~~(n) ‘Temporary housing’ means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for temporary residential shelters or housing for victims of a disaster and such other nonhousing facilities as may be incidental or appurtenant thereto; and~~

~~(o) ‘Secretary’ means the Secretary of the West Virginia Department of Military Affairs and Public Safety.~~

‘Board’ means the West Virginia Disaster Recovery Board created by this article;

‘Code’ means the Code of West Virginia, 1931, as amended;

‘Community facilities’ means a specific work, or improvement within this state or a specific item of equipment or tangible personal property owned or operated by any political subdivision or nonprofit corporation and used within this state to provide any essential service to the general public;

‘Disaster’ means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or terrorist or man-made cause, including weapons of mass destruction, fire, flood, earthquake, wind, snow, storm, chemical or oil spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation or other public calamity requiring emergency action;

‘Disaster recovery activities’ means activities undertaken prior to, during or following a disaster to provide, or to participate in the provision of, emergency services, temporary housing, residential housing, essential business activities, and community facilities;

‘Emergency services’ means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to protect, respond,

and recover, to prevent, detect, deter, and mitigate, to minimize and repair injury and damage resulting from disasters or other event caused by flooding, terrorism, enemy attack, sabotage, or other natural or other man-made causes. These functions include, without limitation, firefighting services, police services, medical and health services, communications, emergency telecommunications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to the health, safety, and welfare of the citizens of this state, together with all other activities necessary or incidental to the preparation for and carrying out of these functions. Disaster includes the imminent threat of disaster as well as its occurrence and any power or authority exercisable on account of a disaster that may be exercised during the period when there is an imminent threat;

‘Essential business activities’ means a specific work or improvement within this state or a specific item of equipment or tangible personal property used within this state by any person to provide any essential goods or service determined by the authority to be necessary for recovery from a disaster;

‘Local organization for emergency services’ means an organization created in accordance with the provisions of this article by state or local authority to perform local emergency services function;

‘Mobile support unit’ means an organization for emergency services created in accordance with the provisions of this article by state or local authority to be dispatched by the Governor to supplement local organizations for emergency services in a stricken area;

‘Person’ means any individual, corporation, voluntary organization or entity, partnership, firm, or other association, organization, or entity organized or existing under the laws of this or any other state or country;

‘Political subdivision’ means any county or municipal corporation in this state;

‘Recovery fund’ means the West Virginia Disaster Recovery Trust Fund created by this article;

‘Residential housing’ means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for residential housing, including, but not limited to, facilities for temporary housing and emergency housing, and any other nonhousing facilities that are incidental or appurtenant thereto;

‘Secretary’ means the Secretary of the West Virginia Department of Military Affairs and Public Safety; and

‘Temporary housing’ means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for temporary residential shelters or housing for victims of a disaster and such other nonhousing facilities that are incidental or appurtenant thereto.

## **CHAPTER 24. PUBLIC SERVICE COMMISSION.**

### **ARTICLE 6. LOCAL EMERGENCY TELEPHONE SYSTEM.**

#### **§24-6-2. Definitions.**

As used in this article, unless the context clearly requires a different meaning:

(4) ‘Commercial mobile radio service provider’ or ‘CMRS provider’ means cellular licensees, broadband personal communications services (PCS) licensees and specialized mobile radio (SMR) providers, as those terms are defined by the Federal Communications Commission, which offer on a post-paid or prepaid basis or via a combination of those two methods, real-time,

two-way switched voice service that is interconnected with the public switched network and includes resellers of any commercial mobile radio service.

(2) 'County answering point' means a facility to which enhanced emergency telephone system calls for a county are initially routed for response and where county personnel respond to specific requests for emergency service by directly dispatching the appropriate emergency service provider, relaying a message to the appropriate provider or transferring the call to the appropriate provider.

(3) 'Emergency services organization' means the organization established under article five, chapter fifteen of this code.

(4) 'Emergency service provider' means any emergency services organization or public safety unit.

'Emergency telecommunicator' means a professional telecommunicator meeting the training requirements set forth in §24-6-5 and is a first responder tasked with the gathering of information related to medical emergencies, the provision of assistance and instructions by voice, prior to the arrival of emergency medical services (EMS), and the dispatching and support of EMS resources responding to an emergency call.

(5) 'Emergency telephone system' means a telephone system which through normal telephone service facilities automatically connects a person dialing the primary emergency telephone number to an established public agency answering point, but does not include an enhanced emergency telephone system.

(6) 'Enhanced emergency telephone system' means a telephone system which automatically connects the person dialing the primary emergency number to the county answering point and in which the telephone network system automatically provides to personnel receiving the call, immediately on answering the call, information on the location and the telephone number from which the call is being made and, upon direction from the personnel receiving the call, routes or dispatches the call by telephone, radio



or any other appropriate means of communication to emergency service providers that serve the location from which the call is made.

~~(7)~~ 'Prepaid wireless calling service' means prepaid wireless calling service as defined in section two, article fifteen, chapter eleven of this code.

~~(8)~~ 'Public agency' means the state and any municipality, county, public district or public authority which provides or has authority to provide firefighting, police, ambulance, medical, rescue or other emergency services.

~~(9)~~ 'Public safety unit' means a functional division of a public agency which provides firefighting, police, medical, rescue or other emergency services.

~~(10)~~ 'Telephone company' means any public utility and any CMRS provider which is engaged in the provision of telephone service whether primarily by means of wire or wireless facilities.

~~(11)~~ 'Comprehensive plan' means a plan pertaining to the installing, modifying or replacing of telephone switching equipment; a telephone utility's response in a timely manner to requests for emergency telephone service by a public agency; a telephone utility's responsibility to report to the Public Service Commission; charges and tariffs for the services and facilities provided by a telephone utility; and access to an emergency telephone system by emergency service organizations.

~~(12)~~ 'Technical and operational standards' means those standards of telephone equipment and processes necessary for the implementation of the comprehensive plan as defined in subdivision (11) of this subsection.

#### **§24-6-5. Enhanced emergency telephone system requirements.**

(a) An enhanced emergency telephone system, at a minimum, shall provide that:

(1) All the territory in the county, including every municipal corporation in the county, which is served by telephone company central office equipment that will permit such a system to be established shall be included in the system: *Provided*, That if a portion of the county or a portion of a municipal corporation within the county is already being served by an enhanced emergency telephone system, that portion of the county or municipality may be excluded from the county enhanced emergency telephone system;

(2) Every emergency service provider that provides emergency service within the territory of a county participate in the system;

(3) Each county answering point be operated constantly by an emergency telecommunicator;

(4) Each emergency service provider participating in the system maintain a telephone number in addition to the one provided in the system; and

(5) If the county answering point personnel reasonably determine that a call is not an emergency, the personnel provide the caller with the number of the appropriate emergency service provider.

(b) To the extent possible, enhanced emergency telephone systems shall be centralized.

(c) In developing an enhanced emergency telephone system, a county commission or the West Virginia State Police shall seek the advice of both the telephone companies providing local exchange service within the county and the local emergency providers.

(d) As a condition of employment, a person employed as the director of an emergency dispatch center who dispatches emergency calls or supervises the dispatching of emergency call takers is subject to an investigation of his or her character and background. This investigation shall include, at a minimum, a criminal background check conducted by the State Police at its expense. A felony conviction shall preclude a person from holding any of these positions.

(e) As a condition of continued employment, persons employed to dispatch emergency calls in county emergency dispatch centers shall successfully complete:

(1) A 40-hour nationally recognized training course for dispatchers within one year of the date of their employment;

(2) A nationally recognized training course in emergency cardiovascular care for telephonic cardiopulmonary resuscitation selected by the medical director of an emergency medical dispatch center. This training course shall incorporate protocols for out-of-hospital cardiac arrest and compression-only cardiopulmonary resuscitation and continuing education, as appropriate. The training requirements of this subdivision are effective not later than July 1, 2020. Persons employed subsequent to July 1, 2019, shall complete the training within one year of the date of employment; and

(3) An additional nationally recognized emergency medical dispatch course or an emergency medical dispatch course approved by the Office of Emergency Medical Services ~~not later than July 1, 2013, or if employed subsequent to July 1, 2013,~~ within one year of the date of employment.

(f) ~~On or before July 1, 2013, the~~ The director of each county emergency dispatch center shall develop policies and procedures to establish a protocol for dispatching emergency medical calls implementing a nationally recognized emergency medical dispatch program, or an emergency medical dispatch program approved by the Office of Emergency Medical Services. ~~Provided, That If~~ a county emergency dispatch center ~~which utilizes~~ uses a one-button transfer system, it may continue to use this system if the county emergency dispatch center establishes policies and procedures ~~which require~~ requiring the agency to whom the call is transferred to remain on the call until a first responder arrives.

(g) Each county or municipality shall appoint for each answering point an enhanced emergency telephone system advisory board consisting of at least six members to monitor the operation of the system. The board shall be appointed by the county

or municipality and shall include at least one member from affected:

- (1) Fire service providers;
- (2) Law-enforcement providers;
- (3) Emergency medical providers;
- (4) Emergency services providers participating in the system;  
and
- (5) Counties or municipalities.

(6) The director of the county or municipal enhanced telephone system shall serve as an ex officio member of the advisory board.

~~(h) The initial advisory board shall serve staggered terms of one, two, and three years. The initial terms of these appointees shall commence on July 1, 1994. All future appointments to the advisory board shall be for terms of three years, except that an appointment to fill a vacancy shall be for the unexpired term. All members shall serve without compensation. The board shall adopt such any policies, rules, and regulations as are necessary for its own guidance. The board shall meet monthly or quarterly. The board may make recommendations to the county or municipality concerning the operation of the system.~~

~~(i) Nothing herein contained may be construed to prohibit or discourage in any way the~~ The establishment of multijurisdictional or regional systems, or multijurisdictional or regional agreements for the establishment of enhanced emergency telephone systems, and any system established pursuant to this article may include the territory of more than one public agency, or may include only a portion of the territory of a public agency.

(j) All public safety answering points that answer calls for emergency medical conditions shall, in the appropriate circumstances, provide telephonic assistance in administering cardiopulmonary resuscitation directly or transfer calls to a call

center to provide assistance in administering telephonic cardiopulmonary resuscitation.

(k) The director of the county or municipal enhanced telephone system shall have the authority to enter into mobile-phone contracts with service providers for the purpose of obtaining a mobile-phone emergency line for the county or municipality. The director must solicit bids for mobile-phone contracts from mobile-phone service providers in this state. The director may award the contract to the lowest responsible bidder, or designate in writing, why any other bidder other than the lowest responsible bidder was awarded a contract. The director may obtain as many lines as reasonably needed for emergencies where landlines are unavailable to serve the county or municipality. The director and phone service provider should collaborate to obtain the following:

(1) The emergency mobile-phone number may be the county prefix and end in 0911, as feasible for the phone service provider;

(2) The emergency mobile-phone service provider should permit roll-over service to allow multiple callers to dial into the amount of lines purchased; and

(3) The emergency mobile-phone service provider should provide the lowest possible cost.

Nothing in this subsection shall be construed to prohibit or discourage in any way the establishment of multijurisdictional or regional systems, or multijurisdictional or regional agreements for the establishment of emergency mobile-telephone systems. This section shall be effective July 1, 2020.

(l) Emergency mobile-phone contracts entered into pursuant to subsection (j) of this section may be paid from funds received by the Public Service Commission relating to 911 fees remitted to the county or by other county funds. A report of the funds expended for subsection (j) of this section shall be presented to the interim Joint Committee on Government Organization no later than November 30, 2020, to ensure the fiscal responsibility and efficacy of this section.”

And,

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

**Com. Sub. for H. B. 4123** - “A Bill to amend and reenact §15-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-6-2 and §24-6-5 of said code, all relating to emergency telecommunication; defining terms; requiring each county answering point be operated constantly by an emergency telecommunicator; permitting directors of county emergency phone systems to obtain mobile phone emergency lines and enter into service provider contracts; establishing payment of emergency mobile phone contracts; and requiring a report.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 762**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4123) passed.

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

A message from the Senate, by

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

**H. B. 4159**, Relating to the manufacture and sale of hard cider.

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

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.

And,

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

**H. B. 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.”

The further title amendment, sponsored by Delegate Shott, amending the title of the bill to read as follows:

**H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 80, nays 17, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bartlett, Butler, Cadle, Cooper, Fast, Hanna, D. Jeffries, Jennings, Kump, Mandt, P. Martin, Pack, Porterfield, Rohrbach, Toney and Worrell.

Absent and Not Voting: Capito, Evans and Nelson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4159) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4494**, Tobacco Use Cessation Initiative.

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

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

**“§16-9G-1. Tobacco Use Prevention and Cessation Task Force**

(a) The West Virginia Tobacco Use Prevention and Cessation Task Force is created for the purpose of recommending and monitoring the establishment and management of programs that are found to be effective in the reduction of tobacco, tobacco products, alternative nicotine products, and vapor products use by all state citizens, with a strong focus on the prevention of children and young adults use of tobacco, tobacco products, alternative nicotine products, and vapor products.

(b) The task force shall have the following members:

(1) The Commissioner of the Bureau for Public Health or his or her designee, who shall serve as chair;

(2) The Superintendent of the Department of Education or his or her designee;

(3) Ten members to be appointed by the Governor:

(A) A representative of a nationwide nonprofit organization dedicated to the elimination of cancer;

(B) A representative of a nonprofit national organization that funds cardiovascular medical research;

(C) A dentist, licensed pursuant to §30-4-1 *et seq.*, with an expertise in oral health;

(D) A physician, licensed pursuant to either §30-3-1 *et seq.* or §30-14-1 *et seq.* with expertise in health impacts associated with tobacco, tobacco products, alternative nicotine products, or vapor products consumption;

(E) A representative of a national voluntary health organization whose mission is to save lives by improving lung health and preventing lung disease through education, advocacy, and research;

(F) A representative who is certified from one of the programs accredited by the Council for Tobacco Treatment Training Programs or has received a National Certificate in Tobacco Treatment Practice, who has advanced education in evidence-based tobacco treatment competencies, skills, and practices;

(G) A representative from a national youth tobacco, tobacco products, alternative nicotine products, or vapor products prevention organization;

(H) A representative from the West Virginia Prevention First Network within the West Virginia Bureau for Behavioral Health; and

(2) Two citizen members that through professional or medical experience or advocacy are committed to work and advocate for cessation of tobacco, tobacco products, alternative nicotine products, and vapor products consumption in all forms in the state.

(c) The task force shall meet quarterly at the call of the chair to study, monitor, and recommend funding and initiation of programs that reduce tobacco, tobacco products, alternative nicotine products, and vapor products consumption in West Virginia, and to initiate studies and processes to provide the most efficient and effective use of the funds dedicated for this purpose. The task force shall include a variety of persons in the health care field, including individuals certified from one of the programs accredited by the Council for Tobacco Treatment Training Programs or received a National Certificate in Tobacco Treatment Practice, advocates, and citizens, with the intention of the Legislature to create a dynamic and innovative group to focus, monitor, and facilitate state resources towards this goal.

(d) The Director of the Division of Tobacco Prevention shall attend each task force meeting and shall provide staff support

services for the task force. The task force shall monitor the Division of Tobacco Prevention's programs and make recommendations to the division on expenditures and programs which are being administered by that office. The task force shall report annually to the Legislative Oversight Committee on Health and Human Resources Accountability by December 1<sup>st</sup>, which shall include at a minimum, the following:

(1) An assessment of each program administered by the Division of Tobacco Prevention towards reducing tobacco, tobacco products, alternative nicotine products, and vapor products consumption and include an overview of its budget for the prior year and how state moneys and any other funding or grants received by the office are being expended that year;

(2) Review and analysis the types of tobacco, tobacco products, alternative nicotine products, and vapor products consumption practices in the state and identify emerging trends related to tobacco, tobacco products, alternative nicotine products, or vapor products delivery devices and related activities impacting tobacco, tobacco products, alternative nicotine products, and vapor products use, with particular emphasis on youth consumption trends and practices; and,

(3) Recommend for legislation or implementation of legislation, public policies; and funding of programs that can further facilitate a reduction in tobacco, tobacco products, alternative nicotine products, or vapor products usage in our state.

#### **§16-9G-2. Division of Tobacco Prevention.**

In addition to administering and coordinating the program on tobacco, tobacco products, alternative nicotine products, and vapor products cessation, the Division of Tobacco Prevention may apply for and administer federal and private grants and donations made for the purpose of reducing and eliminating tobacco, tobacco products, alternative nicotine products, and vapor products consumption in this state."

And,

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

**Com. Sub. for H. B. 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; authorizing the task force to apply and administer private grants and donations.”

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

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

**“ARTICLE 9G. TOBACCO CESSATION INITIATIVE.**

**§16-9G-1. Tobacco Use Prevention and Cessation Task Force.”**

On page two of the amendment, section one, line thirty, following the words “Behavioral Health”, by striking out the forward slash and inserting in lieu thereof a semicolon.

And,

On page two of the amendment, section one, line thirty-one, by striking out the “(2)” and inserting in lieu thereof the paragraph designation “(I)”.

And,

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

**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 764**), and there were—yeas 88, nays 10, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Butler, Cadle, Dean, Foster, Hanna, P. Martin, McGeehan, Steele and Wilson.

Absent and Not Voting: Evans and Nelson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4494) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4587**, Modernizing the Public Service Commission’s regulation of solid waste motor carriers and solid waste facilities.

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

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

**“CHAPTER 24. PUBLIC SERVICE COMMISSION.**



## ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

### §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 those entities subject to the provisions of §24A-5-2a of this code and 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 thirty 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 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 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 hearing and the decisions thereon, the commission, upon filing with such schedule and delivering to the public utility affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer

the use of such rate, charge, classification, regulation or practice, but not for a longer period than two hundred seventy days beyond the time when such 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 order in reference to such 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 two thousand five hundred 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 schedule and defer the use of such rate, charge, classification, regulation or practice, but not for a longer period than one hundred twenty days beyond the time when such rate, charge, classification, regulation or practice would otherwise go into effect; and in the case of a public utility having more than two thousand five hundred customers, but not more than five thousand 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 schedule and defer the use of such rate, charge, classification, regulation or practice, but not for a longer period than one hundred fifty days beyond the time when such rate, charge, classification, regulation or practice would otherwise go into effect; and in the case of a public utility having more than five thousand customers, but not more than seven thousand five hundred 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 schedule and defer the use of such rate, charge, classification, regulation or practice, but not for a longer period than one hundred eighty days beyond the time when such 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 order in reference to such 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 twenty-five 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 section nine, article thirteen-a, chapter sixteen 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 twenty-five 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 I legal advertisement in a newspaper of general circulation in its service territory of the percentage increase in rates at least fourteen 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 rate, charge, classification, regulation or practice shall go into effect at the end of such 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 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 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 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 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 subsection (c), section one, article one of this chapter 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 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 twenty 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 notice is published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area for such publication shall be the community where the majority of the resident members of the public affected by such 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 case the commission may require such 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 rates so put into effect are subsequently determined to be higher than those finally fixed for such 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.

## **CHAPTER 24A. COMMERCIAL MOTOR CARRIERS.**

### **ARTICLE 2. COMMON CARRIERS BY MOTOR VEHICLES.**

#### **§24A-5-2. Certificate of convenience and necessity.**

(a) *Required; application; hearing; granting.* — It shall be unlawful for any common carrier by motor vehicle to operate within this state without first having obtained from the commission a certificate of convenience and necessity. Upon the filing of an application for such certificate, the commission shall set a time a place for a hearing on the application: *Provided*, That the commission may, after giving proper notice and if no protest is received, waive formal hearing on the application. Notice shall be by publication which shall state that a formal hearing may be waived in the absence of a protest to such application. The notice shall be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area for such publication shall be the proposed area of operation. The notice shall be published at least ten days prior to the date of the hearing. After the hearing or waiver by the commission of the hearing, if the commission finds from the evidence that the public convenience and necessity require the proposed service or any part thereof, it shall issue the certificate as prayed for, or issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the right granted by such certificate such terms and conditions as in its judgment the public convenience and necessity may require, and if the commission shall be of the opinion that the service rendered by any common carrier holding a certificate of convenience and necessity over any route or routes in this state is in any respect inadequate or insufficient to meet the public needs, such certificate holder shall be given reasonable time and opportunity to remedy such inadequacy or insufficiency before any certificate shall be granted to an applicant proposing to operate over such route or routes as a

common carrier. Before granting a certificate to a common carrier by motor vehicle the commission shall take into consideration existing transportation facilities in the territory for which a certificate is sought, and in case it finds from the evidence that the service furnished by existing transportation facilities is reasonably efficient and adequate, the commission shall not grant such certificate.

(b) *Rules and regulations; taking evidence at hearings; burden of proof.* — The commission shall prescribe such rules and regulations as it may deem 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. The commission may designate any of its employees to take evidence at the hearing of any application for a certificate and submit findings of fact as a part of a report or reports to be made to the commission.

(c) *Certificate not franchise, etc.; assignment or transfer.* — No certificate issued in accordance with the terms of this chapter shall be construed to be either a franchise or irrevocable or to confer any proprietary or property rights in the use of the public highways. No certificate issued under this chapter shall be assigned or otherwise transferred without the approval of the commission.

(1) Upon the death of a person holding a certificate, his or her personal representative or representatives may operate under such certificate while the same remains in force and effect and, with the consent of the commission, may transfer such certificate; and

(2) An application by a motor carrier to transfer a certificate of convenience and necessity, or a portion thereof, to another motor carrier possessing one or more certificates of public convenience and necessity for the same commodity shall be affirmed or denied within 90 days of the submission of a complete application for transfer. The commission shall make a determination within ten business days of receiving a transfer application if the application is complete and notify the applicant if additional information is required. If the commission fails to act on a complete application

within 90 days, the application to transfer the certificate shall be deemed approved.

(d) *Suspension, revocation or amendment.* — The commission may at any time, for good cause, suspend and, upon not less than fifteen days' notice to the grantee of any certificate and an opportunity to be heard, revoke or amend any certificate.

(e) The commission shall have the authority, after hearing, to ratify, approve and affirm those orders issued pursuant to this section since March 10, nineteen hundred seventy-nine. For the purposes of this subsection the commission may give notice by a Class I legal advertisement of such hearing in any newspaper or newspapers of general circulation in this state, and such other newspapers as the commission may designate.

## **ARTICLE 5. POWERS AND DUTIES OF COMMISSION.**

### **§24A-5-2a. Procedure for changing rates for collection and hauling of solid waste by motor carriers; rural rates.**

(a) Unless a motor carrier collecting and hauling solid waste elects to increase rates under section 2 of this chapter and the commission's existing rules and regulations, effective July 1, 2020, no solid waste motor carrier subject to this chapter shall change, suspend, or annul any individual rate, joint rate, fare, charge, or classification for the collection or hauling of solid waste, except after 30 days' notice to the commission and the carrier's customers, with such notice to customers being sent as a bill insert or separately mailed statement that plainly states the changes proposed to be made in the schedule then in force and the time when the changed rates or charges will go into effect. The motor carrier shall file its proposed public notice with the commission for review. Within five business days of the filing of the notice with the commission, the commission shall issue an order approving the notice.

(b) Any proposed rate 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.

(c) Whenever a solid waste motor carrier shall file 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, except as set forth in subsection (d) below, the commission shall have authority, on its own initiative, or upon substantial protest filed with the commission within 30 days' notice of the proposed increase or change demonstrated by the complaints submitted by the lesser of: (i) 25 percent of the customers impacted by the proposed change in rates or charges; or (ii) 750 customers impacted by the proposed change in rates or charges to suspend the rates pending a hearing and final determination that the rate, charge, classification, regulation or practice is just, reasonable, and based primarily on the cost of service. At any hearing involving a rate sought to be increased or involving the change of any fare, charge, classification, regulation, or practice, the burden of proof to show that the increased rate or proposed increased rate, or the proposed change of fare, charge, classification, regulation or practice, is just, reasonable, and based primarily on the cost of service, shall be upon the motor carrier making application for such change. Any suspension of a rate, charge classification, regulation, or practice under this subsection shall not extend beyond such time that the commission enters a final decision in the case or 120 days from the date notice was first given. The commission may extend the time in which a final decision is due by an additional 30 days if a motor carrier fails to provide material information requested by the commission more than 30 days in advance of the hearing.

(d) Urban Consumer Garbage Trash Collection Index rate change – Effective July 1, 2020, solid waste motor carriers shall be permitted to increase rates for the collection and hauling of solid waste once on January 1 of each year, without the filing of an

application for approval by the commission and such increase shall be considered just and reasonable and not unfairly discriminatory, prejudicial or preferential if: (1) The carrier complies with the notice requirements of subsection (a) of this section; and (2) the percentage of the increase over the prior rate is equal to or less than the percentage of any increase in the United States Department of Labor Bureau of Labor Statistics Garbage and Trash Collection Index (the 'Index') from January 1, of the preceding year. Any rate increase that a motor carrier believes is at or below the aforementioned increase in the Index shall be identified as such when filed with the commission. Such rate increases shall be subject to challenge by the commission only if it determines that the increase is in fact in excess of the amount of the increase in the Index for the relevant time period. If the commission determines a rate increase filed pursuant to this subsection is in excess of the increase in the Index for the relevant time period, it may enter an order suspending the rate increase consistent with subsection (c) of this section. If such an order is entered, the motor carrier shall be entitled to a hearing pursuant to the process authorized in subsection (c) of this section. Notwithstanding any provision to the contrary, the fact that a solid waste motor carrier has already raised its rates in a given year pursuant to this subsection shall not preclude that carrier from applying for and receiving from the commission a rate increase pursuant to subsection (c) of this section: *Provided*, That the commission shall take into account the prior rate increase taken pursuant to this subsection when considering the carrier's application to increase rates. A motor carrier may implement up to four annual indexed rate increases under this subsection before filing for a rate increase under chapter 24A of this code: *Provided*, That the commission shall not engage in retroactive rate making.

(e) The commission shall prescribe such rules and regulations as to the giving of notice of a change in rates pursuant to this section as are reasonable and are deemed proper in the public interest.

**§24A-5-2b. Authorizing Public Service Commission to approve alternative pick-up due to adverse conditions.**

Every motor carrier of solid waste in residential service shall provide and maintain regularly scheduled pickup service. Exceptions to the regularly scheduled pickup service may be made for reasons beyond the motor carrier's control, including, but not limited to, dangerous road conditions, inclement weather, flooding, road closures. Exceptions to the regularly scheduled pickup service based on such conditions will be at the motor carrier's discretion: *Provided*, That nothing herein changes the universal service obligations of any motor carrier. Any interruption of service in this regard that lasts beyond five days shall be reported by the motor carrier to the commission and the motor carrier and the staff of the commission shall establish a contingency pickup arrangement for the affected customers that the motor carrier shall implement until the condition causing the service interruption is alleviated."

And,

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

**Com. Sub. for H. B. 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."

Delegate Hott requested to be excused from voting on Com. Sub. for H. B. 4587 under the provisions of House Rule 49.

The Speaker replied that the previous ruling that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill stands and directed the Member to vote.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 765**), and there were—yeas 74, nays 26, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, S. Brown, Canestraro, Caputo, Doyle, Estep-Burton, Fast, Fluharty, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Pethtel, Pushkin, Robinson, Rodighiero, Rowe, Storch, R. Thompson, Williams and Zukoff.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4587) passed.

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

A message from the Senate, by

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

**H. B. 4607**, Authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services.

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

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

**“ARTICLE 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 wavist, 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.

~~(cc)~~ (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.”

And,

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

**H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 766**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: J. Kelly.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4607) passed.

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

A message from the Senate, by

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

**H. B. 4749**, Providing more efficient application processes for private investigators, security guards, and firms.

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

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

**“ARTICLE 18. PRIVATE INVESTIGATIVE AND SECURITY SERVICES.**

**§30-18-2. Eligibility requirements for license to conduct the private investigation business.**

(a) In order to be eligible for any license to conduct the private investigation business, an applicant shall:

(1) Be at least 18 years of age;

(2) Be a citizen of the United States or an alien who is legally residing within the United States;

(3) Not have had any previous license to conduct a private investigation business or to conduct a security guard business revoked or any application for any such licenses or registrations denied by the appropriate governmental authority in this or any other state or territory;

(4) Not have been declared incompetent by reason of mental defect or disease by any court of competent jurisdiction unless a court has subsequently determined that the applicant's competency has been restored;

(5) Not suffer from habitual drunkenness or from narcotics addiction or dependence;

(6) Be of good moral character;

(7) Have a minimum of ~~two years~~ one year of experience, education, or training in any one of the following areas, or some combination thereof:

(A) Course work that is relevant to the private investigation business at an accredited college or university;

(B) Employment as a member of any United States government investigative agency, employment as a member of a state or local law-enforcement agency, or service as a sheriff;

(C) Employment by a licensed private investigative or detective agency for the purpose of conducting the private investigation business;

(D) Service as a magistrate in this state; or

(E) Any other substantially equivalent training or experience;  
or

(F) Military service.

(8) Not have been convicted of a felony in this state or any other state or territory;

(9) Not have been convicted of any of the following:

(A) Illegally using, carrying, or possessing a pistol or other dangerous weapon;

(B) Making or possessing burglar's instruments;

(C) Buying or receiving stolen property;

(D) Entering a building unlawfully;

(E) Aiding an inmate's escape from prison;

(F) Possessing or distributing illicit drugs;

(G) Any misdemeanor involving moral turpitude or for which dishonesty of character is a necessary element; and

(10) Not have violated any provision of §30-18-8 of this code.

The provisions of this section shall not prevent the issuance of a license to any person who, subsequent to his or her conviction, shall have received an executive pardon therefor, removing this disability.

(b) Any person who qualifies for a private investigator's license shall also be qualified to conduct security guard business upon notifying the Secretary of State in writing that the person will be conducting such business.

(c) No person may be employed as a licensed private investigator while serving as magistrate.

**§30-18-3. Application requirements for a license to conduct the private investigation business.**

(a) To be licensed to be a private detective, a private investigator or to operate a private detective or investigative firm, each applicant shall ~~complete and file a written~~ file an application ~~under oath~~ with the Secretary of State in a manner or method authorized and in such form as the secretary may prescribe.

(b) On the application each applicant shall provide the following information: The applicant's name, birth date, citizenship, physical description, military service, current residence, residences for the preceding seven years, qualifying education or experience, the location of each of his or her offices in this state, and any other information requested by the Secretary of State in order to comply with the requirements of this article.

(c) In the case of a corporation that is seeking a firm license, the application shall be signed by the president ~~and verified by the secretary or treasurer~~ of such corporation and shall specify the name of the corporation, the date and place of its incorporation, the names and titles of all officers, the location of its principal place of business, and the name of the city, town or village, stating the street and number, and otherwise such apt description as will reasonably indicate the location. If the corporation has been incorporated in a state other than West Virginia, a certificate of good standing from the state of incorporation must accompany the application. This information must be provided in addition to that required to be provided by the applicant.

(d) The applicant shall provide:

(1) Information in the application about whether the applicant has ever been arrested for or convicted of any crime or wrongs, either done or threatened, against the government of the United States;

(2) Information about offenses against the laws of West Virginia or any state; and

(3) Any facts as may be required by the Secretary of State to show the good character, competency and integrity of the applicant.

To qualify for a firm license, the applicant shall provide such information for each person who will be authorized to conduct the private investigation business and for each officer, member, or partner of the firm.

(e) As part of the application, each applicant shall give the Secretary of State permission to review the records held by the West Virginia State Police for any convictions that may be on record for the applicant.

(f) For each applicant ~~for a license and for each officer, member and partner of the firm~~ applying for a license, the application shall be accompanied by one recent full-face photograph. ~~and one complete set of the person's fingerprints~~

(g) For each applicant, the application shall be accompanied by:

(1) Character references from at least five reputable citizens. Each reference must have known the applicant for at least five years preceding the application. No reference may be connected to the applicant by blood or marriage. All references must have been written for the purpose of the application for a license to conduct the private investigation business; and

(2) A nonrefundable application processing service charge of \$50, which shall be payable to the Secretary of State to offset the cost of license review and criminal investigation background report from the West Virginia State Police, along with a license fee of \$100 if the applicant is an individual, or \$200 if the applicant is a firm. ~~or \$500 if the applicant is a nonresident of West Virginia or a foreign corporation or business entity.~~ The license fee shall be deposited to the General Revenue Fund and shall be refunded only if the license is denied.

(h) All applicants for private detective or private investigator licenses or for private investigation firm licenses shall file in the



office of Secretary of State a surety bond or sufficient proof of liability insurance as required by the Secretary of State.

(i) If a surety bond is obtained in lieu of liability insurance, such bond shall:

(1) Be in the sum of ~~\$2,500~~ \$5,000 and conditioned upon the faithful and honest conduct of such business by such applicant;

(2) Be written by a company recognized and approved by the Insurance Commissioner of West Virginia and approved by the Attorney General of West Virginia with respect to its form;

(3) Be in favor of the State of West Virginia for any person who is damaged by any violation of this article. The bond must also be in favor of any person damaged by such a violation.

~~(h)~~ (i) Any person claiming against the bond required by subsection ~~(h)~~ (i) of this section for a violation of this article may maintain an action at law against any licensed individual or firm and against the surety. The surety shall be liable only for damages awarded under §30-18-12 of this code and not the punitive damages permitted under that section. The aggregate liability of the surety to all persons damaged by a person or firm licensed under this article may not exceed the amount of the bond.

#### **§30-18-5. Eligibility requirements to be licensed to conduct security guard business.**

(a) In order to be eligible for any license to conduct security guard business, an applicant shall:

(1) Be at least 18 years of age;

(2) Be a citizen of the United States or an alien who is legally residing within the United States;

(3) Not have had any previous license to conduct security guard business or to conduct the private investigation business revoked or any application for any such licenses or registrations denied by

the appropriate governmental authority in this or any other state or territory;

(4) Not have been declared incompetent by reason of mental defect or disease by any court of competent jurisdiction unless said court has subsequently determined that the applicant's competency has been restored;

(5) Not suffer from habitual drunkenness or from narcotics addiction or dependence;

~~(6) Be of good moral character;~~

~~(7)~~ (6) Have had at least one year verified, full time employment conducting security guard business or conducting the private investigation business working for a licensed firm or have one year of substantially equivalent training or experience;

~~(8)~~ (7) Not have been convicted of a felony in this state or any other state or territory;

~~(9)~~ (8) Not have been convicted of any of the following:

(A) Illegally using, carrying, or possessing a pistol or other dangerous weapon;

(B) Making or possessing burglar's instruments;

(C) Buying or receiving stolen property;

(D) Entering a building unlawfully;

(E) Aiding an inmate's escape from prison;

(F) Possessing or distributing illicit drugs; and

~~(G) Any misdemeanor involving moral turpitude or for which dishonesty of character is a necessary element; and~~

~~(10)~~ (9) Not have violated any provision of §30-18-8 of this code.

The provisions of this section shall not prevent the issuance of a license to any person who, subsequent to his or her conviction, shall have received an executive pardon therefor, removing this disability.

**§30-18-6. Application requirements for a license to conduct security guard business.**

(a) To be licensed as a security guard or to operate a security guard firm, each applicant shall ~~complete and~~ file a written application, under oath, and file an application with the Secretary of State in a manner or method authorized and in such form as the secretary may prescribe.

(b) On the application, each applicant shall provide the following information: The applicant's name, birth date, citizenship, physical description, military service, current residence, residences for the preceding seven years, qualifying education or experience, the location of each of his or her offices in this state, and any other information requested by the Secretary of State in order to comply with the requirements of this article.

(c) In the case of a corporation that is seeking a firm license, the application shall be signed by the president ~~and verified by the secretary or treasurer~~ of such corporation and shall specify the name of the corporation, the date and place of its incorporation, the names and titles of all officers, the location of its principal place of business, and the name of the city, town, or village, stating the street and number, and otherwise such apt description as will reasonably indicate the location. If the corporation has been incorporated in a state other than West Virginia, a certificate of good standing from the state of incorporation must accompany the application. This information shall be provided in addition to that required to be provided the applicant.

(d) The applicant shall provide:

(1) Information in the application about whether the applicant has ever been arrested for or convicted of any crime or wrongs,

either done or threatened, against the government of the United States;

(2) Information about offenses against the laws of West Virginia or any state; ~~and~~

(3) Any facts as may be required by the Secretary of State to show the good character, competency, and integrity of the applicant; and

(4) To qualify for a firm license, ~~the applicant shall provide such the same~~ information for each person who would be authorized to conduct security guard business under the applicant's firm license and for each officer, member, or partner in the firm.

(e) As part of the application, each applicant shall give the Secretary of State permission to review the records held by the ~~department of public safety~~ West Virginia State Police for any convictions that may be on record for the applicant.

(f) For each applicant for a license, ~~and for each officer, member and partner of the firm applying for a license~~ the application shall be accompanied by one recent full-face photograph ~~and one complete set of the person's fingerprints~~ of the applicant.

(g) For each applicant, the application shall be accompanied by:

(1) Character references from at least five reputable citizens. Each reference must have known the applicant for at least five years preceding the application. No reference may be connected to the applicant by blood or marriage. All references must have been written for the purpose of the application for a license to conduct security guard business; and

(2) A nonrefundable application processing service charge of \$50, which shall be payable to the Secretary of State to offset the cost of license review and criminal investigation background report from the West Virginia State Police, along with a license fee of \$100 if the applicant is an individual, or \$200 if the applicant is a

firm, or \$500 if the applicant is a nonresident of West Virginia or a foreign corporation or business entity. The license fee shall be deposited to the General Revenue Fund, and shall be refunded only if the license is denied.

(h) All applicants for security guard licenses or security guard firm licenses shall file in the office of the Secretary of State a surety bond or sufficient proof of liability insurance as required by the Secretary of State.

(i) If a surety bond is obtained in lieu of liability insurance, such bond shall:

(1) Be in the sum of ~~\$2,500~~ \$5,000 and conditioned upon the faithful and honest conduct of such business by such applicant;

(2) Be written by a company recognized and approved by the Insurance Commissioner of West Virginia and ~~approved by~~ the Attorney General of West Virginia with respect to its form;

(3) Be in favor of the State of West Virginia for any person who is damaged by any violation of this article. The bond must also be in favor of any person damaged by such a violation.

~~(h)~~ (j) Any person claiming against the bond required by subsection ~~(h)~~ (j) of this section for a violation of this article may maintain an action at law against any licensed individual or firm and against the surety. The surety shall be liable only for damages awarded under §30-18-12 of this code and not the punitive damages permitted under that section. The aggregate liability of the surety to all persons damaged by a person or firm licensed under this article may not exceed the amount of the bond.

### **§30-18-9. Renewal of license.**

A license granted under the provisions of this article shall be in effect for ~~one year~~ two years from the date the certificate of license is issued and may be renewed for a period of one year by the Secretary of State upon application, in such form as the secretary may prescribe, and upon payment of the fee and the filing of the surety bond or proof of liability insurance. At the time of applying

for renewal of a license, the Secretary of State may require any person to provide additional information to reflect any changes in the original application or any previous renewal. Any fee charged by the Secretary of State for renewal of a license shall not exceed \$50.

**§30-18-10. Authority of Secretary of State.**

(a) When the Secretary of State is satisfied as to the good character, competency, and integrity of an applicant, of all employees or individuals conducting the private investigation business or security guard services under a firm license and, if the applicant is a firm, of each member, officer or partner, he or she shall issue and deliver to the applicant a certificate of license. Each license issued shall be for a period of one year and is revocable at all times for cause shown pursuant to subsection (b) of this section or any rules promulgated pursuant thereto.

(b) The Secretary of State may propose for promulgation in accordance with the provisions of chapter 29A of this code legislative rules necessary for the administration and enforcement of this article and for the issuance, suspension, and revocation of licenses issued under the provisions of this article. The Secretary of State shall afford any applicant an opportunity to be heard in person or by counsel when a determination is made to deny, revoke, or suspend an applicant's license or application for license, including a renewal of a license. The applicant has 15 days from the date of receiving written notice of the Secretary of State's adverse determination to request a hearing on the matter of denial, suspension, or revocation. The action of the Secretary of State in granting, renewing, or in refusing to grant or to renew, a license is subject to review by the circuit court of Kanawha County or other court of competent jurisdiction.

(c) At any hearing before the Secretary of State to challenge an adverse determination by the Secretary of State on the matter of a denial, suspension, or revocation of a license, if the adverse determination is based upon a conviction for a crime which would bar licensure under the provisions of this article, the hearing shall be an identity hearing only and the sole issue which may be

contested is whether the person whose application is denied or whose license is suspended or revoked is the same person convicted of the crime.

(d) The Secretary of State shall require each applicant to submit to a state and national criminal history record check, as set forth in this subsection:

(1) The criminal history record check shall be based on fingerprints submitted to the West Virginia State Police or its assigned agent for forwarding to the Federal Bureau of Investigation.

(2) The applicant shall meet all requirements necessary to accomplish the state and national criminal history record check, including:

(A) Submitting fingerprints for the purposes set forth in this section, if required by the Secretary of State, West Virginia State Police, or the Federal Bureau of Investigation; and

(B) Authorizing the Secretary of State, the West Virginia State Police, and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant for a license.

(3) The results of the state and national criminal history record check may not be released to or by a private entity except:

(A) To the individual who is the subject of the criminal history record check;

(B) With the written authorization of the individual who is the subject of the criminal history record check; or

(C) Pursuant to a court order.

(4) The criminal history record check and related records are not public records for the purposes of chapter 29B of this code.

(5) The applicant shall ensure that the criminal history record check is completed as soon as possible after the date of the original application for registration.

(6) The applicant shall pay the actual costs of the fingerprinting and criminal history record check.”

And,

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

**H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 767**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:



Absent and Not Voting: J. Kelly.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4749) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4803**, Relating to certification of electrical inspectors.

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

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

**“ARTICLE 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.”

And,

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

**Com. Sub. for H. B. 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 of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

A message from the Senate, by

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

**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.

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

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

**“CHAPTER 8. MUNICIPAL CORPORATIONS.**

**ARTICLE 10. POWERS AND DUTIES OF CERTAIN OFFICERS.**

**§8-10-2a. Payment of fines by electronic payments, credit cards, cash, money orders, or certified checks; payment plan; suspension of driver’s license for failure to pay motor vehicle violation fines or to appear in court.**

A municipal court may accept electronic payments, credit cards, cash, money order, or certified checks for of all costs, fines, forfeitures, or penalties electronically, by mail, or in person. Any charges made by the credit company shall be paid by the person responsible for paying the cost, fine, fee, or penalty. A municipal court may collect a substantial portion of all costs, fines, forfeitures

~~or penalties at the time such amount is imposed by the court as described in this section. so long as the court requires the balance to be paid within 180 days from the date of judgment and in accordance with a: *Provided*, That all costs, fines, forfeitures or penalties imposed by the municipal court upon a nonresident of this state by judgment entered upon a conviction must be paid within 80 days from the date of judgment.~~

~~(b) If costs, fines, forfeitures or penalties imposed by the municipal court for motor vehicle violations as defined in section three a, article three, chapter seventeen b of this code are not paid within the time limits imposed pursuant to subsection (a) of this section, or if a person fails to appear or otherwise respond in court when charged with a motor vehicle violation as defined in section three a, article three, chapter seventeen b of this code, the municipal court must notify the Commissioner of the Division of Motor Vehicles of such failure to pay or failure to appear: *Provided*, That notwithstanding any other provision of this code to the contrary, the municipal court shall wait at least ninety days from the date that all costs, fines, forfeitures or penalties are due in full or, for failure to appear or otherwise respond, ninety days from the date of such failure before notifying the Division of Motor Vehicles thereof.~~

**§8-10-2b. Payment plan; failure to pay will result in late fee and judgment lien; suspension of licenses for failure to pay fines and costs or failure to appear in court.**

~~(a) If costs, fines, forfeitures or penalties imposed by the municipal court upon conviction of a person for a criminal offense as defined in section three c, article three, chapter seventeen b of this code are not paid in full within one hundred eighty days of the judgment, the municipal court clerk or, upon a judgment rendered on appeal, the circuit clerk shall notify the Division of Motor Vehicles of the failure to pay: *Provided*, That notwithstanding any other provision of this code to the contrary, for residents of this state, the municipal court shall wait at least ninety days from the date that all costs, fines, forfeitures or penalties are due in full before notifying the Division of Motor Vehicles thereof: *Provided, however*, That at the time the judgment is imposed, the judge shall~~

~~provide the person with written notice that failure to pay the same as ordered may result in the withholding of any income tax refund due the licensee and shall result in the suspension of the person's license or privilege to operate a motor vehicle in this state and that the suspension could result in the cancellation of, the failure to renew or the failure to issue an automobile insurance policy providing coverage for the person or the person's family: *Provided further*, That the failure of the judge to provide notice does not affect the validity of any suspension of the person's license or privilege to operate a motor vehicle in this state. For purposes of this section, payment shall be stayed during any period an appeal from the conviction which resulted in the imposition of costs, fines, forfeitures or penalties is pending.~~

Upon request and subject to the following requirements, the municipal court clerk or, upon a judgment rendered on appeal, the clerk shall establish a payment plan for a person owing costs, fines, forfeitures, or penalties imposed by the court for a motor vehicle violation as defined in §17B-3-3a of this code, a criminal offense as defined in §17B-3-3c of this code, or other applicable municipal ordinances, so long as the person signs and files with the clerk, an affidavit, stating that he or she is financially unable to pay the costs, fines, forfeitures, or penalties imposed:

(1) A \$25 administrative processing fee shall be paid at the time the payment form is filed or, in the alternative, the fee may be paid in no more than 5 equal monthly payments;

(2) Unless incarcerated, a person must enroll in a payment plan no later than 90 calendar days after the date the court enters the order assessing the costs, fines, forfeitures, or penalties; and

(3) If the person is incarcerated, he or she may enroll in a payment plan within 90 calendar days after release.

(b) The West Virginia Supreme Court of Appeals shall develop a uniform payment plan form and financial affidavit for requests for the establishment of a payment plan pursuant to subsection (a) of this section. The forms shall be made available for distribution to the offices of municipal clerks, and municipal clerks shall use

the payment plan form and affidavit form developed by the West Virginia Supreme Court of Appeals when establishing payment plans.

(c)(1) The payment plan shall specify: (A) The number of payments to be made; (B) The dates on which such payments are due; (C) The amounts due for each payment; (D) all acceptable payment methods; and (E) the circumstances under which the person may receive a late fee, have a judgment lien recorded against him or her, or have the debt sent to collections for nonpayment;

(2) The monthly payment under the payment plan shall be calculated based upon all costs, fines, forfeitures, or penalties owed within the court, and shall be two percent of the person's annual net income divided by 12, or \$10, whichever is greater;

(3) The court may review the reasonableness of the payment plan, and may on its own motion or by petition, waive, modify, or convert the outstanding costs, fines, forfeitures, or penalties to community service if the court determines that the individual has had a change in circumstances and is unable to comply with the terms of the payment plan.

(d) (1) The clerk may assess a \$10 late fee each month if a person fails to comply with the terms of a payment plan and if any payment due is not received within 30 days after the due date, and the person:

(A) Is not incarcerated;

(B) Has not brought the account current;

(C) Has not made alternative payment arrangements with the court; or

(D) Has not entered into a revised payment plan with the clerk before the due date.

(2) If after 90 days, a payment has not been received, the clerk may do one or both of the following (A) Record a judgment lien as

described in subsection (f) of this section, or (B) Consign the delinquent costs, fines, forfeitures, or penalties to a debt collection agency contained on the State Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to §14-1-18c of this code, an internal collection division, or both: *Provided*, That the entire amount of all delinquent payments collected shall be remitted to the court and may not be reduced by any collection costs or fees: *Provided, however*, That the collection fee may not exceed 25 percent of the delinquent payment amount. The clerk may send notices, electronically or by U.S. mail, to remind the person of an upcoming or missed payment.

(e)(1) If after 90 days of a judgment a person fails to enroll in a payment plan and fails to pay their costs, fines, forfeitures, or penalties, the clerk may assess a \$10 late fee and shall notify the person of the following:

(A) That he or she is 90 days past due in the payment of costs, fines, forfeitures, or penalties imposed pursuant to a judgment of the court;

(B) That he or she has failed to enroll in a payment plan;

(C) Whether a \$10 late fee has been assessed; and

(D) That he or she may be the subject of a judgment lien or have his or her debt sent to a collection agency if the overdue payment of costs, fines, forfeitures, or penalties is not resolved within 30 days of the date of the notice issued pursuant to this subsection.

(2) If after 30 days from the issuance of a notice pursuant to subdivision (1) of this subsection, a payment has not been received, the clerk may do one or both of the following:

(A) Record a judgment lien as described in subsection (f) of this section; or

(B) Consign the delinquent costs, fines, forfeitures, or penalties to a debt collection agency contained on the State Tax Commissioner's list of eligible debt collection agencies established

and maintained pursuant to §14-1-18c of this code, an internal collection division, or both: *Provided*, That the entire amount of all delinquent payments collected shall be remitted to the court and may not be reduced by any collection costs or fees: *Provided, however*, That the collection fee may not exceed 25 percent of the delinquent payment amount.

(f) To record a judgment lien, the clerk shall notify the prosecuting attorney of the county of nonpayment and shall provide the prosecuting attorney with an abstract of judgment. The prosecuting attorney shall file the abstract of judgment in the office of the clerk of the county commission in the county where the defendant was convicted and in any county in which the defendant resides or owns property. The clerk of the county commission shall record and index these abstracts of judgment without charge or fee to the prosecuting attorney and when recorded, the amount stated to be owed in the abstract constitutes a lien against all property of the defendant: *Provided*, That when all the costs, fines, fees, forfeitures, restitution or penalties for which an abstract of judgment has been recorded are paid in full, the clerk of the municipal court shall notify the prosecuting attorney of the county of payment and provide the prosecuting attorney with a release of judgment, prepared in accordance with the provisions of §38-12-1 of this code, for filing and recordation pursuant to the provisions of this subdivision. Upon receipt from the clerk, the prosecuting attorney shall file the release of judgment in the office of the clerk of the county commission in each county where an abstract of the judgment was recorded. The clerk of the county commission shall record and index the release of judgment without charge or fee to the prosecuting attorney.

(g) A person whose driver's license was suspended prior to July 1, 2020, solely for the nonpayment of costs, fines, forfeitures, or penalties, if otherwise eligible, shall have his or her license reinstated:

(1) Upon payment in full of all outstanding costs, fines, forfeitures, or penalties and a \$25 reinstatement fee paid to the Division of Motor Vehicles; or

(2) Upon establishing a payment plan pursuant to subsection (a) and the payment of a \$25 administrative fee. The clerk shall notify the Division of Motor Vehicles that a payment plan is in effect, and upon receipt of the notification, the division shall waive the reinstatement fee.

~~Upon notice, the Division of Motor Vehicles shall suspend the person's driver's license or privilege to operate a motor vehicle in this state until such time that the costs, fines, forfeitures or penalties are paid.~~

~~(b) Notwithstanding the provisions of this section to the contrary, the notice of the failure to pay costs, fines, forfeitures or penalties may not be given where the municipal court, upon application of the person upon whom the costs, fines, forfeitures or penalties were imposed filed prior to the expiration of the period within which these are required to be paid, enters an order finding that the person is financially unable to pay all or a portion of the costs, fines, forfeitures or penalties: *Provided*, That where the municipal court, upon finding that the person is financially unable to pay a portion of the costs, fines, forfeitures or penalties, requires the person to pay the remaining portion, the municipal court shall notify the Division of Motor Vehicles of the person's failure to pay if not paid within the period of time ordered by the court~~

~~(e)-(h) If a person charged with a motor vehicle violation as defined in §17B-3-3a of this code or criminal offense fails to appear or otherwise respond in court, the municipal court clerk shall notify the Division of Motor Vehicles of the failure to appear: *Provided*, That notwithstanding any other provision of this code to the contrary, for residents of this state, the municipal court clerk shall wait at least 90 days from the date of the person's failure to appear or otherwise respond before notifying the Division of Motor Vehicles thereof. Upon notice, the Division of Motor Vehicles shall suspend the person's driver's license or privilege to operate a motor vehicle in this state until such time that the person appears as required.~~

~~(d) On and after July 1, 2008, if the licensee fails to respond to the Division of Motor Vehicles order of suspension within ninety~~



days of receipt of the certified letter, the municipal court of original jurisdiction shall notify the Tax Commissioner that the licensee has failed to pay the costs, fines, forfeitures or penalties assessed by the court or has failed to respond to the citation. The notice provided by the municipal court to the Tax Commissioner must include the licensee's Social Security number. The Tax Commissioner, or his or her designee, shall withhold from any personal income tax refund due and owing to a licensee the costs, fines, forfeitures or penalties due to the municipality, the Tax Commissioner's administration fee for the withholding and any and all fees that the municipal court would have collected had the licensee appeared: *Provided*, That the Tax Commissioner's administration fee may not exceed \$25: *Provided, however*, That the Tax Commissioner may change this maximum amount limitation for this fee for fiscal years beginning on or after July 1, 2008, by legislative rule promulgated in accordance with the provisions of article three, chapter twenty nine a of this code: *Provided further*, That the administrative fees deducted shall be deposited in the special revolving fund hereby created in the State Treasury, which shall be designated as the Municipal Fines and Fees Collection Fund, and the Tax Commissioner shall make such expenditures from the fund as he or she deems appropriate for the administration of this subsection. After deduction of the Tax Commissioner's administration fee, the Tax Commissioner shall remit to the municipality all remaining amounts withheld pursuant to this section and the municipal court shall distribute applicable costs, fines, forfeitures or penalties owed to the municipality, the Regional Jail Authority Fund, the Crime Victims Compensation Fund, the Community Corrections Fund, the Governor's subcommittee on law enforcement training or any other fund or payee that may be applicable. After the costs, fines, forfeitures or penalties are withheld, the Tax Commissioner shall refund any remaining balance due the licensee. If the refund is not sufficient to cover all the costs, fines, forfeitures or penalties being withheld pursuant to this section, the Tax Commissioner's administration fee shall be retained by the Tax Commissioner and the remaining money withheld shall be remitted by the Tax Commissioner to the municipality. The municipality shall then allocate the money so remitted to the municipality in the following manner: (1) Any

~~costs, fines, forfeitures or penalties due to the municipality; (2) seventy five percent of the remaining balance shall be paid to the appropriate Regional Jail Authority Fund; (3) fifteen percent of the remaining balance shall be paid to the Crime Victims Compensation Fund; (4) six percent of the remaining balance shall be paid into the Community Corrections Fund; and (5) the final four percent shall be paid to the Governor's subcommittee on law enforcement training. When the costs, fines, forfeitures or penalties exceed the licensee's income tax refund, the Tax Commissioner shall withhold the remaining balance in subsequent years until such time as the costs, fines, forfeitures or penalties owed are paid in full. The Tax Commissioner shall remit the moneys that he or she collects to the appropriate municipality no later than July 1, of each year. If the municipal court or the municipality subsequently determines that any such costs, fines, forfeitures or penalties were erroneously imposed, the municipality shall promptly notify the Tax Commissioner. If the refunds have not been withheld and remitted, the Tax Commissioner may not withhold and remit payment to the municipality and shall so inform the municipality. If the refunds have already been withheld and remitted to the municipality, the Tax Commissioner shall so inform the municipality. In either event, all refunds for erroneously imposed costs, fines, forfeitures or penalties shall be made by the municipality and not by the Tax Commissioner.~~

~~(e) Rules and effective date. — The Tax Commissioner may promulgate such rules as may be useful or necessary to carry out the purpose of this section and to implement the intent of the Legislature, to be effective on July 1, 2008. Rules shall be promulgated in accordance with the provisions of article three, chapter twenty nine a of this code.~~

~~(f) On or before July 1, 2005, the municipal court may elect to reissue notice as provided in subsections (a) and (c) of this section to the Division of Motor Vehicles for persons who remain noncompliant: *Provided*, That the person was convicted or failed to appear on or after January 1, 1993. If the original notification cannot be located, the Division of Motor Vehicles shall accept an additional or duplicate notice from the municipal court clerk~~

**CHAPTER 17B. MOTOR VEHICLE DRIVER'S  
LICENSES.**

**ARTICLE 3. CANCELLATION, SUSPENSION, OR  
REVOCAION OF LICENSES.**

**§17B-3-3a. Suspending license for failure to ~~pay fines or penalties imposed by magistrate court or municipal~~ respond or appear in court.**

(a) The division shall suspend the license of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice from a magistrate court or municipal court of this state, ~~pursuant to subsection (b), section two a, article three, chapter fifty of this code or subsection (b), section two a, article ten, chapter eight of this code, that such person has defaulted on the payment of costs, fines, forfeitures or penalties which were imposed on the person by the magistrate court or municipal court by judgment entered upon conviction of any motor vehicle violation or that such person has failed to respond or appear in court when charged with a motor vehicle violation.~~

~~(b) The magistrate court or municipal court shall notify the division upon a default of payment as follows:~~

~~(1) For a resident of this state, after 180 days following the date of judgment upon the conviction; or~~

~~(2) For a nonresident of this state, after eighty days following the date of judgment upon the conviction~~

~~(e)(b)~~ For the purposes of this section, §50-3-2a of this code and ~~§8-10-2a~~ §8-10-2b of this code, 'motor vehicle violation' ~~shall be defined~~ is as any violation designated in chapters 17A, 17B, 17C, 17D, or 17E of this code, or the violation of any municipal ordinance relating to the operation of a motor vehicle for which the violation thereof would result in a fine or penalty: *Provided*, That any parking violation or other violation for which a citation may be issued to an unattended vehicle shall not be considered a motor vehicle violation for the purposes of this section, §50-3-2a of this code, or ~~§8-10-2a~~ §8-10-2b of this code.

**§17B-3-3c. Suspending license for failure to pay fines or penalties imposed as the result of criminal conviction or for failure to appear in court.**

(a) The division shall suspend the license of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice from a circuit court, magistrate court, or municipal court of this state, pursuant to ~~§50-3-2b~~ §8-10-2b or §62-4-17 of this code, that the person has ~~defaulted on the payment of costs, fines, forfeitures, penalties, or restitution imposed on the person by the circuit court, magistrate court, or municipal court upon conviction for any criminal offense by the date the court had required the person to pay the same, or that the person has failed to appear in court when charged with an~~ criminal offense. For the purposes of this section, ~~§50-3-2b~~ §8-10-2b or §62-4-17 of this code, 'criminal offense' shall be defined as any violation of the provisions of this code, or the violation of any municipal ordinance, for which the violation of the offense may result in a fine, confinement in jail, or imprisonment in a correctional facility of this state: *Provided*, That any parking violation or other violation for which a citation may be issued to an unattended vehicle shall not be considered a criminal offense for the purposes of this section, §8-10-2b ~~§50-3-2b~~ or §62-4-17 of this code.

(b) A copy of the order of suspension shall be forwarded to the person by certified mail, return receipt requested. No order of suspension becomes effective until 10 days after receipt of a copy of the order. The order of suspension shall advise the person that because of the receipt of notice of the failure to pay costs, fines, forfeitures, or penalties, or the failure to appear, a presumption exists that the person named in the order of suspension is the same person named in the notice. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of §17C-5A-2 of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within 10 days after receipt of a copy of the order of suspension. The sole purpose of this hearing shall be for the person requesting the

hearing to present evidence that he or she is not the person named in the notice. In the event the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

(c) A suspension under this section and §17B-3-3a of this code will continue until the person provides proof of compliance from the municipal, magistrate, or circuit court and pays the reinstatement fee as provided in §17B-3-9 of this code. The reinstatement fee is assessed upon issuance of the order of suspension regardless of the effective date of suspension.

(d) Upon notice from an appropriate state official that the person is successfully participating in an approved treatment and job program as prescribed in §61-11-26a of this code, and that the person is believed to be safe to drive, the Division of Motor Vehicles shall stay or supersede the imposition of any suspension under this section or §17B-3-3a of this code. The Division of Motor Vehicles shall waive the reinstatement fee established by the provisions §17B-3-9 upon receipt of proper documentation of the person's successful completion of a program under §61-11-26a of this code and proof of compliance from the municipal, magistrate, or circuit court. The stay or supersedeas shall be removed by the Division of Motor Vehicles upon receipt of notice from an appropriate state official of a participant's failure to complete or comply with the approved treatment and job program as established under §61-11-26a of this code.

## CHAPTER 50. MAGISTRATE COURTS.

### ARTICLE 3. COSTS, FINES AND RECORDS.

**§50-3-2a. Payment by electronic payments, credit card payments, cash, money orders, or certified checks; restitution; payment plan; failure to pay fines results in a late fee and judgment liens.**

(a) A magistrate court may accept electronic payments, credit cards, cash, money order, or certified check for ~~in~~ payment of all costs, fines, fees, forfeitures, restitution, or penalties in accordance

with rules promulgated by the Supreme Court of Appeals. Any charges made by the credit company shall be paid by the person responsible for paying the cost, fine, forfeiture or penalty.

(b) Upon request and subject to the following requirements, the magistrate clerk shall establish a payment plan for a person owing costs, fines, forfeitures, or penalties imposed by the court, so long as the person signs and files with the clerk, an affidavit stating that he or she is financially unable to pay the costs, fines, forfeitures, or penalties imposed:

(1) A \$25 administrative processing fee shall be paid at the time the payment form is filed or, in the alternative, the fee may be paid in no more than 5 equal monthly payments;

(2) Unless incarcerated, a person must enroll in a payment plan no later than 180 calendar days after the date the court enters the order assessing the costs, fines, forfeitures, or penalties; and

(3) If the person is incarcerated, he or she may enroll in a payment plan within 180 calendar days after release.

(c) The West Virginia Supreme Court of Appeals shall develop a uniform payment plan form and financial affidavit for requests for the establishment of payment plan pursuant to subsection (a) of this section. The forms shall be made available for distribution to the offices of magistrate clerks, and magistrate clerks shall use the payment plan form and affidavit form developed by the West Virginia Supreme Court of Appeals when establishing payment plans.

~~(b)(d)(1) Unless otherwise required by law, a magistrate court may collect a portion of any costs, fines, fees, forfeitures, restitution or penalties at the time the amount is imposed by the court so long as the court requires the balance to be paid in accordance with a~~ The payment plan shall specify: ~~which specifies:~~ (A) The number of payments to be made; (B) The dates on which the payments are due; ~~and~~ (C) The amounts due for each payment; (D) All acceptable payment methods; and (E) The circumstances under which the person may receive a late fee, have a judgment

lien recorded against him or her, or have the debt sent to collections for nonpayment.

(2) The monthly payment under the payment plan shall be calculated based upon all costs, fines, forfeitures, or penalties owed within the court, and shall be two percent of the person's annual net income divided by 12 or \$10, whichever is greater.

(3) The court may review the reasonableness of the payment plan, and may on its own motion or by petition, waive, modify, or convert the outstanding costs, fines, forfeitures, or penalties to community service if the court determines that the individual has had a change in circumstances and is unable to comply with the terms of the payment plan. ~~The written agreement represents the minimum payments and the last date those payments may be made. The obligor or the obligor's agent may accelerate the payment schedule at any time by paying any additional portion of any costs, fines, fees, forfeitures, restitution or penalties.~~

(e) (1) The clerk may assess a \$10 late fee each month if a person fails to comply with the terms of a payment plan, and if any payment due is not received within 30 days after the due date, and the person:

(A) Is not incarcerated;

(B) Has not brought the account current;

(C) Has not made alternative payment arrangements with the court; or

(D) Has not entered into a revised payment plan with the clerk before the due date.

(2) If, after 90 days, a payment has not been received, the clerk may do one or both of the following (A) Record a judgment lien as described in subsection (f) of this section, or (B) Consign the delinquent costs, fines, forfeitures, or penalties to a debt collection agency contained on the State Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to §14-1-18c of this code, an internal collection division, or both:

Provided, That the entire amount of all delinquent payments collected shall be remitted to the court and may not be reduced by any collection costs or fees: *Provided, however,* That the collection fee may not exceed 25 percent of the delinquent payment amount. The clerk may send notices, electronically or by U.S. mail, to remind the person of an upcoming or missed payment.

(f)(1) If after 180 days of a judgment a person fails to enroll in a payment plan and fails to pay his or her costs, fines, forfeitures, or penalties, the clerk may assess a \$10 late fee and shall notify the person of the following:

(A) That he or she is 180 days past due in the payment of costs, fines, forfeitures, or penalties imposed pursuant to a judgment of the court;

(B) That he or she has failed to enroll in a payment plan;

(C) Whether a \$10 late fee has been assessed; and

(D) That he or she may be the subject of a judgment lien or have his or her debt sent to a collection agency if the overdue payment of costs, fines, forfeitures, or penalties is not resolved within 30 days of the date of the notice issued pursuant to this subsection.

(2) If after 30 days from the issuance of a notice pursuant to subdivision (1) of this subsection, a payment has not been received, the clerk may do one or both of the following:

(A) Record a judgment lien as described in subsection (f) of this section; or

(B) Consign the delinquent costs, fines, forfeitures, or penalties to a debt collection agency contained on the State Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to §14-1-18c of this code, an internal collection division, or both: *Provided,* That the entire amount of all delinquent payments collected shall be remitted to the court and may not be reduced by any collection costs or fees: *Provided,*



however, That the collection fee may not exceed 25 percent of the delinquent payment amount.

(e)(1) (g) To record a judgment lien, the clerk-If costs, fines, forfeitures or penalties imposed by the municipal court upon conviction of a person for a criminal offense as defined in §17B-3-3c of this code are not paid in full within 180 days of the judgment, the municipal court clerk or, upon a judgment rendered on appeal, the circuit clerk shall notify the prosecuting attorney of the county of nonpayment and shall provide the prosecuting attorney with an abstract of judgment. The prosecuting attorney shall file the abstract of judgment in the office of the clerk of the county commission in the county where the defendant was convicted and in any county wherein the defendant resides or owns property. The clerk of the county commission shall record and index these abstracts of judgment without charge or fee to the prosecuting attorney and when recorded, the amount stated to be owed in the abstract constitutes a lien against all property of the defendant: *Provided*, That when all the costs, fines, fees, forfeitures, restitution, or penalties for which an abstract of judgment has been recorded are paid in full, the clerk of the municipal court shall notify the prosecuting attorney of the county of payment and provide the prosecuting attorney with a release of judgment, prepared in accordance with the provisions of §38-12-1 of this code, for filing and recordation pursuant to the provisions of this subdivision. Upon receipt from the clerk, the prosecuting attorney shall file the release of judgment in the office of the clerk of the county commission in each county where an abstract of the judgment was recorded. The clerk of the county commission shall record and index the release of judgment without charge or fee to the prosecuting attorney.

(h) A person whose driver's license was suspended before July 1, 2020, solely for the nonpayment of costs, fines, forfeitures, or penalties, if otherwise eligible, shall have his or her license reinstated:

(1) Upon payment in full of all outstanding costs, fines, forfeitures, or penalties and a \$25 reinstatement fee paid to the Division of Motor Vehicles; or

(2) Upon establishing a payment plan pursuant to subsection (a) of this section and the payment of a \$25 administrative fee. The clerk shall notify the Division of Motor Vehicles that a payment plan is in effect, and upon receipt of the notification, the division shall waive the reinstatement fee.

~~notify the Commissioner of the Division of Motor Vehicles of the failure to pay: *Provided*, That in a criminal case in which a nonresident of this state is convicted of a motor vehicle violation defined in section three a, article three, chapter seventeen b of this code, the appropriate clerk shall notify the Division of Motor Vehicles of the failure to pay within eighty days from the date of judgment and expiration of any stay of execution. Upon notice, the Division of Motor Vehicles shall suspend any privilege the person defaulting on payment may have to operate a motor vehicle in this state, including any driver's license issued to the person by the Division of Motor Vehicles, until all costs, fines, fees, forfeitures, restitution or penalties are paid in full. The suspension shall be imposed in accordance with the provisions of section six, article three, chapter seventeen b of this code: *Provided*, That any person who has had his or her license to operate a motor vehicle in this state suspended pursuant to this subsection and his or her failure to pay is based upon inability to pay, may, if he or she is employed on a full or part time basis, petition to the circuit court for an order authorizing him or her to operate a motor vehicle solely for employment purposes. Upon a showing satisfactory to the court of inability to pay, employment and compliance with other applicable motor vehicle laws, the court shall issue an order granting relief.~~

~~(2)(i)(1) In addition to the provisions of subdivision (1) of this subsection, If any costs, fines, fees, forfeitures, restitution, or penalties imposed or ordered by the magistrate court for a hunting violation described in chapter 20 of this code are not paid within 180 days from the date of judgment and the expiration of any stay of execution, the magistrate court clerk or, upon a judgment rendered on appeal, the circuit clerk shall notify the Director of the Division of Natural Resources of the failure to pay. Upon notice, the Director of the Division of Natural Resources shall suspend any privilege the person failing to appear or otherwise respond may~~

have to hunt in this state, including any hunting license issued to the person by the Division of Natural Resources, until all the costs, fines, fees, forfeitures, restitution, or penalties are paid in full.

~~(3)(2) In addition to the provisions of subdivision (1) of this subsection,~~ If any costs, fines, fees, forfeitures, restitution, or penalties imposed or ordered by the magistrate court for a fishing violation described in chapter 20 of this code are not paid within 180 days from the date of judgment and the expiration of any stay of execution, the magistrate court clerk or, upon a judgment rendered on appeal, the circuit clerk shall notify the Director of the Division of Natural Resources of the failure to pay. Upon notice, the Director of the Division of Natural Resources shall suspend any privilege the person failing to appear or otherwise respond may have to fish in this state, including any fishing license issued to the person by the Division of Natural Resources, until all the costs, fines, fees, forfeitures, restitution, or penalties are paid in full.

~~(4)(j)(1)~~ If a person charged with any criminal violation of this code fails to appear or otherwise respond in court, the magistrate court shall notify the Commissioner of the Division of Motor Vehicles thereof within 90 days of the scheduled date to appear unless the person sooner appears or otherwise responds in court to the satisfaction of the magistrate. Upon notice, the Division of Motor Vehicles shall suspend any privilege the person failing to appear or otherwise respond may have to operate a motor vehicle in this state, including any driver's license issued to the person by the Division of Motor Vehicles, until final judgment in the case and, if a judgment of guilty, until all costs, fines, fees, forfeitures, restitution, or penalties imposed are paid in full. The suspension shall be imposed in accordance with the provisions of §17B-3-6 of this code.

(2) In addition to the provisions of subdivision (1) of this subsection, if a person charged with any hunting violation described in chapter 20 of this code fails to appear or otherwise respond in court, the magistrate court shall notify the Director of the Division of Natural Resources of the failure thereof within 15 days of the scheduled date to appear unless the person sooner appears or otherwise responds in court to the satisfaction of the

magistrate. Upon notice, the Director of the Division of Natural Resources shall suspend any privilege the person failing to appear or otherwise respond may have to hunt in this state, including any hunting license issued to the person by the Division of Natural Resources, until final judgment in the case and, if a judgment of guilty, until all costs, fines, fees, forfeitures, restitution, or penalties imposed are paid in full.

(3) In addition to the provisions of subdivision (1) of this subsection, if a person charged with any fishing violation described in chapter 20 of this code fails to appear or otherwise respond in court, the magistrate court shall notify the Director of the Division of Natural Resources of the failure thereof within 15 days of the scheduled date to appear unless the person sooner appears or otherwise responds in court to the satisfaction of the magistrate. Upon notice, the Director of the Division of Natural Resources shall suspend any privilege the person failing to appear or otherwise respond may have to fish in this state, including any fishing license issued to the person by the Division of Natural Resources, until final judgment in the case and, if a judgment of guilty, until all costs, fines, fees, forfeitures, restitution, or penalties imposed are paid in full.

(e)(k) In every criminal case which involves a misdemeanor violation, a magistrate may order restitution where appropriate when rendering judgment.

~~(f)(1) If all costs, fines, fees, forfeitures, restitution or penalties imposed by a magistrate court and ordered to be paid are not paid within 180 days from the date of judgment and the expiration of any stay of execution, the clerk of the magistrate court shall notify the prosecuting attorney of the county of nonpayment and provide the prosecuting attorney with an abstract of judgment. The prosecuting attorney shall file the abstract of judgment in the office of the clerk of the county commission in the county where the defendant was convicted and in any county wherein the defendant resides or owns property. The clerks of the county commissions shall record and index the abstracts of judgment without charge or fee to the prosecuting attorney and when so recorded, the amount~~

~~stated to be owing in the abstract shall constitute a lien against all property of the defendant.~~

~~(2) When all the costs, fines, fees, forfeitures, restitution or penalties described in subdivision (1) of this subsection for which an abstract of judgment has been recorded are paid in full, the clerk of the magistrate court shall notify the prosecuting attorney of the county of payment and provide the prosecuting attorney with a release of judgment, prepared in accordance with the provisions of §38-12-1 of this code, for filing and recordation pursuant to the provisions of this subdivision. Upon receipt from the clerk, the prosecuting attorney shall file the release of judgment in the office of the clerk of the county commission in each county where an abstract of the judgment was recorded. The clerks of the county commissions shall record and index the release of judgment without charge or fee to the prosecuting attorney.~~

~~(g)~~(1) Notwithstanding any provision of this code to the contrary, except as authorized by this section, payments of all costs, fines, fees, forfeitures, restitution, or penalties imposed by the magistrate court in civil or criminal matters shall be made in full. Partial payments of costs, fines, fees, forfeitures, restitution, or penalties made pursuant to this section shall be credited to amounts due in the following order:

- (1) Regional Jail Fund;
- (2) Worthless Check Payee;
- (3) Restitution;
- (4) Magistrate Court Fund;
- (5) Worthless Check Fund;
- (6) Per Diem Regional Jail Fee;
- (7) Community Corrections Fund;
- (8) Regional Jail Operational Fund;
- (9) Law Enforcement Training Fund;

- (10) Crime Victims Compensation Fund;
- (11) Court Security Fund;
- (12) Courthouse Improvement Fund;
- (13) Litter Control Fund;
- (14) Sheriff arrest fee;
- (15) Teen Court Fund;
- (16) Other costs, if any;
- (17) Fine.

## CHAPTER 62. CRIMINAL PROCEDURE.

### ARTICLE 4. RECOVERY OF FINES IN CRIMINAL CASES.

#### **§62-4-17. Suspension of licenses for failure to ~~pay fines and costs or failure to appear in court; payment plan; failure to pay fines will result in late fee and judgment lien.~~**

~~(a) If costs, fines, forfeitures, penalties or restitution imposed by the circuit court upon conviction of a person for any criminal offense under this code are not paid in full when ordered to do so by the court, the circuit clerk shall notify the Division of Motor Vehicles of such failure to pay: *Provided*, That at the time the judgment is imposed, the court shall provide the person with written notice that failure to pay the same when ordered to do so shall result in the suspension of such person's license or privilege to operate a motor vehicle in this state and that such suspension could result in the cancellation of, the failure to renew or the failure to issue an automobile insurance policy providing coverage for such person or such person's family: *Provided, however*, That the failure of the court to provide such notice shall not affect the validity of any suspension of such person's license or privilege to operate a motor vehicle in this state. For purposes of this section, such period of time within which the person is required to pay shall be stayed during any period an appeal from the conviction which~~

~~resulted in the imposition of such costs, fines, forfeitures or penalties is pending.~~

~~Upon such notice, the Division of Motor Vehicles shall suspend the person's driver's license or privilege to operate a motor vehicle in this state until such time that the costs, fines, forfeitures or penalties are paid.~~

Upon request and subject to the following requirements, the circuit clerk shall establish a payment plan for a person owing costs, fines, forfeitures, or penalties imposed by the court, so long as the person signs and files with the clerk, an affidavit, stating that he or she is financially unable to pay the costs, fines, forfeitures, or penalties imposed:

(1) A \$25 administrative processing fee shall be paid at the time the payment form is filed or, in the alternative, the fee may be paid in no more than 5 equal monthly payments;

(2) Unless incarcerated, a person must enroll in a payment plan no later than 180 calendar days after the date the court enters the order assessing the costs, fines, forfeitures, or penalties; and

(3) If the person is incarcerated, he or she enroll in a payment plan within 180 calendar days after release.

~~(b) Notwithstanding the provisions of this section to the contrary, the notice of the failure to pay such costs, fines, forfeitures or penalties shall not be given where the circuit court, upon application of the person upon whom the same were imposed filed prior to the expiration of the period within which the same are required to be paid, enters an order finding that such person is financially unable to pay all or a portion of the same: *Provided*, That where the circuit court, upon finding that the person is financially unable to pay the full amount thereof, requires the person to pay the remaining portion thereof, the circuit clerk shall notify the Division of Motor Vehicles of such person's failure to pay the same if the same is not paid within the period of time ordered by such court. The West Virginia Supreme Court of Appeals shall develop a uniform payment plan form and financial~~

affidavit for requests for the establishment of payment plan pursuant to subsection (a) of this section. The forms shall be made available for distribution to the offices of circuit clerks and circuit clerks shall use the payment plan form and affidavit form developed by the West Virginia Supreme Court of Appeals when establishing payment plans.

(c)(1) The payment plan shall specify: (A) The number of payments to be made; (B) The dates on which such payments are due; (C) The amount due for each payment; (D) All acceptable payment methods; and (E) The circumstances under which the person may receive a late fee, have a judgment lien recorded against them, or have the debt sent to collections for nonpayment.

(2) The monthly payment under the payment plan shall be calculated based upon all costs, fines, forfeitures, or penalties owed within the court, and shall be two percent of the person's annual net income divided by 12, or \$10, whichever is greater.

(3) The court may review the reasonableness of the payment plan, and may on its own motion or by petition, waive, modify, or convert the outstanding costs, fines, forfeitures, or penalties to community service if the court determines that the individual has had a change in circumstances and is unable to comply with the terms of the payment plan.

(d) (1) The clerk may assess a \$10 late fee each month if a person fails to comply with the terms of a payment plan, and if any payment due is not received within 30 days after the due date, and the person:

(A) Is not incarcerated;

(B) Has not brought the account current;

(C) Has not made alternative payment arrangements with the court; or

(D) Has not entered into a revised payment plan with the clerk before the due date.



(2) If, after 90 days, a payment has not been received, the clerk may do one or both of the following (A) Record a judgment lien as described in subsection (f) of this section, or (B) Consign the delinquent costs, fines, forfeitures, or penalties to a debt collection agency contained on the State Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to §14-1-18c of this code, an internal collection division, or both: *Provided*, That the entire amount of all delinquent payments collected shall be remitted to the court and may not be reduced by any collection costs or fees: *Provided, however*, That the collection fee may not exceed 25 percent of the delinquent payment amount. The clerk may send notices, electronically or by U.S. mail, to remind the person of an upcoming or missed payment.

(e)(1) If after 180 days of a judgment a person fails to enroll in a payment plan and fails to pay his or her costs, fines, forfeitures, or penalties, the clerk may assess a \$10 late fee and shall notify the person of the following:

(A) That he or she is 180 days past due in the payment of costs, fines, forfeitures, or penalties imposed pursuant to a judgment of the court;

(B) That he or she has failed to enroll in a payment plan;

(C) Whether a \$10 late fee has been assessed; and

(D) That he or she may be the subject of a judgment lien or have his or her debt sent to a collection agency if the overdue payment of costs, fines, forfeitures, or penalties is not resolved within 30 days of the date of the notice issued pursuant to this subsection.

(2) If after 30 days from the issuance of a notice pursuant to subdivision (1) of this subsection, a payment has not been received, the clerk may do one or both of the following:

(A) Record a judgment lien as described in subsection (f) of this section; or

(B) Consign the delinquent costs, fines, forfeitures, or penalties to a debt collection agency contained on the State Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to §14-1-18c of this code, an internal collection division, or both: *Provided*, That the entire amount of all delinquent payments collected shall be remitted to the court and may not be reduced by any collection costs or fees: *Provided, however*, That the collection fee may not exceed 25 percent of the delinquent payment amount.

(f) To record a judgment lien, the clerk shall notify the prosecuting attorney of the county of nonpayment and shall provide the prosecuting attorney with an abstract of judgment. The prosecuting attorney shall file the abstract of judgment in the office of the clerk of the county commission in the county where the defendant was convicted and in any county wherein the defendant resides or owns property. The clerk of the county commission shall record and index these abstracts of judgment without charge or fee to the prosecuting attorney, and when recorded, the amount stated to be owed in the abstract constitutes a lien against all property of the defendant: *Provided*, That when all the costs, fines, fees, forfeitures, restitution, or penalties for which an abstract of judgment has been recorded are paid in full, the clerk of the municipal court shall notify the prosecuting attorney of the county of payment and provide the prosecuting attorney with a release of judgment, prepared in accordance with the provisions of §38-12-1 of this code, for filing and recordation pursuant to the provisions of this subdivision. Upon receipt from the clerk, the prosecuting attorney shall file the release of judgment in the office of the clerk of the county commission in each county where an abstract of the judgment was recorded. The clerk of the county commission shall record and index the release of judgment without charge or fee to the prosecuting attorney.

(g) A person whose driver's license was suspended prior to July 1, 2020, solely for the nonpayment of costs, fines, forfeitures, or penalties, if otherwise eligible, shall have his or her license reinstated:

(1) Upon payment in full of all outstanding costs, fines, forfeitures, or penalties and a \$25 reinstatement fee paid to the Division of Motor Vehicles; or

(2) Upon establishing a payment plan pursuant to subsection (a) and the payment of a \$25 administrative fee. The clerk shall notify the Division of Motor Vehicles that a payment plan is in effect, and upon receipt of the notification, the division shall waive the reinstatement fee.

~~(e)~~(h) If a person charged with a criminal offense fails to appear or otherwise respond in court after having received notice to do so, the court shall notify the Division of Motor Vehicles thereof within 15 days of the scheduled date to appear unless such person sooner appears or otherwise responds in court to the satisfaction of the court. Upon such notice, the Division of Motor Vehicles shall suspend the person's driver's license or privilege to operate a motor vehicle in this state until such time that the person appears as required."

And,

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

**H. B. 4958** - "A Bill to amend and reenact §8-10-2a and §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-3-3a and §17B-3-3c of said code; to amend and reenact §50-3-2a of said code; and to amend and reenact §62-4-17 of said code, all relating to eliminating the ability of a person's driver's license to be suspended for the failure to pay court fines and costs; allowing court clerks to accept electronic payments, credit cards, cash, money orders, or certified checks; requiring magistrate, municipal, and circuit clerks to set up a payment plan if an individual signs an affidavit stating that he or she is unable to pay the court fines and costs imposed; authorizing a court to review the reasonableness of the payment plan; authorizing court to waive, modify, or convert the outstanding costs, fines, forfeitures, or penalties to community service; requiring the Supreme Court of Appeals to develop and distribute forms; authorizing magistrate, municipal, and circuit clerks to assess late fees, to record a judgment lien for unpaid fines and costs in the county clerk's office, and to cosign a debt to collections; authorizing a process for

the recording and release of a judgment lien; requiring clerks to issue a notice of delinquency; authorizing the reinstatement of driver's licenses suspended prior to July, 1, 2020; removes Tax Commissioner's authority to withhold income tax returns; establishing fees; and placing limits on collection of fees.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 768**), and there were—yeas 88, nays 10, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Atkinson, Butler, Cadle, Cooper, Hicks, Jennings, Phillips, Rodighiero, R. Thompson and Tomblin.

Absent and Not Voting: J. Kelly and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4958) passed.

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

On this question the yeas and nays were taken (**Roll No. 769**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Butler, Cadle and Jennings.

Absent and Not Voting: Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4958) takes effect July 1, 2020.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 213**, Relating to administration of trusts.

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

**Com. Sub. for S. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 770**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 213) passed.

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

On this question, the yeas and nays were taken (**Roll No. 771**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Graves, Staggers and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 213) takes effect July 1, 2020.

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

A message from the Senate, by

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

**S. B. 562**, Expunging certain criminal convictions.

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

On pages one through three by striking out all of section twenty-five.

And,

On page five, section twenty-six, subsection (c), subdivision (15), by striking out the proviso and inserting in lieu thereof a new proviso, to read as follows:

*“Provided, That a conviction for driving under the influence of alcohol, controlled substances, or drugs shall not preclude expungement of an unrelated and otherwise expungable felony if the conviction for driving under the influence of alcohol, controlled substances, or drugs is at least five years old at the time the petition for expungement is filed.”*

And,

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

**S. B. 562** - “A Bill to amend and reenact §61-11-26 and §61-11-26a of the Code of West Virginia, 1931, as amended, all relating generally to expungement of certain criminal convictions; allowing a person seeking expungement of convictions in multiple counties to file the petition in his or her county of residence; clarifying that prosecuting attorneys in any county of conviction wherein expungement is sought be provided notice of petition; eliminating the requirement that the chief law-enforcement officer or head of a municipal law-enforcement agency where the offense for which expungement is sought be given notice where such agency was not the arresting agency; modifying non-expungable offenses to allow expungement of burglaries of buildings which are not dwellings; allowing expungement of an unrelated felony if person has a conviction for driving under the influence if said driving under the influence conviction is at least five years old at the time the petition is filed; clarifying that Commissioner of Corrections be served with a copy of the petition for expungement if the petitioner was confined or imprisoned for the offense for which expungement is sought; clarifying that petitioner’s burden of proof as to convictions for which expungement is sought are the only convictions against him or her in the state; defining ‘expungement’; and directing that upon the granting of an order of expungement all public records other than those under court seal are moved and destroyed.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 772**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Butler, Cadle and Foster.

Absent and Not Voting: Graves and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 562) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

**S. B. 851**, Requiring Governor's Committee on Crime, Delinquency, and Correction propose rule in coordination with law enforcement and certain medical boards.

On motion of Delegate Kessinger the House of Delegates receded from its amendment.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 773**), and there were—yeas 60, nays 36, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, J. Kelly, Kump, Lavender-Bowe, Lovejoy, Maynard, Miller, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, C. Thompson, R. Thompson, Tomblin, Walker, Waxman, Williams and Zukoff.

Absent and Not Voting: Cowles, Hardy, Householder and J. Jeffries.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 851) passed.



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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the House amendment to the Senate amendment and requested the House to recede from its amendment to

**Com. Sub. for H. B. 4069**, West Virginia Student Religious Liberties Act.

On motion of Delegate Kessinger the House of Delegates divided and receded from its amendment to the Senate amendment.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 774**), and there were—yeas 74, nays 25, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, S. Brown, Byrd, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hornbuckle, Miley, Nelson, Pushkin, Pyles, Robinson, Rowe, Skaff, Storch, C. Thompson, Walker, Westfall and Williams.

Absent and Not Voting: Hardy.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4069) passed.

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

### **Conference Committee Report**

Delegate Criss, from the Committee of Conference on matters of disagreement between the two houses, as to

**Com. Sub. for H. B. 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 Com. Sub. for H. B. 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 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:

**Com. Sub. for H. B. 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.*

On motion of Delegate Criss, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 775**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4558) passed.

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

Delegate Capito, from the Committee of Conference on matters of disagreement between the two houses, as to

**H. B. 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 the entirety 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.

And,

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:

**H. B. 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, and §60-5-8, of the Code of West Virginia, 1931, 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,  
Bill Hartman,  
*Conferees on the part*  
*of the House of Delegates.*

Ryan Weld, *Chair*  
Tom Takubo,  
Paul Hardesty,  
*Conferees on the part*  
*of the Senate.*

On motion of Delegate Capito, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 776**), and there were—yeas 75, nays 24, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Azinger, Bartlett, Bibby, Butler, Fast, Foster, Howell, D. Jeffries, Jennings, Kump, Mandt, C. Martin, P. Martin, Pack, Paynter, Porterfield, Rodighiero, Rohrbach, Rowan, R. Thompson, Toney, Waxman, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Angelucci.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4524) passed.

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

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for H. B. 4543**, Relating to insurance coverage for diabetics.

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

On page one, 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.**

**§5-16-7. Authorization to establish group hospital and surgical insurance plan, group major medical insurance plan, group prescription drug plan, and group life and accidental death insurance plan; rules for administration of plans; mandated benefits; what plans may provide; optional plans; separate rating for claims experience purposes.**

(a) The agency shall establish a group hospital and surgical insurance plan or plans, a group prescription drug insurance plan or plans, a group major medical insurance plan or plans, and a group life and accidental death insurance plan or plans for those employees herein made eligible, and establish and promulgate rules for the administration of these plans subject to the limitations contained in this article. These plans shall include:

(1) Coverages and benefits for x-ray and laboratory services in connection with mammograms when medically appropriate and consistent with current guidelines from the United States Preventive Services Task Force; pap smears, either conventional or liquid-based cytology, whichever is medically appropriate and consistent with the current guidelines from either the United States Preventive Services Task Force or The American College of Obstetricians and Gynecologists; and a test for the human

papilloma virus (HPV) when medically appropriate and consistent with current guidelines from either the United States Preventive Services Task Force or the American College of Obstetricians and Gynecologists, when performed for cancer screening or diagnostic services on a woman age 18 or over;

(2) Annual checkups for prostate cancer in men age 50 and over;

(3) Annual screening for kidney disease as determined to be medically necessary by a physician using any combination of blood pressure testing, urine albumin or urine protein testing, and serum creatinine testing as recommended by the National Kidney Foundation;

(4) For plans that include maternity benefits, coverage for inpatient care in a duly licensed healthcare facility for a mother and her newly born infant for the length of time which the attending physician considers medically necessary for the mother or her newly born child. No plan may deny payment for a mother or her newborn child prior to 48 hours following a vaginal delivery or prior to 96 hours following a caesarean section delivery if the attending physician considers discharge medically inappropriate;

(5) For plans which provide coverages for post-delivery care to a mother and her newly born child in the home, coverage for inpatient care following childbirth as provided in §5-16-7(a)(4) of this code if inpatient care is determined to be medically necessary by the attending physician. These plans may include, among other things, medicines, medical equipment, prosthetic appliances, and any other inpatient and outpatient services and expenses considered appropriate and desirable by the agency; and

(6) Coverage for treatment of serious mental illness:

(A) The coverage does not include custodial care, residential care, or schooling. For purposes of this section, 'serious mental illness' means an illness included in the American Psychiatric Association's diagnostic and statistical manual of mental disorders, as periodically revised, under the diagnostic categories or



subclassifications of: (i) Schizophrenia and other psychotic disorders; (ii) bipolar disorders; (iii) depressive disorders; (iv) substance-related disorders with the exception of caffeine-related disorders and nicotine-related disorders; (v) anxiety disorders; and (vi) anorexia and bulimia. With regard to a covered individual who has not yet attained the age of 19 years, 'serious mental illness' also includes attention deficit hyperactivity disorder, separation anxiety disorder, and conduct disorder.

(B) Notwithstanding any other provision in this section to the contrary, if the agency demonstrates that its total costs for the treatment of mental illness for any plan exceeds two percent of the total costs for such plan in any experience period, then the agency may apply whatever additional cost-containment measures may be necessary in order to maintain costs below two percent of the total costs for the plan for the next experience period. These measures may include, but are not limited to, limitations on inpatient and outpatient benefits.

(C) The agency shall not discriminate between medical-surgical benefits and mental health benefits in the administration of its plan. With regard to both medical-surgical and mental health benefits, it may make determinations of medical necessity and appropriateness and it may use recognized healthcare quality and cost management tools, including, but not limited to, limitations on inpatient and outpatient benefits, utilization review, implementation of cost-containment measures, preauthorization for certain treatments, setting coverage levels, setting maximum number of visits within certain time periods, using capitated benefit arrangements, using fee-for-service arrangements, using third-party administrators, using provider networks, and using patient cost-sharing in the form of copayments, deductibles, and coinsurance.

(7) Coverage for general anesthesia for dental procedures and associated outpatient hospital or ambulatory facility charges provided by appropriately licensed health care individuals in conjunction with dental care if the covered person is:

(A) Seven years of age or younger or is developmentally disabled and is an individual for whom a successful result cannot be expected from dental care provided under local anesthesia because of a physical, intellectual, or other medically compromising condition of the individual and for whom a superior result can be expected from dental care provided under general anesthesia.

(B) A child who is 12 years of age or younger with documented phobias or with documented mental illness and with dental needs of such magnitude that treatment should not be delayed or deferred and for whom lack of treatment can be expected to result in infection, loss of teeth, or other increased oral or dental morbidity and for whom a successful result cannot be expected from dental care provided under local anesthesia because of such condition and for whom a superior result can be expected from dental care provided under general anesthesia.

(8) (A) Any plan issued or renewed on or after January 1, 2012, shall include coverage for diagnosis, evaluation, and treatment of autism spectrum disorder in individuals ages 18 months to 18 years. To be eligible for coverage and benefits under this subdivision, the individual must be diagnosed with autism spectrum disorder at age eight or younger. Such plan shall provide coverage for treatments that are medically necessary and ordered or prescribed by a licensed physician or licensed psychologist and in accordance with a treatment plan developed from a comprehensive evaluation by a certified behavior analyst for an individual diagnosed with autism spectrum disorder.

(B) The coverage shall include, but not be limited to, applied behavior analysis which shall be provided or supervised by a certified behavior analyst. The annual maximum benefit for applied behavior analysis required by this subdivision shall be in an amount not to exceed \$30,000 per individual for three consecutive years from the date treatment commences. At the conclusion of the third year, coverage for applied behavior analysis required by this subdivision shall be in an amount not to exceed \$2,000 per month, until the individual reaches 18 years of age, as long as the treatment is medically necessary and in accordance with

a treatment plan developed by a certified behavior analyst pursuant to a comprehensive evaluation or reevaluation of the individual. This subdivision does not limit, replace, or affect any obligation to provide services to an individual under the Individuals with Disabilities Education Act, 20 U. S. C. §1400 *et seq.* as amended from time to time or other publicly funded programs. Nothing in this subdivision requires reimbursement for services provided by public school personnel.

(C) The certified behavior analyst shall file progress reports with the agency semiannually. In order for treatment to continue, the agency must receive objective evidence or a clinically supportable statement of expectation that:

(i) The individual's condition is improving in response to treatment;

(ii) A maximum improvement is yet to be attained; and

(iii) There is an expectation that the anticipated improvement is attainable in a reasonable and generally predictable period of time.

(D) On or before January 1 each year, the agency shall file an annual report with the Joint Committee on Government and Finance describing its implementation of the coverage provided pursuant to this subdivision. The report shall include, but not be limited to, the number of individuals in the plan utilizing the coverage required by this subdivision, the fiscal and administrative impact of the implementation, and any recommendations the agency may have as to changes in law or policy related to the coverage provided under this subdivision. In addition, the agency shall provide such other information as required by the Joint Committee on Government and Finance as it may request.

(E) For purposes of this subdivision, the term:

(i) 'Applied behavior analysis' means the design, implementation, and evaluation of environmental modifications using behavioral stimuli and consequences in order to produce socially significant improvement in human behavior and includes

the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

(ii) ‘Autism spectrum disorder’ means any pervasive developmental disorder, including autistic disorder, Asperger’s Syndrome, Rett Syndrome, childhood disintegrative disorder, or Pervasive Development Disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

(iii) ‘Certified behavior analyst’ means an individual who is certified by the Behavior Analyst Certification Board or certified by a similar nationally recognized organization.

(iv) ‘Objective evidence’ means standardized patient assessment instruments, outcome measurements tools, or measurable assessments of functional outcome. Use of objective measures at the beginning of treatment, during, and after treatment is recommended to quantify progress and support justifications for continued treatment. The tools are not required but their use will enhance the justification for continued treatment.

(F) To the extent that the application of this subdivision for autism spectrum disorder causes an increase of at least one percent of actual total costs of coverage for the plan year, the agency may apply additional cost containment measures.

(G) To the extent that the provisions of this subdivision require benefits that exceed the essential health benefits specified under section 1302(b) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended, the specific benefits that exceed the specified essential health benefits shall not be required of insurance plans offered by the Public Employees Insurance Agency.

(9) For plans that include maternity benefits, coverage for the same maternity benefits for all individuals participating in or receiving coverage under plans that are issued or renewed on or after January 1, 2014: *Provided*, That to the extent that the provisions of this subdivision require benefits that exceed the

essential health benefits specified under section 1302(b) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended, the specific benefits that exceed the specified essential health benefits shall not be required of a health benefit plan when the plan is offered in this state.

(10) (A) A policy, plan, or contract that is issued or renewed on or after January 1, 2019, and that is subject to this section, shall provide coverage, through the age of 20, for amino acid-based formula for the treatment of severe protein-allergic conditions or impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract. This includes the following conditions, if diagnosed as related to the disorder by a physician licensed to practice in this state pursuant to either §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code:

(i) Immunoglobulin E and Non-immunoglobulin E-medicated allergies to multiple food proteins;

(ii) Severe food protein-induced enterocolitis syndrome;

(iii) Eosinophilic disorders as evidenced by the results of a biopsy; and

(iv) Impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract (short bowel).

(B) The coverage required by §5-16-7(a)(10)(A) of this code shall include medical foods for home use for which a physician has issued a prescription and has declared them to be medically necessary, regardless of methodology of delivery.

(C) For purposes of this subdivision, ‘medically necessary foods’ or ‘medical foods’ shall mean prescription amino acid-based elemental formulas obtained through a pharmacy: *Provided*, That these foods are specifically designated and manufactured for the treatment of severe allergic conditions or short bowel.

(D) The provisions of this subdivision shall not apply to persons with an intolerance for lactose or soy.

(11) 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.

(A) 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.

(B) 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.

(C) 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.

(D) 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 §5-16-7(a)(11)(B) of this code.

(E) 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.

(F) 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.

(G) 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.

(H) 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.

(b) The agency shall, with full authorization, make available to each eligible employee, at full cost to the employee, the opportunity to purchase optional group life and accidental death insurance as established under the rules of the agency. In addition, each employee is entitled to have his or her spouse and dependents, as defined by the rules of the agency, included in the optional coverage, at full cost to the employee, for each eligible dependent.

(c) The finance board may cause to be separately rated for claims experience purposes:

(1) All employees of the State of West Virginia;

(2) All teaching and professional employees of state public institutions of higher education and county boards of education;

(3) All nonteaching employees of the Higher Education Policy Commission, West Virginia Council for Community and Technical College Education, and county boards of education; or

(4) Any other categorization which would ensure the stability of the overall program.

(d) The agency shall maintain the medical and prescription drug coverage for Medicare- eligible retirees by providing coverage through one of the existing plans or by enrolling the Medicare-eligible retired employees into a Medicare-specific plan, including, but not limited to, the Medicare/Advantage Prescription Drug Plan. If a Medicare-specific plan is no longer available or advantageous for the agency and the retirees, the retirees remain eligible for coverage through the agency.

## **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 amending the title of the bill to read as follows:

**Com. Sub. for H. B. 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 article, designated, §33-53-1; and to amend said code by adding thereto a new section, designated §5-16-7, all relating to insurance coverage for diabetics."

With the further amendment, sponsored by Delegate Shott, being as follows:

On page one, 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 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,

The further title amendment, sponsored by Delegate Shott, amending the title of the bill to read as follows:

**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 777**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Bibby, Butler, Foster and McGeehan.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4543) passed.

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

On this question, the yeas and nays were taken (**Roll No. 778**), and there were—yeas 97, nays 3, absent and not voting none, with the nays being as follows:

Nays: Bibby, Butler and McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4543) takes effect from its passage.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2961**, Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly.

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

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.”

And,

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

**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 779**), and there were—yeas 90, nays 10, absent and not voting none, with the nays being as follows:

Nays: Doyle, Jennings, J. Kelly, McGeehan, Paynter, Rodighiero, Sponaugle, C. Thompson, R. Thompson and Tomblin.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2961) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4648**, The Parenting Fairness Act of 2020.

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

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

**“ARTICLE 1. GENERAL PROVISIONS; DEFINITIONS.**

**§48-1-239a. Shared legal custody defined.**

‘Shared legal custody’ means a continued mutual responsibility and involvement by both parents in major decisions regarding the child’s welfare including matters of education, medical care, and emotional, moral and religious development consistent with the provisions of §48-9-207 of this code.

**§48-1-239b. Shared physical custody defined.**

‘Shared physical custody’ means a child has periods of residing with, and being under the supervision of, each parent consistent with the provisions of §48-9-206 of this code: *Provided*, That physical custody shall be shared by the parents in such a way as to assure a child has frequent and continued contact with both parents. Such frequent and continued contact with both parents is rebuttably presumed to be in the child’s best interests unless the evidence

shows otherwise.

**ARTICLE 9. ALLOCATION OF CUSTODIAL RESPONSIBILITY AND DECISION-MAKING RESPONSIBILITY OF CHILDREN.**

**§48-9-102. Objectives; best interests of the child.**

(a) The primary objective of this article is to serve the child's best interests, by facilitating:

(1) Stability of the child;

(2) Parental planning and agreement about the child's custodial arrangements and upbringing;

(3) Continuity of existing parent-child attachments;

(4) Meaningful contact between a child and each parent;

(5) Caretaking relationships by adults who love the child, know how to provide for the child's needs, and who place a high priority on doing so;

(6) Security from exposure to physical or emotional harm; ~~and~~

(7) Expedient, predictable decisionmaking and avoidance of prolonged uncertainty respecting arrangements for the child's care and control: and

(8) Meaningful contact with a child's siblings, including half-siblings.

(b) As used in subsection (a) of this section, 'meaningful contact between a child and each parent' connotes a rebuttable presumption that shared legal custody and shared physical custody are in a child's best interest. This presumption can be rebutted due to the circumstances of the child and parties and other evidence."

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.

And,

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

**Com. Sub. for H. B. 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.”

With the further amendment, sponsored by Delegate Foster, being as follows:

On page one, section two hundred thirty-nine-a, line four, after the word “code”, by replacing the period with a colon and inserting the words “*Provided*, That the court shall weigh all factors and evidence in favor of a ratio no more disparate than sixty-five percent to thirty-five percent overnight parenting time, with a primary goal of awarding overnight parenting time co-equally, being in the best interests of the child.”

On page one, section two hundred thirty-nine-b, line four, after the word “continued”, by inserting the word “overnight”.

On page one, section two hundred thirty-nine-b, line four, after the word “parents”, by inserting the words “at a ratio no more disparate than sixty-five percent to thirty-five percent overnight parenting time, and the court shall weigh all factors and evidence in favor of a more equal ratio of overnight parenting time with a primary goal of awarding overnight parenting time co-equally between both parents as being in the best interests of the child”.

On page two, section one hundred two, line twelve, after the word “half-siblings”, by inserting the words “at a ratio of time equivalent to the maximum amount of parenting time any sibling or half-sibling has with a common biological parent that is greater than that of another sibling or half-sibling”.

On page two, section one hundred two, line fourteen, by striking out the word “connotes” and inserting in lieu thereof the words “shall mean”.

On page two, section one hundred two, line fourteen, after the word “that”, by inserting the word “co-equal”.

And,

On page two, section one hundred two, line sixteen, after the word “evidence”, by replacing the period with a colon and inserting the words “*Provided*, That the court shall weigh all factors and evidence in favor of a ratio no more disparate than sixty-five percent to thirty-five percent overnight parenting time, with a primary goal of awarding overnight parenting time co-equally, being in the best interests of the child.”

And,

The further title amendment, sponsored by Delegate Foster, amending the title of the bill to read as follows:

**Com. Sub. for H. B. 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 of said code, all relating to allocation of custodial responsibility and decision-making responsibility of children in divorce, custody and parenting proceedings; defining terms; establishing facilitation of meaningful contact with a child’s siblings, including half siblings, as a primary objective to serve a child’s best interests; and creating a rebuttable presumption that co-equal shared legal custody and shared physical custody are in a child’s best interests in divorce, custody and parenting proceedings.”



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

On the passage of the bill, the yeas and nays were taken (**Roll No. 780**), and there were—yeas 64, nays 36, absent and not voting none, with the nays being as follows:

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

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4648) passed.

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

A message from the Senate, by

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

**H. B. 4697**, Removing the restriction that a mini-distillery use raw agricultural products originating on the same premises.

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

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

**“CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQOURS.**

**ARTICLE 1. GENERAL PROVISIONS.**

**§60-1-5b. Mini-distilleries defined.**

For the purpose of this chapter: ‘Mini-distillery’ means an establishment where in any year no more than ~~twenty thousand~~ 50,000 gallons of alcoholic liquor is manufactured with no less than 25% of raw agricultural products being produced by the owner of the mini-distillery on the premises of that establishment, and no more than 25% of raw agricultural products originating from any source outside this state: *Provided*, That the maximum allotted production amounts shall not exceed the annual incremental production limitations provided for pursuant to section three-a of this article.

### **§60-1-5d Micro-distilleries defined.**

For the purposes of Chapter 60 of this code ‘Micro-distillery’ means an establishment where in any one year no more than 10,000 gallons of alcoholic liquor is manufactured and no more than 25% of raw agricultural products used in production may originate from outside this state is used in distillation.

### **§60-4-3. To whom licensed manufacturer may sell.**

A person who is licensed to manufacture alcoholic liquors in this state may sell liquors in this state only to the West Virginia Alcohol Beverage Control Commissioner and to wholesalers and retailers licensed as provided in this chapter: *Provided*, That a holder of a winery or a farm winery license may sell wines and a holder of a distillery ~~or a~~, mini-distillery, or micro-distillery license may sell alcoholic liquors manufactured by it in this state in accordance with the provisions of §60-6-2 of this code. Hours of retail sale by a winery or a farm winery or distillery, ~~or a~~, mini-distillery or micro-distillery are subject to regulation by the commissioner. A winery, distillery, farm winery, or mini-distillery may sell and ship alcoholic liquors outside of the state subject to provisions of this chapter.

### **§60-4-3a. Distillery and mini-distillery license to manufacture and sell.**

(a) *Sales of liquor.* — An operator of a distillery ~~or a~~, mini-distillery, or micro-distillery may offer liquor for retail sale to

customers from the distillery ~~or the~~, mini-distillery, or micro-distillery for consumption off premises only. Except for free complimentary samples offered pursuant to §60-6-1 of this code, customers are prohibited from consuming any liquor on the premises of the distillery ~~or the~~, mini-distillery, or micro-distillery: *Provided*, That a licensed distillery ~~or~~, mini-distillery, or micro-distillery may offer complimentary samples per this subsection of alcoholic liquors manufactured by that licensed distillery ~~or~~, mini-distillery, or micro-distillery for consumption on the premises only on Sundays beginning at 10:00 a.m. in any county in which the same has been approved as provided for in §7-1-3pp of this code.

(b) *Retail sales.* — Every licensed distillery ~~or~~, mini-distillery, or micro-distillery shall comply with the provisions of sections nine, eleven, thirteen, sixteen, seventeen, eighteen, nineteen, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six, article three-a of this chapter and the provisions of articles three and four of this chapter applicable to liquor retailers and distillers.

(c) *Payment of taxes and fees.* — The distillery ~~or~~, mini-distillery, or micro-distillery shall pay all taxes and fees required of licensed retailers and meet applicable licensing provisions as required by this chapter and by rule of the commissioner, except for payments of the wholesale markup percentage and the handling fee provided by rule of the commissioner: *Provided*, That all liquor for sale to customers from the distillery ~~or the~~, mini-distillery, or micro-distillery for off-premises consumption shall be subject of a five percent wholesale markup fee and an 80 cents per case bailment fee to be paid to the commissioner: *Provided, however*, That no liquor sold by the distillery ~~or~~, mini-distillery, or micro-distillery shall be priced less than the price set by the commissioner pursuant §60-3A-17 of this code.

(d) *Payments to market zone retailers.* — Each distillery ~~or~~, mini-distillery, or micro-distillery shall submit to the commissioner two percent of the gross sales price of each retail liquor sale for the value of all sales at the distillery ~~or the~~, mini-distillery, or micro-distillery each month. This collection shall be distributed by the commissioner, at least quarterly, to each market zone retailer located in the distillery ~~or~~, mini-distillery<sup>2</sup>, or micro-

distillery's market zone, proportionate to each market zone retailer's annual gross prior years pretax value sales. The maximum amount of market zone payments that a distillery ~~or~~, mini-distillery, or micro-distillery shall be required to submit to the commissioner is \$15,000 per annum.

(e) *Limitations on licensees.* — No distillery ~~or~~, mini-distillery, or micro-distillery may sell more than 3,000 gallons of product at the distillery ~~or~~, mini-distillery, or micro-distillery location the initial two years of licensure. The distillery ~~or~~, mini-distillery, or micro-distillery may increase sales at the distillery ~~or~~, mini-distillery, micro-distillery location by 2,000 gallons following the initial 24 month period of licensure and may increase sales at the distillery ~~or~~, mini-distillery, or micro-distillery location each subsequent 24 month period by 2,000 gallons, not to exceed 10,000 gallons a year of total sales at the distillery ~~or~~, mini-distillery, or micro-distillery location. No licensed mini-distillery may produce more than 50,000 gallons per calendar year at the mini-distillery location. No licensed micro-distillery may produce more than 10,000 gallons per calendar year at the micro-distillery location. No more than one distillery or mini-distillery license may be issued to a single person or entity and no person may hold both a distillery and a mini-distillery license.

#### **§60-4-15. Amount of license fees.**

A person to whom a license is issued under the provisions of this chapter shall pay annually to the commissioner a license fee as follows, for:

- (1) Distilleries, \$1,500;
- (2) Wineries, \$1,500;
- (3) Breweries, \$1,500;
- (4) Bottling plants, \$100;
- (5) Wholesale druggists, \$50;
- (6) Institutions, \$10;

- (7) Industrial use, \$50;
- (8) Industrial plants producing alcohol, \$250;
- (9) Retail druggists, \$10;
- (10) Farm wineries, \$50;
- (11) Mini-distilleries, \$50;
- (12) Micro-distillers, \$75.

## **ARTICLE 6. MISCELLANEOUS PROVISIONS.**

### **§60-6-1. When lawful to possess, use or serve alcoholic liquors.**

The provisions of this chapter may not prevent:

(1) A person from keeping and possessing alcoholic liquors in his or her residence for the personal use of himself or herself, his or her family, his or her employee, or his or her guests if the alcoholic liquors have been lawfully acquired by him or her;

(2) A person, his or her family, or employee from giving or serving such alcoholic liquors to guests in the residence, when the gift or service is not for the purpose of evading the provisions of this chapter;

(3) The holder of a winery or a farm winery license from serving complimentary samples of its wine in moderate quantities for tasting on the winery or the farm winery premises; and

(4) The holder of a distillery ~~or a~~ mini-distillery, or a micro-distillery license from serving complimentary samples of its alcoholic liquor in moderate quantities for tasting on the distillery ~~or the~~ mini-distillery, or micro-distillery premises.

### **§60-6-2. When lawful to manufacture and sell wine and cider.**

The provisions of this chapter may not prevent:

(1) A person from manufacturing wine at his or her residence for consumption at his or her residence as permitted by §60-6-1 of this code.

(2) A person from manufacturing and selling unfermented cider;

(3) A person from manufacturing and selling cider made from apples produced by him or her within this state to persons holding distillery licenses, if the manufacture and sale is under the supervision and regulation of the commissioner;

(4) A person from manufacturing and selling wine made from fruit produced by him or her within this state to persons holding winery licenses, if the manufacture and sale is under the supervision and regulation of the commissioner;

(5) The holder of a winery or a farm winery license from selling wine for off-premises consumption sold at retail at the winery or the farm winery, as provided in §60-3B-4 of this code, or for any other person who is licensed under this chapter to sell wine as a wine supplier or distributor; and

(6) The holder of a distillery ~~or a~~ mini-distillery, or micro-distillery license from selling alcoholic liquor for off-premises consumption sold at retail at the distillery ~~or the~~ mini-distillery, or micro-distillery, as provided in §60-3A-4 of this code.”

And,

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

**H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 781**), and there were—yeas 87, nays 12, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Azinger, Bartlett, Butler, Fast, D. Jeffries, Jennings, Kump, Mandt, Porterfield, Rowan, Toney and Worrell.

Absent and Not Voting: Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4697) passed.

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

### **Special Calendar**

### **Unfinished Business**

The following resolutions were reported by the Clerk:

**S. C. R. 46**, Requesting DEP and DHHR propose public source-water supply study plan,

**H. C. R. 85**, Requesting Joint Committee on Government and Finance to study ways the state can leverage technology,

**H. C. R. 87**, Recognizing the last day of February every year as Rare Disease Day,

**H. C. R. 94**, Calling for the construction of a licensed Off Highway Vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side,

**H. C. R. 96**, Requesting the Joint Committee on Government and Finance study the hiring exemptions of the West Virginia State Tax Department and the West Virginia Division of Highways—Department of Transportation,

**H. C. R. 112**, Requesting the Joint Committee on Government and Finance to conduct a study the impact on counties that pay for the cost of transporting persons requiring mental health treatment and/or substance abuse treatment to mental health facilities or state hospitals outside of that county,

**H. C. R. 113**, Requesting the Joint Committee on Government and Finance study the licensing categories and regulation of contractors by the West Virginia Contractors Licensing Board,

**H. C. R. 114**, Requesting the Joint Committee on Government and Finance to conduct a study of licensure, certification and registration forms of occupational and professional regulation,

**H. C. R. 115**, Requesting the Joint Committee on Government and Finance to conduct a study of the feasibility of a single building to house all occupational and professional regulatory boards,

**H. C. R. 116**, Requesting the Joint Committee on Government and Finance to conduct a study duplicative and unnecessary professional and occupational regulations,

**H. C. R. 117**, Requesting the Joint Committee on Government and Finance to conduct a study of state procurement policies to identify best practices, including exploring exceptions to the statewide contract and purchasing policies generally,

**H. C. R. 118**, Requesting the Joint Committee on Government and Finance to conduct a study of state logging regulations regarding trucking and related insurance requirements compared to other logging intensive states,

**H. C. R. 126**, Requesting the Joint Committee on Government and Finance study the Division of Personnel regarding the policies and practices,



**H. C. R. 128**, Requesting the Joint Committee on Government and Finance study how state agencies can better manage the amount of state taxpayer dollars spend on utilities,

**H. C. R. 129**, Requesting the Joint Committee on Government and Finance study the professional and occupational licensing policies,

**H. C. R. 130**, Requesting the Joint Committee on Government and Finance to study the adoption and enforcement of the municipal building codes and property maintenance codes,

**H. C. R. 131**, Requesting a study to research the obstacles preventing private school students from attending vocational school in West Virginia,

**H. C. R. 132**, Requesting the Joint Committee on Government and Finance to conduct a study to consider the Icelandic Model for substance use prevention,

**H. C. R. 133**, Requesting a study of involuntary commitment practices for persons suffering from severe psychiatric illnesses,

**H. C. R. 134**, Requesting a study to determine the usage and whereabouts of federal money allocated to the State of West Virginia for the purpose of prevention and treatment efforts regarding the state opioid crisis,

**H. C. R. 135**, Requesting a study of prescription drug transparency laws, including reports on data submitted by health insurers, manufacturers, and pharmacy benefit managers,

**H. C. R. 136**, Requesting a study to present a plan for the combination of the Board of Medicine and the Board of Osteopathic Medicine,

**H. C. R. 137**, Requesting a study of appropriate identification and medical and rehabilitative interventions for persons who sustain a traumatic brain injury,

And,

**H. C. R. 138**, Requesting a study of sexual violence prevention and intervention services.

The resolutions (S. C. R. 46, H. C. R. 85, H. C. R. 87, H. C. R. 94, H. C. R. 96, H. C. R. 112, H. C. R. 113, H. C. R. 114, H. C. R. 115, H. C. R. 116, H. C. R. 117, H. C. R. 118, H. C. R. 126, H. C. R. 128, H. C. R. 129, H. C. R. 130, H. C. R. 131, H. C. R. 132, H. C. R. 133, H. C. R. 134, H. C. R. 135, H. C. R. 136, H. C. R. 137 and H. C. R. 138) were then adopted.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence on those requiring the same.

### **Conference Committee Report**

Delegate Howell, from the Committee of Conference on matters of disagreement between the two houses, as to

**Com. Sub. for H. B. 4388**, Relating to revocation, cancellation, or suspension of business registration certificates.\*

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 House Bill 4887\* 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,

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\*NOTE: The two items noted by \* were incorrect in the conference committee report. The short title is “Limiting the Alcohol Beverage Control Commissioner’s authority to restrict advertising”, and the bill number is 4388.

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;

~~(10)~~ (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;

~~(11)~~ (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;

~~(12)~~ (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;

~~(13)~~ (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;

~~(14)~~ (15) For any distributor to sell, possess for sale, transport, or distribute nonintoxicating beer except in the original container;

~~(15)~~ (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;

~~(16)~~ (17) For any Class B retailer to permit the consumption of nonintoxicating beer upon his or her licensed premises;

~~(17)~~ (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:

**Com. Sub. for H. B. 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 Stagers,  
*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 motion of Delegate Howell, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 782**), and there were—yeas 86, nays 12, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger, Bartlett, Butler, Fast, D. Jeffries, Jennings, Mandt, Porterfield, Rowan, Sypolt, Toney and Worrell.

Absent and Not Voting: Cooper and Fleischauer.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4388) passed.

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

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for H. B. 4474**, Relating to peer-to-peer car sharing programs.

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

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

**“ARTICLE 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.**

(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.

#### **§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.”

And,

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

**Com. Sub. for H. B. 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.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 783**), and there were—yeas 79, nays 20, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bartlett, Bibby, Butler, Cadle, Foster, Graves, Hamrick, Hanna, Hardy, Hill, Howell, J. Jeffries, Jennings, Kessinger, McGeehan, Pack, Paynter, Steele, Waxman and Wilson.

Absent and Not Voting: Cooper.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4474) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on and the passage, as amended by said report, to take effect July 1, 2020, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 529**, Establishing limitations on claims and benefits against state.

### **Conference Committee Report**

Delegate Capito, from the Committee of Conference on matters of disagreement between the two houses, as to

**Com. Sub. for S. B. 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 No. 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 “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 Weld, *Chair*  
Charles H. Clements,  
Mike Woelfel,  
*Conferees on the part of the  
Senate.*

Moore Capito, *Chair*  
Brandon Steele,  
Andrew Robinson,  
*Conferees on the part of the  
House of Delegates.*

On motion of Delegate Capito, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 784**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Cooper.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 529) passed.

Delegate Capito moved the bill take effect July 1, 2020.

On this question, the yeas and nays were taken (**Roll No. 785**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Cooper.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill takes effect July 1, 2020,

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

### **Unfinished Business**

-continued-

**S. C. R. 10**, Requesting study of current WV laws relating to anti-bullying measures in schools; on unfinished business, was reported by the Clerk and adopted.

**S. C. R. 25**, Requesting study on impact of future electromagnetic pulse catastrophe; on unfinished business, was reported by the Clerk and adopted.

**Com. Sub. for H. C. R. 12**, Feasibility study of extracting rare earth elements from coal ash; on unfinished business, was reported by the Clerk and adopted.

**H. C. R. 141**, Urging the President and Congress of the United States of America take no action to employ military forces of the United States in active duty combat unless the United States Congress has passed an official declaration of war; on unfinished business, was reported by the Clerk and adopted.

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

**H. R. 16**, Urging Congress to allow vehicles traveling on interstate highways in West Virginia to have the same maximum gross vehicle weight and axle configuration as currently permissible for vehicles traveling on U.S. routes in West Virginia; on unfinished business, was reported by the Clerk.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had completed the business of this Second Regular Session of the 84<sup>th</sup> Legislature and was ready to adjourn *sine die*.

Whereupon,

The Speaker appointed as members of said committee the following:

Delegates Nelson, P. Martin and Campbell.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the Legislature was ready to adjourn *sine die*.

The Speaker appointed as members of such committee the following:

Delegates Phillips, Jennings and Byrd.



### Miscellaneous Business

Delegate Boggs noted to the Clerk that he was absent when the vote was taken on Roll No. 730, and had he been present, he would have voted “Yea” thereon.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Farewell speeches of Delegates Azinger, Bibby, Butler, Canestraro, Hicks, Hill, Nelson, Swartzmiller, R. Thompson, Sponaule and Wilson
- Delegate Cooper regarding Hubert Humphrey
- Delegate Hardy regarding foster care legislation
- Delegate Cadle on yesterday regarding Com. Sub. for S. B. 275

### Messages from the Senate

A message from the Senate, by

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

**S. B. 42**, Permitting faith-based electives in classroom drug prevention programs.

A message from the Senate, by

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

**Com. Sub. for S. B. 120**, Establishing priorities for expenditures for plugging abandoned gas or oil wells.

A message from the Senate, by

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

**Com. Sub. for S. B. 136**, Prohibiting certain misleading lawsuit advertising practices.

A message from the Senate, by

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

**S. B. 180**, Relating to Second Chance Driver's License Program.

A message from the Senate, by

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

**Com. Sub. for S. B. 193**, Setting forth timeframes for continuing purchases of commodities and services over \$1 million.

A message from the Senate, by

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

**Com. Sub. for S. B. 230**, Requiring State Board of Education provide routine education in suicide prevention.

A message from the Senate, by

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

**Com. Sub. for S. B. 261**, Creating criminal penalties for introducing ransomware into computer with intent to extort.

A message from the Senate, by

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

**Com. Sub. for S. B. 269**, Establishing advisory council on rare diseases.

A message from the Senate, by

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

**Com. Sub. for S. B. 291**, Requiring PEIA and health insurance providers provide mental health parity.

A message from the Senate, by

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

**S. B. 510**, Making permanent land reuse agency or municipal land bank's right of first refusal on certain tax sale properties.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had concurred in the changed effective date, to take effect July 1, 2020, of

**Com. Sub. for S. B. 522**, Relating to compensation awards to crime victims.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect July 1, 2020, of

**Com. Sub. for S. B. 530**, Relating to taxation of aircraft.

A message from the Senate, by

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

**Com. Sub. for S. B. 547**, Relating to employer testing, notice, termination, and forfeiture of unemployment compensation.

A message from the Senate, by

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

**Com. Sub. for S. B. 551**, Relating to Water and Wastewater Investment and Infrastructure Improvement Act.

A message from the Senate, by

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

**Com. Sub. for S. B. 589**, Creating Critical Needs/Failing Systems Sub Account.

A message from the Senate, by

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

**Com. Sub. for S. B. 583**, Creating program to further development of renewable energy resources.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect July 1, 2020, of

**Com. Sub. for S. B. 597**, Relating to judicial branch members' salaries and pensions.

A message from the Senate, by

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

**Com. Sub. for S. B. 615**, Declaring certain claims against state as moral obligations of state.

A message from the Senate, by

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

**S. B. 641**, Allowing WVCHIP flexibility in rate setting.

A message from the Senate, by

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

**S. B. 647**, Permitting physician's assistants and advanced practice registered nurses issue do-not-resuscitate orders.

A message from the Senate, by

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

**Com. Sub. for S. B. 690**, Permitting street-legal special purpose vehicles on highways.

A message from the Senate, by

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

**Com. Sub. for S. B. 692**, Clarifying persons indicated or charged jointly for felony offense can move to have separate trial.

A message from the Senate, by

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

**Com. Sub. for S. B. 707**, Relating to nursing career pathways.

A message from the Senate, by

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

**Com. Sub. for S. B. 716**, Requiring DHHR pay for tubal ligation without 30-day wait between consent and sterilization.

A message from the Senate, by

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

**Com. Sub. for S. B. 739**, Authorizing PSC protect consumers of distressed and failing water and wastewater utilities.

A message from the Senate, by

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

**S. B. 747**, Requiring Bureau for Public Health develop Diabetes Action Plan.

A message from the Senate, by

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

**S. B. 748**, Increasing awareness of palliative care services.

A message from the Senate, by

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

**S. B. 765**, Modifying “Habitual Offender” statute.

A message from the Senate, by

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

**Com. Sub. for S. B. 787**, Providing benefits to pharmacists for rendered care.

A message from the Senate, by

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

**Com. Sub. for S. B. 797**, Authorizing governing boards of public and private hospitals employ hospital police officers.

A message from the Senate, by

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

**S. B. 838**, Directing state police establish referral program for substance abuse treatment.

A message from the Senate, by

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

**Com. Sub. for S. B. 130**, Relating to procedure for driver's license suspension and revocation for DUI,

And,

**S. B. 839**, Creating State Advisory Council on Postsecondary Attainment Goals.

A message from the Senate, by

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

**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,

**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. 4003**, Relating to telehealth insurance requirements,

**Com. Sub. for H. B. 4092**, Relating to foster care,

**H. B. 4159**, Relating to the manufacture and sale of hard cider,

**Com. Sub. for H. B. 4176**, West Virginia Intelligence/Fusion Center Act,

**Com. Sub. for H. B. 4198**, Permitting a person to obtain a 12-month supply of contraceptive drugs,

**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. 4377**, The Protection of Vulnerable Adults from Financial Exploitation Act,

**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. 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,

**Com. Sub. for H. B. 4543**, Relating to insurance coverage for diabetics,

**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,

And,

**Com. Sub. for H. B. 4621**, West Virginia FinTech Regulatory Sandbox Act.

A message from the Senate, by

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



**H. C. R. 53**, U. S. Army Air Corps T SGT Ralph H. Ray Memorial Bridge,

And,

**H. C. R. 105**, U. S. Air Force Colonel Rishel C. Walker Memorial Bridge.

A message from the Senate, by

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

**H. B. 4499**, Relating to multicounty trail network authorities.

A message from the Senate, by

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

**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. 4447**, Creating the shared table initiative for senior citizens who suffer from food insecurity,

**H. B. 4523**, Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase,

**H. B. 4665**, Reducing the amount of rebate going to the Purchasing Improvement Fund,

**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. 4777**, Relating to the right of disposition of remains,

And,

**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.

A message from the Senate, by

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

**H. B. 4737**, Clarifying student eligibility for state-sponsored financial aid.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had receded from its amendments, and passed, bills of the House of Delegates as follows:

**H. B. 4693**, Expanding the scope of the Veterans to Agriculture Program,

And,

**Com. Sub. for H. B. 4803**, Relating to certification of electrical inspectors.

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, to take effect from passage, of

**Com. Sub. for H. B. 4275**, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the reports of the Committees of Conference on, and the passage, as amended by said reports, of

**Com. Sub. for H. B. 4388**, Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising,

**H. B. 4524**, Making the entire state "wet" or permitting the sale of alcoholic liquors for off-premises consumption,

And,

**Com. Sub. for H. B. 4558**, Creating a personal income tax credit for volunteer firefighters in West Virginia.

A message from the Senate, by

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

**Com. Sub. for H. B. 4494**, Tobacco Use Cessation Initiative.

A message from the Senate, by

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

**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.

A message from the Senate, by

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

**H. C. R. 2**, Requesting the Division of Highways name a portion of WV 3 Vietnam Veterans Memorial Highway,

**H. C. R. 6**, Clarence Watson Meadows Memorial Boulevard,

**H. C. R. 7**, U. S. Navy MM2 Carl E. Keeney, U. S. Navy SN1 Frank Keeney and U. S. Army PFC Carl M. Nicholas Memorial Bridge,

**Com. Sub. for H. C. R. 10**, Robert 'Glen' Schoonover Memorial Bridge,

**H. C. R. 11**, U. S. Army SGT Robert R. "Bob" Defibaugh Memorial Bridge,

**Com. Sub. for H. C. R. 15**, Rose Agnes Rolls Cousins Bridge,

**Com. Sub. for H. C. R. 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 H. C. R. 20**, U. S. Army PFC James Ray Miller Memorial Bridge,

**Com. Sub. for H. C. R. 21**, U. S. Army Specialist, Four, Franklin D. Ashley II Memorial Bridge,

**Com. Sub. for H. C. R. 23**, U. S. Army Spec. 4, Roger Dale Griffith Memorial Bridge,

**Com. Sub. for H. C. R. 26**, Requesting the Division of Highways name a portion of Cannelton Road "In Memory of Fallen Corrections Officers",

**H. C. R. 27**, U. S. Army PFC Thomas Howard Wills, Jr. Memorial Bridge,

**Com. Sub. for H. C. R. 30**, U. S. Army Corporal C. O. 'Skip' Johnson Memorial Bridge,

**Com. Sub. for H. C. R. 31**, U. S. Army Air Corp PFC James W. Brown Memorial Bridge,

**H. C. R. 35**, U.S. Navy BT 2nd Wade E. Burnside Memorial Bridge,

**H. C. R. 40**, The Hall Brothers Veterans Bridge,

**Com. Sub. for H. C. R. 41**, U. S. PFC Dennis Warren Baxter, USMC, Memorial Bridge,

**Com. Sub. for H. C. R. 42**, PFC David Henry Shiflett Memorial Bridge,

**H. C. R. 47**, U. S. Army Air Corps SSGT Charles Dexter Duncan Memorial Road,

**H. C. R. 51**, Gunsmiths Trace,

**H. C. R. 52**, U. S. Army PFC Paul Eugene Gregg Memorial Bridge,

**Com. Sub. for H. C. R. 54**, PFC Marvin K. "Sonny" Sherman Memorial Bridge,

**H. C. R. 55**, Pendleton County Veterans Killed in Action Memorial Bridge,

**Com. Sub. for H. C. R. 56**, U. S. Marine Corps Lance Corporal Eddie Dean Starcher Memorial Bridge,

**H. C. R. 60**, U. S. Army PFC Teddy Ray Chandler Memorial Bridge,

**H. C. R. 63**, Sharp Military Brothers Bridge,

**H. C. R. 64**, U. S. Army SP5 Benny Ray Snodgrass Memorial Bridge,

**H. C. R. 66**, U. S. Army Sgt. Joseph W. McCutcheon Memorial Bridge,

**H. C. R. 67**, First Lieutenant Fred Omar Pratt Memorial Bridge,

**H. C. R. 68**, Kidd Brothers Veterans Memorial Bridge,

**Com. Sub. for H. C. R. 69**, U. S. Air Force Senior Airman Luke Christopher Wamsley Memorial Bridge,

**Com. Sub. for H. C. R. 74**, U. S. Army PFC Roger Lee Carpenter Memorial Bridge,

**H. C. R. 79**, U. S. Army Nurses Corps CPT Nancy Margaret Kiess Memorial Bridge,

**H. C. R. 80**, U. S. Army Major Michael Alphonse Rafferty Memorial Bridge,

**Com. Sub. for H. C. R. 82**, Naming a portion of Buffalo Creek Road, In Memory of Tootsie Hensley, Please keep Buffalo Creek Litter Free,

**H. C. R. 88**, Johnnie Bryant Moore Memorial Bridge,

**H. C. R. 89**, U. S. Army SGT James Shellace Armentrout

Memorial Bridge,

**Com. Sub. for H. C. R. 90**, Wood Brothers Memorial Bridge,

**H. C. R. 91**, Caldwell Brothers Memorial Road,

**H. C. R. 92**, Mayor Abraham E. Huddleston Memorial Bridge,

**Com. Sub. for H. C. R. 98**, Delegate Emily Warden Yeager Memorial Bridge,

**H. C. R. 99**, U. S. Army CPL Russell Allen Taylor Memorial Bridge,

**Com. Sub. for H. C. R. 101**, Claude Markle Hill,

**H. C. R. 103**, French & Indian War Veterans Memorial Bridge

**Com. Sub. for H. C. R. 108**, U. S. Navy PO3 Heath “Scrappy” Shilling Memorial Road,

**Com. Sub. for H. C. R. 109**, U. S. Airman Thomas Harry Honaker, Jr. Memorial Bridge,

**H. C. R. 110**, Speaker Clyde M. See, Jr. Exit,

**Com. Sub. for H. C. R. 111**, U. S. Air Force Major Mary Lafferty Coll, D.O. Memorial Bridge,

**H. C. R. 122**, Eustace Frederick Memorial Road,

And,

**H. C. R. 139**, U. S. Army TSGT Denver E. Short Memorial Road.

### **Committee Reports**

In accordance with House Rule 68, Delegate Capito, Chair of the Joint Committee on Enrolled Bills, filed the following reports with the Clerk:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the dates listed, 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:

**March 10, 2020**

**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.

**March 11, 2020**

**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.

**March 12, 2020**

**Enr. 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,

**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,

**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,

And,

**S. B. 849**, Relating to military service as factor in certain insurance coverage rates.

**March 13, 2020**

**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,

**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,

**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 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 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,

And,

**S. B. 816**, Updating North American Industry Classification System code references.

**March 17, 2020**

**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,

**Com. Sub. for H. B. 4946**, Eliminating the requirement that municipal police civil service commissions certify a list of three individuals for every position vacancy,

**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,

**Com. Sub. for S. B. 195**, Updating powers of personal representatives of deceased person's estate,

**S. B. 180**, Relating to Second Chance Driver's License Program,

**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,

**S. B. 490**, Relating to criminal offenses against agricultural facilities,

**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,

**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,  
And,

**S. B. 838**, Directing state police establish referral program for substance abuse treatment.

**March 18, 2020**

**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,



**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 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 B&O 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.

### **March 19, 2020**

**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,

**H. B. 4375**, Speech-Language Pathologists and Audiologists Compact,

**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,

**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,

**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. 4691**, Relating to employment in areas of critical need in public education,

**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,

**Com. Sub. for S. B. 213**, Relating to administration of trusts,

**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,

And,

**S. B. 851**, Requiring Governor's Committee on Crime, Delinquency, and Correction propose rule in coordination with law enforcement and certain medical boards.

In accordance with House Rule 68, Delegate Byrd, Member of the Joint Committee on Enrolled Bills, filed the following report with the Clerk:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and on March 19, 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.

### **Messages from the Executive**

Actions of His Excellency, the Governor, on other bills following adjournment of the session as indicated in communications addressed to the Secretary of State, as follows:

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 25, 2020

**Veto Message**

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 11-15A6b, 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.

Sincerely,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 25, 2020

### **Veto Message**

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, 53 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.

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,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 25, 2020

**Veto Message**

The Honorable Mac Warner  
Secretary of State  
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,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 25, 2020

**Veto Message**

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,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 25, 2020

### **Veto Message**

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 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,

Jim Justice,  
*Governor.*

Subsequent to the adjournment of the session, communications were received from His Excellency, the Governor, advising that on **March 7, 2020**, he approved H. B. 4149, H. B. 4359 and H. B. 4501; on **March 10, 2020**, he approved S. B. 779; on **March 12, 2020**, he approved Com. Sub. for H. B. 4001, Com. Sub. for S. B. 150, S. B. 569, Com. Sub. for S. B. 570, Com. Sub. for S. B. 571, Com. Sub. for S. B. 572, S. B. 725, S. B. 778, S. B. 779, S. B. 780, S. B. 803, S. B. 804, S. B. 805, S. B. 806, S. B. 812, S. B. 843, S. B. 844, Com. Sub. for S. B. 845, S. B. 852 and S. B. 853; on **March 23, 2020**, he approved Com. Sub. for H. B. 4090 and Com. Sub. for H. B. 4438; on **March 24, 2020**, he approved Com. Sub. for H. B. 2149, Com. Sub. for H. B. 2338, Com. Sub. for H. B. 2892, Com. Sub. for H. B. 2961, Com. Sub. for H. B. 4108, Com. Sub. for H. B. 4137, Com. Sub. for H. B. 4275, H. B. 4354, Com.

Sub. for H. B. 4494, H. B. 4519, H. B. 4529, Com. Sub. for H. B. 4546, H. B. 4589, Com. Sub. for H. B. 4621, H. B. 4655, H. B. 4714, H. B. 4737, H. B. 4777, H. B. 4790, H. B. 4955, Com. Sub. for S. B. 6, S. B. 51, Com. Sub. for S. B. 125, Com. Sub. for S. B. 144, Com. Sub. for S. B. 175, S. B. 180, Com. Sub. for S. B. 195, Com. Sub. for S. B. 201, S. B. 202, Com. Sub. for S. B. 225, Com. Sub. for S. B. 230, Com. Sub. for S. B. 232, Com. Sub. for S. B. 241, Com. Sub. for S. B. 261, S. B. 281, S. B. 289, Com. Sub. for S. B. 303, S. B. 307, Com. Sub. for S. B. 312, S. B. 322, Com. Sub. for S. B. 339, Com. Sub. for S. B. 472, Com. Sub. for S. B. 517, Com. Sub. for S. B. 522, S. B. 523, Com. Sub. for S. B. 529, Com. Sub. for S. B. 534, S. B. 545, S. B. 552, S. B. 600, Com. Sub. for S. B. 670, Com. Sub. for S. B. 678, Com. Sub. for S. B. 705, Com. Sub. for S. B. 716, Com. Sub. for S. B. 717; and on **March 25, 2020**, he approved Enr. Com. Sub. for H. B. 2086, Com. Sub. for H. B. 2419, Com. Sub. for H. B. 2478, Com. Sub. for H. B. 2646, Com. Sub. for H. B. 2967, H. B. 3039, Com. Sub. for H. B. 3098, Com. Sub. for H. B. 3127, Com. Sub. for H. B. 4003, Com. Sub. for H. B. 4004, Com. Sub. for H. B. 4009, Com. Sub. for H. B. 4015, Com. Sub. for H. B. 4017, Com. Sub. for H. B. 4019, Com. Sub. for H. B. 4020, H. B. 4022, Com. Sub. for H. B. 4061, Com. Sub. for H. B. 4069, Com. Sub. for H. B. 4077, Com. Sub. for H. B. 4088, Com. Sub. for H. B. 4092, Com. Sub. for H. B. 4094, Com. Sub. for H. B. 4099, Com. Sub. for H. B. 4102, H. B. 4113, Com. Sub. for H. B. 4123, H. B. 4146, H. B. 4161, Com. Sub. for H. B. 4165, Com. Sub. for H. B. 4176, H. B. 4178, Com. Sub. for H. B. 4198, Com. Sub. for H. B. 4217, Com. Sub. for H. B. 4252, Com. Sub. for H. B. 4352, Com. Sub. for H. B. 4360, Com. Sub. for H. B. 4361, Com. Sub. for H. B. 4362, Com. Sub. for H. B. 4363, H. B. 4365, H. B. 4375, Com. Sub. for H. B. 4377, Com. Sub. for H. B. 4378, Com. Sub. for H. B. 4388, H. B. 4396, H. B. 4406, H. B. 4409, H. B. 4410, H. B. 4411, H. B. 4412, Com. Sub. for H. B. 4414, Com. Sub. for H. B. 4415, H. B. 4417, Com. Sub. for H. B. 4421, Com. Sub. for H. B. 4422, Com. Sub. for H. B. 4434, H. B. 4437, Com. Sub. for H. B. 4439, Com. Sub. for H. B. 4444, H. B. 4447, H. B. 4450, Com. Sub. for H. B. 4452, Com. Sub. for H. B. 4461, Com. Sub. for H. B. 4464, H. B. 4466, Com. Sub. for H. B. 4474, H. B. 4477, Com. Sub. for H. B. 4478, H. B. 4480, Com. Sub. for H. B. 4484, Com. Sub. for H. B. 4497, H. B. 4499, H. B. 4502, H. B. 4504, Com. Sub. for H. B. 4509, H. B. 4510, Com. Sub. for H. B. 4513, H. B. 4514. Com. Sub. for

H. B. 4522, H. B. 4523, H. B. 4524, Com. Sub. for H. B. 4530, Com. Sub. for H. B. 4543, Com. Sub. for H. B. 4544, H. B. 4551, Com. Sub. for H. B. 4557, Com. Sub. for H. B. 4558, H. B. 4559, Com. Sub. for H. B. 4560, Com. Sub. for H. B. 4576, Com. Sub. for H. B. 4581, H. B. 4582, H. B. 4585, Com. Sub. for H. B. 4587, Com. Sub. for H. B. 4593, H. B. 4600, H. B. 4607, Com. Sub. for H. B. 4611, Com. Sub. for H. B. 4615, H. B. 4618, Com. Sub. for H. B. 4619, Com. Sub. for H. B. 4620, Com. Sub. for H. B. 4633, Com. Sub. for H. B. 4634, H. B. 4647, H. B. 4661, H. B. 4665, Com. Sub. for H. B. 4666, Com. Sub. for H. B. 4668, H. B. 4691, Com. Sub. for H. B. 4693, H. B. 4697, H. B. 4715, Com. Sub. for H. B. 4717, Com. Sub. for H. B. 4729, Com. Sub. for H. B. 4747, Com. Sub. for H. B. 4748, H. B. 4749, H. B. 4760, Com. Sub. for H. B. 4773, Com. Sub. for H. B. 4780, H. B. 4797, Com. Sub. for H. B. 4803, H. B. 4804, Com. Sub. for H. B. 4823, Com. Sub. for H. B. 4852, H. B. 4859, H. B. 4882, Com. Sub. for H. B. 4925, H. B. 4929, Com. Sub. for H. B. 4946, H. B. 4958, H. B. 4959, H. B. 4969, S. B. 42, Com. Sub. for S. B. 96, Com. Sub. for S. B. 120, Com. Sub. for S. B. 130, Com. Sub. for S. B. 136, Com. Sub. for S. B. 193, Com. Sub. for S. B. 208, Com. Sub. for S. B. 213, Com. Sub. for S. B. 240, Com. Sub. for S. B. 269, Com. Sub. for S. B. 288, Com. Sub. for S. B. 291, Com. Sub. for S. B. 308, Com. Sub. for S. B. 490, Com. Sub. for S. B. 491, S. B. 510, Com. Sub. for S. B. 530, Com. Sub. for S. B. 547, Com. Sub. for S. B. 551, Com. Sub. for S. B. 554, S. B. 562, Com. Sub. for S. B. 575, Com. Sub. for S. B. 576, Com. Sub. for S. B. 578, Com. Sub. for S. B. 579, Com. Sub. for S. B. 583, Com. Sub. for S. B. 586, Com. Sub. for S. B. 589, Com. Sub. for S. B. 597, S. B. 610, Com. Sub. for S. B. 614, Com. Sub. for S. B. 615, S. B. 641, S. B. 647, Com. Sub. for S. B. 648, Com. Sub. for S. B. 649, S. B. 651, S. B. 652, S. B. 654, Com. Sub. for S. B. 660, Com. Sub. for S. B. 662, S. B. 664, Com. Sub. for S. B. 668, Com. Sub. for S. B. 686, Com. Sub. for S. B. 689, Com. Sub. for S. B. 690, S. B. 691, S. B. 703, Com. Sub. for S. B. 706, Com. Sub. for S. B. 707, Com. Sub. for S. B. 711, S. B. 712, Com. Sub. for S. B. 719, S. B. 723, S. B. 727, Com. Sub. for S. B. 729, S. B. 734, Com. Sub. for S. B. 738, Com. Sub. for S. B. 739, S. B. 740, Com. Sub. for S. B. 746, S. B. 747, S. B. 748, Com. Sub. for S. B. 749, S. B. 750, Com. Sub. for S. B. 760, S. B. 765, S. B. 767, Com. Sub. for S. B. 770, S. B. 781, Com. Sub. for S. B. 785, Com. Sub. for S. B. 787, S. B. 789, Com. Sub. for S. B. 793, Com. Sub. for S. B. 797, Com. Sub. for S. B. 802, Com. Sub. for

S. B. 810, S. B. 816, S. B. 830, S. B. 838, S. B. 839, S. B. 842, S. B. 846, S. B. 848, S. B. 849 and S. B. 851.

The hour of midnight having arrived, on motion of Delegate Summers, the House of Delegates adjourned *sine die*.



*We hereby certify that the forgoing record of the proceedings of the House of Delegates, First Regular Session, 2020, is the Official Journal of the House of Delegates for said session.*

---

Roger Hanshaw  
*Speaker of the House of Delegates*

---

Stephen J. Harrison  
*Clerk of the House of Delegates*





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Bills introduced by ..... 75, 85, 87, 88, 94,  
 96, 98, 106, 157, 161, 256, 278, 281, 306, 308, 363, 370, 372, 373, 398, 424, 425, 451, 455, 466, 467,  
 517, 543, 578, 620, 648, 649, 811, 846, 1113, 1775  
 Excused from voting, requested ..... 1030, 1183  
 Leave of absence granted to ..... 664  
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 732, 733, 854, 1113, 1114, 1255, 1619, 1832  
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ANGELUCCI, MICHAEL, a Democrat from the Fiftieth District:

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 368, 386, 398, 399, 400, 426, 427, 452, 456, 476, 540, 542, 576, 716, 743, 744, 745, 746, 793, 799,  
 803, 804, 811, 826, 827, 828, 829, 830, 831, 832, 1343  
 Cosponsor  
 Added as ..... 1252  
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 Excused from voting, requested ..... 1280, 1366  
 Leave of absence granted to ..... 1730  
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 395, 448, 535, 565, 741, 776, 786, 787, 788, 911, 955, 1097, 1201, 1384, 1385, 1386, 1388, 1389, 1391,  
 1615, 1739, 1916, 1918

ATKINSON, MARTIN, III, a Republican from the Eleventh Delegate District:

Bills introduced ..... 18, 21, 33, 71, 75,  
 86, 87, 93, 94, 95, 96, 97, 105, 108, 211, 231, 234, 260, 280, 340, 367, 369, 370, 372, 373, 374, 386,  
 424, 425, 472, 514, 517, 518, 545, 597, 619, 620, 730, 792  
 Cosponsor, added as ..... 487  
 Excused from voting, requested ..... 2231  
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 Natural Resources ..... 291, 439, 594, 595, 761,  
 762, 987  
 Resolutions offered by ..... 113, 203, 207, 227, 276,  
 297, 355, 412, 565, 710, 904, 955, 961, 998, 1000, 1097, 1615, 1916

AZINGER, TOM, a Republican from the Tenth Delegate District:

Bills introduced by ..... 88, 98, 153, 163, 212,  
 256, 261, 336, 363, 451, 517, 577, 578, 648, 649, 791, 1113  
 Cosponsor  
 Added as ..... 91, 314, 1252  
 Removed as ..... 638  
 Leave of absence granted to ..... 930, 977, 1044, 1353  
 Remarks by, ordered printed ..... 3545  
 Resolutions offered by ..... 113, 227, 355, 418, 606,  
 776, 1201, 1384, 1385, 1386, 1388, 1389, 1391, 1507, 1615, 1652, 1725, 1727, 1729, 1916

BARNHART, TRENTON, a Republican from the Seventh Delegate District:

Appointed on Conference Committee as to H. B. 4887 ..... 2650  
 Bills introduced by ..... 19, 21, 71, 72, 73,  
 86, 90, 97, 98, 105, 106, 107, 153, 157, 158, 211, 212, 213, 231, 232, 233, 256, 336, 366, 399, 425,  
 426, 513, 514, 516, 517, 540, 541, 542, 544, 577, 578, 686, 688, 790, 796, 802, 833, 1205  
 Resolutions offered by ..... 113, 203, 206, 298, 355,  
 418, 538, 565, 778, 859, 1097, 1231, 1384, 1385, 1386, 1388, 1389, 1391, 1507, 1652, 1725, 1727,  
 1729, 1916



<b>BARRETT, JASON, a Democrat from the Sixty-first Delegate District:</b>	
Appointed on a Conference Committee as to Com. Sub. for H. B. 4558.....	3065
Bills introduced by .....	97, 109, 153, 157, 164, 213, 235, 236, 261, 278, 280, 282, 305, 306, 308, 337, 398, 427, 450, 453, 474, 515, 518, 544, 545, 573, 684, 687, 717, 745, 794, 803, 813, 846, 1262, 1775
Cosponsor, added as .....	1252, 1355
Excused from voting, requested.....	1030, 1366
Remarks by, ordered printed .....	347, 757, 1112
Resolutions offered by .....	113, 445, 776, 778, 787, 862, 959, 1097, 1201, 1615, 1739, 1916, 1918
<b>BARTLETT, T. KEVAN, a Republican from the Thirty-ninth Delegate District:</b>	
Bills introduced by .....	78, 108, 110, 156, 158, 237, 250, 251, 256, 259, 335, 373, 424, 452, 453, 544, 576, 648, 649, 685, 746, 747, 799, 1256
Cosponsor, added as .....	196, 197, 314, 523, 757, 842, 886, 977, 1355, 1665
Excused from voting, requested.....	1183
Remarks by, ordered printed .....	244, 1541
Resolutions offered by .....	113, 206, 298, 355, 356, 445, 565, 679, 787, 859, 1097, 1231, 1507, 1615, 1916
<b>BATES, MICK, a Democrat from the Thirtieth Delegate District:</b>	
Bills introduced by .....	31, 32, 74, 107, 153, 238, 261, 306, 337, 338, 362, 366, 370, 386, 398, 426, 427, 451, 455, 474, 515, 542, 543, 573, 620, 621, 646, 684, 690, 713, 717, 792, 800
Cosponsor, added as .....	244, 464, 487, 523, 727, 886, 1252, 1355
Motions by.....	361, 378, 683, 696, 788, 1519
Remarks by, ordered printed .....	379, 697
Resolutions offered by .....	83, 113, 355, 397, 448, 503, 565, 776, 778, 786, 787, 955, 959, 1097, 1201, 1615, 1629, 1739, 1916
<b>BIBBY, TOM, a Republican from the Sixty-second Delegate District:</b>	
Appointed on a Conference Committee as to Com. Sub. for H. B. 4039.....	2585
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<b>Cosponsor</b>	
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Excused from voting, requested .....	1030, 1280
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Remarks by, ordered printed .....	3545
Reports by, as Chair of the Committee on Veterans' Affairs and Homeland Security.....	248, 323, 850, 979, 1543, 1544, 1549
Resolutions offered by .....	5, 113, 206, 274, 298, 565, 709, 776, 904, 955, 1097, 1201, 1270, 1507, 1615, 2257
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**BOGGS, BRENT, a Democrat from the Thirty-fourth Delegate District:**

Announcement concerning vote.....	405, 3545
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Cosponsor, added as .....	1199, 1355
Excused from voting, requested.....	1030, 1183
Leave of absence granted to.....	347, 463
Resolutions offered by .....	113, 150, 206, 300, 360, 421, 448, 611, 681, 776, 781, 862, 955, 959, 1097, 1099, 1201, 1413, 1615, 1739, 1916, 1918

**BROWN, NATHAN, a Democrat from the Twentieth Delegate District:**

Appointed on a Conference Committees as to:	
H. B. 4039 .....	2585
Com. Sub. for H. B. 4275 .....	1264
Bills introduced by .....	74, 234, 235, 259, 261, 278, 339, 342, 367, 368, 370, 371, 400, 424, 426, 599, 649, 717, 743, 744, 800, 806, 810, 1348
Cosponsor, added as .....	244, 523, 1355
Leave of absence granted to .....	554
Remarks by, ordered printed .....	2254
Resolutions offered by .....	113, 150, 206, 298, 300, 331, 413, 421, 498, 510, 776, 787, 862, 1097, 1099, 1201, 1275, 1508, 1509, 1615, 1739, 1916, 1918

**BROWN, SAMMI, a Democrat from the Sixty-fifth Delegate District:**

Bills introduced by .....	85, 103, 154, 158, 163, 213, 235, 239, 280, 281, 370, 426, 427, 449, 452, 455, 456, 476, 477, 540, 542, 544, 646, 686, 718, 719, 743, 744, 745, 748, 802, 803, 811, 814, 817, 818, 819, 820, 821, 822, 827, 828, 829, 831, 832, 1263
Cosponsor	
Added as .....	244, 433, 487, 523, 637, 727, 1252
Removed as .....	698

Excused from voting, requested.....	627, 1183
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**BUTLER, JIM, a Republican from the Fourteenth Delegate District:**

Bills introduced by.....	33, 64, 72, 73, 86, 87, 89, 91, 93, 94, 95, 107, 110, 155, 156, 163, 164, 209, 211, 259, 261, 306, 309, 335, 337, 338, 340, 342, 362, 369, 371, 374, 398, 454, 472, 476, 479, 516, 540, 544, 545, 575, 577, 618, 648, 649, 687, 715, 716, 719, 746, 805
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Added as.....	287, 523
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Resolutions offered by.....	113, 148, 298, 355, 395, 415, 679, 904, 1003, 1097, 1201, 1272, 1507, 1615, 1916

**BYRD, ANDREW D., a Democrat from the Thirty-fifth Delegate District:**

Appointed on special committees:	
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Excused from voting, requested.....	751
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**CADLE, SCOTT, a Republican from the Thirteenth Delegate District:**

Announcement concerning vote.....	1490
Bills introduced by.....	24, 26, 27, 28, 29, 86, 87, 88, 90, 91, 94, 98, 107, 152, 153, 156, 157, 161, 162, 163, 164, 260, 340, 362, 363, 369, 370, 371, 372, 373, 374, 424, 425, 475, 541, 577, 618, 687, 790, 791, 1113
Cosponsor, added as.....	197, 523, 697, 1355
Motions by.....	1649
Point of order raised by.....	1760
Remarks by, ordered printed.....	932, 3545
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**CAMPBELL, JEFFREY, a Democrat from the Forty-second Delegate District:**

Appointed on a special committee to notify the Senate that the House was ready to adjourn <i>sine die</i> .....	4432
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Bills introduced by ..... 251, 278, 279, 295, 298,  
 380, 437, 459, 514, 535, 536, 573, 582, 634, 637, 638, 639, 640, 666, 781, 782, 786, 787, 809, 813,  
 814, 816, 846, 847, 904, 908, 963, 964, 966, 969, 983, 993, 994, 995  
 Cosponsor, added as ..... 196, 886, 1045, 1354, 1355, 1665  
 Excused from voting, requested ..... 1183  
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 776, 778, 862, 956, 998, 1001, 1097, 1201, 1218, 1270, 1615, 1739, 1916

CANESTRARO, JOE, a Democrat from the Fourth Delegate District:

Bills introduced by ..... 74, 157, 158, 164, 234,  
 259, 306, 450, 454, 456, 477, 514, 515, 299, 618, 620, 621, 648, 650, 715, 718, 742, 792, 794, 802,  
 810, 1260  
 Cosponsor, added as ..... 76, 244  
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 Remarks by, ordered printed ..... 3545  
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 862, 955, 956, 1201, 1418, 1511, 1615, 1739, 1916, 1918

CAPITO, MOORE, a Republican from the Thirty-fifth Delegate District:

Appointed on a Conference Committees as to:

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 DEAN, MARK, a Republican from the Twenty-first Delegate District:	
Bills introduced by .....	97, 106, 156, 235, 257, 259, 277, 281, 337, 341, 366, 370, 372, 373, 374, 401, 424, 425, 453, 478, 515, 517, 540, 541, 542, 543, 574, 578, 597, 619, 622, 647, 648, 649, 672, 686, 687, 719, 743, 744, 746, 790, 795, 799, 800, 805, 807
Cosponsor	
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Excused from voting, requested .....	1030, 3269
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DISERIO, PHILLIP W., a Democrat from the Second Delegate District:	
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Cosponsor, added as .....	1252, 1355
Resolutions offered by .....	113, 395, 535, 776, 777, 786, 787, 788, 862, 911, 1097, 1201, 1413, 1418, 1615, 1652, 1725, 1727, 1729, 1739, 1916, 1918
DOYLE, JOHN, a Democrat from the Sixty-seventh Delegate District:	
Announcement concerning vote.....	347, 1354, 1541, 1665
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ELLINGTON, JR., JOE C., a Republican from the Twenty-seventh Delegate District:	
Bills introduced by .....	22, 64, 70, 72, 75, 86, 94, 95, 96, 97, 106, 108, 109, 153, 211, 212, 213, 231, 233, 234, 235, 238, 239, 240, 250, 251, 257, 277, 278, 351, 367, 374, 424, 425, 427, 453, 478, 516, 540, 541, 542, 574, 576, 577, 597, 619, 647, 672, 685, 686, 687, 688, 714, 730, 745, 791, 792, 811, 1257
Cosponsor, added as .....	218, 1355
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Added as .....	698, 1112, 1355, 1541
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EVANS, ED, a Democrat from the Twenty-sixth Delegate District:

Bills introduced by ..... 85, 86, 88, 95, 103,  
 108, 157, 209, 232, 238, 239, 261, 278, 281, 308, 337, 363, 370, 400, 424, 451, 455, 466, 467, 513,  
 543, 545, 574, 597, 617, 618, 621, 622, 646, 649, 686, 716, 744, 792, 800, 824

Cosponsor, added as ..... 728, 1355

Excused from voting, requested ..... 3269

Leave of absence granted to ..... 1651, 1730

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Resolutions offered by ..... 113, 302, 395, 413, 609,  
 741, 776, 786, 862, 955, 1000, 1097, 1201, 1508, 1509, 1595, 1615, 1685, 1739, 1918

FAST, TOM, a Republican from the Thirty-second Delegate District:

Bills introduced by ..... 21, 24, 28, 29, 72,  
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FLEISCHAUER, BARBARA EVANS, a Democrat from the Fifty-first Delegate District:

Bills introduced by ..... 30, 31, 32, 75, 89,  
 94, 97, 104, 154, 157, 261, 281, 386, 402, 450, 452, 456, 474, 476, 477, 513, 542, 620, 686, 716, 719,  
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Excused from voting, requested ..... 1183

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FLUHARTY, SHAWN, a Democrat from the Third Delegate District:

Bills introduced by ..... 74, 163, 164, 259, 306,  
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Remarks by, ordered printed ..... 885, 932

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 786, 955, 956, 1097, 1201, 1418, 1615, 1739, 1916

FOSTER, GEOFF, the Republican from the Fifteenth Delegate District:

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Cosponsor

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HANSEN, EVAN, a Democrat from the Fifty-first Delegate District:  
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HANSHAW, ROGER, a Republican from the Thirty-third Delegate District:  
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 108, 158, 236, 260, 306, 307, 308, 337, 363, 364, 365, 402, 425, 451, 473, 518, 545, 546, 579, 746,  
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HARDY, JOHN, a Republican from the Sixty-third Delegate District:  
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HARTMAN, WILLIAM G., a Democrat from the Forty-third Delegate District:  
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HICKS, KENNETH P., a Democrat from the Nineteenth Delegate District:  
 Bills introduced by ..... 261, 367, 400, 540, 542,  
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 Cosponsor, added as..... 464, 1252, 1355  
 Excused from voting, requested..... 1030, 1183  
 Leave of absence granted to..... 196  
 Remarks by, ordered printed..... 3345  
 Resolutions offered by ..... 113, 252, 302, 331, 416,

415, 510, 609, 778, 787, 862, 864, 955, 1000, 1097, 1201, 1275, 1384, 1385, 1389, 1391, 1414, 1508, 1509, 1615, 1685, 1725, 1727, 1729, 1916

**HIGGINBOTHAM, JOSHUA, a Republican from the Thirteenth Delegate District:**

Bills introduced by ..... 20, 21, 22, 64, 70,  
72, 75, 94, 95, 97, 103, 106, 107, 108, 109, 155, 158, 209, 211, 231, 232, 233, 234, 235, 236, 238, 239,  
257, 260, 308, 337, 338, 351, 366, 371, 373, 374, 399, 424, 425, 450, 451, 453, 477, 478, 540, 524,  
541, 574, 577, 619, 647, 649, 650, 672, 686, 687, 688, 713, 730, 747, 790, 792, 793, 794, 795, 795,  
796, 799, 800, 807, 1113, 1256  
Cosponsor, added as ..... 218, 932, 1252, 1665  
Excused from voting, requested ..... 1183, 1526, 3269  
Resolutions offered by ..... 113, 203, 206, 207, 227,  
231, 298, 355, 412, 445, 565, 859, 1097, 1201, 1218, 1231, 1507, 1615, 1916

**HILL, JORDAN, a Republican from the Forty-first Delegate District:**

Bills introduced by ..... 30, 31, 32, 33, 89,  
104, 157, 211, 234, 235, 239, 277, 278, 280, 282, 306, 336, 367, 386, 400, 401, 426, 449, 450, 453,  
454, 455, 473, 474, 476, 516, 540, 542, 543, 544, 546, 617, 618, 620, 622, 623, 687, 690, 713, 748,  
798, 807, 808, 1262, 1263, 1348, 1775  
Cosponsor, added as ..... 218, 1355  
Excused from voting, requested ..... 873  
Point of order raised by ..... 2551  
Remarks by, ordered printed ..... 932, 3545  
Reports by, as Chair of the Committee on Health and Human Resources ..... 79, 199, 279,  
251, 319, 320, 384, 467, 468, 494, 527, 528, 529, 531, 641, 642, 643, 702, 703, 704, 733, 847, 849,  
850, 937, 938, 949, 1619, 1620, 1621, 1733, 1734  
Resolutions offered by ..... 113, 298, 355, 360, 565,  
571, 778, 955, 956, 1097, 1201, 1507, 1615, 1741, 1743, 1764, 1766, 1767, 1769, 1772, 1916, 2653

**HORNBUCKLE, SEAN, a Democrat from the Sixteenth Delegate District:**

Bills introduced by ..... 74, 78, 250, 251, 259,  
281, 306, 341, 367, 370, 399, 401, 452, 453, 455, 456, 474, 478, 540, 597, 617, 620, 646, 650, 670,  
684, 687, 714, 718, 730, 792, 805, 810, 811, 812, 814, 815, 819, 821, 824, 825, 1256  
Cosponsor, added as ..... 1541  
Leave of absence granted to ..... 62, 432, 463, 487, 198  
Motions by ..... 379, 1358, 1919  
Remarks by, ordered printed ..... 196, 379, 636, 645, 932, 1252  
Resolutions offered by ..... 113, 355, 397, 445, 776,  
778, 786, 862, 956, 1000, 1097, 1201, 1413, 1615, 1739, 1916

**HOTT, JOHN PAUL, a Republican from the Fifty-fourth Delegate District:**

Bills introduced by ..... 88, 98, 109, 153, 157, 158,  
161, 212, 235, 236, 237, 260, 281, 338, 341, 369, 370, 371, 373, 374, 401, 424, 425, 454, 540, 541,  
576, 577, 579, 618, 619, 687, 688, 719, 1113, 1343  
Cosponsor, added as ..... 197, 637, 727, 1252  
Excused from voting, requested ..... 658, 1030, 1183, 1366, 1479,  
1524, 2125, 3403  
Resolutions offered by ..... 113, 225, 274, 298, 355,  
561, 563, 565, 681, 778, 859, 961, 965, 998, 1001, 1019, 1097, 1201, 1272, 1384, 1385, 1386, 1388,  
1389, 1615, 1652

**HOUSEHOLDER, ERIC L., a Republican from the Sixty-fourth Delegate District:**

Bills introduced by ..... 18, 19, 20, 21, 26,  
33, 72, 73, 90, 95, 97, 153, 158, 209, 212, 213, 260, 278, 280, 305, 306, 307, 308, 327, 338, 342, 398,  
450, 453, 517, 544, 545, 573, 577, 619, 789, 792, 794, 797, 798, 806, 813, 816, 846, 1257  
Cosponsor, added as ..... 244, 1355  
Excused from voting, requested ..... 1036  
Point of order raised by ..... 1323, 2145  
Reports by, as Chair of the Committee on Finance ..... 382, 493, 529, 530, 531,  
639, 640, 730, 767, 845, 846, 890, 1049, 1115, 1117, 1220, 1221, 1257, 1260, 1262, 1349, 1352, 1618,  
1655, 1659, 1668, 1724, 1731, 1731, 1732, 1777, 1829, 1930, 1833, 1855  
Resolutions offered by ..... 5, 113, 143, 355, 507,  
571, 681, 776, 778, 788, 1201, 1272, 1413, 1507, 1615, 1916

HOWELL, GARY G., a Republican from the Fifty-sixth Delegate District:

Appointed on a Conference Committee as to Com. Sub. for H. B. 4388..... 3029

    Report from ..... 3514

Bills introduced by ..... 19, 20, 21, 22, 24, 26, 27, 28, 29, 33, 64, 70, 74, 85, 89, 90, 94, 97, 153, 158, 209, 210, 236, 237, 238, 240, 256, 279, 281, 282, 306, 335, 336, 338, 339, 342, 367, 368, 371, 373, 400, 402, 450, 472, 476, 513, 514, 517, 546, 573, 576, 577, 579, 622, 647, 684, 685, 686, 688, 715, 716, 717, 746, 789, 790, 794, 799, 801, 803, 806, 807, 808, 809, 1205, 1343

Cosponsor, added as ..... 1355

Excused from voting, requested ..... 752, 1183, 3333

Motions by ..... 1644

Reports by, as Chair of the Committee on Government Organization ..... 117, 118, 119, 221, 222, 223, 224, 269, 292, 294, 324, 408, 437, 555, 556, 597, 598, 667, 668, 731, 759, 846, 847, 935, 988, 1053, 1055, 1056, 1205, 1204, 1206, 1207, 1343, 1344, 1384, 1392, 1395, 1652, 1654, 1669, 1670, 1725

Resolutions offered by ..... 113, 143, 148, 151, 225, 355, 561, 563, 565, 709, 859, 965, 1001, 1019, 1097, 1201, 1229, 1272, 1384, 1385, 1386, 1388, 1389, 1391, 1615, 1652, 1725, 1727, 1729, 1916

JEFFRIES, DEAN, a Republican from the Fortieth Delegate District:

Appointed on Conference Committee as to Com. Sub. for H. B. 4083..... 2774

Bills introduced by ..... 21, 22, 23, 26, 32, 72, 75, 89, 90, 95, 98, 105, 107, 108, 109, 110, 152, 153, 156, 162, 163, 209, 212, 235, 236, 237, 256, 258, 259, 261, 336, 340, 341, 373, 386, 452, 454, 472, 474, 475, 476, 479, 514, 515, 516, 517, 540, 544, 547, 576, 578, 619, 620, 646, 684, 685, 719, 746, 795, 800, 1343

Cosponsor

    Added as ..... 197, 244, 487, 932

    Removed as ..... 464, 638

Excused from voting, requested ..... 1030, 1280

Resolutions offered by ..... 113, 148, 225, 297, 298, 355, 356, 679, 778, 904, 956, 1097, 1201, 1270, 1385, 1386, 1388, 1389, 1391, 1413, 1507, 1615, 1652, 1725, 1727, 1729, 1916

JEFFRIES, JOE, a Republican from the Twenty-second Delegate District:

Bills introduced by ..... 23, 24, 26, 27, 28, 29, 72, 74, 75, 86, 87, 90, 91, 94, 95, 97, 98, 99, 106, 107, 110, 152, 153, 156, 158, 159, 163, 164, 209, 211, 235, 236, 239, 260, 305, 336, 338, 340, 362, 367, 399, 401, 425, 515, 516, 517, 540, 542, 575, 578, 618, 622, 648, 649, 684, 687, 746, 789, 1343

Cosponsor, added as ..... 91, 196, 197, 523, 591, 698, 886, 1355

Excused from voting, requested ..... 1030

Remarks by, ordered printed ..... 665

Resolutions offered by ..... 113, 151, 203, 206, 207, 225, 298, 355, 507, 561, 565, 610, 678, 709, 778, 862, 961, 965, 1019, 1097, 1201, 1384, 1385, 1386, 1388, 1389, 1391, 1507, 1615, 1652, 1725, 1727, 1729, 1916

JENNINGS, D. ROLLAND, a Republican from the Fifty-third Delegate District:

Appointed on special committees:

    To inform the Governor that the Legislature had assembled ..... 2

    To inform the Governor that the Legislature was ready to adjourn *sine die* ..... 3544

    To wait upon the Governor ..... 6

Bills introduced by ..... 32, 70, 72, 86, 87, 93, 94, 95, 96, 97, 98, 106, 108, 152, 155, 159, 162, 163, 164, 209, 211, 212, 213, 231, 237, 260, 261, 335, 336, 340, 371, 373, 386, 399, 473, 476, 513, 514, 517, 576, 577, 622, 648, 649, 687, 746, 799, 1205, 1256, 1343

Cosponsor, added as ..... 244, 1355, 1665

Excused from voting, requested ..... 1280

Leave of absence granted to ..... 696, 757

Remarks by, ordered printed ..... 665

Reports by, as Chair of the Committee on Veterans' Affairs and Homeland Security ..... 466, 851, 980

Resolutions offered by ..... 113, 206, 297, 298, 355, 565, 606, 776, 998, 1097, 1201, 1384, 1385, 1386, 1388, 1389, 1391, 1393, 1615, 1652, 1725, 1727, 1729, 1737, 1916

JOINT ASSEMBLY:  
Proceedings of:

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Authorized printed (HR 2) .....	12
<b>KELLY, DAVID, a Republican from the Sixth Delegate District:</b>	
Bills introduced by .....	18, 19, 21, 33, 71, 72, 78, 90, 94, 95, 107, 110, 157, 158, 164, 209, 240, 250, 251, 307, 339, 340, 342, 367, 370, 371, 373, 374, 399, 401, 424, 454, 475, 514, 517, 544, 547, 599, 619, 687, 746, 797, 802, 824, 1260, 1263, 1348
Cosponsor, added as .....	267, 977, 1252, 1355, 1665
Remarks by, ordered printed .....	697, 843
Resolutions offered by .....	113, 225, 297, 298, 333, 355, 418, 561, 563, 565, 571, 776, 778, 859, 862, 965, 998, 1097, 1201, 1615, 1916
<b>KELLY, JOHN, a Republican from the Tenth Delegate District:</b>	
Announcement concerning vote.....	886
Appointed on Conference Committee as to H. B. 4039.....	2585
Bills introduced by .....	23, 24, 26, 27, 28, 29, 73, 75, 85, 87, 88, 94, 95, 163, 232, 237, 278, 308, 339, 363, 371, 373, 424, 451, 515, 517, 518, 541, 578, 620, 647, 648, 649, 799, 1113, 1256
Cosponsor, added as .....	218
Excused from voting, requested.....	1030, 1280
Leave of absence granted to .....	1198
Remarks by, ordered printed .....	636
Resolutions offered by .....	113, 206, 297, 355, 418, 538, 571, 710, 955, 961, 1097, 1201, 1615, 1916
<b>KESSINGER, KAYLA, a Republican from the Thirty-second Delegate District:</b>	
Bills introduced by .....	23, 71, 78, 94, 95, 107, 109, 110, 152, 156, 157, 158, 163, 164, 209, 211, 213, 234, 235, 236, 237, 239, 240, 250, 251, 259, 277, 278, 282, 305, 308, 336, 337, 338, 367, 515, 517, 540, 541, 542, 543, 544, 618, 620, 646, 743, 747, 789, 825, 1348
Cosponsor, added as .....	1355
Excused from voting, requested.....	1280, 1366
Leave of absence granted to .....	378, 405, 977, 1110, 1730, 1763
Resolutions offered by .....	113, 298, 383, 355, 507, 565, 571, 741, 776, 1201, 1229, 1615
<b>KUMP, LARRY D., a Republican from the Fifty-ninth Delegate District:</b>	
Bills introduced by .....	20, 21, 29, 30, 71, 90, 105, 209, 213, 235, 362, 424, 544, 545, 648, 686, 715, 718, 814, 1348
Cosponsor	
Added as.....	244, 591, 637, 697, 757, 843, 1355
Removed as .....	727
Excused from voting, requested.....	1102
Leave of absence granted to.....	977, 1730
Previous question demanded by.....	1526, 2684
Remarks by, ordered printed .....	931, 1541
Resolutions offered by .....	64, 113, 151, 355, 565, 776, 778, 859, 1201, 1252, 1272, 1615, 2257
<b>LAVENDER-BOWE, CINDY, a Democrat from the Forty-second Delegate District:</b>	
Bills introduced by .....	74, 75, 85, 86, 89, 94, 95, 103, 104, 108, 154, 155, 158, 168, 209, 238, 259, 281, 308, 368, 402, 424, 426, 427, 449, 451, 454, 472, 474, 476, 477, 513, 515, 542, 574, 620, 621, 646, 647, 672, 686, 687, 719, 730, 743, 744, 745, 748, 795, 796, 800, 805, 810, 812, 814, 826, 828, 829, 831, 832
Cosponsor, added as .....	379, 433, 637
Leave of absence granted to.....	757
Resolutions offered by .....	80, 113, 355, 448, 500, 535, 559, 565, 739, 776, 778, 787, 788, 911, 998, 1097, 1201, 1615, 1739, 1916, 1918
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LINVILLE, DANIEL, a Republican from the Sixteenth Delegate District:

Bills introduced by ..... 18, 19, 21, 71, 72,  
74, 153, 158, 239, 240, 241, 260, 278, 279, 306, 307, 308, 336, 337, 338, 367, 401, 426, 427, 450, 453,  
513, 516, 541, 544, 545, 577, 578, 619, 650, 688, 689, 715, 716, 789, 807, 811, 816, 825, 1262

Cosponsor:

Added as..... 433, 464, 591, 757, 1355  
Removed as ..... 464  
Excused from voting, requested ..... 1025, 1183, 1280, 1366, 1526  
Leave of absence granted to ..... 842, 885, 930, 977  
Remarks by, ordered printed ..... 1541  
Resolutions offered by ..... 113, 148, 203, 255, 277,  
298, 355, 392, 393, 415, 445, 502, 507, 538, 565, 610, 678, 776, 778, 859, 1201, 1272, 1615, 1916,  
2248

LITTLE, CHARLES, a Republican from the Ninth Delegate District:

Bills introduced by ..... 21, 33, 64, 70, 71, 72,  
73, 105, 108, 158, 236, 307, 336, 472, 514, 517, 800

Cosponsor, added as ..... 244

Excused from voting, requested ..... 1030, 1366

Leave of absence granted to ..... 405, 1353

Resolutions offered by ..... 113, 277, 298, 355, 565,  
778, 862, 1097, 1201, 1384, 1385, 1386, 1388, 1389, 1391, 1393, 1615, 1652, 1725, 1727, 1729, 1916

LONGSTRETH, LINDA, a Democrat from the Fiftieth Delegate District:

Bills introduced by ..... 256, 261, 368, 398, 399,  
426, 427, 452, 456, 474, 476, 542, 799, 804, 810, 826, 828, 829, 830, 831, 832

Cosponsor:

Added as ..... 1252  
Removed as ..... 524

Remarks by, ordered printed ..... 636, 1112

Resolutions offered by ..... 113, 229, 334, 355, 395,  
535, 739, 776, 778, 787, 911, 955, 996, 1097, 1201, 1393, 1615, 1739, 1916, 1918

LOVEJOY, CHAD, a Democrat from the Seventeenth Delegate District:

Bills introduced by ..... 74, 94, 95, 156, 157,  
158, 159, 209, 234, 236, 240, 241, 259, 260, 261, 271, 272, 278, 307, 308, 341, 367, 373, 426, 454,  
456, 476, 477, 544, 577, 617, 619, 620, 621, 622, 646, 648, 650, 689, 718, 746, 802, 805, 810, 811,  
815, 983, 1260

Cosponsor, added as ..... 111, 244, 267, 405, 433,  
637, 977, 1112

Excused from voting, requested ..... 1030

Inquiry of Chair ..... 1111

Remarks by, ordered printed ..... 1356

Resolutions offered by ..... 113, 355, 397, 399, 500,  
678, 777, 778, 862, 864, 955, 1097, 1201, 1413, 1414, 1508, 1509, 1511, 1615, 1739, 1916, 1918

MANDT, JOHN, a Republican from the Sixteenth Delegate District:

Bills introduced by ..... 18, 19, 20, 21, 64,  
70, 71, 72, 73, 78, 89, 90, 93, 98, 104, 105, 108, 211, 237, 250, 251, 260, 271, 272, 277, 307, 338, 339,  
340, 367, 401, 426, 452, 687, 789, 811, 817, 1260, 1263

Cosponsor:

Added as ..... 91, 218, 405, 406, 591,  
637, 728, 843, 932, 977, 1199, 1252, 1355

Removed as ..... 92, 932

Leave of absence granted to ..... 432, 463, 487, 523, 554

Remarks by, ordered printed ..... 591, 665, 1541

Resolutions offered by ..... 113, 225, 298, 355, 678,  
778, 859, 961, 965, 1097, 1201, 1507, 1616, 1616

MARTIN, CARL, a Republican from the Forty-fifth Delegate District:

## Appointed on a Conference Committees as to:

Com. Sub. for H. B. 4388 .....	3029
H. B. 4887 .....	2650
Bills introduced by .....	26, 89, 153, 158, 209, 212, 236, 237, 239, 256, 257, 260, 271, 272, 281, 282, 338, 368, 373, 415, 476, 513, 514, 515, 516, 540, 541, 544, 576, 577, 578, 579, 647, 649, 685, 688, 716, 717, 746, 789, 794, 799, 805, 807, 1205, 1343
Cosponsor:	
Added as .....	1355
Removed as .....	978
Excused from voting, requested .....	1030, 1183, 1519, 1633, 1783, 2566, 2675
Previous question demanded by .....	926, 973
Resolutions offered by .....	113, 143, 148, 298, 355, 410, 561, 563, 709, 859, 860, 958, 1001, 1019, 1097, 1201, 1272, 1384, 1385, 1386, 1388, 1389, 1391, 1507, 1615, 1652, 1725, 1727, 1729, 1916, 1918

## MARTIN, PATRICK S., a Republican from the Forty-sixth D1elegate District:

## Appointed on special committees:

To notify the Senate that the House had assembled .....	2
To notify the Senate that the House was ready to adjourn <i>sine die</i> .....	3544
Bills introduced by .....	95, 107, 110, 158, 235, 257, 281, 282, 371, 373, 399, 401, 479, 515, 517, 540, 544, 578, 579, 618, 648, 686, 746, 805
Cosponsor:	
Added as .....	244, 1252, 1355
Removed as .....	978
Resolutions offered by .....	113, 148, 253, 355, 410, 561, 563, 709, 780, 860, 958, 1201, 1507, 1615, 1916, 1918

## MAYNARD, ZACK, a Republican from the Twenty-second Delegate District:

Appointed on Conference Committee as to Com. Sub. for H. B. 4558 .....	3065
Bills introduced by .....	19, 21, 23, 71, 72, 73, 74, 95, 96, 103, 106, 152, 156, 159, 209, 213, 236, 240, 241, 259, 260, 261, 277, 279, 305, 306, 307, 308, 336, 337, 339, 342, 367, 368, 370, 371, 397, 399, 401, 425, 427, 449, 450, 451, 453, 472, 475, 516, 541, 542, 549, 576, 577, 578, 618, 622, 650, 686, 688, 715, 717, 746, 789, 790, 796, 807, 811, 1262
Cosponsor, added as .....	197, 464, 757, 1355, 1665
Remarks by, ordered printed .....	636, 757
Reports by, as Chair of the Committee on Fire Departments and Emergency Medical Services .....	249, 386, 387, 489, 490, 763, 939, 1208
Resolutions offered by .....	113, 140, 151, 252, 277, 298, 358, 565, 610, 678, 776, 1097, 1201, 1615, 1916, 1918

## McGEEHAN, PAT, a Republican from the First Delegate District:

Bills introduced by .....	74, 85, 107, 110, 281, 304, 306, 335, 362, 374, 398, 452, 517, 540, 647, 648, 684, 688, 744, 796, 797, 807, 829
Cosponsor:	
Added as .....	287, 591
Removed as .....	932, 1381
Excused from voting, requested .....	484, 1102, 2594
Motions by .....	614, 850
Remarks by, ordered printed .....	636, 697, 886
Resolutions offered by .....	113, 148, 298, 565, 776, 862, 1201, 1418, 1418, 1507, 1615, 1916

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Smirl, Jody Guthrie (HR9)..... 1616  
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MILEY, TIM, a Democrat from the Forty-eighth Delegate District:

Bills introduced by ..... 61, 74, 97, 106, 156,  
 157, 158, 168, 232, 363, 364, 365, 399, 401, 402, 424, 451, 455, 513, 518, 546, 617, 649, 684, 719,  
 745, 747, 795, 997, 798, 799, 801, 807, 810, 814, 1276, 1277, 1425, 1632, 1920  
 Cosponsor, added as..... 196, 1252, 1355  
 Leave of absence granted to..... 432, 1044  
 Motions by..... 2667  
 Remarks by, ordered printed ..... 196, 931  
 Resolutions offered by ..... 113, 397, 776, 786, 787,  
 959, 1097, 1201, 1421, 1511, 1615, 1739, 1916

MILLER, RODNEY, a Democrat from the Twenty-third Delegate District:

Bills introduced by ..... 33, 74, 94, 95, 106,  
 110, 157, 158, 159, 209, 235, 239, 240, 241, 259, 260, 261, 307, 339, 341, 342, 367, 368, 371, 399,  
 401, 451, 454, 455, 472, 475, 476, 477, 514, 517, 542, 547, 573, 578, 599, 618, 620, 621, 648, 650,  
 689, 719, 745, 746, 802, 811, 812, 823, 1260, 1348  
 Cosponsor:  
 Added as..... 76, 244, 267, 314, 886,  
 977, 1199, 1252, 1355  
 Removed as ..... 638  
 Excused from voting, requested..... 1280  
 Motions by..... 512  
 Remarks by, ordered printed ..... 1541, 1780  
 Resolutions offered by ..... 113, 140, 252, 302, 355,  
 358, 415, 447, 565, 776, 778, 862, 955, 956, 1000, 1097, 1201, 1393, 1511, 1615, 1739, 1916

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 2131, 2684  
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 1645, 2382, 2450, 2667, 2745, 2931, 2980

NELSON, ERIC, a Republican from the Thirty-fifth Delegate District:

Announcement concerning vote..... 697  
 Appointed on special committees:  
 To notify the Senate that the House has assembled..... 2  
 To notify the Senate that the House was ready to adjourn *sine die*..... 3544  
 Bills introduced by ..... 71, 88, 109, 157, 164,  
 212, 235, 260, 261, 281, 282, 305, 308, 339, 342, 349, 401, 456, 466, 467, 516, 518, 543, 573, 576,  
 616, 649, 685, 809, 1260  
 Cosponsor, added as..... 637, 664, 1199, 1252, 1355  
 Excused from voting, requested..... 658, 1280  
 Remarks by, ordered printed ..... 3545  
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Amendment  
 Germaneness ..... 924, 1249, 1323, 1372,  
 1481, 1800, 2145, 2155

PACK, JEFFREY M., a Republican from the Twenty-eighth Delegate District:

Bills introduced by ..... 18, 21, 24, 30, 31, 32,  
 33, 71, 75, 86, 89, 95, 96, 97, 104, 105, 106, 107, 110, 159, 209, 213, 234, 235, 236, 239, 240, 277,  
 278, 280, 281, 282, 306, 308, 337, 338, 362, 386, 398, 399, 401, 426, 427, 450, 451, 454, 473, 474,  
 479, 516, 517, 540, 541, 544, 576, 617, 618, 621, 622, 646, 648, 687, 688, 690, 713, 715, 719, 747,  
 748, 795, 798, 800, 807, 808, 815, 824, 829, 846, 1257, 1262, 1775  
 Cosponsor:  
 Added as..... 91, 218, 314, 379, 664,



1252, 1355	
Removed as .....	244, 843
Excused from voting, requested .....	1030
Point of order, raised by .....	842
Resolutions offered by .....	3, 83, 113, 274, 298, 355, 507, 565, 776, 778, 859, 862, 904, 956, 998, 1001, 1097, 1507, 1615, 1741, 1743, 1764, 1766, 1767, 1769, 1770, 1772, 1916
PAYNTER, TONY, a Republican from the Twenty-fifth Delegate District:	
Bills introduced by .....	22, 156, 240, 259, 277, 304, 308, 336, 337, 362, 397, 401, 451, 472, 478, 513, 516, 540, 543, 577, 578, 618, 646, 648, 649, 689, 719, 744, 746, 791, 796, 797, 800, 1113
Cosponsor:	
Added as .....	197, 1355
Removed as .....	638
Excused from voting, requested .....	652, 3269
Resolutions offered by .....	113, 298, 503, 507, 776, 1001, 1511, 1595, 1615, 1916, 1918
PETHTEL, DAVE, a Democrat from the Fifth Delegate District:	
Bills introduced by .....	88, 232, 261, 281, 363, 466, 467, 474, 517, 578, 622, 649, 824, 1257, 1262, 1775
Cosponsor:	
Added as .....	757, 1252, 1355
Removed as .....	638
Resolutions offered by .....	113, 391, 395, 448, 611, 776, 862, 955, 1097, 1201, 1418, 1615, 1739, 1916, 1918
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PHILLIPS, CHRIS, a Republican from the Forty-seventh Delegate District:	
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Cosponsor, added as .....	91, 197, 591, 1199
Resolutions offered by .....	113, 148, 151, 203, 207, 225, 298, 355, 413, 565, 709, 775, 776, 778, 961, 965, 1097, 1201, 1507, 1615, 2257
PORTERFIELD, ERIC, a Republican from the Twenty-seventh Delegate District:	
Bills introduced by .....	19, 21, 23, 25, 64, 70, 71, 72, 73, 86, 87, 88, 91, 93, 94, 95, 98, 153, 156, 161, 162, 163, 164, 211, 212, 516, 742, 746, 796, 800, 801, 806, 807, 809, 827, 828, 831, 1113
Cosponsor, added as .....	91, 111, 196, 218, 244, 287, 314, 379, 406, 433, 464, 523, 637, 664, 698, 728, 1252, 1355
Excused from voting, requested .....	1030, 1183, 1366, 1534, 2371
Leave of absence granted to .....	554
Motions by .....	867, 1024
Point of order raised by .....	867
Previous question demanded by .....	2131
Remarks by, ordered printed .....	843, 1044
Resolutions offered by .....	5, 113, 776, 1097, 1201
PREVIOUS QUESTION:	
Demanded .....	926, 973, 1520, 1526, 1649, 2131, 2684
PUSHKIN, MIKE, a Democrat from the Thirty-seventh District:	
Bills introduced by .....	74, 75, 78, 89, 154,

155, 157, 163, 168, 238, 250, 251, 260, 282, 306, 340, 366, 368, 399, 401, 402, 449, 450, 452, 453, 474, 475, 476, 478, 516, 540, 576, 579, 616, 617, 620, 646, 647, 685, 686, 689, 714, 718, 719, 748, 749, 790, 792, 809, 812, 1260, 1263

Cosponsor:  
 Added as..... 197, 432, 487, 757, 932  
     1252, 1355, 1541  
 Removed as..... 433  
 Excused from voting, requested..... 1693  
 Motions by..... 428, 1111, 2256  
 Petitions presented by..... 449  
 Remarks by, ordered printed..... 843, 1541  
 Resolutions offered by..... 113, 355, 356, 395, 397,  
     502, 677, 776, 955, 1097, 1201, 1270, 1615, 1629, 1739, 1916

PYLES, RODNEY, a Democrat from the Fifty-first Delegate District:  
 Announcement concerning vote..... 636  
 Bills introduced by..... 30, 87, 97, 154, 155,  
     166, 167, 168, 271, 281, 368, 370, 399, 400, 426, 450, 452, 474, 476, 477, 515, 719, 745, 792, 826,  
     832, 1260  
 Cosponsor:  
 Added as..... 464, 487, 523, 391, 637,  
     698, 728, 757, 886, 977, 1045, 1112, 1252, 2750  
 Removed as..... 664  
 Resolutions offered by..... 113, 500, 535, 542, 776,  
     778, 911, 955, 1097, 1201, 1384, 1385, 1386, 1388, 1389, 1391, 1615, 1629, 1652, 1725, 1727, 1729,  
     1737, 1739, 1916, 1918

QUEEN, BEN, a Republican from the Forty-eighth Delegate District:  
 Bills introduced by..... 71, 73, 109, 156, 157,  
     235, 236, 305, 307, 342, 366, 424, 472, 474, 518, 573, 599, 616, 650, 719, 824, 829, 1263, 1348  
 Cosponsor, added as..... 637, 757, 843, 1112, 1252, 1355  
 Reports by, as Chair of the Committee on Small Business,  
     Entrepreneurship, and Economic Development..... 351, 670, 940, 950  
 Resolutions offered by..... 113, 298, 355, 776, 862,  
     1097, 1615, 1916

RECONSIDERATION:  
 Motion..... 512, 925, 1519, 1552, 1644,  
     1645, 2382, 2450, 2667, 2745, 2931, 2980

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     and proceedings thereon, *See* Tabular Indices.  
 For all Senate Resolutions communicated to the House  
     and proceedings thereon, *See* Tabular Indices.

ROBINSON, ANDREW, a Democrat from the Thirty-sixth Delegate District:  
 Appointed on a Conference Committee as to Com. Sub. for S. B. 529..... 2818  
 Bills introduced by..... 74, 75, 78, 94, 157,  
     163, 168, 250, 251, 259, 401, 476, 478, 516, 574, 576, 617, 620, 621, 646, 685, 687, 689, 744, 790,  
     809, 812, 824  
 Cosponsor, added as..... 76, 591, 637, 1252, 1355,  
     1541  
 Motions by..... 1235, 1251  
 Point of order raised by..... 615  
 Remarks by, ordered printed..... 637, 1252  
 Resolutions offered by..... 80, 113, 355, 356, 360,  
     502, 505, 559, 677, 778, 862, 955, 1097, 1201, 1416, 1511, 1615, 1739, 1916

RODIGHIERO, RALPH, a Democrat from the Twenty-fourth Delegate District:  
 Bills introduced by..... 239, 367, 400, 454, 513,  
     542, 545, 621, 622, 648, 744, 746, 749, 790, 799  
 Cosponsor, added as..... 728, 1355  
 Excused from voting, requested..... 1183  
 Leave of absence granted to..... 243, 463, 1251  
 Resolutions offered by..... 113, 252, 298, 302, 331,

358, 413, 415, 447, 500, 510, 609, 776, 862, 864, 1000, 1097, 1201, 1275, 1414, 1508, 1509, 1615, 1685, 1739, 1916, 1918

**ROHRBACH, MATTHEW, a Republican from the Seventeenth Delegate District:**

Announcement concerning vote..... 1831  
 Bills introduced by ..... 71, 78, 97, 211, 232,  
 235, 240, 241, 250, 251, 259, 261, 271, 272, 275, 279, 307, 336, 337, 339, 341, 362, 366, 367, 386,  
 401, 518, 542, 544, 545, 546, 575, 577, 616, 617, 620, 646, 650, 685, 689, 716, 719, 745, 789, 810,  
 811, 812, 1256  
 Cosponsor, added as ..... 218, 757, 843, 932, 1252,  
 1355, 1831  
 Leave of absence granted to ..... 378  
 Remarks by, ordered printed ..... 1541  
 Reports by, as Chair of the Committee on Prevention and Treatment  
 of Substance Abuse..... 78, 250, 409, 529, 701, 702  
 Resolutions offered by ..... 113, 203, 206, 207, 277,  
 299, 565, 678, 776, 1097, 1201, 1511, 1615, 1916, 1918

**ROWAN, RUTH, a Republican from the Fifty-seventh Delegate District:**

Bills introduced by ..... 21, 33, 71, 85, 89,  
 90, 104, 157, 213, 239, 257, 261, 271, 272, 278, 281, 282, 306, 337, 367, 401, 449, 450, 454, 472, 474,  
 477, 542, 544, 574, 617, 618, 646, 713, 719, 745, 789, 814, 1262, 1775  
 Cosponsor, added as ..... 664, 1252, 1355, 1665  
 Excused from voting, requested ..... 1183  
 Reports by, as Chair of the Committee on Senior, Children and  
 Family Issues..... 490, 491, 671, 891, 892, 1491  
 Resolutions offered by ..... 113, 225, 274, 299, 355,  
 500, 536, 561, 563, 565, 681, 709, 739, 778, 859, 965, 998, 1097, 1201, 1272, 1916, 2654, 2656

**ROWE, LARRY L., a Democrat from the Thirty-sixth Delegate District:**

Bills introduced by ..... 32, 75, 94, 154, 157,  
 168, 234, 238, 259, 427, 478, 516, 576, 616, 617, 620, 647, 685, 689, 713, 717, 719, 742, 744, 745,  
 748, 792, 805, 809, 810, 811, 812, 830, 1775  
 Cosponsor, added as ..... 698  
 Excused from voting, requested ..... 3269  
 Leave of absence granted to ..... 266, 287, 314, 1381  
 Resolutions offered by ..... 80, 113, 502, 505, 607,  
 677, 707, 712, 776, 778, 786, 955, 996, 1020, 1097, 1201, 1270, 1416, 1916, 1918

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 1280, 1366, 1479, 1519, 1524, 1525, 1526, 1534, 1633, 1693, 1697, 1783, 2125, 2127, 2128, 2231,  
 2318, 2368, 2371, 2385, 2566, 2594, 2675, 2679, 3296, 3333, 3403

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Reconsideration ..... 512, 925, 1519, 1552, 1644, 1645,  
 2382, 2450, 2667, 2745, 2931, 2980

**RULE 82:**

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**SHOTT, JOHN H., a Republican from the Twenty-seventh Delegate District:**

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Excused from voting, requested.....	658
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Resolutions offered by .....	113, 143, 355, 776, 778, 862, 1097, 1270, 1595, 1615, 1621
SKAFF, DOUG, a Democrat from the Thirty-fifth Delegate District:	
Bills introduced by .....	74, 157, 236, 259, 306, 307, 308, 399, 400, 426, 427, 450, 455, 474, 478, 515, 516, 540, 573, 576, 616, 617, 620, 622, 646, 647, 685, 687, 719, 744, 790, 809, 810, 814, 1262, 1775
Cosponsor, added as.....	197, 379, 637, 932, 1355
Excused from voting, requested.....	1030, 2385
Resolutions offered by .....	80, 113, 299, 355, 356, 397, 502, 505, 559, 677, 679, 681, 776, 778, 786, 787, 788, 862, 955, 1097, 1201, 1270, 1413, 1420, 1615, 1629, 1739, 1916, 1918
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1111, 1183, 1242, 1243, 1280, 1366, 1479, 1519, 1524, 1526, 1534, 1633, 1693, 1697, 1761, 1783,  
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## SPONAUGLE, ISAAC, a Democrat from the Fifty-fifth Delegate District:

Bills introduced by ..... 74, 153, 168, 306, 398,  
540, 544, 689, 743, 744, 745, 806, 813, 824, 1262, 1775

Cosponsor, added as ..... 664, 1355

Excused from voting, requested ..... 1366

Leave of absence granted to ..... 378, 405, 977

Remarks by, ordered printed ..... 842, 3545

Resolutions offered by ..... 113, 150, 206, 300, 498,  
563, 611, 681, 776, 778, 781, 959, 1001, 1201, 1272, 1421, 1615, 1739, 1916, 1918

## STAGGERS, MARGARET, a Democrat from the Thirty-second Delegate District:

Appointed on Conference Committees as to:

Com. Sub. for H. B. 4083 ..... 2774

Com. Sub. for H. B. 4388 ..... 3029

Bills introduced by ..... 79, 85, 86, 103, 106,  
153, 154, 278, 279, 306, 368, 370, 425, 426, 427, 452, 476, 542, 576, 646, 647, 687, 717, 745, 746,  
790, 829, 832, 1205, 1343

Excused from voting, requested ..... 1030, 1183, 2231

Resolutions offered by ..... 113, 413, 448, 535, 565,  
739, 776, 781, 862, 911, 955, 956, 1059, 1097, 1272, 1384, 1385, 1386, 1388, 1389, 1391, 1652, 1725,  
1727, 1724, 1739, 1916, 1918

## STEELE, BRANDON, a Republican from the Twenty-ninth Delegate District:

Appointed on Conference Committees as to:

Com. Sub. for H. B. 4275 ..... 1264

Com. Sub. for S. B. 529 ..... 2818

Bills introduced by ..... 22, 23, 24, 26, 27,  
29, 30, 31, 32, 71, 75, 86, 87, 90, 93, 94, 95, 96, 97, 152, 156, 157, 163, 164, 211, 213, 235, 236, 237,  
277, 306, 308, 336, 338, 339, 342, 366, 367, 370, 371, 398, 424, 426, 450, 451, 452, 453, 456, 475,  
514, 517, 540, 541, 547, 578, 579, 618, 646, 648, 649, 713, 717, 744, 746, 747, 789, 794, 796, 797,  
803, 805, 807, 1348

Cosponsor, added as ..... 197, 523, 637, 664, 1252, 1355

Excused from voting, requested ..... 724, 1030, 1183, 1280, 1366, 3269

Leave of absence granted to ..... 1730

Remarks by, ordered printed ..... 2577

Resolutions offered by ..... 81, 113, 203, 206, 207,  
298, 787, 859, 1201, 1507, 1615, 1918, 2257

## STORCH, ERIKKA, a Republican from the Third Delegate District:

Bills introduced by ..... 163, 235, 236, 278, 281,  
305, 306, 308, 337, 398, 400, 427, 454, 515, 540, 541, 542, 543, 577, 578, 622, 647, 650, 715, 719,  
743, 744, 794, 798, 807, 814, 817, 823, 824, 1257,

Cosponsor:

Added as ..... 1355

Removed as ..... 347

Excused from voting, requested ..... 1366, 3269

Leave of absence granted to ..... 432, 1730

Remarks by, ordered printed ..... 1199

Reports by, as Chair of the Committee on Political Subdivisions ..... 247, 381, 382, 491, 555,  
887, 980, 981, 982, 1393

Resolutions offered by ..... 113, 355, 500, 565, 739,  
741, 777, 778, 1097, 1201, 1229, 1231, 1393, 1418, 1615, 1918

## SUMMERS, AMY, a Republican from the Forty-ninth Delegate District:

Bills introduced by ..... 21, 23, 33, 72, 75,

89, 90, 95, 97, 104, 106, 108, 154, 209, 213, 234, 235, 236, 237, 239, 256, 260, 279, 280, 282, 305, 307, 308, 374, 386, 397, 473, 517, 518, 541, 543, 574, 576, 617, 622, 646, 688, 713, 791	
Cosponsor, added as .....	91, 196, 487, 1252, 1355
Excused from voting, requested .....	1030, 1107, 1697
Motions by .....	16, 361, 614, 683, 1358, 1600, 1919, 2980
Point of order raised by .....	788, 912, 1372
Remarks by, ordered printed .....	1112
Resolutions offered by .....	113, 143, 150, 203, 229, 299, 500, 862, 1097, 1201, 1229, 1413, 1599, 1615, 1916, 1918
 SUSMAN, SALLY MATZ:	
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 SWARTZMILLER, RANDY, a Democrat from the First Delegate District:	
Bills introduced by .....	74, 103, 235, 259, 278, 282, 308, 426, 427, 472, 542, 621, 689, 744, 745, 824
Excused from voting, requested .....	1030
Remarks by, ordered printed .....	3545
Resolutions offered by .....	113, 355, 778, 862, 955, 1000, 1019, 1097, 1201, 1418, 1615, 1652, 1916, 1918
 SYPOLT, TERRI, a Republican from the Fifty-second Delegate District:	
Announcement concerning vote .....	1831, 2750
Bills introduced by .....	18, 19, 33, 71, 72, 89, 90, 98, 152, 153, 158, 161, 163, 209, 213, 236, 260, 272, 281, 338, 370, 371, 373, 374, 424, 425, 452, 472, 475, 514, 517, 543, 616, 619, 622, 715, 719, 789, 814
Cosponsor, added as .....	218, 314, 523, 757, 932, 1252, 1355, 1665
Excused from voting, requested .....	1030, 1366
Remarks by, ordered printed .....	91, 554, 1541
Resolutions offered by .....	113, 225, 299, 355, 565, 776, 998, 1019, 1097, 1201, 1231, 1384, 1385, 1386, 1388, 1389, 1391, 1615, 1652, 1725, 1727, 1729, 1737, 1916, 1918, 2257
 THOMPSON, CODY, a Democrat from the Forty-third Delegate District:	
Bills introduced by .....	74, 89, 104, 155, 168, 232, 239, 341, 386, 426, 452, 453, 454, 456, 476, 540, 542, 574, 672, 681, 686, 687, 743, 744, 745, 800, 806, 818, 1256
Cosponsor:	
Added as .....	218, 463, 464, 554, 727, 952, 977, 1252, 1665
Removed as .....	524
Excused from voting, requested .....	1030, 3269
Remarks by, ordered printed .....	665, 1252
Resolutions offered by .....	113, 150, 206, 300, 421, 498, 535, 563, 611, 741, 776, 781, 788, 862, 911, 959, 1097, 1099, 1201, 1615, 1739, 1916, 1918
 THOMPSON, ROBERT, a Democrat from the Nineteenth Delegate District:	
Bills introduced .....	32, 231, 232, 239, 261, 367, 369, 373, 400, 425, 454, 513, 517, 542, 545, 574, 621, 622, 646, 648, 686, 730, 744, 790, 795, 800, 811, 1256
Cosponsor, added as .....	1199, 1252
Remarks by, ordered printed .....	3545
Resolutions offered by .....	113, 302, 331, 355, 413, 510, 776, 778, 864, 955, 1000, 1097, 1201, 1275, 1414, 1508, 1509, 1615, 1685, 1739, 1916, 1918
 TOMBLIN, TIM, a Democrat from the Twenty-fourth Delegate District:	
Bills introduced by .....	88, 95, 98, 153, 209, 239, 261, 367, 369, 370, 372, 373, 374, 400, 401, 424, 425, 455, 542, 618, 619, 621, 622, 744, 1113, 1205, 1343
Cosponsor, added as .....	1252
Resolutions offered by .....	113, 140, 252, 299, 302, 331, 358, 413, 415, 447, 510, 609, 776, 778, 862, 864, 955, 1000, 1097, 1201, 1384, 1385, 1386, 1388, 1389, 1391, 1615, 1652, 1725, 1727, 1729, 1739, 1919

TONEY, CHRIS, a Republican from the Thirty-first Delegate District:	
Bills introduced by .....	18, 19, 21, 72, 73, 86, 106, 108, 158, 211, 238, 259, 260, 271, 272, 281, 305, 335, 338, 340, 341, 367, 398, 400, 401, 451, 478, 540, 543, 618, 646, 648, 686, 687, 730, 744, 799, 800, 807, 1256
Cosponsor, added as .....	244, 267, 314, 554, 637, 728, 1665
Excused from voting, requested .....	1183
Resolutions offered by .....	83, 113, 203, 206, 207, 225, 298, 355, 395, 503, 561, 563, 565, 776, 862, 965, 1097, 1201, 1507, 1511, 1615, 1916, 1918
WALKER, DANIELLE, a Democrat from the Fifty-first Delegate District:	
Bills introduced by .....	74, 75, 78, 85, 86, 89, 94, 97, 108, 104, 154, 155, 157, 168, 238, 250, 251, 261, 281, 308, 340, 368, 370, 398, 402, 425, 427, 450, 452, 453, 454, 456, 474, 476, 477, 540, 542, 620, 647, 714, 716, 719, 744, 745, 748, 790, 792, 810, 814, 828, 831, 832
Cosponsor, added as .....	1252, 1355
Excused from voting, requested .....	1030
Remarks by, ordered printed .....	111, 218, 379, 665, 843, 977, 2254
Resolutions offered by .....	113, 355, 397, 500, 535, 565, 739, 741, 776, 778, 862, 911, 955, 1097, 1201, 1384, 1385, 1386, 1388, 1389, 1391, 1393, 1615, 1629, 1652, 1725, 1727, 1729, 1737, 1739, 1916, 1918
WAXMAN TERRY, a Republican from the Forty-eighth Delegate District:	
Bills introduced by .....	18, 19, 20, 21, 23, 24, 26, 27, 28, 29, 72, 86, 87, 89, 90, 91, 93, 94, 95, 97, 98, 104, 109, 110, 155, 156, 162, 163, 164, 209, 211, 212, 213, 237, 239, 240, 261, 305, 374, 424, 452, 475, 517, 540, 543, 544, 617, 618, 619, 649, 650, 730, 746, 746, 789, 791, 799, 801, 807, 808, 809, 828, 1348
Cosponsor, added as .....	91, 197, 218
Excused from voting, requested .....	1280
Resolutions offered by .....	5, 113, 203, 206, 207, 277, 299, 355, 445, 565, 778, 1097, 1201, 1615
WESTFALL, STEVE, a Republican from the Twelfth Delegate District:	
Announcement concerning vote .....	1665
Appointed on Conference Committee as to H. B. 4524 .....	2868
Bills introduced by .....	19, 21, 71, 73, 95, 109, 153, 164, 165, 212, 235, 240, 261, 278, 305, 308, 336, 339, 341, 342, 363, 366, 368, 369, 370, 372, 373, 374, 398, 399, 424, 425, 449, 451, 472, 517, 518, 573, 599, 647, 714, 719, 794, 824, 1263, 1348
Cosponsor, added as .....	406, 1045, 1112, 1199, 1252, 1355
Excused from voting, requested .....	1183, 1366
Reports by, as Chair of the Committee on Banking and Insurance .....	317, 318, 323, 436, 596, 762
Resolutions offered by .....	113, 227, 276, 297, 299, 355, 412, 415, 710, 778, 862, 961, 998, 1030, 1097, 1201, 1615, 1916
WILLIAMS, JOHN, a Democrat from the Fifty-first Delegate District:	
Announcement concerning vote .....	2750
Bills introduced by .....	97, 109, 153, 154, 155, 164, 238, 306, 339, 368, 370, 399, 400, 450, 452, 456, 474, 475, 514, 542, 547, 689, 718, 719, 792, 813, 1262
Cosponsor:	
Added as .....	111, 196, 314, 591, 843
Removed as .....	315, 524
Leave of absence granted to .....	217
Remarks by, ordered printed .....	842
Resolutions offered by .....	113, 776, 778, 955, 1000, 1097, 1201, 1270, 1615, 1629, 1737, 1739, 1916
WILSON, MARSHALL, an Independent from the Sixtieth Delegate District:	
Bills introduced by .....	23, 75, 95, 98, 110, 152, 158, 163, 212, 213, 279, 362, 398, 515, 517, 540, 545, 578, 619, 648, 649, 686, 715, 719, 742, 799, 806, 822, 830, 1205
Cosponsor:	
Added as .....	91, 197, 487, 591, 637
Removed as .....	664
Excused from voting, requested .....	458, 655, 1030, 2128

Inquiry of Chair ..... 463  
 Leave of absence granted to ..... 266, 378, 432, 1763  
 Motions by ..... 2450  
 Previous question demanded by ..... 1649  
 Remarks by, ordered printed ..... 665, 3545  
 Resolutions offered by ..... 113, 355, 413, 507, 565,  
 776, 778, 787, 862, 904, 955, 1019, 1097, 1201, 1270, 1384, 1385, 1386, 1388, 1389, 1391, 1507, 1615,  
 1652, 1725, 1727, 1727, 1729, 2257

WORRELL, EVAN, a Republican from the Eighteenth Delegate District:  
 Bills introduced by ..... 89, 103, 104, 106, 153,  
 154, 157, 158, 159, 209, 211, 235, 237, 257, 259, 278, 282, 307, 336, 341, 366, 367, 397, 401, 474,  
 475, 476, 513, 542, 577, 617, 618, 622, 684, 749, 800, 811, 824  
 Cosponsor, removed as ..... 244, 1665  
 Remarks by, ordered printed ..... 727  
 Resolutions offered by ..... 113, 151, 299, 355, 413,  
 500, 565, 678, 686, 709, 776, 778, 961, 965, 1001, 1019, 1097, 1201, 1615, 1652, 1725, 1727, 1729,  
 1916, 1918

ZUKOFF, LISA, a Democrat from the Fourth Delegate District:  
 Bills introduced by ..... 74, 85, 97, 155, 157,  
 232, 238, 259, 281, 308, 366, 368, 399, 426, 454, 456, 474, 476, 513, 515, 517, 542, 574, 621, 686,  
 687, 716, 730, 745, 805, 812, 829  
 Cosponsor:  
 Added as ..... 757, 1252  
 Removed as ..... 524, 591  
 Excused from voting, requested ..... 1030, 1525  
 Motions by ..... 2450  
 Remarks by, ordered printed ..... 931, 1252  
 Resolutions offered by ..... 113, 500, 535, 739, 741,  
 777, 778, 787, 788, 862, 911, 955, 1000, 1097, 1201, 1418, 1615, 1739, 1916, 1918







**REGULAR SESSION, 2020**

\*Denotes Committee Substitute

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2002 -	By Delegates Higginbotham, Foster, C. Martin, Cadle, Fast, Wilson, Espinosa, Waxman, Kessinger and Butler: Education Savings Account Act	16					16
2007 -	By Delegates Jennings, Householder, Wilson, Foster, Ellington, McGeehan and Kessinger: Eliminating the certificate of need program	16					16
*2008 -	By Delegates Cowles, Kump, Householder, Ellington, Hill, Wilson, Butler, Jennings, Criss and Porterfield: Relating to nonpartisan election of justices of the Supreme Court of Appeals	16	63				16, 91
2012 -	By Delegates Summers, D. Jeffries, Sypolt, D. Kelly, Toney, Hardy, Mandt, Maynard, Linville, Phillips and Criss: Establishing country roads accountability and transparency	16					16
2013 -	By Delegates Cooper, Pack, Cadle, D. Kelly, Rowan, Queen and Hill: Providing a bonus for teachers willing to teach in certain critical needs areas	16					16
2021 -	By Delegate Fast: Relating to relocation or closure of state higher education institutions	16					16
2022 -	By Delegates Rowan and Fast: Permitting county boards of education to accumulate instructional days and use them when needed	16					16
2023 -	By Delegate Fast: Repealing provision prohibiting employers from discriminating for use of tobacco products	16					16
2024 -	By Delegate Fast: Allowing a home improvement transaction to be performed under an oral contract	16					16

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2025 -	By Delegate Fast: Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person	16					16
2026 -	By Delegate Fast: Relating to gasoline and fuel excise tax	16					16
2027 -	By Delegate Fast: Requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers	16					16
*2028 -	By Delegate Fast: Limiting supervision of laying of lines on state rights-of-way	16	935	1105, 1179		1179	16, 1043, 1105, 1179, 1180
2029 -	By Delegate Fast: Relating to Public Defender Services	16					16
2030 -	By Delegate Wilson: Permitting honorably discharged veterans to hunt, trap or fish in this state without first obtaining a license	16					16
2031 -	By Delegates Wilson, Porterfield and Mandt: Permitting persons who have been issued state licenses to carry concealed deadly weapons to carry those weapons on the grounds of the State Capitol Complex	16					16
2032 -	By Delegates Wilson and Mandt: Permitting the carrying of concealed weapons on the campus of a state institution of higher education	16					16
2033 -	By Delegates Wilson, Porterfield and Bibby: Establishing procedures for carrying out the death sentence	16					16
2034 -	By Delegate Fast: Prohibiting West Virginia institutions of higher learning and state agencies from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing	16					16
2035 -	By Delegates Fast and Porterfield: Requiring purchases to be made at lowest retail price available at level of quality sought by the spending unit	16					16

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2037 -	By Delegates R. Thompson and Rohrbach: Creating an additional class of special education classroom aides	16					16
2039 -	By Delegates Caputo and Rowan: Requiring county boards of education to employ a certified library media specialist in each county school	16					16
2040 -	By Delegates R. Thompson and Caputo: Relating to qualifications of paraprofessionals, autism mentors and braille or sign support specialists	16					16
2041 -	By Delegates R. Thompson, Miller and C. Thompson: Permitting teachers to retire after 25 years of contributing service regardless of age	16					16
2043 -	By Delegate R. Thompson: Requiring moneys collected from the sale of timber realized through management of the state-owned forests and parks be distributed on a pro rata basis	16					16
2044 -	By Delegate Foster: Relating to pecuniary interest of county and district officers, teachers and school officials in contracts	16					16
2045 -	By Delegate Foster: Removing the requirement for contractors to file payroll information on public improvement construction projects	16					16
2046 -	By Delegates Foster, J. Jeffries, Phillips, Wilson, Kessinger, McGeehan, Mandt, Estep-Burton, N. Brown, Summers and Williams: Establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child	16					16
2047 -	By Delegate Sponaule: Relating to penalties incurred from obstructing, fleeing from and making false statements to law-enforcement	16					16
2050 -	By Delegates Fleischauer and Lovejoy: Prohibiting confidential settlement terms of a contested case involving sexual harassment, sexual abuse, or sexual assault	16					16

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2051 -	By Delegate Canestraro: Annual retirement annuity adjustment West Virginia State Police Retirement System	16					16
2052 -	By Delegate Sponaugle: Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists	16					16
2053 -	By Delegates Fleischauer and Pyles: Providing that state retirees' insurance benefits be restored to the benefit levels that existed in 2015	16					16
2054 -	By Delegates Sponaugle, Caputo and Longstreth: Giving all honorably discharged veterans ten extra points when successfully completing a civil service examination	16					16
2055 -	By Delegates Sponaugle and Caputo: Prohibiting drilling units from being established without consent of all owners	16					16
2056 -	By Delegates Fleischauer, Pyles and Canestraro: Repealing the West Virginia Workplace Freedom Act and restoring prior law	16					16
2057 -	By Delegates Fleischauer, Pyles and Canestraro: Reestablishing prevailing wages for certain state government contracts	16					16
2058 -	By Delegates Fleischauer, Pyles and Rohrbach: Exempting retirement income of members of certain uniformed services from state income tax	16					16
2059 -	By Delegates Fluharty, Pyles and Miley: Expanding the amount of PROMISE scholarship funds awarded to persons majoring in science, technology, engineering and mathematics	16					16
2060 -	By Delegate Sponaugle: Relating to the procedures for driver's license suspension and revocation in criminal proceedings for driving under the influence of alcohol, controlled substances or drugs	16					16

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2062 -	By Delegates Fleischauer and Caputo: The Healthy and Safe Workplace Act	16					16
2063 -	By Delegates Fluharty, Lovejoy and Sponaugle: Prohibiting use of a person's credit history in certain insurance transactions	16					16
2064 -	By Delegate Sponaugle: Relating to a five percent bid preference on certain state contracts for businesses owned fifty-one percent by honorably discharged resident veterans	16					16
2065 -	By Delegates Sponaugle, Caputo, Miley and Lovejoy: Expiring the PROMISE Scholarship Program, and establishing the Promise for All Scholarship Program	16					16
2066 -	By Delegates Sponaugle, Miller and Caputo: Establishing an alternative methodology for pretrial release of persons charged with crimes	16					16
2068 -	By Delegate J. Kelly: Providing counties the power to establish a county sales tax under certain circumstances	16					16
2070 -	By Delegates J. Kelly and Cadle: Permitting persons who are twenty-one years of age or older to operate or be a passenger on a motorcycle without a helmet	16					16
2071 -	By Delegates Sponaugle and Lovejoy: Exempting a percentage of social security benefits from personal income tax	16					16
2072 -	By Delegates J. Kelly and Rowan: Relating to tuition and fees at community and technical colleges	16					16
2073 -	By Delegates Sypolt and Hansen: Implementing the recommendations of the studies required by the Natural Gas and Horizontal Well Control Act	16					16
2074 -	By Delegates McGeehan, Wilson, N. Brown and Bibby: Life at Conception Act of 2019	16					16

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2075 -	By Delegate McGeehan: Exempting certain law-enforcement officers from payment of income and personal property taxes	16					16
2076 -	By Delegate Pushkin: Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system	16					16
2077 -	By Delegates Pushkin, Rohrbach, N. Brown and Pyles: Prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present	16					16
2080 -	By Delegates Pushkin and Pyles: Authorizing possession and smoking of medical cannabis by approved persons	16					16
2085 -	By Delegate Pushkin: Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health	16					16
*2086 -	By Delegate Storch: Uniform Real Property Electronic Recording Act (Chapter 128, Acts, Regular Session, 2020)	16	245	1059, 1552	1059, 2695	343, 1065, 1559	16, 286, 312, 343, 1065, 1397, 1552, 1559, 3561, 3587
2087 -	By Delegates Storch and Canestraro: Reallocating and dedicating three percent of oil and gas severance tax revenues to the oil and gas producing counties	16					16
*2088 -	By Delegates Anderson and Westfall: Relating to admissibility of certain evidence in a civil action for damages	16	1216			1521	16, 1331, 1369, 1426, 1427, 1519, 1520, 1521
2091 -	By Delegate Cowles: Increasing the minimum number of magisterial districts in a county	16					16
2093 -	By Delegate Dean: Relating to seniority rights and school consolidation	16					16
2094 -	By Delegate McGeehan: Exempting motor vehicles from personal property tax	16					16
2096 -	By Delegate Pushkin: Relating to the juvenile justice reform oversight committee	16					16



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2097 -	By Delegates McGeehan, J. Kelly and Porterfield: Relating to the hunting of coyotes	16					16
2098 -	By Delegate McGeehan: Home Instruction Tax Relief Act	16					16
2099 -	By Delegate McGeehan: Relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom	16					16
2100 -	By Delegates Hornbuckle, Rohrbach, Lovejoy and Robinson: Establishing a pilot program to develop school-based mental and behavioral health services	16					16
2101 -	By Delegate Hornbuckle: Modifying the tax on soft drinks to only cover sugary drinks	16					16
2102 -	By Delegate Fleischauer: Relating generally to horizontal well control standards	16					16
2103 -	By Delegate Miller: Establishing motor vehicle registration plates for official vehicles of emergency management agencies	16					16
2104 -	By Delegate Caputo: Increasing benefits of retired state personnel and retired teachers	16					16
2105 -	By Delegate Caputo: Establishing a minimum number of troopers to provide basic law enforcement services, and providing members of the West Virginia State Police a \$580 salary increase at the end of two years of service	16					16
2106 -	By Delegate Caputo: Requiring that State Police officers be compensated for time when they are required to be on standby and providing a stipend for housing cost for certain officers	16					16
2107 -	By Delegate Caputo: Providing meetings and conference rights for members of municipal fire departments	16					16

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2108 -	By Delegate Sponaugle: Creating the West Virginia Earned Income Tax Credit	16					16
2109 -	By Delegate Canestraro: Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations	16					16
2110 -	By Delegates Canestraro, Pethel, Fluharty, Diserio, Williams, Fleischauer and Caputo: Reallocating and dedicating the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin	16					16
2111 -	By Delegate Caputo: Relating to pension benefits exempt from state income taxation	16					16
2112 -	By Delegate R. Thompson: Relating to failure to maintain state and public roads	16					16
2113 -	By Delegate Howell: Intrastate Coal and Use Act	16					16
2117 -	By Delegate Pyles: Relating to the approval of the Historic Landmarks Commission	16					16
2118 -	By Delegate Pyles: Relating to the power of local government authorities to regulate vehicular traffic within their borders	16					16
2119 -	By Delegates Pyles and Paynter: Prohibiting the performing of an onychectomy or flexor tendonectomy procedure on a cat	16					16
2120 -	By Delegate Pyles: Providing local government the authority to place video cameras at road intersections	16					16
2122 -	By Delegate Rowan: Relating to more equitable disbursement of funds to county boards	16					16
2123 -	By Delegate Shott: Uniform Partition of Heirs Property Act	16					16
2124 -	By Delegate Cooper: Expanding the authority of motor carrier inspectors	16					16
2125 -	By Delegate Caputo: Giving the Insurance Commissioner the power to regulate and penalize self-insured employers	16					16

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2126 -	By Delegate Caputo: Requiring county boards of education to provide released time for professional educators and service personnel when serving in an elected municipal or county office	16					16
2127 -	By Delegate Caputo: Providing for career development and establishing a pay scale for Alcohol Beverage Commission inspectors, enforcement agents and supervisors	16					16
2129 -	By Delegate Caputo: Prohibiting the use of a credit score in casualty insurance rate filings	16					16
2130 -	By Delegates Caputo and Pyles: Establishing seniority rights for public employees	16					16
2131 -	By Delegate Caputo: Establishing the Legislative Oversight Commission on Energy Workers Safety	16					16
2132 -	By Delegate Caputo: Increasing the amount of annual and incremental salary increases for eligible state employees	16					16
2133 -	By Delegate Caputo: Creating an additional magistrate court deputy clerk position for Marion County	16					16
2134 -	By Delegate Caputo: Requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability	16					16
2135 -	By Delegate Caputo: Requiring the Superintendent of the State Police to implement a plan to increase the number of troopers	16					16
2136 -	By Delegate Fleischauer: Clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates	16					16
2137 -	By Delegate Fleischauer: Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement	16					16

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2138 -	By Delegate Fleischauer: Prohibiting blasting within six hundred twenty-five feet of an occupied dwelling	16					16
2139 -	By Delegate Caputo: Allowing quarterly payment of real and personal property taxes	16					16
2140 -	By Delegate Caputo: Providing a ten percent discount to residents at state parks and forests	16					16
2141 -	By Delegate Caputo: Providing for the use of neck braces by football players	16					16
2142 -	By Delegates Howell and Pushkin: Issuing identification documents to homeless individuals residing at homeless shelters	16					16
2143 -	By Delegate Howell: West Virginia Firearms Freedom Act	16					16
2144 -	By Delegate Shott: Relating to debarment of vendors seeking to provide goods and services to the state and its subdivisions	16					16
2147 -	By Delegates Bates and Wilson: Limiting pay of members of the Legislature when a budget bill has not been passed	16					16
*2149 -	By Delegates Lovejoy, Linville, Hans and Boggs: Relating to the Farm-To-Food Bank Tax Credit (Chapter 330, Acts, Regular Session, 2020)	16	1222		1735	1427	16, 1331, 1370, 1427, 2576, 3586
2150 -	By Delegate Cooper: Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents	16					16
2151 -	By Delegate Cooper: Relating to the beginning and expiration of hunting and fishing licenses	16	761				16, 761
2152 -	By Delegate Sponagle: Permitting teachers under the State Teachers Retirement System to teach college level courses without loss of benefits	16					16
2153 -	By Delegate Rowe: Relating to social determinants of health	16					16
2154 -	By Delegate Rowe: Creating a litigation practice license for social workers	16					16

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2155 -	By Delegate Bates: Relating to Capitol Complex security access	16					16
2156 -	By Delegates Rowe and Pyles: Creating a tax credit for improving facades in historic districts	16					16
2157 -	By Delegates Rowe and Pyles: Relating to the right of municipalities and counties to buy real estate for delinquent taxes	16					16
2158 -	By Delegate Rowe: Relating to alternate sentencing for nonviolent felony offenders	16					16
2159 -	By Delegate Rowe: Requiring paving contracts for state highways to have special requirements to prevent potholes	16					16
2160 -	By Delegate Rowe: Economic and Community Development Task Force	17					17
2161 -	By Delegate Rowan: Prohibiting sexual offenders from residing within one thousand feet of a school or childcare facility	17					17
2162 -	By Delegate Rohrbach: West Virginia Native American Tribes Unique Recognition, Authentication and Listing Act	17					17
2163 -	By Delegate Pushkin: Relating to consumer protection of new manufactured home warranties	17					17
2164 -	By Delegates Shott, Canestraro, Fleischauer, Wilson, Porterfield, Fast and Capito: Clarifying that appeals to the Supreme Court are a matter of right	17					17
2165 -	By Delegate Miller: Relating to custody and disposal of seized controlled substances and drugs	17					17
2166 -	By Delegate Howell: Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle	17					17
2167 -	By Delegates Miller and Canestraro: Authorizing the prosecuting attorney to issue a subpoena duces tecum for certain documents	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2168 -	By Delegates Hornbuckle, Canestraro and Lovejoy: Authorizing a temporary foreign brewers import license	17					17
2169 -	By Delegates McGeehan, Sponaule, S. Brown, C. Thompson and Wilson: Allowing a group of affiliated voters to become a recognized political party under certain criteria	17					17
2170 -	By Delegate McGeehan: Right to keep and bear arms	17					17
2171 -	By Delegate Miley: Increasing frequency of the State Police updating the state sex offender registry	17					17
2176 -	By Delegate Fluharty: Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists	17					17
2177 -	By Delegate Fluharty: Relating to drug testing of legislators	17					17
2180 -	By Delegates Fleischauer and Pyles: Relating to the Consumer Credit and Protection Act	17					17
2185 -	By Delegates Westfall, Byrd, Lovejoy, Zukoff, Fluharty, Pushkin, Fleischauer and Rohrbach: Relating to the removal of animals left unattended in motor vehicles	17	270				17, 271
2186 -	By Delegate Foster: Authorizing a medical power of attorney representative to sign a binding arbitration agreement	17					17
2187 -	By Delegate Sponaule: Requiring that lien releases filed with county clerk's office include the Deed of Trust Book and page numbers	17					17
2188 -	By Delegates Sponaule and Miley: Nullifying certain adoption orders	17					17
2192 -	By Delegate Cooper: Requiring pawnbrokers to providing certain information to law-enforcement agencies	17					17
2194 -	By Delegate Pushkin: Creating a domestic violence registry	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2195 -	By Delegates Shott and Fast: Creating the West Virginia Sentencing Commission	17					17
2197 -	By Delegates Foster and Porterfield: Increasing the salaries of circuit court judges, family court judges, and magistrates	17					17
2198 -	By Delegate Fast: Relating to pyramid promotional schemes	17					17
2199 -	By Delegates Cooper and Miller: Requiring pawnbrokers to providing certain information to law-enforcement agencies	17					17
2201 -	By Delegates Spoungle and Ellington: Relating to personal income taxes	17					17
2202 -	By Delegate Foster: Relating to net metering	17					17
2203 -	By Delegates Foster, Jennings, Cowles and Porterfield: West Virginia Contractor Licensing Act	17					17
2207 -	By Delegate Cooper: Requiring that a state employee with a commercial driver's license have a current medical evaluation certification	17					17
2208 -	By Delegates Spoungle and Lovejoy: Reducing federal adjusted gross income for volunteer fire department and rescue squad members	17					17
2211 -	By Delegate Wilson: Budget and Spending Transparency Act	17					17
2212 -	By Delegates Fast and Porterfield: Requiring bail bondsman and bail bond enforcer be subject to random drug testing	17					17
2213 -	By Delegate Wilson: Mountain State Employee Compensation Realignment Act	17					17
2214 -	By Delegates Rohrbach and Pyles: Requiring applicants for new and renewed drivers' licenses to be asked if they desire to be organ donors	17					17
2215 -	By Delegates Sypolt and Rowan: Making it a felony to knowingly expose another individual to HIV	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2216 -	By Delegates Fast and Porterfield: Defining the term minor boundary adjustment	17					17
2217 -	By Delegates Fast and Porterfield: Requiring all local special elections to be held on the days and hours of general, primary or state-wide elections	17					17
2218 -	By Delegate Fast: Modifying the definition of child abuse or neglect to exclude accidental injury	17					17
2221 -	By Delegate Barrett: Reducing the cost of the fee for a state license to carry a concealed weapon	17					17
2222 -	By Delegates Barrett and Canestraro: Requiring the Insurance Commissioner to regulate professional bondsmen	17					17
2224 -	By Delegates Hornbuckle, Rowan, Longstreth, Lovejoy and Pyles: Relating to insurance coverage for breast cancer screening	17					17
2227 -	By Delegates Rowan and Rohrbach: Nondiscrimination in Involuntary Denial of Treatment Act	17					17
2228 -	By Delegates Shott and Porterfield: Allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants	17					17
2303 -	By Delegate Foster: State Tax Department, rule relating to payment of taxes by electronic funds transfer	17					17
2306 -	By Delegates Storch and Pyles: Revised Uniform Fiduciary Access to Digital Assets Act	17					17
2308 -	By Delegates Fleischauer, S. Brown, Longstreth, Pyles, Walker, Fluharty and Storch: Katherine Johnson Fair Pay Act of 2019	17					17
2309 -	By Delegates Sponaugle and Porterfield: Allowing municipalities to cancel elections when only one person is running	17					17



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2310 -	By Delegate Sponagle: Repealing the Public Employees Insurance Agency Finance Board	17					17
2312 -	By Delegate Sponagle: Authorizing county commissions to initiate collection actions for emergency ambulance service	17					17
2314 -	By Delegates Foster, Higginbotham and Porterfield: Limiting the maximum number of appointees to certain county and municipal bodies	17					17
2315 -	By Delegate Foster: Requiring a warning light to be erected on certain roads to warn of a traffic light ahead	17					17
2317 -	By Delegates Rohrbach and Fast: Requiring the release of an unemancipated minor's medical records for drug testing	17					17
2318 -	By Delegates Rohrbach and Lovejoy: Changing the persons responsible for the taxes on soft drinks and soft drink syrups	17					17
2319 -	By Delegates Bates and Longstreth: Creating a state-administered wholesale drug importation program	17					17
2320 -	By Delegates Rowe and Pyles: Establishing a special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States	17					17
*2321 -	By Delegates Lovejoy, Miller, Canestraro, Rohrbach, N. Brown, Wilson, Robinson, Byrd, Maynard, Hornbuckle and Angelucci: Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder	17	1052			1280	17, 1053, 1111, 1197, 1247, 1279, 1280
2322 -	By Delegates Cooper and Rowan: Providing a salary increase for special education teachers	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2323 -	By Delegates Rowe, Rohrbach and Lavender-Bowe: Raising the legal age for purchase of tobacco and tobacco products	17					17
2325 -	By Delegates Lovejoy and Canestraro: Relating to net neutrality for state government	17					17
2327 -	By Delegates Lovejoy, Canestraro and Rohrbach: Relating to public school education in dating violence, domestic abuse and sexual violence prevention	17					17
2328 -	By Delegates Rowe and Pyles: Relating to designation of social workers in the Department of Health and Human Services	17					17
2330 -	By Delegates Howell, Shott and Porterfield: Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter	17					17
2331 -	By Delegates Bates, Caputo, Lavender-Bowe, Williams, Fluharty, Pushkin, Barrett, Sponaule, Byrd and Hornbuckle: Relating to legalizing cannabis production, sales and adult consumption	17					17, 361, 378
2332 -	By Delegate Paynter: Relating to insurance unfair trade practices	17					17
2333 -	By Delegate Caputo: Relating to career progression of members of the State Police	17					17
2334 -	By Delegates Fleischauer and Pushkin: Establishing an industrial water extraction fee	17					17
2335 -	By Delegates Fleischauer, Pyles, Caputo and Longstreth: Family Protection Act	17					17
2336 -	By Delegates Fleischauer, Miller, Lavender-Bowe and Walker: Relating to the state's Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2337 -	By Delegates Fleischauer and Pyles: Assessing the health impact of any new, or modification to, rule proposed by the Secretary of the Department of Environmental Protection	17					17
*2338 -	By Delegates Howell and Porterfield: Allowing the owner of an antique military vehicle to display alternate registration insignia (Chapter 218, Acts, Regular Session, 2020)	17	350, 437	521, 1622	1622	549, 1625	17, 350, 486, 521, 548, 549, 1625, 1835, 3586
2339 -	By Delegates Fluharty and Miley: Establishing the “Stay in State” tax credit	17					17
2340 -	By Delegates Rohrbach and Lovejoy: West Virginia Earned Income Tax Credit	17					17
2341 -	By Delegates Fleischauer, Angelucci, Hansen, Walker, Rowe, Estep-Burton, Rohrbach, Diserio and Pushkin: West Virginia Residential Furniture and Children's Products Flame Retardants Act	17					17
2344 -	By Delegates Rowan, Pyles, Rohrbach and Lovejoy: Livable Home Tax Credit	17					17
2345 -	By Delegates Rowan, J. Kelly and Rohrbach: Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's receptive and expressive language	17					17
2347 -	By Delegates Jennings and Rowan: Providing long-term care and substance abuse treatment	17					17
2348 -	By Delegates Miley and Lovejoy: Authorizing magistrates to order emergency removal of child when parent's drug use creates unsafe environment	17					17
2350 -	By Delegates R. Thompson and Lovejoy: Permitting public employees the right to collectively bargain	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2353 -	By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson: Allowing purchase of hardware items and equipment for state-wide road system from a local seller rather than the holder of a state contract	17					17
2367 -	By Delegates Miley and Caputo: Creating a state program allowing high school students advance to getting a college degree or technical training while in high school	17					17
2368 -	By Delegate Pushkin: Relating to education to children and adults housed in correctional facilities and regional jails	17					17
2370 -	By Delegates McGeehan and Kump: Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax	17					17
2371 -	By Delegate McGeehan: Abolishing the Personal Income Tax	17					17
2372 -	By Delegate McGeehan: Continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans	17					17
2373 -	By Delegate McGeehan: Streamlining the process of abandoned mineral interests	17					17
2374 -	By Delegates McGeehan, J. Kelly and Kump: Discontinuing the use of common core standards and assessments in the state	17					17
2375 -	By Delegate McGeehan: Save the Hospitals Act	17					17
2376 -	By Delegates Hornbuckle and Pyles: Relating to the legalization of marijuana	17					17
2377 -	By Delegates Cooper and Nelson: Making Promise scholarships available for students pursuing certificates or degrees through an accredited community and technical college	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2380 -	By Delegate Fleischauer: Protecting consumers from surprise bills by health care providers	17					17
2381 -	By Delegates Hornbuckle and Rohrbach: Exempting certain contracts between the Department of Health and Human Resources and West Virginia University, Marshall University or the School for Osteopathic Medicine from state purchasing requirements	17					17
2382 -	By Delegates Hornbuckle, Miller, Canestraro, Lovejoy and Pyles: Making it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property	17					17
2383 -	By Delegates Hornbuckle, Rohrbach, R. Thompson and Lovejoy: Creating a pilot program for expansion of school-based mental health and school-based diversion	17					17
2386 -	By Delegate Fleischauer: School Consolidation Task Force	17					17
2387 -	By Delegates Boggs, Caputo and Miley: Requiring the Commissioner of Highways to verify legal employment status of contractors and vendor's employees for certain road and bridge contracts	17					17
2392 -	By Delegates Hartman and Caputo: Allowing the Alcohol Beverage Control Commissioner to issue special one-day licenses for charitable events	17					17
2393 -	By Delegates Dean, Rowan, R. Thompson and N. Brown: Fixing the premium cost sharing at no less than 80 percent for the employer and no more than 20 percent for the employee	17					17
2394 -	By Delegates Fleischauer and Fast: Requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2395 -	By Delegates Rowe and Pyles: Providing school days to register and transport students to vote	17					17
2397 -	By Delegates Atkinson, J. Kelly, Miller, Cooper and Mandt: Requiring county school boards to provide adequate mental health and counseling services	17					17
2401 -	By Delegates Criss, Pyles, Higginbotham and Hanna: Licensing the practice of athletic training	17					17
2402 -	By Delegates McGeehan, Shott and Kump: Exempting social security benefits from personal income tax	17					17
2403 -	By Delegate McGeehan: Exempting firefighters and volunteer firefighters from payment of income and real and personal property taxes	17					17
2404 -	By Delegate Caputo: Providing an increase in compensation for natural resources police officers	17					17
2406 -	By Delegates Cooper, Higginbotham, Kump and Cadle: Exempting persons with valid religious objections from having their photographs taken and placed on government licenses	17					17
2417 -	By Delegates Foster and Higginbotham: Clarifying that a vehicle may not be backed into a public street or highway unless it does not interfere with other traffic	17					17
2418 -	By Delegates Foster, Higginbotham, Fast, Steele, Phillips, Kessinger and Cadle: Including family court judges in the Judges' Retirement System	17					17
*2419 -	By Delegates Shott, Householder and Porterfield: Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance (Chapter 98, Acts, Regular Session, 2020)	17	387	3270	3270	482, 3276	17, 432, 460, 481, 482, 3276, 3566, 3587

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2425 -	By Delegates C. Martin, Butler and Fast: Defining a work day for school service personnel and removing a provision relating to employment of licensed practical nurses	17					17
2426 -	By Delegates Caputo, Longstreth, Pyles, Angelucci, Boggs, Miller, Fluharty, Hartman, Miley and Swartzmiller: Giving local authorities the authority to decrease the speed limit on streets and highways where school buses travel in its jurisdiction	17					17
2427 -	By Delegates Caputo, Pyles, Angelucci, Boggs, Miller, Campbell, Sponagle, Hartman, Miley and Swartzmiller: Paying a monthly allotment to certain veterans	17					17
2428 -	By Delegates Ellington, Hill, Pack, Dean, Wilson, Bates, Fleischauer, Staggers and Pushkin: Creating a state administered wholesale drug importation program	17					17
2429 -	By Delegates Kump, Householder, McGeehan and Cooper: Creating the Vehicle Registration Scofflaw Elimination Program	17					17
2430 -	By Delegates Kump, Householder and McGeehan: Prohibiting forcing currently owner-occupied residences to be required to participate in a public sewer or public water system	17					17
2431 -	By Delegates Kump and Householder: Relating to eligibility in the Public Employees Retirement System for those newly elected or appointed members of the State Legislature	17					17
2432 -	By Delegates Kump and Householder: Electing members of county school boards on a nonpartisan basis in general elections	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2433 -	By Delegates J. Kelly, Cooper, Atkinson, Wilson, Steele, Dean, Campbell, D. Kelly, Hanna, Fast and D. Jeffries: Modifying the school calendar to begin not earlier than September 1 and end no later than June 7	17	384	461			17, 432, 461, 482, 512
2438 -	By Delegate Hartman: Relating generally to survivor benefits for emergency response providers	17					17
2442 -	By Delegate Caputo: Increasing compensation for conservation officers	17					17
2443 -	By Delegates Pack and Cooper: Granting the West Virginia Board of Examiners for Registered Professional Nurses the sole authority for the accreditation of nursing schools	17					17
2444 -	By Delegate Canestraro: Prosecuting Attorney's Detectives Act	17					17
2445 -	By Delegates Pushkin, Kump and Lovejoy: Creating the Independent Redistricting Commission of the Joint Committee on Government and Finance	17					17
2447 -	By Delegates Kump, Householder, McGeehan, Cooper and Porterfield: Exempting certain kindergartens, preschools and school education programs that are operated by a private school from state licensure requirements	17					17
2448 -	By Delegates Robinson, Dean, P. Martin, Rohrbach, Campbell, Cooper, Pack, Atkinson, Miller, Canestraro and Lovejoy: Middle School Technical Education Program Act	17					17
2453 -	By Delegate Rowe: Relating to eligibility for parole	17					17
2454 -	By Delegates Rowe, Estep-Burton and Pyles: Allowing low income senior citizens to receive certain tax credits without filing a state income tax return	17					17



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2455 -	By Delegates Paynter, Dean, Cooper, C. Martin, McGeehan, Linville, Campbell, Storch, R. Thompson and Cadle: Redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the Public Employees Insurance Agency	17					17
2456 -	By Delegates Kump, McGeehan and Wilson: Relating to the definition of a political party for all state and local elections	17					17
2457 -	By Delegates Kump, Householder, McGeehan and Cooper: Educational Equality Act	17					17
2458 -	By Delegates Kump, Householder, McGeehan and Cooper: Providing that West Virginia will not participate in the REAL ID Act of 2005	17					17
2460 -	By Delegates Williams, Lovejoy and Pyles: Creating a statutory right to petition circuit and family courts for sibling visitation	17					17
2461 -	By Delegates Williams, Byrd and Pyles: Relating to cruelty to animals	17					17
2463 -	By Delegates Williams and Pyles: Increasing the minimum wage based upon increases in the consumer price index	17					17
2464 -	By Delegates Williams, C. Thompson, Storch, Walker, S. Brown, Lavender-Bowe, Lovejoy and Pyles: Requiring free feminine hygiene products in grades 6 through 12	17	435				17, 435
2465 -	By Delegate Fast: Providing an exemption from regulation by the Public Service Commission for motor vehicles used exclusively in the transportation of roll-off solid waste containers	17					17
2468 -	By Delegates Cooper, Hartman and R. Thompson: Department of Agriculture Capital Improvements Fund	17					17
2471 -	By Delegates Steele, Mandt, Howell, Foster and Kessinger: Increasing criminal penalties for impersonation of law-enforcement officers or officials	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2473 -	By Delegates Pushkin and Hornbuckle: Prohibiting the private ownership or operation of a prison	17					17
2477 -	By Delegates Steele, Shott, D. Kelly and Householder: Establishing different rates of taxation for tobacco products for certain border counties	17					17
*2478 -	By Delegates Steele, Pack, Lovejoy, Mandt and Rohrbach: Modifying the Fair Trade Practices Act (Chapter 312, Acts, Regular Session, 2020)	17	1258	3276	3276	1513, 3279	17, 1258, 1378, 1443, 1513, 3279, 3571, 3587
2487 -	By Delegates Williams and Pyles: Pothole app and map	17					17
2488 -	By Delegate Williams: Relating to the theft of consumer identity protections	17					17
2489 -	By Delegates Anderson, Higginbotham, J. Kelly, Miley, Cadle, Evans, Azinger, Boggs and Nelson : Relating to the removal of the severance tax on oil and gas produced from low producing oil and natural gas wells	17					17
2491 -	By Delegates Fleischauer, Pyles, Walker, Hansen, Pethel, Williams, Caputo, Sypolt, Jennings, Angelucci and Miley: Providing certain employees of the Highways increases in annual pay	17					17
2494 -	By Delegates Steele, Kessinger and Pack: Relating to the ineligibility for home incarceration for offenders under certain circumstances	17					17
2495 -	By Delegates Kump, Bibby, Wilson and Porterfield: Authorizing certain West Virginia courthouse security officers to carry concealed firearms	17					17
2496 -	By Delegate Kump: Shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities	17					17
*2497 -	By Delegates Kump, Pushkin, N. Brown, S. Brown, Lovejoy, Canestraro, Fluharty, Householder and C. Thompson: Relating to the whistle-blower law (Chapter 256, Acts, Regular Session, 2020)	17	352	1065	1065	457, 1068	17, 405, 431, 457, 458, 1068, 1397, 1671

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2502 -	By Delegates Steele, Pack, Mandt, Wilson, Foster and Kessinger: Prohibiting registered sex offenders from participating in Halloween activities	17					17
2505 -	By Delegate Steele: Relating to the ineligibility for probation of certain defendants	17					17
2508 -	By Delegates Steele, Paynter, Mandt, Wilson, Foster and Kessinger: Relating to certain defendants ineligible for probation	17					17
2512 -	By Delegates Howell, Pack, Hott, Hamrick, Dean, Ellington, Higginbotham, Linville, Butler and Kessinger: Authorizing the Department of Motor Vehicles to issue certain vital records in the custody of the State Registrar	17					17
2517 -	By Delegates Canestraro, Pushkin and Williams: Permitting salary increases for full time official court reporters based upon years of service	17					17
2519 -	By Delegates Butler, Maynard, Cadle, Foster, Hanna, Espinosa, Higginbotham, McGeehan, Householder, Swartzmiller and Hardy: The Campus Self Defense Act	17					17
2520 -	By Delegates Walker, Hansen, Estep-Burton, Pyles, Angelucci, Azinger and C. Thompson: Relating to the Antihazing Law	17					17
2526 -	By Delegates Summers and Steele: Creating an offense for public intoxication due to drug use	17					
2527 -	By Delegates Steele, Pack, Mandt, J. Jeffries and Kessinger: Relating to forgery and other crimes concerning lottery tickets	17	644			750	17, 695, 726, 749, 750
2528 -	By Delegates Cooper, Anderson and R. Thompson: Relating to employees of the Commissioner of Agriculture	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2529 -	By Delegates Swartzmiller, Diserio, Lavender-Bowe, McGeehan, Miley, Miller, Azinger, Lovejoy, Storch and Caputo: Exempting social security benefits from state personal income tax	17					17
2535 -	By Delegate Fast: Relating to purchasing exemptions and procedures	17					17
2537 -	By Delegates Caputo, N. Brown, Lovejoy, Paynter, Dean, Zukoff, Canestraro, Angelucci, Maynard, Toney and Walker: West Virginia Black Lung Program	17					17
2542 -	By Delegates Howell, Pack, Dean, Fast, Hott and Storch: Permitting directors of county emergency phone systems to obtain mobile-phone emergency lines	17	247				17, 248
2543 -	By Delegates Canestraro, Fleischauer, Zukoff, Fluharty, Caputo, Diserio and Pyles: Increasing the tax on the privilege of severing natural gas and oil	17					17
2544 -	By Delegates Canestraro, Fleischauer, Zukoff and Hansen: Authorizing local boards of health to assess, charge and collect increased environmental fees for restaurants	17					17
2548 -	By Delegates Bates, Householder, Barrett, Lavender-Bowe and Pyles: Creating a healthy living tax credit against the personal income tax	17					17
2549 -	By Delegates Rohrbach, Linville, R. Thompson and Porterfield: Relating to compulsory school attendance	17					17
2551 -	By Delegates Rohrbach, Higginbotham, Maynard, Cooper, Toney, Atkinson, Dean, R. Thompson and Campbell: Requiring the State Board of Education to develop a method for funding student transportation costs as a stand-alone consideration	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2552 -	By Delegates Rowe, Fleischauer and Byrd: Relating to the intestate share of a decedent's surviving spouse	17					17
2553 -	By Delegate Caputo: The Motion Picture Open Captioning Act	17					17
2555 -	By Delegates Doyle, Estep-Burton, S. Brown, Evans and Pyles: Banning plastic bags	17					17
2556 -	By Delegates Doyle, S. Brown, Evans, Hansen, Pushkin, Hornbuckle and Pyles: Relating to required notices for air quality permits prior to the permit being granted	17					17
2561 -	By Delegates Angelucci and Caputo: Expanding the eligibility for service on county school boards	17					17
2562 -	By Delegates Kump, Pushkin, McGeehan and N. Brown: Requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test	17					17
2563 -	By Delegate Wilson: Relating to civil asset forfeiture	17					17
2565 -	By Delegates Canestraro, Fleischauer, Zukoff, Fluharty, Diserio, Williams and Pyles: Collecting a user fee from oil and gas producers who use secondary roads in the state	17					17
2568 -	By Delegates Doyle, S. Brown, Evans, Lavender-Bowe and Pyles: Increasing the tax on the privilege of severing natural gas and oil	17					17
2569 -	By Delegates Doyle, S. Brown, Barrett, Evans, Hansen, Hornbuckle, Lavender-Bowe, Pyles and Lovejoy: Reinstating the film tax credits	17					17
2570 -	By Delegate R. Thompson: Providing that schools be closed for two weeks during the holiday season preceding Christmas Day and following New Year's Day	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2571 -	By Delegates Rohrbach, D. Kelly, Hornbuckle, Mandt, Walker and Linville: Providing that the sale and purchase of copper as scrap metal may not be completed with the payment of cash	17					17
2573 -	By Delegates Doyle, S. Brown, Evans, Pushkin and Hornbuckle: Relating to payment for the construction of any expanded or upgraded public service district facilities in certain circumstances	17					17
2574 -	By Delegates Foster, Steele, Waxman, Kessinger, Bibby, Hardy, Maynard, Mandt, J. Jeffries, Householder and D. Kelly: Repealing the soft drink tax	17					17
2575 -	By Delegate Rodighiero: Freezing PEIA employee premiums for three years	17					17
2576 -	By Delegate Rodighiero: Establishing a tax credit for new businesses that locate in the state	17					17
2577 -	By Delegate Rodighiero: Authorizing insurance to married workers without children at reduced rates under the West Virginia Public Employees Insurance Act	17					17
2578 -	By Delegate Rodighiero: Allowing children in the custody of the state in any foster home, group home or other facility or residence to hunt and fish without a license	17					17
2580 -	By Delegate Rodighiero: Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income	17					17
2581 -	By Delegate Rodighiero: Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card	17					17
2582 -	By Delegate Rodighiero: Exempting all veterans of the Armed Forces or any reserve component thereof from having to obtain a hunting, trapping fishing license	17					17
2586 -	By Delegates Staggers, Jennings, Bates and Boggs: Providing programs to train firefighters and emergency medical technicians	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2588 -	By Delegates Lovejoy, Miller, N. Brown, Paynter, Canestraro, Caputo, Williams, Zukoff, Toney and Pyles: Relating to occupational pneumoconiosis claims	17	1119				1120
2590 -	By Delegate Porterfield: Relating to payment of taxes by co owner or others	17					17
2593 -	By Delegate Rohrbach: Limiting the increase or decrease of state funding to a county board of education	17					17
2595 -	By Delegates Pack, Graves, Cooper, Paynter, Steele, Jennings, Evans, Storch and Maynard: Establishing the West Virginia Division of Natural Resources Police Officer Retirement System	17					17
2596 -	By Delegates J. Jeffries, Householder, Butler, D. Jeffries, Steele, Maynard, Paynter, Kump, Wilson and Porterfield: Providing for a special “Don’t Tread On Me” license plate	17					17
2599 -	By Delegate Rowan: Awarding service weapons to special natural resources police officers upon retirement	17					17
*2602 -	By Delegates Miller, Canestraro, N. Brown, D. Kelly, Foster and Steele: Including possession of known stolen property in the offense of receiving or transferring stolen property (Chapter 89, Acts, Regular Session, 2020)	17	117	893	893	262, 894	17, 217, 241, 262, 895, 1125, 1397
2604 -	By Delegates R. Thompson, Evans, Lovejoy and N. Brown: Permitting service credit in the Teachers Retirement System to persons with alternative school teaching experience	17					17
2605 -	By Delegates Kump and Paynter: Relating to the regular election of officers on state general election day	17	555				17, 555
2606 -	By Delegates Estep-Burton, Lavender-Bowe, S. Brown and Doyle: Requiring 30 minutes of unstructured play time daily for students in kindergarten through grade 5	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2610 -	By Delegate Rodighiero: Creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated	17					17
2611 -	By Delegate Rodighiero: Ensuring Patient Safety Act	17					17
2613 -	By Delegate Rodighiero: Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance	17					17
2615 -	By Delegate Rodighiero: Requiring the state board of education to develop an elective course on Vocational Agriculture	17					17
2616 -	By Delegates Rodighiero, Evans, R. Thompson, Tomblin and Hicks: Providing a maximum repair cost for insured owners of motor vehicles if a collision with a deer caused the damage	17					17
2620 -	By Delegates Westfall, Dean, Atkinson, Hanna and R. Thompson: Modifying the contact requirements with a student's guardians upon accrual of unexcused absences	17					17
2623 -	By Delegate Rodighiero: Requiring the assessor of each county to, within three months of a deed filing in the county clerk's office of each county, prepare a new property tax ticket	17					17
2625 -	By Delegates Robinson, Estep-Burton, Pushkin, Byrd, Rowe, Lovejoy, Canestraro, Fluharty, Miller and N. Brown: Establishing reimbursement rates for congregate and in-home meals	17					17
2627 -	By Delegates Pack, Howell, Steele, McGeehan, Cooper, Lovejoy and Wilson: Removing all costs and fees from a Silver Star registration plate	17	248				17, 248
2628 -	By Delegate Rodighiero: Including volunteer firefighters within the Public Employees Insurance Act	17					17



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2629 -	By Delegates J. Jeffries, Paynter, Wilson, Porterfield, Cadle, Kump, P. Martin, D. Jeffries and Butler: Ending tolls on the West Virginia Turnpike effective July 1, 2019	17					17
2630 -	By Delegates Westfall, Atkinson, Dean and Hanna: Requiring each county school board to employ at least one full time school nurse	17					17
2631 -	By Delegate Rodighiero: Relating to qualifying children of state employees, receiving income of \$25,000 per year or less, for the West Virginia Children's Health Insurance Program	17					17
2632 -	By Delegates Kump, Wilson, J. Jeffries, Bibby, Householder, Cadle, McGeehan, Kessinger, Azinger and Fast: Tim Tebow Act	17					17
2633 -	By Delegate Rodighiero: Issuing a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder	17					17
2634 -	By Delegate Rodighiero: Requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses	17					17
2636 -	By Delegate Rodighiero: Exempting volunteer firefighters from fees for hunting, fishing and trapping licenses and permits	17					17
2640 -	By Delegates Wilson, S. Brown, Waxman, Storch and Longstreth: Making all inmates regardless of sex eligible to work on a state convict road force	17					17
2641 -	By Delegates Canestraro, Diserio, Fluharty, Zukoff and Pyles: Requiring owners of oil and gas wells to install and maintain separate meters that calculate the amount of production from those wells	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2642 -	By Delegates Sponaugle, Miley, Shott, Lovejoy, Hornbuckle, Caputo and Fluharty: Clarifying what constitutes an action requiring service to the Attorney General and notice to the Legislature	17					17
2643 -	By Delegates Sponaugle, Hott, McGeehan, Cadle and Cowles: West Virginia Farm Fresh Raw Milk Act	17					17
2644 -	By Delegates R. Thompson, N. Brown and Hicks: Allowing an owner of Japanese quail to keep them as pets without having to obtain a license	17					17
2645 -	By Delegates R. Thompson and Hicks: Relating to power of security guards to arrest individuals	17					17
*2646 -	By Delegates Higginbotham, Foster, Wilson, Sypolt, Hardy, Butler, Atkinson and Cadle: Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees (Chapter 204, Acts, Regular Session, 2020)	17	941, 1209	2580	2580	1428, 2582	17, 941, 1331, 1370, 1427, 1428, 2582, 3563, 3587
2649 -	By Delegate Rodighiero: Providing state health care services for all active and inactive duty military personnel	17					17
2650 -	By Delegate Rodighiero: Establishing seniority rights for public employees	17					17
2652 -	By Delegate Rodighiero: Relating to public health	17					17
2653 -	By Delegates Graves, Kessinger, D. Jeffries, Linville, Phillips and Mandt: Creating a presidential service registration plate	17					17
2656 -	By Delegates Hardy, Bibby, J. Jeffries, Doyle, Cadle, S. Brown, Wilson and Kessinger: Health Care Choice Act	17					17
2659 -	By Delegates Bates and Pyles: Establishing a tax on the production of natural gas to fund the public employees insurance program	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2660 -	By Delegates Anderson, Azinger, J. Kelly, Storch, D. Kelly, Swartzmiller and Nelson : Relating to the manner in which actual investment of capital and costs and a natural gas utility's expedited cost recovery are calculated	17					17
*2663 -	By Delegates Cooper, Summers, Cadle, Anderson and Porterfield: Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code	17	439, 936				17, 439, 1044, 1106, 1180, 1201
2664 -	By Delegates Butler, Jennings, McGeehan, Phillips, Bibby, Wilson, J. Jeffries and Waxman: The West Virginia Refugee Absorptive Capacity Act	17					17
2669 -	By Delegate Cowles: West Virginia Child Advocate for the Protection of Children Act	17					17
2672 -	By Delegates Azinger, McGeehan, Cooper, J. Kelly, Butler, Rodighiero, Steele, Cadle and Anderson: Exempting honorably discharged veterans of the from payment of fees and costs for a license to carry deadly weapons	17					17
2678 -	By Delegates Bibby, Hardy, Cadle, Foster, McGeehan, Howell, J. Jeffries, Wilson and Hanna: Eliminating the personal property tax on new vehicles	17					17
*2679 -	By Delegates Phillips, Foster, McGeehan, Hansen, Shott and Hott: Relating to state issued identification cards	17	118			263	17, 217, 241, 262, 263
2681 -	By Delegates Cowles, Miller, Lovejoy and Kessinger: Providing guidance for prosecuting attorneys in cases involving abused and neglected children	17					17
2682 -	By Delegates Cowles, Pack, Rowan, Storch, Kessinger and Lovejoy: Establishing a bill of rights for foster parents	17					17
2683 -	By Delegates Cowles, Pack, Rowan, Storch, Kessinger and Lovejoy: Establishing a bill of rights of children in foster care	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2684 -	By Delegates McGeehan and Phillips: Relating to exempting "specie" from taxation	17					17
2685 -	By Delegates Butler, Kessinger, Jennings, Phillips, Bibby, Wilson and J. Jeffries: Refugee Information Act	17					17
2689 -	By Delegate Rodighiero: Relating to replacing the present crime of burglary with the crime of home invasion	17					17
*2696 -	By Delegates Howell, Bibby, Phillips, Sypolt, Cadle, Azinger, D. Jeffries and Hott: Creating an additional index system for state-owned lands (Chapter 162, Acts, Regular Session, 2020)	17	118		495	263	17, 217, 241, 263, 594, 736
2705 -	By Delegates Doyle, S. Brown and Evans: Redistricting of the Senate into 16 two-member senatorial districts and redistricting the House into 96 single member districts	17					17
2710 -	By Delegates Doyle, S. Brown, Lavender-Bowe, Pushkin, Estep-Burton and Pyles: Prohibiting manufacturing plants from locating within two air miles of an existing public school	17					17
2711 -	By Delegates Doyle, S. Brown, Evans, Lavender-Bowe, Campbell, Estep-Burton, Hansen, Pushkin, Hornbuckle and Pyles: Requiring public hearing for applicant for air quality permit relating to facility of certain investment value	17					17
2712 -	By Delegates Foster, Higginbotham, Fast, Dean, Wilson, Porterfield and Rowan: Relating to death penalty for first degree murder	17					17
2713 -	By Delegates Boggs, Campbell, Dean, Pack, Paynter, Toney, Swartzmiller and C. Thompson: Expunging records of unsubstantiated complaints made by the Department of Health and Human Resources against teachers	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2719 -	By Delegates Toney, Dean, Waxman, Paynter, Jennings, R. Thompson, Phillips, Mandt, Pack and Cadle: Establishing an optional bus operator in residence program for school districts	17	729				17, 729
2722 -	By Delegates Anderson, Azinger, Storch, D. Kelly, Queen and P. Martin: Requiring the use of statutory income tax rates for ratemaking purposes for certain public utilities	17					17
2723 -	By Delegates Caputo and Pyles: Placing penalty points on driver's licenses for using electronic communications devices while operating a motor vehicle	17					17
2724 -	By Delegates Atkinson, J. Kelly, Skaff, Lavender-Bowe and Porterfield: Small Business Tax Credit	17	950				17, 950
2725 -	By Delegates Foster, Waxman, Kessinger and Higginbotham: Relating to preventing compensatory damage awards for medical expenses from including certain sums	17					17
2729 -	By Delegates Jennings, J. Jeffries, Lovejoy, Angelucci, Miller, Pack and Pyles: Recognition of Emergency Medical Services Personnel Licensure Interstate Compact	17	249				17, 249
2732 -	By Delegates McGeehan, Butler, Dean, Estep-Burton, Anderson and Pyles: Defend the Guard Act	17	850				17, 614, 850, 851
2733 -	By Delegates Pushkin, Williams, Miley, C. Thompson, Lovejoy, Storch, Higginbotham, Sponaugle and Stagers: Adding "sexual orientation" and "gender identity" to the categories covered by the Human Rights Act	17					17
2735 -	By Delegates Bibby, Hardy, J. Jeffries, Paynter, Higginbotham, D. Jeffries, Hanna and Wilson: Relating to state road construction	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2741 -	By Delegates Walker, Rowe, Canestraro, Miller, Diserio, Angelucci, Caputo, Barrett, Estep-Burton and Campbell: Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act	17					17, 912
2742 -	By Delegate Rodighiero: Making available elective courses on the history of the Old and New Testaments of the Bible	17					17
2747 -	By Delegate Rodighiero: Allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent	17					17
2748 -	By Delegate Rodighiero: Increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System	17					17
2749 -	By Delegate Rodighiero: Relating to quarterly payment of real and personal property taxes	17					17
2752 -	By Delegates Wilson and Bibby: Adding to the persons who have access to the information kept by the Board of Pharmacy	17					17
2753 -	By Delegates Wilson and Bibby: Permitting stand-in candidates for gubernatorial and presidential contests	17					17
2754 -	By Delegates Wilson and J. Jeffries: Establishing certain requirements for dental insurance	17					17
2756 -	By Delegates Foster, Criss, Waxman, Graves, D. Jeffries, Pack, Hill and Butler: Requiring contractors performing work for government contracts on computers use software to verify the hours	17					17
2757 -	By Delegates D. Kelly, Storch, Evans, Doyle, Miller, Mandt, Cadle, Steele and Fast: Authorizing the Governor to seek the return of fugitives	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2758 -	By Delegates Estep-Burton, Walker, Angelucci, Doyle, Lavender-Bowe, Zukoff and Pyles: Establishing minimum numbers of school counselors	17					17
2762 -	By Delegates Westfall, D. Jeffries, Hott and Azinger: Modernizing rental car transactions	17					17
2763 -	By Delegates Hornbuckle, Fluharty, Skaff and Bates: Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act	17					17
2764 -	By Delegates Fast, Miller, Hanna, Cowles, Foster and D. Kelly: Relating to the financial responsibility of inmates in relation to civil awards	17					17
2765 -	By Delegates Rodighiero, Miller, Tomblin, Hicks and Evans: Allowing firearms-qualified tax division investigators to carry firearms	17					17
2766 -	By Delegates Waxman, Dean, Toney, Evans, Atkinson, Jennings, R. Thompson, Zukoff and Hornbuckle: Relating to a student not advancing to the next grade by teacher recommendation	17					17
2769 -	By Delegates Butler, Jennings, Wilson, Bibby and J. Jeffries: Citizen and State Accountability Act	17					17
2774 -	By Delegates Cadle, Cooper, J. Jeffries, Paynter, Bibby, Hardy, Wilson and Atkinson: Relating to the right to farm	17					17
*2775 -	By Delegates C. Martin, Dean, Maynard, P. Martin, Mandt, Pack, Fast, Porterfield and Bibby: Requiring each high school student to complete a full credit course of study in personal finance	17	890			1101	17, 975, 1041, 1101
2776 -	By Delegate Rodighiero: Providing one-time supplements to all annuitants when they reach the age of seventy	17					17
2778 -	By Delegates Rodighiero and Pyles: Providing that school nutrition plans include take home meals for low income students	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2784 -	By Delegate Canestraro: Extending the expiration of driver's licenses for active military members' spouses	17					17
2785 -	By Delegates Storch, Miller, Azinger, Queen, Butler, D. Kelly, Mandt, Dean and Toney: Reopening period to allow purchase of State Teachers Retirement System service credit following transfer	17					17
2794 -	By Delegates Lovejoy, Rohrbach, Miller, Hornbuckle, Canestraro, Williams, Robinson, Rowan, S. Brown and Byrd: Establishing the Summer Feeding for All initiative	17	1115				17, 1115
2796 -	By Delegates Cadle, Cooper, Wilson, J. Jeffries, Atkinson, Paynter, Hott and Phillips: Relating to analysis of samples of industrial hemp production	17					17
2797 -	By Delegate Kump: Relating to modification reducing federal adjusted gross income for social security benefits	17					17
2802 -	By Delegates J. Kelly, Shott, Nelson , Anderson and Criss: Uniform Partition of Heirs Property Act	17					17
2808 -	By Delegates Wilson, C. Martin, P. Martin, Butler, Porterfield, Bibby, Hardy, Foster, Waxman and Pack: Requiring local entities to enforce immigration laws	17					17
2810 -	By Delegate Bates: Modifying the method of calculation of the employer and employee contribution percentages for public employee insurance premiums	17					17
2812 -	By Delegates Caputo, Boggs, Paynter, Evans, Phillips, Dean, Storch, Bates and Campbell: Allowing the Office of Miners' Health, Safety and Training to inspect the records of employers of certified persons for compliance purposes	17					17
2814 -	By Delegates Steele, Foster, Pack, Canestraro and Porterfield: Making it a felony to transport certain drugs into the state with intent to deliver	17					17



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2817 -	By Delegates Miley, Storch, Higginbotham, Byrd, Walker, C. Thompson and Bates: Youth Mental Health Protection Act	17					17
2818 -	By Delegates Rodighiero, Evans, Hicks, Tomblin, Miller, R. Thompson and Doyle: Reopening period to allow purchase of State Teachers Retirement System service credit by transfer	17					17
2820 -	By Delegate Shott: Relating to criminal penalties for reckless driving	17					17
2822 -	By Delegates Rohrbach, Lovejoy, Hornbuckle, Mandt, D. Kelly, Dean, Campbell and Linville: Creating an enhanced penalty for certain aggravated serious traffic offenses	17					17
2824 -	By Delegates Jennings, Rowan and Atkinson: Relating to teacher to pupil ratio in grades first through third	17					17
2832 -	By Delegates Caputo, N. Brown, Lovejoy, Canestraro and Miller: Requiring drug testing companies to have contractor IDs and mandatory safety training before performing work on mine property	17					17
2835 -	By Delegates Lovejoy and Hornbuckle: Changing provisions regarding polygraph examinations of sex offenders	17					17
2836 -	By Delegates Lovejoy, Rohrbach, Hornbuckle, Zukoff, Toney, C. Thompson and Pyles: Providing a special license plate for spay and neuter advocates	17					17
2840 -	By Delegates Jennings and Phillips: Allowing a county commission in certain counties to impose an amusement tax to support medical care	17					17
2842 -	By Delegates Graves, Bates, Maynard, Pack, Paynter, Criss and Storch: Increasing the amount that a faculty senate of a public school may allocate to a classroom teacher or librarian for academic materials	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2847 -	By Delegates Porterfield, Fast and J. Jeffries: Relating to exemptions from mandated immunizations	17					17
2851 -	By Delegates Sypolt, Rowan, Paynter, Waxman, Kessinger, Howell, Fast and Wilson: Providing a special license plate to support adoption	17					17
2852 -	By Delegates Lavender-Bowe, Campbell, Lovejoy, Estep-Burton, Walker, C. Thompson, Dean, Higginbotham, Cooper and J. Kelly: Increasing the expenditure for academic materials, supplies, and equipment	17					17
2858 -	By Delegates R. Thompson, Hicks, Rodighiero and Evans: Permitting the taking of bait fish with a net not exceeding 12 foot in radius	17					17
2859 -	By Delegates Waxman, D. Jeffries, Sypolt, Linville, Jennings, J. Jeffries, Rowan, J. Kelly, Atkinson, Evans and R. Thompson: Authorizing certain teachers to use alternative teaching programs	17					17
2860 -	By Delegates Jennings, Hott and Phillips: Relating to mandatory drug testing of all classes of employees in K through 12 schools	17					17
2862 -	By Delegates Westfall, Queen, Atkinson, R. Thompson, Hornbuckle, Dean, Storch, D. Kelly, Mandt and Nelson: Relating to the Underwood-Smith scholarship and loan assistance program and teacher scholarship and loan program	17					17
2863 -	By Delegates Rohrbach, Wilson, Pyles and Hansen: Establishing an advisory council on rare diseases	17					17
2869 -	By Delegates Lovejoy, Zukoff, Williams, Estep-Burton, Higginbotham, Evans, S. Brown, Lavender-Bowe, Hott and Canestraro: West Virginia Healthy Food Crop Block Grant Program	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2870 -	By Delegates Lavender-Bowe, Angelucci, R. Thompson, Hornbuckle, Evans, Zukoff, Campbell, C. Thompson, Estep-Burton, Dean and Toney: Reducing the number of students and schools that a school nurse must serve	17					17
2871 -	By Delegates Lavender-Bowe, Angelucci, Walker, Zukoff, Caputo, C. Thompson, Estep-Burton, Rowe, Fleischauer, S. Brown and Hornbuckle: Increasing the state minimum wage	17					17
2873 -	By Delegates Doyle, Hornbuckle, R. Thompson, Evans, Pushkin, N. Brown, Angelucci, Fleischauer and Canestraro: Establishing an insurance program for health and medical insurance coverage to be offered in counties with limited insurance providers	17					17
2876 -	By Delegates Miller, D. Kelly, Steele, Kessinger, Maynard and Lovejoy: Relating to the commission allowed to a sheriff for collection of taxes	17					17
*2877 -	By Delegates P. Martin and C. Martin: Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access	17	220, 382	483		483	17, 221, 432, 461, 482, 483
2881 -	By Delegates Howell, C. Martin, Wilson, Bibby, Hardy, D. Jeffries, Ellington and Linville: Altering the color scheme for county vehicle registration plates	17					17
2883 -	By Delegates Miller, Kessinger, Rohrbach, Canestraro, D. Kelly and Lovejoy: Expanding the definitions of locations where enhanced penalties for selling controlled substances to a minor are applicable	17					17
2887 -	By Delegates Capito, Nelson and Lovejoy: Establishing a West Virginia business growth in low-income communities tax credit	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2888 -	By Delegates Rodighiero and Toney: Allowing the Executive Director of the West Virginia Regional Jail and Correctional Facility Authority to establish a work program	17					17
*2892 -	By Delegates Canestraro, Miller, D. Kelly, N. Brown, Steele and Fast: Including digital and virtual information in the definition of property that can be searched and seized by a warrant (Chapter 99, Acts, Regular Session, 2020)	17	495	2582, 2584	2582, 3551	624, 2585	17, 553, 581, 624, 625, 2652, 2633, 3580, 3586
2893 -	By Delegates Sponaugle, Hartman, N. Brown, Barrett, C. Thompson, Boggs, Pushkin, Ellington, Miley and Caputo: Increasing minimum salaries for Bureau for Child Support Enforcement attorneys	17					17
2896 -	By Delegates Miley, Pyles, Fluharty, Estep-Burton, Hornbuckle, Williams, Pushkin, C. Thompson and N. Brown: Establishing a program to monitor and regulate dangerous pharmaceutical distribution practices	17					17
*2897 -	By Delegates C. Thompson, Hartman, Dean, R. Thompson, Lavender-Bowe, Estep-Burton, Boggs, Hornbuckle, Rowan, N. Brown and Walker: Relating to driving restrictions in school zones	17	670, 1256			1514	17, 670, 1379, 1443, 1513, 1514
2898 -	By Delegates Rodighiero, Evans, R. Thompson, Hicks, Tomblin, Wilson and Pyles: Relating to billing practices of public utilities	17					17
2899 -	By Delegates J. Jeffries, D. Jeffries, Waxman, Fast, Porterfield and Maynard: Creating the West Virginia Intrastate Commerce Improvement Act	17					17
2902 -	By Delegates Pushkin, Butler, S. Brown, Estep-Burton, Walker, Sponaugle, Lovejoy, Pyles and Robinson: Relating to wages of persons with disabilities	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2903 -	By Delegates Rodighiero, N. Brown, Tomblin, R. Thompson, Wilson, Kessinger, Steele, Dean and Hicks: Fetal Heartbeat Act	17					17
2904 -	By Delegates Hanna, P. Martin, Paynter, Campbell, J. Jeffries, Porterfield, Angelucci and S. Brown: Implementing drug testing for legislators of the State of West Virginia	17					17
2911 -	By Delegates Evans, Wilson, Rodighiero, Hansen, Doyle, Hornbuckle, McGeehan, Fleischauer, S. Brown and Zukoff: Permitting third party ownership of on-site renewable and alternative generating facilities	17					17
2915 -	By Delegates Worrell, D. Kelly, Kessinger, Fast, Mandt, Steele, Wilson, Shott, Bibby and Barnhart: Restricting the performance of abortions and acquiring, providing, receiving, otherwise transferring, or using fetal body parts	17					17
2916 -	By Delegates Sponaugle, Barrett, Householder, Criss, Bates, Ellington, Pushkin, Skaff, Miley, Caputo and S. Brown: Expanding the ability of hard cider manufactures to produce hard cider in this state	17					17
2919 -	By Delegates Barrett, Householder, Dean, Hornbuckle, Campbell, Doyle, S. Brown and C. Thompson: Establishing an Education Employees Fund	17					17
2920 -	By Delegates Doyle, Hornbuckle, S. Brown, Pushkin and Evans: Creating state and local law-enforcement review boards	17					17
2922 -	By Delegates Barrett and S. Brown: Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids (Chapter 55, Acts, Regular Session, 2020)	17	117	1069	1068	264, 1070	17, 217, 242, 263, 264, 1070, 1661, 2579

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2923 -	By Delegates Jennings, Kessinger, Cooper, Hanna, Mandt, Cadle and Hardy: Reforming the practice of securing state insurance	17					17
*2924 -	By Delegates Howell, Pack, C. Martin and Hamrick: Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website (Chapter 163, Acts, Regular Session, 2020)	17	119		895	264	17, 217, 242, 264, 1125, 1397
2927 -	By Delegates Miley, Householder, Cowles, Sponaugle, Walker, Queen, S. Brown, Hansen and Bates: Establishing a tax credit for a taxpayer family member of a child in the custody of the taxpayer due to the addiction of one or both parents	17					17
2928 -	By Delegates Foster, P. Martin and Criss: Relating to the Public Service Commission	17					17
2930 -	By Delegates Miley, Barrett, Caputo and Diserio: Relating to emergency vehicles	17					17
2932 -	By Delegates Barrett and Householder: Transferring regulation and licensing of charitable bingo, charitable raffles, and charitable raffle boards	17					17
2935 -	By Delegates Miley, C. Thompson, Rowe, Walker and Campbell: Relating to licensing of drivers utilizing bioptic telescopic devices	17					17
2938 -	By Delegates Hanna, Toney and C. Martin: Relating to vocational and technical education programs	17					17
2939 -	By Delegates Caputo, Boggs, Maynard, Sponaugle, Williams, Angelucci, Lovejoy and Staggers: West Virginia Call Center Jobs Act of 2019	17					17
2941 -	By Delegates Graves, Higginbotham, Kessinger, Barrett, Storch, Queen, Doyle and Lovejoy: Reinstating the film investment tax credit	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2942 -	By Delegates Cadle, Cooper, Hardy, Paynter, Howell, Azinger, Wilson and Waxman: Relating to the contents of driver's license	17					17
2944 -	By Delegates Fleischauer, Jennings, Angelucci, Pyles, Williams, D. Kelly, Sypolt, Miley, Walker and Hansen: Relating to paving contracts	17					17
2948 -	By Delegate Westfall: West Virginia Agriculture Investment Fund and the West Virginia Agriculture Investment Program	17					17
2950 -	By Delegates Barrett, Hardy, Householder, Sponaugle, Williams and Longstreth: Relating to employees of local boards of health	17					17
2957 -	By Delegates Paynter, J. Jeffries, Cooper, Maynard, Porterfield, Lavender-Bowe, Campbell, R. Thompson and Toney: Permitting residential customers to deduct up to 50 percent of their electric utility payments from their federal adjusted gross income	17					17
2959 -	By Delegates Hanna, Wilson and Maynard: Relating to unlawful panhandling and solicitation	17					17
*2961 -	By Delegates Fast, C. Martin, Foster, Mandt and Butler: Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly (Chapter 271, Acts, Regular Session, 2020)	17	669, 847	971, 1026, 3500	3499	1026, 3501	17, 669, 929, 971, 1025, 1026, 3501, 3571, 3586
2963 -	By Delegates Hornbuckle, R. Thompson, Lovejoy, Dean, Paynter, Lavender-Bowe, S. Brown, Sponaugle and Walker: Modifying the school calendar	17					17
*2967 -	By Delegates Hardy, Bibby, Barrett, Espinosa, Cowles, Householder, Mandt, Linville, Wilson, D. Jeffries and Rowan: Permitting a county to retain the excise taxes for the privilege of transferring title of real estate (Chapter 331, Acts, Regular Session, 2020)	17	530		3553	652	17, 588, 629, 652, 3572, 3587

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2972 -	By Delegates Fleischauer, Miley, Pyles, Walker, Diserio, Caputo, Angelucci, S. Brown, Swartzmiller, Lovejoy and Bates: Authorizing local units of government to adopt local energy efficiency partnership programs	17					17
2973 -	By Delegates Anderson, J. Kelly, Porterfield, Criss, Williams, Rowe and Bates: Local Energy Efficiency Partnership Act	17					17
2974 -	By Delegates D. Jeffries, J. Jeffries and Foster: Exempting businesses relating to transporting certain used tires to storage, disposal, or recycling locations from provisions of chapter	17					17
2978 -	By Delegates Rohrbach, Waxman, Bates and Pyles: Improving the quality of West Virginia's Medicaid program	17	703				17, 703
2981 -	By Delegate Westfall: Relating generally to the Rural Rehabilitation Loan Program	17					17
2983 -	By Delegates Porterfield and Bibby: Relating to therapeutic rights of minors	17					17
2985 -	By Delegates Porterfield and Bibby: West Virginia Faith Freedom Act	17					17
2987 -	By Delegate Bates: Relating to Involuntary treatment for alcohol and other drug abuse	17					17
2988 -	By Delegates Rohrbach and Pyles: Relating to tobacco usage restrictions	17					17
2989 -	By Delegate Rohrbach: State Settlement and Recovered Funds Accountability Act	17					17
2990 -	By Delegate Kump: Redistricting of the Senate	17					17
2996 -	By Delegates McGeehan and Howell: Repealing the article on unfair trade practices	17					17
2997 -	By Delegates Higginbotham and Kessinger: Conforming the state Consumer Credit and Protection Act to the federal Fair Debt Collection and Practices Act	17					17



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2999 -	By Delegates Walker, C. Thompson, Pushkin and Pyles: Relating to state certification of industrial hemp and medical cannabis seed	17					17
3004 -	By Delegates Walker, Pyles, Higginbotham, Angelucci, Skaff, C. Thompson and S. Brown: Amending the industrial hemp development act consistent with federal law	17					17
3006 -	By Delegates Fleischauer, Rowe, Pushkin, Pyles and C. Thompson: Providing school day to register and transport students to vote	17					17
3008 -	By Delegate Hornbuckle: Reentry Task Force	17					17
3009 -	By Delegates Hornbuckle and S. Brown: The Young Professional Tax Credits	17					17
3010 -	By Delegates Skaff, Rowe, Byrd, Pushkin and Estep-Burton: Establishing a 911 Emergency Services Retirement System	17					17
3011 -	By Delegates C. Thompson, S. Brown, Fleischauer, Estep-Burton and Lavender-Bowe: Prohibiting provisions within settlement agreements that prevent the disclosure of factual information related to a claim filed in a civil action	17					17
3013 -	By Delegates Skaff, S. Brown, Estep-Burton, Williams, Zukoff, Angelucci, Walker, Hornbuckle and C. Thompson: College Graduate Tax Credit	17					17
3015 -	By Delegates Skaff, Estep-Burton, S. Brown, Williams, Zukoff, Angelucci, Walker, Linville, Queen and Hornbuckle: West Virginia Residential Incentive Tax Credit Act	17					17
3019 -	By Delegates D. Jeffries, Fleischauer, Miley, Atkinson, Ellington, Worrell, Fast, Bibby and Porterfield: Health Care Transparency Act	17					17
3023 -	By Delegate Barrett: Including home confinement officers in definition of law-enforcement officers	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3026 -	By Delegates Hornbuckle, C. Thompson and Pyles: Establishing a tax credit for businesses who hire, promote and develop women and minorities into executive, professional or administrative roles	17					17
3028 -	By Delegate Hornbuckle: Workplace Violence Prevention for Health Care and Social Service Workers Act	17					17
3029 -	By Delegates Pyles and Diserio: Requiring court reporters be licensed	17					17
3030 -	By Delegates Pyles, Longstreth, Stagers, Diserio, Swartzmiller, Doyle, Rowan and C. Thompson: Relating to the West Virginia Public Employees Retirement Act	17					17
3032 -	By Delegates Cadle, Cooper, Howell, Hott, Linville and Porterfield: Modifying the types of bolts and arrows that may be used in crossbow hunting	17					17
3033 -	By Delegates Lovejoy, Fluharty, Lavender-Bowe, Walker, Fleischauer, Robinson, Diserio, Canestraro, Campbell, Pushkin and Miller: Senior Farmers Market Nutrition Program Fund	17					17
3034 -	By Delegates Lovejoy, Canestraro, Fluharty, Miller, Campbell and Toney: Relating to Deputy Sheriff Retirement System	17					17
3035 -	By Delegates Pyles, Pushkin, Longstreth, Rowe, Diserio, Swartzmiller, Doyle and Rowan: Members of certain state, county, and municipal public employee retirement plans option to purchase credit for Peace Corps service	17					17
3036 -	By Delegates Sponaule, Miller, Hott, C. Thompson, Boggs, Hartman, N. Brown, Stagers, Barrett, Caputo and Miley: Relating to the West Virginia State Police Retirement System	17					17

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3038 -	By Delegates Pushkin, S. Brown, Estep-Burton, Williams, Barrett, Maynard, Lavender-Bowe, Hornbuckle, C. Thompson and Pyles: Increasing access to contraceptive drugs, devices, and procedures	17					17
3039 -	By Delegates Foster, Phillips, D. Jeffries, Mandt, Wilson and Williams: Relating to a court's consideration of the expression of a preference by a child in certain child custody matters (Chapter 102, Acts, Regular Session, 2020)	17	77	1559, 1564	1559, 3551	214, 1564	17, 111, 195, 214, 1564, 3572, 3587
3040 -	By Delegate Foster: Repealing the law which makes prime contractors liable for the failure of subcontractors to make proper payments for workers' compensation	17					17
3041 -	By Delegates Fleischauer, Walker, Hansen, Williams, Byrd, McGeehan, Phillips, Zukoff, Storch and Wilson: Relating to electioneering or distributing literature at early voting locations	17					17
3042 -	By Delegates Foster, Kessinger, Maynard, S. Brown and Skaff: Requiring prescriptions be made by electronic means	17					17
3043 -	By Delegate Foster: Clarifying that municipalities may enact ordinances for rates, fees, and charges based upon actual use of services	17					17
3046 -	By Delegates Doyle, Lavender-Bowe, Campbell and S. Brown: Relating to compensation paid to landowners when interest in property taken by eminent domain is for a nongovernmental entity	17					17
3048 -	By Delegates Staggers, Angelucci, Miley, Shott and Pyles: Permitting adjunct professors to serve on the institutional governing boards	17					17
*3049 -	By Delegates Staggers, Angelucci, Jennings, Maynard and Porterfield: Improving dissemination of boiled water advisories to affected communities	17	467	552		580	17, 467, 522, 552, 580

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3051 -	By Delegates Bibby, Hardy, Cooper, J. Jeffries, Espinosa, Waxman, Wilson, Paynter, Fast, C. Martin and D. Jeffries: Relating to requiring state, county, and municipal government agencies to provide all employees an annual statement of total compensation	17					17
3052 -	By Delegates Fleischauer, Pushkin, N. Brown, Hill, Hartman, Sponaugle, C. Thompson, Miley, Lavender-Bowe, Estep-Burton and Walker: Ensuring coverage for residents with preexisting conditions	17					17
3053 -	By Delegates Hott, C. Martin, D. Kelly, Rowan, Phillips and Mandt: Relating to rules for hunting antlered deer	17					17
3055 -	By Delegates Hornbuckle, Doyle, Pyles and Diserio: Permitting levies to pass with a majority of the vote	17					17
3056 -	By Delegate Pethtel: Providing protections, under certain circumstances, to owners of livestock and other domestic animals	17					17
3058 -	By Delegates Hornbuckle, Pushkin, Skaff, Hicks, Diserio, Caputo, Staggers and Pyles: Granting full time employees of county boards of education three months of paid leave following the birth of a child	17					17
3060 -	By Delegates Criss, Westfall and Porterfield: Amending the definition of mortgage loan originator	17	762				17, 762
3062 -	By Delegate Porterfield: Relating to sale of delinquent tax liens	17					17
3063 -	By Delegates Bibby, Hardy, Kessinger, Hanna, Wilson, Butler, Higginbotham and Cooper: Relating to a home Instruction and private school tax credit	18					18
3064 -	By Delegate Steele: Establishing an intravenous drug user treatment and commitment process	18					18

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3066 -	By Delegate Steele: Relating to extended supervision for certain drug offenders	18					18
3069 -	By Delegate Shott: Relating to the right of certain persons to limit possession of firearms on premises	18					18
3071 -	By Delegates Lavender-Bowe, Rohrbach, Rowe, Fleischauer, Doyle, Staggers, C. Thompson, Zukoff, Estep-Burton and Walker: Relating to electronic cigarettes	18					18
3072 -	By Delegates Fleischauer, Pyles and Lovejoy: Permitting customers and developers to enter into solar power purchase agreements	18					18
3073 -	By Delegates Skaff, Steele and Byrd: Authorizing a court administrator to make determinations of financial eligibility for public defender services	18					18
3074 -	By Delegate Foster: Ensuring that legal or biological parents have equal access to any and all copies of birth registry forms	18					18
3075 -	By Delegate Criss: Terminating the Public Service Commission	18					18
3076 -	By Delegate Criss: Transferring jurisdiction over vehicle weight enforcement and excess weight permit issuances to the State Police	18					18
3077 -	By Delegates Skaff, Estep-Burton, Pushkin, Byrd, Walker, Rowe, Robinson and Pyles: Permitting election day registration of voters	18					18
3078 -	By Delegates Estep-Burton, C. Thompson, Lavender-Bowe, Doyle and Pyles: Relating generally to paid family and medical leave	18					18
3080 -	By Delegates Skaff, Rowe, Hornbuckle, Boggs, Ellington, Sponaugle, Williams and Pyles: Redirecting a percentage of any surplus to state institutions of higher education to restore their state allocation funding levels	18					18

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3081 -	By Delegates Fluharty, Lovejoy, Hornbuckle, Maynard, Bates, Hansen, Pushkin, Pyles and C. Thompson: Relating to Good Samaritan Food Donation Act	18					18
3082 -	By Delegate Fluharty: Repealing antiquated provisions relating to gaming activities	18					18
3089 -	By Delegates Miley, Pushkin, Stagers, Estep-Burton, Angelucci, Lavender-Bowe, Bates and Walker: Modifying licensing requirements for the practice of telemedicine and surgery or podiatry	18					18
3092 -	By Delegates Atkinson, Criss, D. Jeffries, Jennings, Butler, P. Martin and Cowles: Creating a pilot program to encourage utility infrastructure development to certain lands	18					18
3094 -	By Delegates Longstreth, Fleischauer, Doyle, Pyles, Williams, Pushkin and Zukoff: Relating to political affiliation of elected officials	18					18
3097 -	By Delegates Skaff, Barrett, Williams, Boggs, Storch, Maynard and Miley: West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act	18					18
*3098 -	By Delegates Williams, Lavender-Bowe, C. Thompson, Estep-Burton, Cooper, Campbell, Fluharty, Pushkin and Pyles: Allowing the same business owner to brew and sell beer to also distill and sell liquor (Chapter 5, Acts, Regular Session, 2020)	18	1053	2985	2985	1281, 2988	18, 1197, 1247, 1280, 1281, 2988, 3572, 3587
3099 -	By Delegates Pushkin, Criss, Estep-Burton, Fluharty, Skaff and Pyles: Relating to eliminating payments to the Alcohol Beverage Control Commissioner from distilleries and mini-distilleries	18					18

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3114 -	By Delegate Sypolt: Eliminating the requirement that schools be closed on election days	18					18
3117 -	By Delegates Sypolt and Jennings: Prohibiting the Legislature from negotiating with illegal strikers	18					18
3118 -	By Delegate Sypolt: Relating to mandatory drug testing for state legislators and teachers	18					18
3119 -	By Delegate Azinger: Relating generally to the ethical standards for elected and appointed officials and public employees	18					18
3120 -	By Delegates Doyle, Pyles and Hansen: West Virginia Beverage Container Recycling and Litter Control Act	18					18
3124 -	By Delegates Fleischauer, Higginbotham, Walker, S. Brown, Miley, C. Thompson, Linville, Lovejoy, Canestraro, Fluharty and Byrd: Prohibiting civil rights violations based on disability, gender identity or sexual orientation	18					18
3125 -	By Delegates Doyle, Campbell, Lavender-Bowe, Zukoff, Evans, Dean, Hornbuckle, Pyles and N. Brown: Coordinating a plan to provide the first two years of post-secondary education for free	18					18
*3127 -	By Delegates Ellington, Porterfield, Kessinger, Fast, Wilson, Jennings and Worrell: Relating to the Secondary School Activities Commission and participation by home schooled students (Chapter 116, Acts, Regular Session, 2020)	18	1116		1778	1361	18, 1116, 1250, 1323, 1360, 1361, 2576, 3587
3128 -	By Delegates Toney, Paynter, Hornbuckle, Campbell, Dean and Evans: Changing the recommended guidelines for full-day and half-day cooks to the minimum ratio of one cook for every 110 meals	18					18
3129 -	By Delegates Hornbuckle and Higginbotham: Be Exceptional Starting Today Act	18					18

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3130 -	By Delegates Toney, Phillips, Lovejoy, Maynard, Paynter, Dean, Hornbuckle, Campbell and Evans: Creating three separate job titles for school bus operators	18					18
3133 -	By Delegates Rohrbach, Pushkin and Robinson: Relating to requiring a parolee or probationer found to have suffered with addiction to participate in a support service	18					18
3134 -	By Delegates Shott, Canestraro, Steele and Byrd: Establishing criminal penalties for negligent homicide, and increasing criminal penalties for reckless driving	18	201				18, 202
3136 -	By Delegates Householder, Hardy, Butler, Espinosa and Criss: Relating to the Centers for Medicare and Medicaid Services	18					18
3137 -	By Delegates Householder, Hardy, Ellington, Maynard, Hill and Linville: Relating to the personal income tax fund	18					18
3138 -	By Delegates Capito and Mandt: Relating to increasing salaries of certain state officers	18					18
3149 -	By Delegates Sponaugle, Hardy, Williams, Skaff, Hartman, Ellington, Rowe, Barrett, Criss and Bates: Relating to manufacturing and producing hard cider in West Virginia	18					18
*4001 -	By Delegates Hanshaw (Mr. Speaker), Mandt, Atkinson, Toney, Pack, Linville, Espinosa, Williams, Skaff, Miley and Bates: Creating West Virginia Impact Fund (Chapter 104, Acts, Regular Session, 2020)	18	493	1309, 2543	2543	1309, 2544	18, 553, 581, 593, 1201, 1238, 1281, 1309, 1310, 2544, 3561, 3586
*4002 -	By Delegates Mandt, Waxman, Hanna, D. Kelly, Householder, Sypolt, Porterfield and Miller: Creating a felony crime relating to drug delivery resulting in death	18	295			404	19, 346, 377, 403, 404



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4003 -	By Delegates Maynard, Toney, Linville, Porterfield, Householder, Sypolt, Westfall and Bates: Relating to telehealth insurance requirements (Chapter 190, Acts, Regular Session, 2020)	19	642	2695, 2700	2695, 3551	750, 2701	19, 695, 726, 750, 2701, 3580, 3587
*4004 -	By Delegates D. Kelly, Waxman, Hanna, Mandt, Robinson, Miller and Canestraro: Creating the West Virginia Sentencing Commission (Chapter 164, Acts, Regular Session, 2020)	19	79	195, 2782	2782	215, 2790	19, 111, 195, 196, 215, 2790, 3572, 3587
4005 -	By Delegates Linville, Hanshaw (Mr. Speaker), Barnhart, Mandt, Porterfield, Waxman, Howell, Graves, Espinosa and Householder: West Virginia Intellectual Property and Trade Secrets Act	19					20
4006 -	By Delegates Kump, Higginbotham, Mandt, Waxman, Espinosa and Householder: Civil Liability for Employers Hiring Ex-Offenders Act	20					20
4007 -	By Delegates Rowan, D. Jeffries, Pack, Maynard, Porterfield, Foster, Waxman, Bibby, Hanna, Barnhart and Kump: Born-Alive Abortion Survivors Protection Act (Chapter 272, Acts, Regular Session, 2020)	21	79	1070, 1073	1070, 1224	215, 1073	21, 111, 196, 215, 1073, 1660, 1781
4008 -	By Delegates Foster, Kump, Summers, Higginbotham, Toney, Waxman, D. Kelly, Espinosa, Maynard and Householder: Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance	21					21
*4009 -	By Delegates Westfall, Higginbotham, Mandt, Atkinson, Toney, Pack, Linville and Rohrbach: Relating to the process for involuntary hospitalization (Chapter 273, Acts, Regular Session, 2020)	21	199, 985, 1115	1362, 2947	2947	1361, 2980	21, 200, 1250, 1323, 1361, 1362, 2980, 3572, 3587
4010 -	By Delegates Howell, Little, Higginbotham and Cowles: Changing the licensing requirement for certain casino employees	21	117	283		283	22, 217, 242, 265, 282, 283

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4011 -	By Delegates Little, Howell, Cowles, Foster, Porterfield, Higginbotham, Mandt, Shott, Butler and Ellington: Reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions	64	324			429	70, 378, 404, 427, 429
4012 -	By Delegates Porterfield, Howell, Little, Mandt, Higginbotham, Foster, Cowles, Ellington and Jennings: West Virginia Contractor Act	70					71
4013 -	By Delegates Steele, Little, Atkinson, Westfall, Porterfield, Rowan and Rohrbach: Establishing an intravenous drug user treatment and commitment process	71					71
4014 -	By Delegates Kessinger, Barnhart, Hanna, Mandt, Kump, Atkinson, Rowan, Maynard, Sypolt, Nelson and Hardy: Providing new graduates of an in-state or out-of-state higher educational institution, or trade school, a \$1,000 tax credit	71					71
*4015 -	By Delegates Linville, Atkinson, Barnhart, D. Kelly, Maynard, Sypolt, Porterfield, Hanshaw (Mr. Speaker), Queen, Pack and Nelson: Relating to Broadband Enhancement and Expansion (Chapter 36, Acts, Regular Session, 2020)	71	669, 985	1189, 3363	3363	1238, 3370	72, 669, 1109, 1189, 1238, 1239, 3370, 3580, 3587
4016 -	By Delegates Higginbotham, Hanna, Barnhart, Little, Foster, Hamrick, Porterfield, D. Kelly, Fast, Criss and J. Jeffries: Requiring motor vehicles safety inspections every three years instead of each year	72					72
*4017 -	By Delegates Summers, D. Jeffries, Sypolt, D. Kelly, Toney, Hardy, Mandt, Maynard, Linville, Phillips and Criss: Establishing country roads accountability and transparency (Chapter 314, Acts, Regular Session, 2020)	72	222	2790	2790	309, 2791	72, 266, 284, 309, 2791, 3580, 3587

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4018 -	By Delegates Bibby, Maynard, Barnhart, Porterfield, Waxman, Fast, Householder, Butler, Jennings and Ellington: Requiring able-bodied adults receiving Medicaid benefits to be participating with the requirements of a work, education, or volunteer program	72					73
*4019 -	By Delegates J. Kelly, Toney, Westfall, Barnhart, Maynard, Porterfield, Mandt, Little, Queen, Householder and Butler: Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020 (Chapter 332, Acts, Regular Session, 2020)	73	1222		2585	1428	74, 1331, 1372, 1428, 3572, 3587
*4020 -	By Delegates Foster, Phillips, Jennings, Atkinson, Bibby, Steele, Butler, Waxman, Espinosa, Porterfield and Mandt: Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state (Chapter 244, Acts, Regular Session, 2020)	93	221	2791	2791	310, 2792	94, 266, 285, 309, 310, 2792, 3572, 3587
*4021 -	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution	61	1619				61, 1723, 1748
4022 -	By Delegates Ellington, Hanna, Hamrick, Higginbotham and Espinosa: Clarifying the qualifications of the Chancellor of the Higher Education Policy Commission (Chapter 176, Acts, Regular Session, 2020)	22	77	2261	2261	216, 2262	22, 111, 196, 216, 2262, 3563, 3587
4023 -	By Delegate Howell: Allowing county commissions to require the registration of cats	22					22

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4024 -	By Delegates D. Jeffries, J. Jeffries, Phillips, Summers, Wilson, Graves, Hanna, Foster, Hardy, Pack and Waxman: Eliminating the permit requirement for storing a concealed handgun in a vehicle on school property for persons 21 or older	22					22
4025 -	By Delegates Steele, Paynter and Foster: Creating a State Central Legal Advertising Website	22					22
*4026 -	By Delegates D. Jeffries, Summers, Foster, Hansen, Bartlett, J. Jeffries, Campbell and Porterfield: Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions (Chapter 219, Acts, Regular Session, 2020)	23	408	1224	1224	518, 1225	23, 462, 485, 518, 519, 1225, 1661, 2261
4027 -	By Delegate Steele: Providing that a municipal services user fee may not be imposed on employees of the state	23					23
4028 -	By Delegate J. Kelly: Relating to licensure of hospitals	23					23
4029 -	By Delegate Porterfield: Creating a Class VI hunting permit to safely accommodate visually impaired hunters	23					23
4030 -	By Delegates J. Jeffries, Wilson, Maynard, Waxman, Summers, Kessinger, Graves, D. Jeffries and Porterfield: Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans (Chapter 350, Acts, Regular Session, 2020)	23	387	484, 990	990	483, 993	24, 432, 461, 483, 484, 994, 1349, 1622
4031 -	By Delegate Steele: Increasing the salaries of the Secretary of State, Auditor, Treasurer, and Attorney General	24					24
4032 -	By Delegates J. Jeffries, Bibby, Waxman, J. Kelly, Cadle and Fast: Creating a procedure that allows a fireworks retailer to combine and pay all applicable fees in a single payment	24					24

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4033 -	By Delegates Howell, Bibby, J. Jeffries, Waxman, J. Kelly, Cadle and Fast: West Virginia Emergency Responder Service Tax Credit Act	24					24
4034 -	By Delegates Pack and Cooper: Prohibiting outdoor concerts later than 11:00 p.m. if the amphitheater is located within 500 feet of a residential dwelling	24					24
4035 -	By Delegates Howell, Bibby, J. Jeffries, Fast, Waxman, J. Kelly and Cadle: Relating to posting of the alcoholic content of gasoline	24					25
4036 -	By Delegate Porterfield: Requiring the State Board of Education to develop curriculum content for a semester-long financial literacy course	25					25
4037 -	By Delegate Porterfield: Fetal Heartbeat Act	25					26
4038 -	By Delegates Graves, D. Jeffries, Hanna, Phillips, C. Martin, Waxman, Householder and Cadle: Prohibiting county airport authorities from making or adopting rules prohibiting possession of firearms in public	26					26
4039 -	By Delegates Howell, Bibby, J. Jeffries, Waxman, J. Kelly and Cadle: Providing limitations on nuisance actions against fire department and emergency medical services	26	250, 983		1856	1239	26, 250, 1109, 1189, 1239, 1856, 1857, 2585
4040 -	By Delegate Foster: Reducing the number of hours of experience needed to qualify as a journeyman sprinkler fitter	26					26
4041 -	By Delegate Steele: Allowing deductions to determine adjusted gross income for student loan payments or mortgage payments in determining child support	26					26
*4042 -	By Delegates Howell, Bibby, J. Jeffries, Waxman, J. Kelly and Cadle: Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules (Chapter 165, Acts, Regular Session, 2020)	27	118	705	705	265, 705	27, 217, 243, 265, 705, 855, 1059

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4043 -	By Delegate Steele: Preventing state, county and municipal agencies from covering any portions of Public Employee Insurance Act premiums for spouse	27					27
4044 -	By Delegate Steele: Prohibiting payroll deductions to electioneering organizations	27					27
4045 -	By Delegate Steele: Relating to provisions of the "Habitual Offender" statute	27					27
4046 -	By Delegate Steele: Relating to abolishing spousal support	27					27
4047 -	By Delegates Howell, Bibby, J. Jeffries, Fast, Waxman, J. Kelly and Cadle: Relating to activities of an automotive collector	28					28
4048 -	By Delegates Howell, Bibby, J. Jeffries, Waxman and Cadle: Eliminating history of barbering course from certification requirements	28					28
4049 -	By Delegates Howell, Bibby, J. Jeffries, Waxman, Cadle and Fast: Establishing Next Generation 911 services in this state	28					28
4050 -	By Delegates Howell, Bibby, J. Jeffries, Waxman, Cadle and Fast: Establishing requirements for a Division of Motor Vehicles office or Division of Motor Vehicles Now kiosk to be present in a county	28					29
4051 -	By Delegates Howell, Bibby, J. Jeffries, Fast, Waxman, J. Kelly and Cadle: Authorizing the West Virginia Tourism Office to enter into an agreement with the Division of Highways to provide staff at the welcome centers	29	220				29, 220
4052 -	By Delegate Kump: Persistent Symptoms Act	29					29
4053 -	By Delegates Steele and Foster: Granting tax credits for parents and legal guardians whose children are in a home schooling program or private school	29					29
4054 -	By Delegate Pyles: Vapor Products Warning Notice	30					30

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4055 -	By Delegate Kump: Allowing Class IV municipalities to receive proceeds on the purchase of liquor from retail licensees	30					30
4056 -	By Delegate Kump: Requiring all local and state special elections to be held on the days and hours of general or primary or state elections	30					30
4057 -	By Delegates Steele and Pack: Creating a cause of action for injuries suffered in a gun- free zone	30					30
*4058 -	By Delegates Hill, Pack and Fleischauer: Relating to pharmacy benefit managers (Chapter 191, Acts, Regular Session, 2020)	30	79, 270	1074	1073	375, 1077	31, 79, 314, 345, 375, 1077, 1397, 1671
*4059 -	By Delegates Hill, Pack, Bates and Fleischauer: Increasing access to long acting reversible contraception	31	467				31, 522, 525
4060 -	By Delegate Pack: Removing the registration fee for a vehicle operating on a combination of electricity and petrochemical fuels	31					31
*4061 -	By Delegates Hill, Pack, Bates, Fleischauer and S. Brown: Health Benefit Plan Network Access and Adequacy Act (Chapter 192, Acts, Regular Session, 2020)	31	199, 640	3280	3280	751, 3305	31, 200, 695, 726, 750, 751, 3305, 3572, 3587
4062 -	By Delegates Pack, Hill, Bates, Fleischauer and C. Thompson: Reducing the cost of prescription drugs	31	199			310	31, 243, 265, 283, 310, 311
4063 -	By Delegates Steele and Sypolt: Relating to compulsory immunizations	31					31
4064 -	By Delegates Hill, Pack, Bates, D. Jeffries, Jennings and Fleischauer: Requiring a lobbyist who is registered to represent multiple clients to immediately notify clients in writing of a conflict of interest	32					32
4065 -	By Delegates Cooper, Pack and R. Thompson: Relating to donations to West Virginia 4 H Program or the Future Farmers of America when renewing driver's license	32					32

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4066 -	By Delegate Rowe: Raising the legal age for the purchase of tobacco, tobacco products	32					32
*4067 -	By Delegates Pack, Steele, Cooper, Hill and Bates: Relating to crimes against property	32	852			1027	32, 929, 972, 1026, 1027
4068 -	By Delegates Rowe and Pyles: Increasing the state minimum wage	32					32
*4069 -	By Delegates Howell, D. Kelly, Sypolt, Pack, Atkinson, Hill, Butler, Boggs, Rowan and Summers: West Virginia Student Religious Liberties Act (Chapter 117, Acts, Regular Session, 2020)	33	671	837, 838, 3306, 3311	3306	839, 3312, 3457	33, 727, 755, 756, 837, 838, 839, 3312, 3457, 3572, 3587
4070 -	By Delegates Little and Householder: Compensating counties for state-owned lands through payments in lieu of taxes	33	982				33, 982
4071 -	By Delegate Little: Relating to the authority of county commissions to establish enhanced emergency telephone systems and change the fee	33					33
4072 -	By Delegates Swartzmiller, Lavender-Bowe, Boggs, Sponaugle, Hornbuckle, Lovejoy, Angelucci, Caputo, Robinson, Miley and Bates: Removing the income cap for eligibility for the exemption from state taxation of social security benefits	74					74
4073 -	By Delegates Robinson, Lovejoy, N. Brown, Miller, Canestraro, Fluharty, Pushkin, Zukoff, Lavender-Bowe, Skaff and Walker: Relating to disclosure of fundraising contributions during a legislative session	74					74
4074 -	By Delegates J. Jeffries, Foster, Howell, McGeehan, Maynard and Linville: Allowing the issuance of special licenses for one-day charitable events for the sale, serving, and auctioning of beer, and alcoholic liquors	74					74
4075 -	By Delegate J. Jeffries: Allowing a funeral service licensee to solicit business whether after death or while death is impending	74					75



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4076 -	By Delegates D. Jeffries, J. Jeffries, Phillips, Summers, Wilson, Graves, Hanna, Foster, Hardy, Pack and Waxman: Removing the permit requirement for a person over 21 to possess a concealed handgun in a motor vehicle on school property	75					75
*4077 -	By Delegates Higginbotham and Ellington: Increasing the amount of the bond required to be posted by proprietary schools (Chapter 177, Acts, Regular Session, 2020)	75	247		1836	344	75, 286, 313, 343, 344, 3561, 3587
4078 -	By Delegates Fleischauer, Rowe, Steele, Walker, Lavender-Bowe, Estep-Burton, Stagers, Pushkin, C. Thompson, Atkinson and Robinson: Relating to insulin cost management	75					75
4079 -	By Delegates J. Kelly, Anderson and Azinger: Altering the definition of an aboveground storage tank	75					75
4080 -	By Delegates Stagers, Evans, Rowan, McGeehan, Zukoff, Lavender-Bowe, Walker, S. Brown, Estep-Burton and Howell: Relating to petition for legal adoption	85					85
4081 -	By Delegates Anderson, Shott and J. Kelly: Uniform Partition of Heirs' Property Act	85					86
4082 -	By Delegate Porterfield: Classifying single family real estate property as Class II property	86					86
*4083 -	By Delegates Stagers, Evans, Toney, Ellington, Shott, Jennings, Lavender-Bowe, Atkinson, Walker, Caputo and Pack: Requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls	86	492, 598	1836, 1838	1836	720, 1838	86, 492, 663, 693, 720, 1838, 2773, 2774
4084 -	By Delegates Foster, Waxman, Cadle, Cooper, Porterfield, Jennings and Barnhart: Relating to teacher salary enhancement	86					86

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4085 -	By Delegates Foster, Bibby, Steele, Butler, Waxman, Cadle, J. Jeffries, Jennings and Barnhart: Relating to PROMISE Scholarship Program requirements	86					86
4086 -	By Delegates Foster, Phillips, Bibby, Steele, Waxman, Cadle, Porterfield and Jennings: Removing certain requirements related to wages for construction of public improvements	87					87
4087 -	By Delegates Foster, Phillips, Atkinson, Steele, Butler, Waxman, Cadle and J. Jeffries: Allowing access to the Department of Environmental Protection's electronic submission system	87					87
*4088 -	By Delegates Anderson, J. Kelly, Cadle, Hott and Porterfield: Disposition of funds from certain oil and natural gas wells due to unknown or unlocatable interest owners (Chapter 143, Acts, Regular Session, 2020)	87	733		2586	915	87, 734, 841, 873, 915, 3572, 3587
4089 -	By Delegates Pyles, Porterfield, Fast, Linville and Hicks: Requiring cursive writing to be taught	87	352			458	88, 405, 431, 458
*4090 -	By Delegates Anderson, J. Kelly, Graves, Boggs, Pethtel, Hartman, Evans, Porterfield, Hott, Nelson and Cadle: Creating the Oil and Gas Abandoned Well Plugging Fund (Chapter 133, Acts, Regular Session, 2020)	88	200, 530	1838	1838	652, 1839	88, 200, 588, 629, 652, 653, 1839, 3561, 3586
*4091 -	By Delegates Anderson, J. Kelly, Porterfield, Hartman, Pethtel, Boggs, Evans, Tomblin, Phillips, Azinger and Hott: Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees (Chapter 134, Acts, Regular Session, 2020)	88	200	284	673	284	89, 243, 265, 283, 892, 1059

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4092 -	By Delegates Hill, Pack, Summers, Espinosa, Hanna, Worrell, Estep-Burton, Lavender-Bowe, Pushkin, C. Thompson and Walker: Relating to foster care (Chapter 40, Acts, Regular Session, 2020)	89	251, 319, 891	1041, 2818, 2863, 2864, 2980, 2981	2818, 3551	1102, 2983	89, 251, 319, 975, 1041, 1101, 1102, 2865, 2980, 2983, 3572, 3587
4093 -	By Delegates Waxman, C. Martin, Sypolt, Phillips, Howell, Bibby, Graves, Hanna, D. Jeffries, Hardy and Porterfield: Eliminating the prohibition against carrying firearms on the grounds of the State Capitol Complex	89					89
*4094 -	By Delegates Hill, Pack, Summers, Espinosa, Mandt, Rowan, Worrell, Fleischauer, Pushkin, C. Thompson and Walker: Continuing the Foster Care Ombudsman (Chapter 41, Acts, Regular Session, 2020)	89	200, 271	2586	2586	485, 2595	90, 200, 314, 317, 435, 461, 484, 485, 2595, 3572, 3587
4095 -	By Delegates Howell, Waxman, Rowan, Cadle, Bibby, Summers, D. Jeffries, Cooper, Barnhart and D. Kelly: Defining the term milk	90					90
*4096 -	By Delegates Kump, Householder, D. Kelly, Summers, Sypolt, Mandt, J. Jeffries, Bibby, Steele, Hardy and Fast: Requiring candidates to live in the state or local election district for the office for which they are seeking	90	202				90, 243, 266, 269
4097 -	By Delegates Howell, Criss, J. Jeffries, Waxman, Cadle, Cowles, Bibby, Summers, D. Jeffries, Hanna and Kump: Requiring program to assist eligible homeowners maintain their homes free of conditions that are unsafe	90					90
4098 -	By Delegates Howell, J. Jeffries, Waxman, Cadle, Bibby, D. Jeffries, Hanna, Kump, Cooper, Phillips and Barnhart: Second Amendment Sanctuary Law	90					90

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4099 -	By Delegates Foster, Butler, Waxman, Cadle, J. Jeffries and Porterfield: Eliminating the permit for shampoo assistants (Chapter 245, Acts, Regular Session, 2020)	90	936		2262	1180	91, 1044, 1106, 1180, 1181, 3566, 3587
4100 -	By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Ellington, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin: Relating to requiring the Office of Health Facility Licensure and Certification	78	78				78
*4101 -	By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Ellington, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin: Relating to requiring a court to verify certain conditions are met before a child who has been removed from a home	78	78, 852			1027	78, 930, 972, 1027
*4102 -	By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Ellington, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin: Relating to opioid antagonists (Chapter 274, Acts, Regular Session, 2020)	78	78, 494	625, 2702	2701	625, 2702	79, 553, 582, 625, 626, 2702, 3572, 3587
4103 -	By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Ellington, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin: Relating to office of drug control policy (Chapter 275, Acts, Regular Session, 2020)	78	78	601	601	216, 605	111, 196, 216, 605, 736, 990
4104 -	By Delegates Foster, Phillips, Bibby, Porterfield, Jennings, Anderson, Steele, Howell, Hanna, Fast and Shott: Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation	94	220				94, 220
4105 -	By Delegates Atkinson, Higginbotham, Miller, J. Kelly, Lavender-Bowe, Ellington, Jennings, Cooper, D. Kelly, Waxman and Bibby: Requiring that public schools have full-time trainers on staff	94					94
4106 -	By Delegates Rowe, Estep-Burton, Hansen, Robinson, Fleischauer and Walker: Biometric Information Privacy Act	94					94

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4107 -	By Delegates Foster, Steele, Butler, Waxman, Cadle, J. Jeffries, Anderson, Fast, Kessinger, Lovejoy and Rowe: Requiring the Department of Health and Human resources to pay the attorney fees of an adoptive parent in a subsidized adoption	94					94
*4108 -	By Delegates Summers, Waxman, Porterfield, Fast, Householder, Jennings and Ellington: Relating generally to certificates of need for health care services (Chapter 276, Acts, Regular Session, 2020)	95	219	2703	2703	311, 2703	95, 266, 285, 311, 2704, 3572, 3586
4109 -	By Delegates Butler, Fast, Kessinger, Foster, D. Jeffries, Bibby, Pack, P. Martin, D. Kelly, J. Jeffries and Graves: Relating to the choice of law used for contractual interpretations when deciding the comity of a legal decision in a foreign country	95					95
4110 -	By Delegates Foster, Waxman, Jennings, Porterfield, Steele, Hanna, Kessinger, Cowles and Wilson: Repealing the West Virginia Jobs Act	95					95
4111 -	By Delegates Miller, Lovejoy, D. Kelly, Lavender-Bowe, Tomblin, Atkinson, Maynard, Pack, Evans and Graves: Relating to awards and benefits for disability under the Deputy Sheriff Retirement Act	95					95
4112 -	By Delegates Atkinson, J. Kelly, Westfall, D. Jeffries, Criss, Miller, Jennings, Higginbotham, Lavender-Bowe, Ellington and Cooper: Requiring county school boards to provide adequate mental health evaluations, and counseling services	95	889				96, 889
4113 -	By Delegates Atkinson, Pack, Anderson, Cooper, Criss, Cowles, Maynard, Hardy, Steele, Ellington and Jennings: Relating to motor fuel excise taxes (Chapter 333, Acts, Regular Session, 2020)	96	730	874, 916, 2545	2544	915, 2546	96, 841, 874, 915, 916, 2546, 3563, 3587

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4114 -	By Delegates Steele and Sypolt: Informed Consent Protection Act	96					96
4115 -	By Delegates Steele, Graves, Pack, Bartlett and Sypolt: Requiring compulsory immunization of public school children	96					96
4116 -	By Delegates Steele and Pack: Permitting the tracking of wounded or injured deer or bear with leashed dogs	96					97
4117 -	By Delegates Higginbotham, Ellington, Howell, Hamrick, Atkinson, J. Jeffries, Waxman, Barnhart, Dean, Jennings and Rohrbach: Authorizing a special vehicle registration plate for "2nd Amendment" enthusiasts	97					97
4118 -	By Delegates Steele, Graves, Pack and Byrd: Creating a state-wide email address directory	97					97
*4119 -	By Delegates Steele, Graves, Pack, Byrd, Miller and D. Kelly: Establishing the crime of torture	97	246			344	97, 286, 313, 344
4120 -	By Delegates Williams, Summers, Miley, Caputo, Barrett, Householder, Fleischauer, Pyles, Walker, Zukoff and Hansen: Requiring the Commissioner of Highways to develop a formula for allocating road funds among districts	97	408				97, 408
4121 -	By Delegates Foster, Jennings, Waxman, Cadle, J. Jeffries, Porterfield, Anderson, Mandt, Hanna, Phillips and Wilson: Relating to state boards of examination or registration	98	222				98, 222
4122 -	By Delegates D. Jeffries, Porterfield, Azinger, Tomblin, J. Jeffries, Hott, Cadle, Sypolt, Barnhart and Hamrick: Reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions	98					103

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4123 -	By Delegates Maynard, Stagers, Evans, Higginbotham, Lavender-Bowe, Walker, Caputo, S. Brown, Estep-Burton and Swartzmiller: Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform "emergency services" during a disaster (Chapter 295, Acts, Regular Session, 2020)	103	490, 848	3370	3370	1028, 3382	103, 490, 930, 972, 1027, 1028, 3382, 3580, 3587
4124 -	By Delegate Worrell: Exempting certain health services from certificate of need	103					103
4125 -	By Delegate Byrd: Creating a felony penalty of life without mercy for the first degree murder of a law-enforcement officer	103					104
4126 -	By Delegate Byrd: Providing taxpayers repaying their own student loans a modification	104					104
4127 -	By Delegates Foster and Waxman: Relating generally to hunting and fishing	104					104
4128 -	By Delegates Hill, Summers, Hanna, Mandt, Rowan, Worrell, Estep-Burton, Lavender-Bowe and C. Thompson: Relating to child protective caseworkers	104					104
*4129 -	By Delegates Summers, Hill, Pack, Espinosa, Hanna, Rowan, Worrell, Estep-Burton, Fleischauer, C. Thompson and Walker: Relating to adoption (Chapter 103, Acts, Regular Session, 2020)	104	251, 319		895	429	105, 251, 378, 404, 429, 1126, 1397
4130 -	By Delegates D. Jeffries and Hanna: Relating to competitive bidding for government construction contracts arising out of declared states of emergency (Chapter 166, Acts, Regular Session, 2020)	105	221	496	496	311, 497	105, 266, 285, 311, 312, 497, 594, 673
4131 -	By Delegates Byrd and Linville: Authorizing municipal fire departments specialized license plates	105					105

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4132 -	By Delegate Byrd: Authorizing certain motor vehicle manufacturers to operate as new car dealers	105					105
4133 -	By Delegates Criss, Hamrick, Atkinson, Foster, Kump, Pack, Little, Barnhart and Mandt: Clarifying display of the name on the face of a driver's license	105					106
4134 -	By Delegates Maynard, Jennings, Bibby, J. Jeffries, Miller, Pack and Worrell: Exempting nonpaid volunteers at a volunteer fire department who volunteer for fundraising from workers' compensation benefits	106					106
4135 -	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act	106					106
4136 -	By Delegates Higginbotham, Ellington, Summers, Hamrick, Barnhart, Dean and Hanna: Relating to deputy sheriff retirement system act	106					106
*4137 -	By Delegates Higginbotham, Hamrick, Barnhart, Hanna and Foster: Allowing counties to store and maintain voter registration records in a digital format (Chapter 126, Acts, Regular Session, 2020)	106	491		1839	626	106, 554, 582, 626, 3561, 3586
4138 -	By Delegates Higginbotham, Anderson, Stagers, Ellington, Hamrick, Barnhart, Toney and Hanna: Prescribing methods of support for families of veterans to attend funeral services	106					107
4139 -	By Delegates Butler, Cadle, Kessinger, D. Jeffries, Fast, Bibby, Pack, McGeehan, P. Martin, D. Kelly and J. Jeffries: Firearm Protection Act	107					107



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4140 -	By Delegates Butler, Fast, Kessinger, D. Jeffries, Bibby, McGeehan, P. Martin, J. Jeffries, Graves and Porterfield: Granting tax credits for parents and legal guardians whose children are in a home schooling program or private school	107					107
4141 -	By Delegates Butler, Fast, Kessinger, D. Jeffries, Bibby, Pack, McGeehan, P. Martin, J. Jeffries, Graves and Bates: Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December (Chapter 167, Acts, Regular Session, 2020)	107	223	895	895	312, 898	107, 266, 286, 312, 898, 1126, 1397
4142 -	By Delegates Higginbotham, Hamrick, Cowles and Barnhart: Providing that the Jobs Investment Trust Board be part of the Department of Commerce	107					108
4143 -	By Delegates Higginbotham, Ellington, Summers, Lavender-Bowe, Atkinson, Evans, Hamrick, Toney and Hanna: Creating the Business PROMISE+ Scholarship	108	352				108, 352
4144 -	By Delegates Higginbotham, Summers and Hanshaw (Mr. Speaker): Relating to vacancies in the office of county commissioner	108					108
4145 -	By Delegates Foster, Little, Mandt, Phillips, D. Jeffries, Bartlett, Jennings and Hardy: Prohibiting the regulation and licensing of occupations by local government	108					109
4146 -	By Delegates Westfall, Nelson, Porterfield and Espinosa: Relating to credit for reinsurance (Chapter 193, Acts, Regular Session, 2020)	109	323	1857	1857	429, 1882	109, 378, 404, 429, 430, 1882, 3561, 3587
4147 -	By Delegate Higginbotham: Providing compensation to victims of abusive lawsuits	109					109

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4148 -	By Delegates Higginbotham, Ellington, Hamrick and Hanna: Authorizing the suspension or dismissal of school personnel who retaliate against a student or parent who has made a complaint	109					109
4149 -	By Delegates Westfall, Queen, Barrett, Waxman, Hott, Williams, D. Jeffries, Kessinger, Porterfield and Espinosa: Relating to insurance (Chapter 194, Acts, Regular Session, 2020)	109	323	1565	1565	430, 1568	109, 378, 405, 430, 1568, 1777, 3586
4150 -	By Delegates Butler, Fast, Kessinger, Foster, D. Jeffries, Bibby, Pack, McGeehan, P. Martin, D. Kelly and J. Jeffries: Preventing taxpayer subsidization of health insurance covering elective abortions	110					110
4151 -	By Delegates Butler, Fast, Kessinger, Foster, D. Jeffries, Bibby, Pack, McGeehan, D. Kelly and J. Jeffries: Relating to standard of review in First Amendment violations	110					110
4152 -	By Delegates D. Jeffries, Waxman, Bartlett, Bibby, Foster, Kessinger, Campbell, Hanna, P. Martin, Wilson and Miller: Allowing a personal income tax deduction for a stillborn child	110					110
4153 -	By Delegates J. Jeffries, D. Jeffries, Jennings, Cadle, Maynard and Porterfield: Forbidding displays relating to sexuality in public school facilities and forbidding the teaching of sexuality in public schools	152					152
4154 -	By Delegates J. Jeffries, Maynard, Wilson, Hardy and Foster: Relating to the Public Service Commission	152					152
*4155 -	By Delegates Jennings, Foster, Kessinger, Hardy, Bibby, Cowles, Sypolt and Steele: Relating generally to the regulation of plumbers	152	759			1311	152, 885, 921, 925, 968, 979, 1201, 1239, 1311

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4156 -	By Delegates Jennings and Foster: Reducing the recertification fee for emergency medical services personnel	152					153
4157 -	By Delegates D. Jeffries, Tomblin, Azinger, Porterfield, J. Jeffries, Worrell, Hott, Cadle, Sypolt, Barnhart and Hamrick: Prohibiting the regulation and licensing of occupations by local government	153					153
*4158 -	By Delegates Cadle, Hott, C. Martin, Phillips, Howell, Cooper, J. Jeffries, Westfall, Foster, Staggers and Householder: Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption	153	735			917	153, 841, 874, 916, 917
4159 -	By Delegates Criss, Espinosa, Ellington, Barrett, Bates, Graves, Sponaugle, Williams, Linville, Cowles and Hardy: Relating to the manufacture and sale of hard cider	153	667, 1349	1444, 3382, 3386	3382, 3551	1514, 3387	154, 667, 1379, 1443, 1514, 3573, 3583
4160 -	By Delegates Hansen, Staggers, Lavender-Bowe, Estep-Burton, Fleischauer, Rowe, S. Brown, Angelucci and Pyles: Youth Mental Health Protection Act	154					154
4161 -	By Delegates Worrell, Summers and Atkinson: Making it illegal to scleral tattoo a person (Chapter 277, Acts, Regular Session, 2020)	154	529	3312	3312	653, 3313	154, 588, 629, 653, 3313, 3573, 3587
4162 -	By Delegates Hansen, Pushkin, Estep-Burton, Pyles, Williams, Fleischauer, Walker, Summers, Waxman, Pack and Cowles: Requiring Medicaid and insurance coverage for treatment of pediatric autoimmune neuropsychiatric disorders	154					155
4163 -	By Delegates Hansen, Caputo, Pyles, Williams, Zukoff, Doyle, Pushkin, Walker, Lavender-Bowe, C. Thompson and Estep-Burton: Repealing section of code authorizing additional registration fees for alternative fuel vehicles	155					155

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4164 -	By Delegates Hanna, Hamrick, Jennings and Butler: Taxation With Representation Act	155					155
*4165 -	By Delegates Hanna, Higginbotham, Jennings, Bibby and Waxman: West Virginia Remembers Program (Chapter 118, Acts, Regular Session, 2020)	155	889		2595	1102	156, 975, 1042, 1102, 1103, 3563, 3587
4166 -	By Delegates Foster, Phillips, Bibby, Steele, Butler, Waxman, Espinosa, Porterfield, Kessinger, Lovejoy and Bartlett: Prohibiting certain sex offenders from being in a supervisory position over children (Chapter 100, Acts, Regular Session, 2020)	156	319		1077	430	156, 378, 405, 430, 431, 1661, 2579
4167 -	By Delegates Miley and Queen: Allowing victims of certain crimes to get a restraining order prohibiting convicted persons from contacting or living in proximity to the victim	156					156
4168 -	By Delegates J. Jeffries, Hanna, Phillips, Butler, Cadle, Paynter, Bibby, D. Jeffries, Maynard, Dean and Porterfield: Preserving and protecting the right to keep and bear arms	156					156
4169 -	By Delegates Anderson, Barnhart, Cadle, Hartman and Hott: Relating to the protection of animal and crop facilities	157					157
4170 -	By Delegates Cowles, Hott, Rowan, D. Kelly, Worrell, Miller, Hill, Hardy, Lovejoy, Canestraro and Barrett: Granting state police troopers a pay increase	157					157
4171 -	By Delegates Canestraro, Kessinger, Skaff, Lovejoy, Worrell, Queen, Robinson and Hansen: Relating to the assignment of certain benefits in dental care insurance coverage	157					157
4172 -	By Delegates Hansen, Fleischauer, Evans, Pushkin, Miley, Hanna, Miller and Byrd: Providing for solar energy production on formerly mined land	157					157

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4173 -	By Delegates Pushkin, Estep-Burton, Zukoff, Walker, Robinson, Kessinger, Steele, Capito, Byrd, Nelson and Rowe: Directing the Supreme Court of Appeals to create a pilot domestic violence court in Kanawha County	157					158
4174 -	By Delegates Howell, Householder, C. Martin, Foster, Hanna, Phillips, Hamrick, Wilson, Hott, Barnhart and P. Martin: Relating to expiring rules of the Alcohol Beverage Control Commission	158					158
4175 -	By Delegates Sypolt, Toney, Fast, Little, Linville, Bartlett, J. Jeffries, Hott, P. Martin, Worrell and Phillips: Born-Alive Abortion Survivors Protection Act	158					158
*4176 -	By Delegates Miller, Hanshaw (Mr. Speaker), Miley, Shott, D. Kelly, Kessinger, Canestraro and Lovejoy: West Virginia Intelligence/Fusion Center Act (Chapter 296, Acts, Regular Session, 2020)	158	851, 1346	1473, 3345, 3361	3345, 3351	1515, 3363	158, 851, 1379, 1473, 1515, 1516, 3363, 3573, 3587
4177 -	By Delegates Miller, Higginbotham, D. Kelly, Lovejoy, Lavender-Bowe and Hansen: Allowing sheriffs to keep electronic copies of receipts for the payment of taxes	158	381				158, 381
4178 -	By Delegates Miller, Lovejoy, Lavender-Bowe, D. Kelly, Hansen and S. Brown: Requiring calls which are recorded be maintained for a period of five years (Chapter 297, Acts, Regular Session, 2020)	158	490, 701	3313	3313	869, 3315	159, 490, 756, 840, 869, 3315, 3573, 3587
4179 -	By Delegates Maynard, Jennings, Bibby, Campbell, J. Jeffries, Lovejoy, Miller, Pack, Sypolt and Worrell: Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (Chapter 278, Acts, Regular Session, 2020)	159	438		898, 1077	549	161, 486, 521, 549, 898, 901, 1662, 2579
4180 -	By Delegates Anderson, Cadle, Hartman and Hott: Relating to the seed certification program within the Department of Agriculture	161	760				161, 760

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4181 -	By Delegates Hamrick, Porterfield, Cadle and Sypolt: Moving provisions relating to the licensing of contractors to Chapter 30 of this code	161					162
4182 -	By Delegate D. Jeffries: West Virginia Civil Authority Act	162					162
4183 -	By Delegates Foster, Waxman, Jennings, Cadle, Bibby, Hardy and Porterfield: Relating to mandatory drug testing of all classes of employees in K through 12 schools	162					162
4184 -	By Delegates Foster, Waxman, Jennings, Butler, Cadle, Bibby, Hardy, Porterfield, Kessinger, Fast and J. Kelly: Relating to criminal trespass	163					163
4185 -	By Delegates Foster, Waxman, Jennings, Sypolt, Butler, Cadle, Bibby, Hardy, Porterfield, Kessinger and Fast: Exempting from licensure as an electrician a person who installs low voltage electrical wiring	163					163
4186 -	By Delegates Foster, Bibby, Steele, Cadle, Wilson, J. Jeffries, Storch, S. Brown, Pushkin, Fluharty and Robinson: Removing marijuana as a tested substance from the screening requirements	163					163
4187 -	By Delegates Foster, Jennings, Sypolt, Butler, Cadle, Bibby, Hardy, Porterfield, Kessinger, D. Jeffries and Azinger: Relating to licensure qualifications	163					164
4188 -	By Delegates Foster, Waxman, Jennings, Butler, Cadle, Bibby, Hardy, Porterfield, Kessinger, D. Kelly and J. Jeffries: Removing the requirement of continuing education for barbers and cosmetologists	164					164
4189 -	By Delegates Capito, Nelson, Estep-Burton and S. Brown: Relating generally to the payment of salary or wages under the Parental Leave Act	164	731				164, 731
4190 -	By Delegate Canestraro: Relating to definitions in excise tax on privilege of transferring real property	164					164

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4191 -	By Delegates Steele, Fluharty, Westfall, Barrett, Byrd and Williams: Permitting wagering on the results of certain professional or collegiate sports or athletic events	164					165
4192 -	By Delegates Westfall and Porterfield: Relating to the establishment of an insurance innovation process	165					166
4193 -	By Delegate Pyles: Allowing private entities to lease buildings to local school boards in cases of emergency	166					166
4194 -	By Delegate Pyles: Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee	166					166
4195 -	By Delegate Pyles: Normalization of Cannabis Act	166					166
4196 -	By Delegate Pyles: Enacting fair workweek employment standards	166					167
4197 -	By Delegate Pyles: Model Veterans Treatment Court Act	167					167
*4198 -	By Delegates Pyles, Pushkin, Lavender-Bowe and S. Brown: Permitting a person to obtain a 12-month supply of contraceptive drugs (Chapter 195, Acts, Regular Session, 2020)	167	468	2704, 2707	2703, 3551	968, 2708	167, 522, 525, 887, 929, 968, 969, 2708, 3573, 3587
4199 -	By Delegate Pyles: Statewide Sexual Assault Evidence Collection Kit Tracking System	167					168
4200 -	By Delegate Pyles: Prohibiting discrimination based on age or sexual orientation	168					168
4201 -	By Delegate Pyles: Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act	168					168
4202 -	By Delegates Estep-Burton, Robinson, Rowe, Pushkin, Walker, Diserio, Lavender-Bowe, Caputo, C. Thompson and Angelucci: Allowing a personal income tax deduction for a stillborn child	168					168

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4203 -	By Delegates Estep-Burton, Robinson, Rowe, Pushkin, Sponaugle, Lavender-Bowe, Caputo, Miley, C. Thompson, Hansen and Pyles: Prohibiting charging your campaign interest for personal loans to your campaign	168					169
4204 -	By Delegate Foster: Department of Administration, rules for the general administration of records managements and preservation	169					169
4205 -	By Delegate Foster: Department of Administration, rules for retention and disposal scheduling	169					169
4206 -	By Delegate Foster: Department of Administration, rules for the managements of records maintained by the records center	169					169
4207 -	By Delegate Foster: Department of Administration, exemptions from management services provided by the fleet management division	169	269				169, 269
4208 -	By Delegate Foster: Commissioner of Agriculture, animal disease control	169	290				169, 290
4209 -	By Delegate Foster: Commissioner of Agriculture, fresh food act	170	290				170, 290
4210 -	By Delegate Foster: Commissioner of Agriculture, poultry rules for hatcheries, growers and contractors pertaining to poultry disease control and eradication	170	290				170, 290
4211 -	By Delegates Foster and Porterfield: Commissioner of Agriculture, grade "A" pasteurized milk	170	290				170, 290
4212 -	By Delegates Foster and Porterfield: Commissioner of Agriculture, WV manufacture-grade milk	170	290				170, 290
4213 -	By Delegates Foster and Porterfield: Commissioner of Agriculture, WV exempted dairy farms and milk and milk products processing rules	170	290				170, 291
4214 -	By Delegate Foster: Commissioner of Agriculture, West Virginia spay neuter assistance program	170	290				170, 291



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4215 -	By Delegate Foster: Commissioner of Agriculture, captive cervid farming	171	289				171, 289
4216 -	By Delegate Foster: West Virginia Board of Dentistry, rule for the West Virginia Board of Dental Examiners	171	292				171, 294
*4217 -	By Delegate Foster: Authorizing the Department of Environmental Protection to promulgate legislative rules (Chapter 211, Acts, Regular Session, 2020)	171	765	925	1840	976	171, 885, 925, 969, 975, 976, 3561, 3587
4218 -	By Delegate Foster: Department of Environmental Protection, standards of performance for new stationary sources	171					171
4219 -	By Delegate Foster: Department of Environmental Protection, emission standards for hazardous air pollutants	171					171
4220 -	By Delegate Foster: Department of Environmental Protection, control of ozone season nitrogen oxides emissions	172					172
4221 -	By Delegates Foster and Porterfield: Department of Environmental Protection, groundwater protection rules for coal mining operations	172	322				172, 323
4222 -	By Delegate Foster: Department of Environmental Protection, hazardous waste management system	172					172
4223 -	By Delegates Foster and Porterfield: Department of Environmental Protection, voluntary remediation and redevelopment rule	172	322				172, 323
4224 -	By Delegate Foster: Division of Forestry, sediment control during commercial timber-harvesting operations-licensing	172	291				172, 292
4225 -	By Delegate Foster: Division of Forestry, sediment control during commercial timber-harvesting operations-logger certification	172	291				172, 292
4226 -	By Delegate Foster: Department of Health and Human Resources, primary care seed money grants	173	384				173, 385

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4227 -	By Delegate Foster: Department of Health and Human Resources, pilot program for drug screening of applicants for cash assistance	173	384				173, 385
4228 -	By Delegate Foster: Division of Highways, transportation of hazardous wastes upon the roads and highways	173					173
4229 -	By Delegates Foster and Porterfield: Insurance Commission, Medicare supplement insurance	173					173
4230 -	By Delegate Foster: Insurance Commission, pharmacy auditing entities and pharmacy benefit managers	173	384				173, 385
4231 -	By Delegate Foster: Division of Labor, supervision of plumbing work	174	292				174, 294
4232 -	By Delegate Foster: Division of Labor, regulation of heating, ventilating and cooling work	174	292				174, 294
4233 -	By Delegate Foster: Office of Miner's Health, Safety and Training, substance abuse screening, standards and procedures	174	322				174, 323
4234 -	By Delegates Foster and Porterfield: Office of Miner's Health, Safety and Training, rules governing the certification, recertification and training of EMT-miners and EMT-M instructors	174	322				174, 323
4235 -	By Delegate Foster: Division of Motor Vehicles, state vehicle title, registration and relicensing project of 2018	174	292				174, 294
4236 -	By Delegates Foster and Porterfield: Division of Natural Resources, commercial whitewater outfitters	174	291				174, 292
4237 -	By Delegate Foster: Division of Natural Resources, transporting and selling wildlife pelts and parts	175	291				175, 292
4238 -	By Delegate Foster: Division of Natural Resources, boating rule	175	291				175, 292
4239 -	By Delegate Foster: Division of Natural Resources, special requirements concerning boating	175	291				175, 292

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4240 -	By Delegate Foster: Division of Natural Resources, defining the terms used in all hunting and trapping	175	291				175, 292
4241 -	By Delegate Foster: Division of Natural Resources, prohibitions when hunting and trapping	175	291				175, 292
4242 -	By Delegate Foster: Division of Natural Resources, catching and selling bait fish	176	291				176, 292
4243 -	By Delegates Foster and Porterfield: Division of Natural Resources, falconry	176	291				176, 292
4244 -	By Delegate Foster: Board of Occupational Therapy, fees for services rendered by the board	176	292				176, 294
4245 -	By Delegate Foster: Board of Occupational Therapy, consideration of prior criminal convictions in initial licensure determinations	176					176
4246 -	By Delegate Foster: Board of Pharmacy, Board of Pharmacy rules for immunizations administered by pharmacists and pharmacy interns	176	320				176, 321
4247 -	By Delegate Foster: Board of Examiners for Registered Professional Nurses, requirements for registration and licensure and conduct	176	320				177, 321
4248 -	By Delegate Foster: Board of Respiratory Care, consideration of prior criminal convictions in initial licensure determinations	177					177
4249 -	By Delegate Foster: State Auditor, local government purchasing card program	177					177
4250 -	By Delegate Foster: State Conservation Committee, state conservation committee grant program	177	383				177, 383
4251 -	By Delegate Foster: State Tax Department, payment of taxes by electronic funds transfer	177	383				177, 383
*4252 -	By Delegate Foster: Authorizing miscellaneous agencies and boards to promulgate legislative rules (Chapter 212, Acts, Regular Session, 2020)	177	293, 1120	1362, 2708	2708	1363, 2735	177, 294, 1250, 1323, 1362, 1363, 2735, 3573, 3587

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4253 -	By Delegate Foster: Board of Acupuncture, fees for the board of acupuncture	177					178
4254 -	By Delegate Foster: Board of Acupuncture, auricular detoxification therapy certificate	178	320				178, 321
4255 -	By Delegate Foster: Board of Acupuncture, application for waiver of initial licensing fees for certain individuals	178					178
4256 -	By Delegate Foster: Board of Acupuncture, consideration of prior criminal convictions in initial licensure determinations	178					178
4257 -	By Delegate Foster: Department of Administration, financial services reporting	178					178
4258 -	By Delegate Foster: Board of Architects, registration of architects	178	293				178, 294
4259 -	By Delegate Foster: Board of Architects, fees for registration of architects	178	293				179, 294
4260 -	By Delegate Foster: Commissioner of Agriculture, auctioneers	179	290				179, 291
4261 -	By Delegate Foster: Commissioner of Agriculture, employment reference and inquiries and background checks	179	290				179, 291
4262 -	By Delegate Foster: Commissioner of Agriculture, industrial hemp	179	290				179, 291
4263 -	By Delegate Foster: Commissioner of Agriculture, hemp products	179	438				179, 438
4264 -	By Delegate Foster: Commissioner of Agriculture, farmers markets	179	290				179, 291
4265 -	By Delegate Foster: Board of Chiropractic Examiners, application for waiver of initial licensing fees for certain individuals	180					180
4266 -	By Delegate Foster: Board of Chiropractic Examiners, consideration of prior criminal convictions in initial licensure determinations	180					180
4267 -	By Delegate Foster: Department of Commerce, small business innovation research and small business technology transfer matching funds program	180	351				180, 351

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4268 -	By Delegate Foster: Board of Examiners in Counseling, application for waiver of initial licensing fees for certain individuals	180					180
4269 -	By Delegate Foster: West Virginia Board of Dentistry, dental advertising	180	293				180, 294
4270 -	By Delegate Foster: Department of Environmental Protection, control of air pollution from hazardous waste treatment, storage and disposal facilities	180					181
4271 -	By Delegate Foster: Board of Licensed Dietitians, licensure and renewal requirements	181					181
4272 -	By Delegate Foster: Board of Licensed Dietitians, application for waiver of initial licensing fees for certain individuals	181					181
4273 -	By Delegate Foster: Election Commission, corporate and membership organization political activity	181					181
4274 -	By Delegate Foster: Election Commission, regulation of campaign finance	181					181
*4275 -	By Delegate Foster: Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission (Chapter 213, Acts, Regular Session, 2020)	181	246		1078, 3554	376, 2574	181, 286, 313, 345, 346, 375, 376, 1079, 1264, 1599, 1667, 2572, 2573, 2574, 3573, 3586
4276 -	By Delegate Foster: Fire Commission, rule relating to state building code	182					182
4277 -	By Delegate Foster: Board of Funeral Service Examiners, applications for waiver of initial licensing fees for certain individuals	182					182
4278 -	By Delegate Foster: Board of Funeral Service Examiners, consideration of prior criminal convictions in initial licensure determinations	182					182
4279 -	By Delegate Foster: Department of Health and Human Resources, public water systems	182	384				182, 385
4280 -	By Delegate Foster: Department of Health and Human Resources, fees for permits	182	384				182, 385

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4281 -	By Delegate Foster: Department of Health and Human Resources, vital statistics	182	384				182, 386
4282 -	By Delegate Foster: Department of Health and Human Resources, emergency medical services	183	385				183, 386
4283 -	By Delegate Foster: Department of Health and Human Resources, primary care center uncompensated care grants	183	385				183, 386
4284 -	By Delegate Foster: Department of Health and Human Resources, medical cannabis program--general provisions	183	385				183, 386
4285 -	By Delegate Foster: Department of Health and Human Resources, medical cannabis program--growers/processors	183	385				183, 386
4286 -	By Delegate Foster: Department of Health and Human Resources, medical cannabis program-laboratories	183	385				183, 386
4287 -	By Delegate Foster: Department of Health and Human Resources, medical cannabis program-dispensaries	184	385				184, 386
4288 -	By Delegate Foster: Department of Health and Human Resources, medical cannabis program-safe harbor letter	184	385				184, 386
4289 -	By Delegate Foster: Department of Health and Human Resources, collection and exchange of data related to overdoses	184	385				184, 386
4290 -	By Delegate Foster: Department of Health and Human Resources, minimum licensing requirements for residential child care and treatment facilities	184	385				184, 386
4291 -	By Delegate Foster: Department of Health and Human Resources, qualifications for a provisional license to practice as a social worker	184	385				185, 386
4292 -	By Delegate Foster: Health Care Authority, critical access hospitals	185	385				185, 386
4293 -	By Delegate Foster: Board of Hearing Aid Dealers, application for waiver of initial licensing fees for certain individuals	185					185

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4294 -	By Delegate Foster: Board of Hearing Aid Dealers, consideration of prior criminal convictions in initial licensure determinations	185					185
4295 -	By Delegate Foster: Division of Highways, use of state road rights of way and adjacent areas	185	350				185, 350
4296 -	By Delegate Foster: Division of Highways, small wireless facilities on Division of Highways rights-of-way	185	350				185, 351
4297 -	By Delegates Foster and Porterfield: Insurance Commission, credit for reinsurance	186	318				186, 318
4298 -	By Delegate Foster: Board of Landscape Architects, consideration of prior criminal convictions in initial licensure determinations	186					186
4299 -	By Delegate Foster: Massage Therapy Licensure Board, application for waiver of initial licensing fees for certain individuals	186					186
4300 -	By Delegate Foster: Massage Therapy Licensure Board, consideration of prior criminal convictions in initial licensure determinations	186					186
4301 -	By Delegate Foster: Medical Imaging and Radiation Therapy Technology Board of Examiners, rules relating to board	186	320				186, 321
4302 -	By Delegate Foster: Board of Medicine, licensure, disciplinary and complaint procedures, continuing education, physician assistants	186	320				187, 321
4303 -	By Delegate Foster: Board of Medicine, waiver of initial licensing fees for certain initial licensure applicants	187					187
4304 -	By Delegates Foster and Porterfield: Division of Motor Vehicles, safety and treatment program	187	293				187, 294
4305 -	By Delegate Foster: Division of Natural Resources, special boating rule	187	291				187, 292

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4306 -	By Delegate Foster: Division of Natural Resources, public use of campgrounds in West Virginia State Parks and State Forests and campsites in State Rail Trails	187	292				187, 292
4307 -	By Delegate Foster: Division of Natural Resources, special projects and grants for West Virginia State Parks, State Forests, and State Rail Trails	187	292				188, 292
4308 -	By Delegates Foster and Porterfield: Division of Natural Resources, special fishing rule	188	292				188, 292
4309 -	By Delegate Foster: Nursing Home Administrators Licensing Board, nursing home administrators	188					188
4310 -	By Delegate Foster: Board of Occupational Therapy, application for waiver of initial licensing fees for certain individuals	188					188
4311 -	By Delegates Foster and Porterfield: Oil and Gas Conservation Commission, rules of the commission	188	322				188, 323
4312 -	By Delegate Foster: Board of Optometry, rules for the West Virginia Board of Optometry	188	320				188, 322
4313 -	By Delegate Foster: Board of Osteopathic Medicine, osteopathic physician assistants	188	320				189, 322
4314 -	By Delegate Foster: Board of Osteopathic Medicine, waiver of initial licensing fees for certain initial licensure applicants	189					189
4315 -	By Delegate Foster: Board of Pharmacy, licensure and practice of pharmacy	189	320				189, 322
4316 -	By Delegate Foster: Board of Pharmacy, record keeping and automated data processing systems	189	321				189, 322
4317 -	By Delegate Foster: Board of Pharmacy, Board of Pharmacy rules for registration of pharmacy technicians	189	320				189, 320
4318 -	By Delegate Foster: Board of Pharmacy, Board of Pharmacy rules for centralized prescription processing	189	321				189, 322



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4319 -	By Delegate Foster: Board of Pharmacy, regulations governing pharmacy permits	190	321				190, 322
4320 -	By Delegate Foster: Board of Pharmacy, regulations governing pharmacists	190	321				190, 322
4321 -	By Delegate Foster: Board of Pharmacy, application for waiver of initial licensing fees for certain individuals	190					190
4322 -	By Delegate Foster: Board of Physical Therapy, general provisions for physical therapist and physical therapist assistants	190	321				190, 322
4323 -	By Delegate Foster: Board of Physical Therapy, fees for physical therapist and physical therapist assistant	190	321				190, 322
4324 -	By Delegate Foster: Board of Physical Therapy, general provisions for athletic trainers	190	321				191, 322
4325 -	By Delegate Foster: Board of Physical Therapy, fees for athletic trainers	191	321				191, 322
4326 -	By Delegate Foster: Board of Physical Therapy, application for waiver of initial licensing fees for certain individuals	191					191
4327 -	By Delegate Foster: Board of Registration for Professional Engineers, examination, licensure and practice of professional engineers	191	293				191, 294
4328 -	By Delegates Foster and Porterfield: Board of Professional Surveyors, examination and licensing of professional surveyors in West Virginia	191	293				191, 294
4329 -	By Delegate Foster: Board of Psychologists, consideration of prior criminal convictions in initial licensure determinations and application for fee waiver	191					191
4330 -	By Delegate Foster: Public Defender Services, payment of fees and reimbursement of expenses of court appointed attorneys	192					192
4331 -	By Delegate Foster: Racing Commission, thoroughbred racing	192	383				192, 383

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4332 -	By Delegate Foster: Real Estate Appraiser Licensing and Certification Board, requirements for licensure and certification	192					192
4333 -	By Delegate Foster: Real Estate Commission, application for waiver of initial licensing fees for certain individuals	192					192
4334 -	By Delegate Foster: Real Estate Commission, consideration of prior criminal convictions in initial license eligibility determination	192					192
4335 -	By Delegate Foster: Board of Examiners for Registered Professional Nurses, request for waiver of initial licensing fees for certain individuals	192	321				193, 322
4336 -	By Delegate Foster: West Virginia Board of Respiratory Care, establishment of fees	193	321				193, 322
4337 -	By Delegate Foster: West Virginia Board of Respiratory Care, student limited permit	193	321				193, 322
4338 -	By Delegate Foster: Board of Sanitarians, waiver of initial application fees and criteria for initial licensure	193					193
4339 -	By Delegate Foster: Board of Social Work, qualifications for the profession of social work	193	293				193, 294
4340 -	By Delegate Foster: Board of Social Work, fee schedule	193	293				193, 294
4341 -	By Delegate Foster: Board of Speech-Language Pathology and Audiology, licensure of speech-pathology and audiology	193	293				193, 294
4342 -	By Delegate Foster: Board of Speech-Language Pathology and Audiology, disciplinary and complaint procedures for speech- language pathology and audiology	194	293				194, 294
4343 -	By Delegate Foster: State Tax Department, consumer sales and service tax	194	383				194, 383
4344 -	By Delegate Foster: State Tax Department, exchange of information pursuant to written agreement	194	383				194, 383

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4345 -	By Delegates Foster and Porterfield: Board of Veterinary Medicine, organization and operation and licensing of veterinarians	194	293				194, 294
4346 -	By Delegate Foster: Board of Veterinary Medicine, registration of veterinary technicians	194	293				195, 294
4347 -	By Delegate Foster: Board of Veterinary Medicine, schedule of fees	195	293				195, 294
4348 -	By Delegate Foster: Department of Environmental Protection, West Virginia surface mining reclamation rule	195	322				195, 322
4349 -	By Delegates Howell, C. Martin, Householder, Foster, Criss, Kessinger, D. Jeffries, J. Jeffries, Higginbotham and Graves: Exempting sales of small arms and small arms ammunition from state sales and use taxes	209					209
4350 -	By Delegates Miller, Higginbotham, D. Kelly, Lovejoy, Lavender-Bowe, Tomblin, Maynard, Pack, Evans, Graves and Toney: Relating to the Deputy Sheriff Retirement System Act	209	641				209, 641
4351 -	By Delegates Kump, Butler and Fluharty: Requiring the random drug testing of legislators	209					209
*4352 -	By Delegates Jennings, Maynard, Bibby, Lovejoy, Miller, Pack, Sypolt, Worrell, Waxman, Hardy and Summers: Removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making (Chapter 246, Acts, Regular Session, 2020)	209	556		1840	691	210, 636, 661, 691, 3563, 3587
4353 -	By Delegates Howell, Porterfield, J. Jeffries, Hott, Kump, Cadle, Sypolt and Hamrick: Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making (Chapter 247, Acts, Regular Session, 2020)	210	408	1127	1127	519, 1174	211, 463, 485, 519, 1174, 1661, 2579

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4354 -	By Delegates Worrell, Summers and Wilson: Adding nabiximols to the permitted list of distributed and prescribed drugs (Chapter 56, Acts, Regular Session, 2020)	211	528, 1215	1429, 2869	2868, 3552	1429, 2870, 2932	211, 529, 1331, 1372, 1428, 1429, 2931, 2932, 3573, 3587
4355 -	By Delegates Porterfield, Foster, Bibby, Steele, Butler, Waxman, J. Jeffries, Jennings, Mandt, Kessinger and Hill: Allowing municipalities and counties to post their annual financial statements on the Internet	211	382				211, 382
4356 -	By Delegates Hill, Rohrbach, Porterfield and Summers: Relating to the administration of anesthetics	211	467	582, 654		656	211, 522, 552, 553, 582, 626, 627, 653, 655, 656
4357 -	By Delegates Higginbotham, Ellington, Atkinson, Hamrick, Barnhart, Toney and Hanna: Relating to governmental websites	211					211
4358 -	By Delegates Porterfield and Foster: Relating to the licensing of electricians	212	349				212, 349
4359 -	By Delegates Westfall and Porterfield: Modifying the filing fees for insurers (Chapter 196, Acts, Regular Session, 2020)	212	436	1569	1568	550, 1569	212, 486, 521, 549, 550, 1570, 1777, 3586
*4360 -	By Delegates Foster, Waxman, Householder, Barnhart, Jennings, Porterfield, Ellington, Phillips, D. Jeffries, C. Martin and Wilson: Exempting certain persons from heating, ventilating, and cooling system licensing requirements (Chapter 248, Acts, Regular Session, 2020)	212	349, 1207		2595	1429	212, 349, 1331, 1372, 1429, 1430, 3563, 3587
*4361 -	By Delegates Westfall, Azinger, Nelson, Hott, D. Jeffries and Espinosa: Relating to insurance law violations (Chapter 197, Acts, Regular Session, 2020)	212	317, 600	2596, 2609	2595, 3552	721, 2609	213, 317, 663, 693, 720, 721, 2609, 3573, 3587

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4362 -	By Delegates Bibby, Hardy, Kump, Waxman, Espinosa, Householder, Barrett, Wilson, Barnhart, S. Brown and Hanna: Relating to penalties for neglect, emotional abuse or death caused by a caregiver (Chapter 90, Acts, Regular Session, 2020)	213	491	2870	2870	1516, 2871	213, 491, 1347, 1379, 1476, 1516, 2871, 3573, 3587
*4363 -	By Delegates Graves, Pack, Steele, Ellington, Kessinger, Jennings, Summers, Waxman, Maynard, Sypolt and Rowan: Establishing the West Virginia Division of Natural Resources Police Officer Retirement System (Chapter 257, Acts, Regular Session, 2020)	213	846, 1049	2872	2871	1312, 2872	214, 846, 1197, 1247, 1311, 1312, 2873, 3573, 3587
4364 -	By Delegates Higginbotham, Hanna, Hamrick and Atkinson: Creating a tax credit for hiring an ex-felon	231					231
4365 -	By Delegates Higginbotham, Ellington, Jennings, Hanna, R. Thompson, Hamrick, Barnhart and Porterfield: Granting of college credit hours for learning English as a second language (Chapter 178, Acts, Regular Session, 2020)	231	352	459	1778	459	232, 405, 431, 458, 459, 2576, 3587
4366 -	By Delegates Higginbotham, Hamrick, Barnhart and Hanna: Changing the school aid formula allowances for instructional technology and for AP and dual credit courses	232					232
4367 -	By Delegates Miley, R. Thompson, Evans, Zukoff, Campbell, C. Thompson and Rohrbach: Adding speech pathologists to the step increase for special education teachers	232	1114				232, 1114
4368 -	By Delegates Higginbotham and Hornbuckle: Relating to the Medical Cannabis Act	232					232, 683, 696
4369 -	By Delegates Shott, Higginbotham, J. Kelly and Pethtel: Relating to the termination, expiration, or cancellation of oil or natural gas leases	232					233

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4370 -	By Delegates Higginbotham, Ellington, Hamrick and Barnhart: Establishing limits applicable to the award of damages for medical monitoring	233					233
4371 -	By Delegates Higginbotham and Hamrick: Relating to when a municipality's approval is not required for an event licensed by the Alcohol Beverage Control Commission	233					233
4372 -	By Delegates Higginbotham and Kump: Providing for political party platforms to be placed on ballots for certain primary elections	233					233
4373 -	By Delegates Higginbotham, Hanna and Ellington: Establishing a tax credit for families who suffer the loss of a stillborn child	234					234
4374 -	By Delegates Canestraro, N. Brown, Rowe, Atkinson, Lovejoy and Fast: Relating to the administration of estates and trusts	234					234
4375 -	By Delegates Summers, Kessinger, Hill, Pack, Porterfield and Bates: Speech-Language Pathologists and Audiologists Compact (Chapter 249, Acts, Regular Session, 2020)	234	531	2873	2873	656, 2902	235, 531, 588, 629, 656, 2902, 3573, 3587
4376 -	By Delegates Phillips, D. Jeffries, Summers, Storch, J. Jeffries, Kump, Fast, Swartzmiller, Barrett, Boggs and Kessinger: Prohibiting municipalities from limiting the rights of persons to purchase, possess, transfer, own, carry, transport, sell or store deadly weapons	235					235
*4377 -	By Delegates Westfall, Nelson, Queen, Criss, Storch, Rohrbach, Hott, D. Jeffries, Atkinson and Toney: The Protection of Vulnerable Adults from Financial Exploitation Act (Chapter 321, Acts, Regular Session, 2020)	235	490, 1216	2903, 2907	2902, 3552	1430, 2908	235, 491, 1331, 1372, 1430, 2908, 3573, 3587

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4378 -	By Delegates Hill, Pack, Kessinger, Hanna, Ellington, Higginbotham, Foster, P. Martin and Worrell: Relating to disciplining teachers (Chapter 317, Acts, Regular Session, 2020)	235	526	2735	2735	657, 2741	235, 588, 629, 657, 2741, 3573, 3587
4379 -	By Delegates Barrett, Steele, Dean, Pack, N. Brown, S. Brown, Miller, Graves, Hill, Swartzmiller and Boggs: Authorizing home incarceration supervisors to carry firearms	235					236
4380 -	By Delegates Howell, Pack, Foster, Hott, Maynard, C. Martin, Hamrick, J. Jeffries, D. Jeffries, Sypolt and Little: Updating the regulatory board review schedule	236	556			692	236, 636, 662, 691, 692
4381 -	By Delegates J. Jeffries, Bibby, Hanna, Hardy, Cooper, Fast, Steele, Summers, Sypolt, Maynard and Kessinger: Relating to lifetime hunting, fishing and trapping licenses for adopted children (Chapter 233, Acts, Regular Session, 2020)	236	439	521, 550	1079	550	236, 486, 521, 550, 551, 1662, 2579
4382 -	By Delegates Graves, Higginbotham, Storch, Queen, Hanna, Kessinger, Hanshaw (Mr. Speaker), Barrett, Doyle, Skaff and Lovejoy: Reinstating the film investment tax credit	236					237
4383 -	By Delegates D. Jeffries, Hanna, Kessinger, Howell, Jennings, C. Martin and Hott: Facilitating Business Rapid Response to State Declared Disasters Act of 2020	237	466				237, 466
4384 -	By Delegates Waxman, Bibby, Hanna, Howell, J. Kelly, Summers, Foster, Bartlett, Steele, Mandt and Worrell: West Virginia Monument and Memorial Protection Act of 2020	237					238
4385 -	By Delegates Estep-Burton, Walker, Williams, Zukoff, Rowe, Lavender-Bowe, Pushkin, Bates, Hansen and Evans: Family and Medical Leave Insurance Benefits Act	238					238
4386 -	By Delegates Higginbotham, Ellington, Howell, Hamrick, Toney and Hanna: Relating to political party committees	238					239

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4387 -	By Delegates Graves, Pack, Ellington, Kessinger, Summers, Waxman, Linville, Rowan, J. Jeffries, Higginbotham and Hill: Donated Drug Repository Program	239	848			1028	239, 930, 972, 1028
*4388 -	By Delegates Hamrick, J. Jeffries and C. Martin: Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising (Chapter 6, Acts, Regular Session, 2020)	239	294		2774, 3554	1364, 3527	239, 317, 1201, 1250, 1324, 1364, 2782, 3029, 3269, 3514, 3526, 3527, 3573, 3587
4389 -	By Delegates Rodighiero, Tomblin, Evans, Miller, R. Thompson, C. Thompson and S. Brown: Relating to transfer for program credits earned at two-year colleges or community and technical colleges	239					240
4390 -	By Delegates Howell, Hamrick and Linville: Relating to records management of public records	240					240
4391 -	By Delegates Rohrbach, Pack, Waxman, Paynter, Kessinger, Maynard, Ellington, Miller, Westfall, Lovejoy and D. Kelly: Redefining certain definitions, including the definition of "Life-prolonging intervention"	240					240
4392 -	By Delegates Rohrbach, Linville, Maynard and Lovejoy: Increasing the penalties for exposure of governmental representatives to fentanyl or any other harmful drug	240					241
4393 -	By Delegates Rohrbach, Lovejoy, Linville, Maynard and Porterfield: Relating to making suffocation and asphyxiation crimes (Chapter 91, Acts, Regular Session, 2020)	241	295	673	673	404, 673	241, 346, 377, 404, 674, 735, 990
4394 -	By Delegates Rohrbach, Lovejoy, Miller and Fleischauer: Making permanent the right of first refusal land reuse agencies and municipal land banks have on tax-delinquent properties	241					241



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4395 -	By Delegates Summers, Longstreth and Porterfield: Removing the requirement that a veterinarian access and report to the controlled substance monitoring database	256	527	657, 2792	2792	657, 2793	256, 588, 630, 657, 658, 2793, 3574, 3584
4396 -	By Delegates Barnhart, Foster, Anderson, C. Martin, Bartlett, D. Jeffries, Azinger, Campbell, Howell, Hartman and Fast: Relating to reporting suspected governmental fraud (Chapter 73, Acts, Regular Session, 2020)	256	981, 1215		2262	1430	257, 982, 1331, 1373, 1430, 1431, 3563, 3587
4397 -	By Delegate Byrd: Providing a tax credit for first time home buyers	257					257
*4398 -	By Delegates Fast, Worrell, Foster, Hanna, Dean, C. Martin, Ellington, Rowan, Bibby, Hardy and P. Martin: Relating to required courses of instruction	257	729	874		917	257, 841, 874, 917
4399 -	By Delegate Higginbotham: Prohibiting civil rights violations based on gender identity or sexual orientation	257					257
4400 -	By Delegate Byrd: Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder	257					258
4401 -	By Delegate D. Jeffries: Establishing the State Resiliency Office and State Resiliency Officer	258					259
4402 -	By Delegates Robinson, Rowe, Graves, Estep-Burton, D. Jeffries, Bartlett, Skaff, Byrd and Nelson: Relating to designation of early voting locations	259	981, 1351			1516	259, 982, 1379, 1477, 1516
4403 -	By Delegates Robinson, Miller, Lovejoy, Canestraro, N. Brown, Fluharty, Hornbuckle, Byrd, Skaff, Worrell and Kessinger: Establishing limitations on billing practices of Internet providers relating to customer outages	259					259
4404 -	By Delegates Butler and Porterfield: Removing the requirement that the Division of Highways read bids aloud	259	492				259, 492

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4405 -	By Delegates Miller, Dean, Toney, Paynter, Maynard, Lavender-Bowe, N. Brown, Swartzmiller, Caputo, Zukoff and Rohrbach: Relating to occupational pneumoconiosis	259					260
4406 -	By Delegates Nelson, Criss, Porterfield and Espinosa: Relating to the reproduction of checks and other records (Chapter 32, Acts, Regular Session, 2020)	260	763	2908	2908	970, 2909	260, 885, 927, 969, 970, 2909, 3566, 3587
4407 -	By Delegates Cooper, Cadle, Campbell, J. Jeffries, Phillips, Atkinson, Sypolt, Hott, Mandt, Hartman and Jennings: Exempting from the sales tax all-terrain vehicles and utility terrain vehicles used as farm equipment	260	438				260, 438
*4408 -	By Delegates Higginbotham, Toney, Hanna, Pushkin, Bibby, Jennings and C. Martin: Requiring the State Board of Education to develop and implement an online database for the employment of school principals	260	1050			1312	260, 1197, 1248, 1312
4409 -	By Delegates Maynard, J. Jeffries, Householder, Summers, Jennings, Linville, Hanshaw (Mr. Speaker), Graves, Lovejoy, Miller and Nelson: Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund (Chapter 298, Acts, Regular Session, 2020)	260	386, 1221	2547	2547	1431, 2548	261, 387, 1332, 1373, 1431, 2548, 3574, 3587
4410 -	By Delegates Nelson, Criss, Westfall, Azinger, Estep-Burton, Lovejoy, Espinosa, Barrett, Bates, D. Jeffries and Capito: Permitting directors and executive officers of a banking institution to borrow from a banking institution with which he or she is connected (Chapter 33, Acts, Regular Session, 2020)	261	318, 527		2610	658	261, 318, 589, 630, 658, 3574, 3587

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4411 -	By Delegates Nelson, Criss, Westfall, Azinger, Estep-Burton, Lovejoy, Espinosa, Bates, Barrett, Waxman and Capito: Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act (Chapter 34, Acts, Regular Session, 2020)	261	323		1626	431	261, 378, 405, 431, 1835, 3587
4412 -	By Delegates Fleischauer, Bibby, Jennings, Walker, Hansen, Cooper, Rowan, Butler, Pethel, Longstreth and Angelucci: Relating to education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard (Chapter 179, Acts, Regular Session, 2020)	261	493		1778	627	261, 554, 582, 627, 628, 2576, 3587
4413 -	By Delegates R. Thompson, N. Brown, Lovejoy, Miller, Hicks, Maynard, Rohrbach, Campbell, Evans, Tomblin and Angelucci: Relating to whom Workers' Compensation Fund is disbursed	261					262
*4414 -	By Delegates Rowan, Campbell, Rohrbach, Estep-Burton, Pyles, C. Martin, Boggs, Toney, Mandt, Lovejoy and Hanna: Relating to the selection of language and development milestones for the deaf and hard-of-hearing children (Chapter 279, Acts, Regular Session, 2020)	271	527	630, 2263	2263	659, 2271	272, 589, 630, 658, 659, 2271, 3574, 3587
*4415 -	By Delegates Rowan, Rohrbach, Estep-Burton, Pyles, C. Martin, Boggs, Toney, Mandt, Lovejoy, Sypolt and Hanna: Relating to missing and endangered children (Chapter 42, Acts, Regular Session, 2020)	272	528	2271	2271	659, 2284	272, 589, 630, 659, 3574, 3587
4416 -	By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Ellington, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin: Relating to expanding certain insurance coverages for pregnant women	250	250				250

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4417 -	By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Ellington, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin: Relating to permitting professional boards (Chapter 250, Acts, Regular Session, 2020)	251	251		2285	344	251, 286, 313, 344, 345, 3566, 3587
4418 -	By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Ellington, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin: Relating to the Ryan Brown Fund	250	250				250, 1235, 1251
4419 -	By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Ellington, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin: Relating to the Controlled Substance Monitoring Database	251	286			345	251, 313, 345
4420 -	By Delegates Steele, Kessinger, Pack, Dean, Hill, Ellington, Shott, Maynard, Paynter, Hanna and Mandt: Creating the Opioid Litigation Fund	277					277
*4421 -	By Delegates Householder, J. Kelly, Criss, Westfall, Anderson, Storch, Graves, Rowan, Pack, Linville and Maynard: Natural Gas Liquids Economic Development Act (Chapter 334, Acts, Regular Session, 2020)	278	465, 1220		2610	1432	278, 465, 1332, 1373, 1431, 1432, 3574, 3587
*4422 -	By Delegates Boggs, Rohrbach, Ellington, Stagers, Westfall, Lovejoy, N. Brown, Hartman, Shott, Evans and Mandt: The Patient Brokering Act (Chapter 280, Acts, Regular Session, 2020)	278	529, 984	3315	3315	1240, 3320	278, 529, 1109, 1189, 1239, 1240, 3320, 3574, 3587
4423 -	By Delegates Hill, Pack, Kessinger, Cowles, Worrell, Angelucci, Barrett, Diserio and Swartzmiller: Permitting a nursing home to use trained individuals to administer medication	278					279
4424 -	By Delegates Stagers and Boggs: Combining the presently existing five regional command centers of the office of Emergency Medical Services into a single state-wide center	279					279

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4425 -	By Delegates Linville, Howell, Rohrbach, Wilson, Maynard and Summers: Relating generally to the issuance of driver licenses	279					280
4426 -	By Delegates Doyle, Barrett, Householder and S. Brown: Relating to permits issued by the Board of Barbers and Cosmetologists	280					280
4427 -	By Delegates Hill, Pack, Atkinson, Criss, Summers, Estep-Burton, Porterfield and Bates: Relating to the Psychology Interjurisdictional Compact	280					281
4428 -	By Delegates Fleischauer, Hornbuckle, Walker, Lavender-Bowe, Estep-Burton, S. Brown, Pyles, Storch, Sypolt, Caputo and Zukoff: Katherine Johnson and Dorothy Vaughan Fair Pay Act of 2020	281					281
4429 -	By Delegates Graves, Anderson, Evans, McGeehan, Nelson, Pack and Pethtel: Relating to the distribution of the assets remaining in a municipal policemen's or firemen's pension	281	386				281, 387
4430 -	By Delegates Fast, C. Martin, Dean, Bibby, Hardy, P. Martin, Rowan, Hott, Howell and Toney: Creating the misdemeanor offense of falsely filing a complaint against a law-enforcement office	281					281
4431 -	By Delegates Fast, C. Martin, Howell, Bibby, Hardy and P. Martin: Relating to notice of discontinuance of service by a utility	282					282
4432 -	By Delegates Pushkin, Shott, Kessinger and Pyles: Removing the one-time limit on the expungement of certain criminal convictions	282					282
*4433 -	By Delegates Nelson and Criss: Relating to deeds of trust	282	1217	3320, 3322	3320	1432, 3324	282, 1332, 1374, 1432, 3324
*4434 -	By Delegates Summers, Hill, Pack, Cowles, Foster, Rowan, Worrell, Barrett, Diserio, Swartzmiller and Angelucci: West Virginia health care workforce sustainability study (Chapter 281, Acts, Regular Session, 2020)	282	468	582, 628, 1840	1840	629, 1841	282, 469, 522, 553, 582, 628, 629, 1841, 3563, 3574, 3587

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4435 -	By Delegates McGeehan, Phillips and Paynter: Granting counties and municipalities a portion of the net terminal income from racetrack video lottery	304					305
4436 -	By Delegates Westfall, Summers, Queen, Waxman, Storch, Nelson and Kessinger: Clarifying that The American Law Institute's Restatement of the Law, Liability Insurance is not a source of West Virginia insurance law	305					305
4437 -	By Delegates J. Jeffries, Toney, Maynard and Porterfield: Relating to the West Virginia Pay Card program (Chapter 288, Acts, Regular Session, 2020)	305	731		1735	918	305, 841, 874, 918, 2576, 3587
*4438 -	By Delegates Espinosa, Householder, Barrett, Storch and Hardy: Relating to the licensing of advance deposit wagering (Chapter 150, Acts, Regular Session, 2020)	305	388, 531	631, 635, 660, 1882, 1889	1882, 2741	660, 1892	306, 389, 589, 630, 659, 661, 1898, 1899, 3574, 3586
*4439 -	By Delegates Householder, Criss, Butler, Anderson, Rowan, Linville, Graves, Maynard, Barrett, Boggs and Hartman: Clarifying the method for calculating the amount of severance tax attributable to the increase in coal production (Chapter 335, Acts, Regular Session, 2020)	306	854, 1261	2988	2988	1517, 3010	306, 854, 1379, 1477, 1517, 3010, 3574, 3587
4440 -	By Delegates Fluharty, Canestraro, Storch, Barrett, Hill, Bates, Shott, Hornbuckle and Staggers: Prohibiting the home schooling of children in certain circumstances	306					306
4441 -	By Delegate McGeehan: Providing that political party caucus meetings are not exempt from open proceedings requirements	306					306
4442 -	By Delegates Pack, Howell, Hanshaw (Mr. Speaker), Graves and Steele: Requiring certain municipalities to pay for the incarceration of inmates	306					306

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4443 -	By Delegates Barrett, Householder, Criss, Bates, Williams, Hill, Graves, Boggs, Sponaugle, Skaff and Porterfield: Shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities	306	1053				307, 1053
*4444 -	By Delegates Linville, Rohrbach, Lovejoy, Mandt, Worrell, Miller, Maynard, Little, Summers, Hanshaw (Mr. Speaker) and D. Kelly: Establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers (Chapter 299, Acts, Regular Session, 2020)	307	489, 598	3325	3325	721, 3329	307, 489, 663, 693, 721, 3329, 3574, 3587
4445 -	By Delegates Linville, Hanshaw (Mr. Speaker), Summers, Householder, Skaff, Maynard, Criss, Queen and Porterfield: Economic Diversification Act of 2020	307					307
4446 -	By Delegates Graves, J. Kelly, Higginbotham, Maynard, Summers, Pack, Kessinger, Steele, Hanna, Linville and Hanshaw (Mr. Speaker): Relating to inspections of surface coal mining operations	308					308
4447 -	By Delegates Lavender-Bowe, Lovejoy, Campbell, Pack, Evans, Zukoff, Boggs, Walker, Graves, Paynter and Estep-Burton: Creating the shared table initiative for senior citizens who suffer from food insecurity (Chapter 282, Acts, Regular Session, 2020)	308	891, 1204		3553	1433	308, 892, 1332, 1374, 1432, 1433, 3574, 3587
4448 -	By Delegates Householder, Criss, Westfall, Graves, Anderson, Storch, Linville and Boggs: Relating to the transfer of moneys from the Insurance Commission Fund into the Workers' Compensation Old Fund	308					308

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4449 -	By Delegates Graves, Linville, Skaiff, Swartzmiller, Storch, Higginbotham, Hanna, Barrett, Boggs, Westfall and Nelson: Requiring state purchases of certain items to be made from authorized dealers in this state	308	670				309, 671
4450 -	By Delegate Butler: Relating to instruction permits issued by the Division of Motor Vehicles (Chapter 220, Acts, Regular Session, 2020)	309	942		1778	1181	309, 943, 1044, 1106, 1181, 2577, 3587
4451 -	By Delegates Foster, Jennings, McGechan, Fast, Toney, Bibby, Bartlett, Butler, Angelucci, Howell and Espinosa: Relating to charging fees for municipal services	335					335
*4452 -	By Delegates Maynard, Hill, Barnhart, Worrell, Westfall, Phillips, J. Jeffries, Cooper, Hardy, Kessinger and Bibby: Modifying the notice requirements for the redemption of delinquent properties (Chapter 336, Acts, Regular Session, 2020)	336	1056	2610, 2617	2610, 3552	1313, 2618	336, 1197, 1248, 1313, 2618, 3575, 3587
*4453 -	By Delegates Foster, D. Jeffries and Jennings: Expanding the eligibility requirements for private investigator and security guard licensure	336	599			722	336, 663, 694, 721, 722
4454 -	By Delegate Linville: Authorizing an order of restitution to the state for reimbursement of costs incurred for misuse of public funds	336	763				336, 763
4455 -	By Delegates Criss, Little and Cowles: Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure	336	639				336, 695, 727, 756, 759
4456 -	By Delegates Maynard, Westfall, Rohrbach, Steele, Worrell, Azinger, Linville, Howell, Paynter and J. Jeffries: Allowing a member of a volunteer fire department to purchase a resident lifetime hunting, fishing, and trapping license	336	439				336, 440



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4457 -	By Delegates Maynard, Rohrbach, Paynter, Evans, Dean and Wilson: Requiring air conditioning on all school buses	337					337
4458 -	By Delegates Householder, Barrett, Bates, Butler, Storch, Graves, Rowan, Pack, Linville, Maynard and Criss: Requiring state agencies to publish and maintain state grant opportunities and awards on their websites	337					337
4459 -	By Delegates Hamrick, Hardy, Bibby and Higginbotham: Allowing a personal income tax deduction for a foster care child	337					337
4460 -	By Delegates Criss, Householder, Barrett, Kessinger and Graves: Relating to the valuation of natural resources property	337					337
*4461 -	By Delegate Hanshaw (Mr. Speaker): Requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated or after July 1 (Chapter 168, Acts, Regular Session, 2020)	337	1353	2741, 2742	2741, 3552	1518, 2743	337, 1379, 1477, 1517, 1518, 2743, 3575, 3587
4462 -	By Delegates Steele, Bates, Higginbotham, Kessinger, Pack and Toney: Adjusting the calculation of business and occupation tax on producing or selling electricity from solar energy facilities	338					338
4463 -	By Delegates Howell, Sypolt, J. Jeffries, Hott and C. Martin: Relating to prequalification of vendors for state contracts	338					338
*4464 -	By Delegates Butler and Porterfield: Relating to driving privileges and requirements for persons under the age of 18 (Chapter 221, Acts, Regular Session, 2020)	338	949, 1207	1841	1841	1433, 1842	338, 949, 1332, 1374, 1433, 1842, 3575, 3587
4465 -	By Delegates Linville, Householder, Mandt and Graves: Relating to a tax rebate for facilities or processes that result in additional employment and an additional demand for electrical power	338					338

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4466 -	By Delegates Hott, Westfall, Nelson, Williams, Howell, Porterfield and Espinosa: Certificates of Insurance Act (Chapter 198, Acts, Regular Session, 2020)	339	436, 593	1892	1892	722, 1893	339, 437, 663, 694, 722, 1894, 3563, 3587
4467 -	By Delegates Rohrbach and Pyles: Relating to the posting of information regarding the West Virginia Tobacco Quiltline	339					339
4468 -	By Delegate Foster: The Genealogical Record Integrity Act of 2020	339					339
4469 -	By Delegate Foster: Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor	339					339
*4470 -	By Delegates D. Kelly, Shott, Criss, Graves, Steele, Howell, Miller, N. Brown, Maynard, J. Kelly and Mandt: Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services (Chapter 43, Acts, Regular Session, 2020)	339	436		1079	551	340, 487, 522, 551, 1079, 1662, 2579
4471 -	By Delegates Hanna, Hamrick, J. Jeffries, Hansen, Mandt, D. Jeffries and Pyles: West Virginia Native American Tribes Unique Recognition, Authentication and Listing Act	340					340
4472 -	By Delegates Cadle, Jennings, Butler, Cooper, Atkinson, Hott, Mandt, D. Kelly, Toney and J. Jeffries: Relating to the contents of driver's license	340					340
4473 -	By Delegates Pushkin, Fluharty, Hansen, Estep-Burton, Walker, Byrd, Pyles and C. Thompson: Providing tax credits to provide vehicles to certain persons	340					341
*4474 -	By Delegates Westfall, Hott, D. Jeffries and Porterfield: Relating to peer-to-peer car sharing programs (Chapter 222, Acts, Regular Session, 2020)	341	596, 1097	1314, 3527	3527	1313, 3541	341, 597, 1198, 1248, 1313, 1314, 3575, 3587

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4475 -	By Delegates Worrell, Lovejoy, Dean, Miller, Toney, C. Thompson, Hanna, Hornbuckle, Cooper, Campbell and Rohrbach: Requiring the State Board of Education to provide for the routine education of all professional educators	341					342
4476 -	By Delegates Shott, Criss, Steele, Howell, D. Kelly, Miller, N. Brown, Maynard, Lovejoy, Mandt and Fast: Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases (Chapter 300, Acts, Regular Session, 2020)	342	407	485, 552, 1080	1079	552, 1088	342, 463, 485, 519, 551, 1088, 1662, 2579
4477 -	By Delegates Westfall, Nelson, Criss, Queen, Householder, Espinosa and Porterfield: West Virginia Mutual to Mutual Insurance Holding Company Act (Chapter 199, Acts, Regular Session, 2020)	342	437, 593	1626	1626	723, 1627	342, 437, 663, 694, 722, 723, 1627, 1835, 3587
*4478 -	By Delegates Butler, Fast, J. Jeffries, Cadle, Sypolt, Bartlett, Porterfield and Hardy: Creating a lifetime ban for commercial drivers involved in human trafficking (Chapter 223, Acts, Regular Session, 2020)	342	492, 699	2285	2285	870, 2303	342, 493, 756, 840, 869, 2303, 3575, 3587
4479 -	By Delegate Butler: Removing the authority of the Commissioner of the Division of Motor Vehicles to set documentary charges	342					343
4480 -	By Delegates Ellington and Higginbotham: Relating to legislative rules for the Higher Education Policy Commission (Chapter 214, Acts, Regular Session, 2020)	351	351		1842	459	351, 405, 431, 459, 460, 3563, 3587
4481 -	By Delegate Rohrbach: Relating to health care decisions	362					362
4482 -	By Delegates J. Jeffries, Hardy, Cadle, Kump, Butler, McGeehan, Wilson and Paynter: Repealing the section of code relating to unlawful military organizations	362					362

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4483 -	By Delegates Bates, Pack and Pyles: Establishing a higher education scholarship program for foster children	362					363
*4484 -	By Delegates Anderson, J. Kelly, Hansen, Miley, Evans, Pethel, Westfall, Azinger, Cadle, Porterfield and Pyles: Relating to the Hazardous Waste Management Fund (Chapter 135, Acts, Regular Session, 2020)	363	465		2618	581	363, 522, 553, 580, 581, 3563, 3587
*4485 -	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland Security	363	851, 1209				364, 851, 1255
4486 -	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Making supplementary appropriations from the State Fund, General Revenue, special revenue funds, and state road funds	364					364
4487 -	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Expiring funds to the balance of the Department of Health and Human Resources, Division of Human Services	364					364
4488 -	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, and making a supplementary appropriation to DHHR	364					365
4489 -	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Expiring funds to the balance of the Department of Health and Human Resources - Medical Services Program Fund	365					365
4490 -	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Administration, to the DHHR, and to the Department of Veterans' Assistance	365					366

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4491 -	By Delegates Pushkin, Estep-Burton, Higginbotham, Byrd and Pyles: Requiring the State Board of Education to provide for the routine education of all professional educators	366					366
4492 -	By Delegates Westfall, Steele, Rohrbach, Criss, Barnhart, Queen, Worrell, Dean, Zukoff, Estep-Burton and Campbell: West Virginia Children's Vision Act	366					366
4493 -	By Delegates Rohrbach, Pyles and Mandt: Relating to age verification requirements for delivery sales of tobacco	366	409				366, 409
*4494 -	By Delegates Bates, Cowles, Lavender-Bowe, Pack, Rohrbach, Shott, Ellington, Boggs, Hill, Espinosa and Skaff: Tobacco Use Cessation Initiative (Chapter 283, Acts, Regular Session, 2020)	366	643, 1350	3388, 3391	3387, 3555	1518, 3392	367, 643, 1379, 1477, 1518, 3392, 3575, 3587
4495 -	By Delegates Toney, J. Jeffries, Rowan, Campbell, D. Kelly, Cooper and Porterfield: Extending the validity of a level one instruction driver's permit	367	942				367, 943
4496 -	By Delegates Shott, Criss, Graves, Steele, Howell, D. Kelly, Miller, N. Brown, Maynard, Mandt and Fast: Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections (Chapter 200, Acts, Regular Session, 2020)	367	407	486	644	520	367, 463, 486, 519, 520, 892, 1059
*4497 -	By Delegates Mandt, Atkinson, Criss, Hill, Lovejoy, Miller, Linville, Worrell, Hornbuckle, Rohrbach and Ellington: Requiring an external defibrillator device at any secondary school athlete event (Chapter 119, Acts, Regular Session, 2020)	367	1114, 1262	3330	3330	1518, 3331	367, 1114, 1379, 1477, 1518, 3575, 3587
4498 -	By Delegates Rodighiero, Kessinger, Tomblin, Hicks, R. Thompson and Worrell: Relating to a Woman's Right to Know	367					368

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4499 -	By Delegates Hansen, Howell, C. Martin and Pyles: Relating to multicounty trail network authorities (Chapter 234, Acts, Regular Session, 2020)	368	942	3332	3331, 3553	1181, 3332	368, 943, 1044, 1106, 1181, 3332, 3575, 3587
4500 -	By Delegates Walker, Zukoff, Lavender-Bowe, Staggers, Longstreth, Pushkin, Pyles, Williams, Hansen, Angelucci and Campbell: Exempting from personal property taxation, vehicles of certain volunteer firefighters	368					368
4501 -	By Delegates Miller, Criss, Graves, Howell, Shott, N. Brown and Maynard: Relating to the ability to refuse offenders for commitment to a jail (Chapter 62, Acts, Regular Session, 2020)	368	407	1570	1570	520, 1573	368, 463, 486, 520, 1574, 1778, 3586
4502 -	By Delegates Westfall, Porterfield, Espinosa and Bates: Relating to insurance adjusters (Chapter 201, Acts, Regular Session, 2020)	368	437, 593	2618	2618	723, 2640	369, 437, 663, 694, 723, 2640, 3575, 3587
4503 -	By Delegate Butler: Conforming West Virginia law to federal distance requirements for location of salvage yards	369					369
4504 -	By Delegate Butler: Relating to renewal application requirements for individuals with permanent disabilities (Chapter 224, Acts, Regular Session, 2020)	369	943	2304	2303	1182, 2314	369, 943, 1044, 1106, 1182, 2314, 3575, 3587
4505 -	By Delegates Atkinson, Westfall, Tomblin, Cooper, Hartman, Cadle, Hott, R. Thompson and J. Jeffries: Creating the State Parks and Recreation Endowment Fund	369	594				370, 594
4506 -	By Delegates Atkinson, Tomblin, Sypolt, Westfall, Hott, Hartman, Anderson, Cadle, Dean and D. Kelly: Relating to procurement of architect-engineer services by the West Virginia Division of Natural Resources	370					370

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4507 -	By Delegates Atkinson, Dean, Sypolt, Cooper, Hartman, Anderson, Westfall, Hott, Cadle, Tomblin and D. Kelly: Exempting certain Division of Natural Resources sections from the requirement that all payments must be deposited in a bank within 24 hours	370					370
4508 -	By Delegates Walker, Hornbuckle, Bates, S. Brown, Staggers, Evans, Pyles, Williams, Hansen, Campbell and C. Thompson: Making it illegal to discriminate based on hair texture or hair style	370					370
*4509 -	By Delegates Shott, Steele, N. Brown and Maynard: Transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support (Chapter 169, Acts, Regular Session, 2020)	370	557	2909, 2912	2909, 3552	692, 2913	371, 636, 662, 692, 2913, 3575, 3587
4510 -	By Delegates Steele, Criss, Graves, Howell, D. Kelly, Miller, Shott, N. Brown, Maynard and Fast: Prohibiting bodily intrusion by an inmate upon any person at any correctional facility (Chapter 63, Acts, Regular Session, 2020)	371	407	1843	1843	521, 1844	371, 463, 486, 520, 521, 1844, 3561, 3587
4511 -	By Delegates Graves, Higginbotham, Sypolt, Cadle, Phillips, Hott, Miller, J. Kelly, Jennings, P. Martin and Hardy: Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes	371	979				371, 980
4512 -	By Delegates Butler, Porterfield, Rowe and Foster: Creating a work permit driver's license program	371	669				372, 669
*4513 -	By Delegates Atkinson, Anderson, Tomblin, Westfall, Cadle, Dean and Porterfield: Increasing the replacement costs required of a person causing injury or death of game or protected species (Chapter 235, Acts, Regular Session, 2020)	372	595, 764		1735	970	372, 595, 885, 929, 970, 2577, 3587

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4514 -	By Delegates Atkinson, Anderson, Cadle, Westfall, Tomblin, Porterfield and Hott: Permitting the use of leashed dogs to track mortally wounded deer or bear (Chapter 236, Acts, Regular Session, 2020)	372	987	1240, 2913, 2919	2913, 3552	1240, 2920	373, 1109, 1189, 1240, 1241, 2920, 3575, 3587
4515 -	By Delegates Sypolt, Hartman, Westfall, Tomblin, Anderson, Cooper, Cadle, Hott, Atkinson, Dean and D. Kelly: Relating to wildlife resources, eligibility for license or permit application (Chapter 237, Acts, Regular Session, 2020)	373	595		1334	724	373, 663, 394, 723, 724, 1660, 2579
4516 -	By Delegates Howell, C. Martin, Jennings, D. Jeffries, Bartlett, Hanna and P. Martin: Establishing Next Generation 911 services in this state	373					373
4517 -	By Delegates Sypolt, Cooper, Dean, Tomblin, Westfall, Hott, Hartman, Cadle, Anderson, D. Kelly and Atkinson: Relating to Class Y special crossbow hunting permit requirements	373					373
4518 -	By Delegates Atkinson, Westfall, D. Jeffries, J. Kelly, Lovejoy, Dean, R. Thompson, Higginbotham, Hanna, Jennings and Hornbuckle: Relating to minimum salaries for teachers	373					374
4519 -	By Delegates Espinosa, Hanna, Higginbotham, Ellington and Mandt: Establishing a summer youth intern pilot program within Department of Commerce (Chapter 120, Acts, Regular Session, 2020)	374	670, 888		2314	1103	374, 670, 975, 1042, 1103, 3563, 3587
4520 -	By Delegates Atkinson, Sypolt, Westfall, Tomblin, Cooper, Hartman, Hott, Cadle, Dean, D. Kelly and D. Jeffries: Relating to the North Bend Rail Trail, Greenbrier River Rail and the Elk River Trail	374					374
4521 -	By Delegates Summers, Bibby, Hardy, Waxman and McGeehan: Requiring rules of local boards of health to be approved by the county commission; exceptions	374					374



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4522 -	By Delegates Butler, Porterfield and Kump: Allowing division to accept documents compliant with Real ID Act for proof of identity (Chapter 225, Acts, Regular Session, 2020)	374	669, 1057	1894	1894	1314, 1897	375, 669, 1198, 1248, 1314, 1315, 1897, 3562, 3588
4523 -	By Delegates Summers, Paynter, Hardy, Worrell and Maynard: Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase (Chapter 238, Acts, Regular Session, 2020)	398	762, 1052		3553	1315	397, 762, 1198, 1248, 1315, 3575, 3588
4524 -	By Delegates Westfall, Hartman, Sponaugle, Barrett, Phillips, Storch, Fluharty and Steele: Making the entire state "wet" or permitting the sale of alcoholic liquors for off-premises consumption (Chapter 7, Acts, Regular Session, 2020)	398	644		2640, 3554	1519, 3478	398, 695, 699, 1383, 1477, 1519, 2640, 2644, 2868, 3064, 3476, 3478, 3580, 3588
4525 -	By Delegates Hansen, Walker, Angelucci, Longstreth and Pyles: Requiring the State Board of Education to provide for the routine education of all professional educators	398					398
4526 -	By Delegates Bates, Pack, Steele, Toney, McGechan, Bibby, Butler, Anderson, Longstreth, Doyle and Wilson: Making a supplementary appropriation to the Department of Veterans' Assistance- Veterans Home	398					398
4527 -	By Delegates Criss and Householder: Creating a special revenue account designated the Military Authority Fund	398					398
4528 -	By Delegates Longstreth, Angelucci, Lovejoy, Miller, Jennings and Maynard: Relating to the surcharge on fire and casualty insurance policies	398					399
4529 -	By Delegates Criss and Nelson: Relating to the collection of assessments and the priority of liens on property within a resort area (Chapter 144, Acts, Regular Session, 2020)	398	983	1845	1844	1241, 1846	399, 1110, 1195, 1241, 1846, 3562, 3587

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4530 -	By Delegate Westfall: Authorizing daily passenger rental car companies to charge reasonable administrative fees (Chapter 226, Acts, Regular Session, 2020)	399	948, 1118	3010	3010	1364, 3012	399, 948, 1250, 1330, 1364, 1365, 3012, 3575, 3588
4531 -	By Delegates Barnhart, Higginbotham, P. Martin, Pack, J. Jeffries, D. Kelly, Bibby and Porterfield: County Budget Flexibility Act	399					399
4532 -	By Delegates Walker, Zukoff, Pushkin, Hornbuckle, Pyles, Miley, Hansen, Skaff, Williams, Estep-Burton and Diserio: Expanding felony hate crime protections to individuals on the basis of perceived or actual sexual orientation	400					400
4533 -	By Delegates R. Thompson, N. Brown, Evans, Hicks, Tomblin, Rodighiero and Pyles: Strengthening the criminal penalty for assault on governmental representatives	400					400
4534 -	By Delegates Walker, Pyles, Williams, Hansen, Skaff, Estep-Burton, Angelucci, Storch, Byrd, Hill and C. Thompson: Relating to rulemaking for healthcare plans	400					400
*4535 -	By Delegates Toney, Campbell, Cooper and Hanshaw (Mr. Speaker): Relating to student aide class titles	400	1345			1521	400, 1379, 1478, 1521
4536 -	By Delegate Howell: Prohibiting certain sex offenders from being in a supervisory position over children	400					400
*4537 -	By Delegates Maynard, J. Jeffries, Tomblin, Linville, Miller, P. Martin, Mandt, Worrell, Pack and Rohrbach: Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake	401	761, 936			1182	401, 761, 1044, 1106, 1182
4538 -	By Delegates Toney, Hott, Rowan, Paynter, Campbell and Cooper: Modifying the definitions and pay grades of certain school cafeteria personnel	401					401

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4539 -	By Delegates Pushkin, Hill, Hanna, Miley, Hornbuckle, Fluharty, Dean, Estep-Burton, Byrd, Walker and Robinson: Relating to the cultivation of medical cannabis	401					401
4540 -	By Delegates Capito, Miller, Shott, D. Kelly, Graves, Byrd and Nelson: Authorizing the appointment, qualifications, certification, authority, compensation, and training of hospital police officers	401	526				402, 526
4541 -	By Delegates Foster, Hanshaw (Mr. Speaker) and Howell: Relating to an occupational limited license	402					402
4542 -	By Delegates Hansen, Walker, Estep-Burton, Lavender-Bowe, Pushkin, Diserio, Fleischauer, Miley, Doyle, Lovejoy and Pyles: Clean Drinking Water Act of 2020	402					402
*4543 -	By Delegates Hill, Pack, Fleischauer, Bates, Jennings, Summers, Atkinson, C. Thompson, Angelucci, Rohrbach and Nelson: Relating to insurance coverage for diabetics (Chapter 202, Acts, Regular Session, 2020)	386	386, 596, 933	3479, 3492	3437, 3552	1183, 3499	386, 596, 1044, 1106, 1183, 3499, 3576, 3588
*4544 -	By Delegates Waxman, Steele, Phillips, Miley, Queen, Hamrick, Foster, Bibby, Kump, N. Brown and Fast: Relating to possession of any controlled substance on the premises of or within 200 feet of a public library (Chapter 57, Acts, Regular Session, 2020)	424	704	1847	1847	870, 1849	424, 756, 840, 870, 1849, 3562, 3588
4545 -	By Delegates Westfall, Atkinson, Tomblin, Sypolt, Anderson, Cadle, Hott, Hartman, D. Kelly and Dean: Permitting the Alcohol Beverage Control Commission licensees operating at state park locations to pay in arrears on invoices	424					424

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4546 -	By Delegates Atkinson, Bartlett, Cooper, Dean, Ellington, Evans, J. Kelly, Lavender-Bowe, Westfall and Higginbotham: Relating to tuberculosis testing for school superintendents (Chapter 318, Acts, Regular Session, 2020)	424	525, 846		2315	1028	424, 525, 930, 972, 1028, 1029, 3566, 3587
4547 -	By Delegate Sypolt: Providing tax credits to expand access to gainful employment by providing vehicles to certain low-income persons	425					425
4548 -	By Delegates Hamrick, Maynard, Hardy, Bibby, Staggers, Higginbotham, Hanna, Barnhart, Walker, J. Jeffries and Ellington: Eliminating the ability of a person's driver's license to be suspended for the failure to pay court fines and costs	425					425
4549 -	By Delegates Cadle, R. Thompson, Atkinson, Anderson, Hartman, Tomblin, Sypolt, Westfall, Hott, Cooper and Dean: Relating to the use of a crossbow to hunt	425					425
4550 -	By Delegates Byrd, Lovejoy, Mandt, Foster, Steele, N. Brown, Bates, Linville and Skaff: Providing salary increases for magistrates, family court judges, circuit court judges, and Supreme Court justices	426					426
4551 -	By Delegates Hill and Paack: Relating to subsidized adoption (Chapter 44, Acts, Regular Session, 2020)	426	703	875, 2315	2315	918, 2318	426, 703, 756, 840, 841, 874, 918, 919, 2318, 3576, 3588
4552 -	By Delegate Barnhart: Relating to state accounting system transaction fees	426					426
4553 -	By Delegates Lavender-Bowe, Caputo, S. Brown, Estep-Burton, Staggers, Angelucci, Longstreth, Swartzmiller, Pyles, Zukoff and C. Thompson: Requiring certain health insurance providers to provide fertility services coverage	426					427

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4554 -	By Delegates Lavender-Bowe, Caputo, Estep-Burton, Staggers, Angelucci, Longstreth, Walker, Barrett, S. Brown, Swartzmiller and Campbell: Relating to insurance coverage for insulin	427					427
4555 -	By Delegates Storch, Cowles, Criss, Ellington, Linville, Maynard, Pack, Rowe, Skaff, Bates and Hartman: Relating to municipal or county taxation of hotel rooms booked through a marketplace facilitator	427					427
4556 -	By Delegates Shott, Maynard, Rowan, Pushkin, Westfall, Lavender-Bowe, S. Brown, Cowles and Pyles: Authorizing the Commissioner of the Division of Corrections and Rehabilitation to approve home plans for inmates	449					449
*4557 -	By Delegate Hill: Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals (Chapter 284, Acts, Regular Session, 2020)	449	642, 1058	3012	3012	1315, 3013	450, 643, 1198, 1248, 1315, 1316, 3013, 3576, 3588
*4558 -	By Delegates Maynard, Householder, Howell, Graves, Rowan, Hardy, Espinosa, Linville, Hill, Pack and Criss: Creating a personal income tax credit for volunteer firefighters in West Virginia (Chapter 337, Acts, Regular Session, 2020)	450	763, 1223	1374	3029, 3554	1522, 3476	450, 763, 1332, 1374, 1383, 1491, 1521, 1522, 3030, 3064, 3065, 3269, 3457, 3475, 3476, 3576, 3588
4559 -	By Delegates Shott, Byrd, Pushkin, S. Brown, Fast, N. Brown and Steele: Modifying the limitations on civil actions against the perpetrator of sexual assault or sexual abuse upon a minor (Chapter 2, Acts, Regular Session, 2020)	450	527	1850	1849	661, 1851	450, 589, 636, 661, 1851, 3562, 3588
*4560 -	By Delegates Hansen, Higginbotham, Skaff, Steele, Fleischauer, Walker, Pyles, Williams, Barrett, Canestraro and Pushkin: Relating to deliveries by a licensed wine specialty shop (Chapter 8, Acts, Regular Session, 2020)	451	1351	2794, 2796	2794, 3552	1522, 2797	450, 1379, 1483, 1522, 2797, 3576, 3588

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4561 -	By Delegates Campbell, Maynard, Bates, Pack, Paynter, Steele, Evans, Lavender-Bowe, Toney and Cooper: Exempting law enforcement and emergency vehicles from paying turnpike tolls	451					452
4562 -	By Delegates Anderson, Cowles, J. Kelly, Hanshaw (Mr. Speaker), Miley, Hansen, Miller, Evans, Higginbotham, Westfall and Espinosa: Renewable Energy Facilities Program	452					452
4563 -	By Delegates Walker, Fleischauer, Pushkin, Estep-Burton, C. Thompson, S. Brown, Hornbuckle and Pyles: Creating a law-enforcement transparency board	452					452
4564 -	By Delegates D. Jeffries, Foster, Mandt, Steele, Hanna, Waxman, Sypolt, Bartlett, Phillips and McGeehan: Relating to participation in school sports	452					452
4565 -	By Delegates Walker, Longstreth, Staggers, Pyles, Williams, Hansen, Estep-Burton, Angelucci and Fleischauer: Prohibiting the use of polystyrene containers	452					453
4566 -	By Delegates Higginbotham, Hanna, Ellington, Householder, Graves, Maynard, Hardy, Bartlett and Barrett: Establishing a tax deduction against corporation net income tax for retail food distributors that donate to school "backpack programs"	453					453
4567 -	By Delegates Higginbotham, Pushkin, Walker, C. Thompson, Hornbuckle, Steele, Hill, Dean, Hamrick and Barrett: Relating to the use of medical cannabis	453					453
4568 -	By Delegates Higginbotham, Graves, Ellington, Linville, Hanna, Hardy, Pushkin, Barrett, Hornbuckle, Estep-Burton and Dean: Requiring the State Board of Education to provide for the routine education of all professional educators	453	1051				453, 1051

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4569 -	By Delegates Hill and Pack: Imposing a health care related provider tax on certain health care organizations	454	643				454, 643
4570 -	By Delegates Campbell, Caputo, Rowan, Hott, Storch, Rodighiero, C. Thompson, R. Thompson, Walker, Lavender-Bowe and Zukoff: The Motion Picture Open Captioning Act	454					454
4571 -	By Delegates Campbell, Butler, Hanna, Canestraro, Pack, Hill, Lavender-Bowe, D. Jeffries, D. Kelly, Miller and Lovejoy: Establishing a special plate with a medical condition diagnosis	454					454
4572 -	By Delegate Hill: Allowing WVCHIP flexibility in rate setting to establish cost savings	454					455
*4573 -	By Delegate Hill: Relating to Medicaid subrogation liens of the Department of Health and Human Resources	455	703, 1347	3013	3013	1523, 3020	455, 704, 1379, 1478, 1522, 1523, 3020, 3563, 3585
*4574 -	By Delegates Hansen, Skaff, Tomblin, Miller, Bates, Evans, Hornbuckle, Anderson, Cooper, Miley and S. Brown: Establishing Just Transition support for coal and timber related jobs	455	940, 1344			1523	456, 941, 1379, 1479, 1523
4575 -	By Delegates Fleischauer, Walker, Hansen, S. Brown and Hornbuckle: Implementing The Agreement Among the States to Elect the President and Vice President by National Popular Vote	456					456
*4576 -	By Delegates Shott, Nelson, Lovejoy, Canestraro, Steele, Byrd and Pyles: Establishing a procedure for correcting errors in deeds, deeds of trust and mortgages (Chapter 145, Acts, Regular Session, 2020)	456	700	2548, 2564	2548, 3552	871, 2565	457, 757, 849, 870, 871, 2565, 3576, 3588
4577 -	By Delegates Atkinson, Sypolt, Boggs, D. Jeffries, Butler, Rowan, Westfall, Miller, Queen and Lavender-Bowe: Establishing regulation of electric bicycles	472	948				472, 948

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4578 -	By Delegates Maynard, Miller, Paynter, Diserio, Swartzmiller, Little and Boggs: Construction Industry Employee Verification Act	472					472
4579 -	By Delegates Howell and Miller: Relating to the state employee merit system	472					473
4580 -	By Delegates Summers, Hanshaw (Mr. Speaker), Jennings, Waxman and Fast: Eliminating the certificate of need program	473					473
*4581 -	By Delegates Pack and Hill: Relating to West Virginia Clearance for Access: Registry and Employment Screening (Chapter 170, Acts, Regular Session, 2020)	473	849	2645	2644	1029, 2645	474, 930, 972, 1029, 2645, 3576, 3588
4582 -	By Delegates Criss, Pack, Hardy, Bates, Pethel, Barrett, Hartman and Williams: Declaring certain claims against agencies of the state to be moral obligations of the state (Chapter 49, Acts, Regular Session, 2020)	474	639		1735	751	474, 696, 726, 751, 752, 2577, 3588
4583 -	By Delegates D. Jeffries, Hill, Rowan, Bates, Worrell, Pushkin, Queen, Fleischauer, Pack, Barrett and C. Thompson: Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act	474	702				474, 702
4584 -	By Delegates Walker, Lavender-Bowe, Zukoff, Longstreth, Pushkin, Hornbuckle, Pyles, Williams, Hansen and Skaff: Providing a tax exemption for income from a qualified retirement plan used to pay for long-term care	474					474
4585 -	By Delegates Hill and Pack: Providing immunity from civil or criminal liability for making good faith reports of suspected or known instances of child abuse or neglect (Chapter 45, Acts, Regular Session, 2020)	474	601		3555	724	475, 663, 694, 724, 725, 3576, 3588



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4586 -	By Delegates D. Kelly, Maynard, Miller, Williams, Steele, Pushkin and D. Jeffries: Establishing the Office of Administrative Hearings within the Department of Military Affairs and Public Safety	475					475
*4587 -	By Delegates D. Jeffries, C. Martin, Worrell, Cadle, Hamrick, Sypolt and Porterfield: Modernizing the Public Service Commission's regulation of solid waste motor carriers and solid waste facilities (Chapter 306, Acts, Regular Session, 2020)	475	732, 1346	3392	3392	1524, 3404	475, 732, 1379, 1479, 1523, 1524, 3404, 3576, 3588
4588 -	By Delegates Angelucci, Longstreth, S. Brown, Caputo, Staggers, C. Thompson, Boggs, Fleischauer, Zukoff, Fluharty and Pushkin: Requiring access to coverage of individuals with preexisting conditions	476					476
4589 -	By Delegates Pushkin, D. Jeffries, Jennings, Robinson, Butler, Estep-Burton, Pyles, Bartlett and D. Kelly: Conducting study for an appropriate memorial for West Virginians killed in the War on Terror (Chapter 351, Acts, Regular Session, 2020)	476	980	2646	2645	1242, 2649	476, 980, 1110, 1195, 1241, 1242, 2649, 3576, 3587
4590 -	By Delegates Staggers, Walker, Howell, C. Martin, Lavender-Bowe, Diserio, Pyles, Miller, Worrell and Lovejoy: Allowing current state employees who are appointed to a state office which has a salary set by the code to retain their higher salary	476					476
4591 -	By Delegates Hill and Rowan: Amending the definition of "financial exploitation" to include the use of undue influence	476	892				476, 892
4592 -	By Delegates Fleischauer, Lovejoy, Fluharty, S. Brown, Campbell, Miller, Canestraro, Walker, Lavender-Bowe and Rowan: Extending periods of limitations for commencing certain criminal and civil sexual offenses	477					477

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4593 -	By Delegate Higginbotham: Authorizing the assignment of poll workers to serve more than one precinct under certain circumstances (Chapter 127, Acts, Regular Session, 2020)	477	984	2319	2319	1242, 2319	477, 1110, 1196, 1242, 2319, 3576, 3588
*4594 -	By Delegate Higginbotham: Allowing poll workers to be appointed to work in precincts outside their county	477	987			1243	477, 1110, 1196, 1242, 1243
4595 -	By Delegates Robinson, Hornbuckle, Byrd, Pushkin, Estep-Burton, Rowe, Fast and Skaff: Identifying anatomical organ donors on drivers' or chauffers' license	478					478
4596 -	By Delegates Toney, Paynter and Dean: Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment	478					478
4597 -	By Delegates Higginbotham and Ellington: Creating a Campus Mentors pilot program	478					478
4598 -	By Delegates Toney, Paynter, Dean and Pyles: Establishing seniority rights for public employees	478					478
4599 -	By Delegates Butler, D. Jeffries, Bibby, Pack and P. Martin: Discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund	479					480
4600 -	By Delegates Graves, Nelson, Anderson, Pethel and Evans: Relating to the definition of the term member regarding distributing premium tax proceeds (Chapter 74, Acts, Regular Session, 2020)	466	466	590	1627	589	523, 553, 581, 589, 590, 1835, 3588
4601 -	By Delegates Graves, Nelson, Anderson, Pethel and Evans: Relating to distribution of premium tax proceeds to municipal policemen's and firemen's pension and relief funds (Chapter 75, Acts, Regular Session, 2020)	467	467		1174	590	467, 523, 553, 581, 590, 1661, 2579

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4602 -	By Delegates Evans, Shott, Paynter, Lavender-Bowe, Zukoff, Miley, Caputo, Fleischauer, R. Thompson and Rodighiero: Increasing the penalty for DUI causing death when a child is present	513	1349	1482, 1524		1525	513, 1380, 1479, 1524, 1525
4603 -	By Delegates Worrell, Linville and Mandt: Relating to choice of law provisions in franchise agreements	513	940				513, 940
4604 -	By Delegates Howell, C. Martin, Hamrick, Barnhart and Jennings: Removing the requirement that real estate brokers, associate brokers and salespeople maintain a main office	513					514
*4605 -	By Delegates Howell, C. Martin and Hamrick: Transferring state facilities to comprehensive regional mental health centers	514	938				514, 938
4606 -	By Delegates Howell, C. Martin, Hamrick, Little, Barnhart, Sypolt and Jennings: Listing contractor classifications on a contractor license	514	1204			1434	514, 1332, 1374, 1433, 1434
4607 -	By Delegate Howell: Authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services (Chapter 251, Acts, Regular Session, 2020)	514	597	3404	3404	725, 3412	514, 663, 694, 725, 3412, 3576, 3588
4608 -	By Delegates D. Kelly, Miller, Williams, Canestraro, Steele, D. Jeffries, Atkinson and Pyles: Relating to the duties of the law-enforcement training and certification subcommittee	514	980				515, 980
4609 -	By Delegates Wilson, Bibby, Hardy, Foster, C. Martin, P. Martin, J. Jeffries, Kessinger, Phillips, D. Jeffries and Dean: Limiting minors' access to gender reassignment surgery or hormone replacement therapy	515					515
4610 -	By Delegates Zukoff, Shott, Barrett, J. Kelly, Skaff, Criss, Lavender-Bowe, Bates, Canestraro, Storch and Pyles: Relating to withholding tax on income of nonresidents from natural resources royalty payments	515	1114				516, 1114

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4611 -	By Delegates J. Jeffries, D. Jeffries, Hanna, Maynard, Porterfield, Phillips, Paynter, Barnhart, C. Martin, Linville and Pack: Relating to fireworks (Chapter 147, Acts, Regular Session, 2020)	516	640	3333	3333	752, 3334	516, 696, 726, 752, 3334, 3576, 3588
4612 -	By Delegates Hanna, Hill and Pack: Modifying legislative rules for vital statistics relating to death certificates	516					516
*4613 -	By Delegate Butler: Allowing the Division of Highways use money in the Gas Field Highway Repair and Horizontal Drilling Waste Study Fund	516	668, 1117				516, 668, 1251, 1255
4614 -	By Delegates Pushkin, Ellington, Skaff, Estep-Burton, Robinson, Capito, Nelson, Byrd, Rowe and Pyles: Requiring seat belts on every new school bus	516					516
*4615 -	By Delegates J. Kelly, Anderson, D. Kelly, Westfall, Azinger, Sypolt, Jennings, Atkinson and Barnhart: West Virginia Critical Infrastructure Protection Act (Chapter 92, Acts, Regular Session, 2020)	517	734	878, 879, 880, 3334	3334	919, 3339	517, 841, 878, 919, 3339, 3577, 3588
4616 -	By Delegates Wilson, McGeehan, Miller, Pack, R. Thompson, Jennings, Foster, Little, Waxman, P. Martin and Hardy: Creating a customer service quality reporting system for public officials and public employees	517					517
4617 -	By Delegates Wilson, McGeehan, Pack, R. Thompson, Foster, Jennings, Little, Waxman, P. Martin, D. Jeffries and Graves: Requiring the State Auditor to conduct financial audits of state agencies and departments	517					517
4618 -	By Delegates Steele, Dean, Howell, Householder, Summers, Pack, Phillips, Kessinger, J. Jeffries, Foster and Graves: Relating to deadly weapons for sale or hire (Chapter 93, Acts, Regular Session, 2020)	517	644		2649	753	518, 696, 726, 753, 3577, 3588

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4619 -	By Delegates Hanshaw (Mr. Speaker), Capito, Atkinson, Westfall, Queen, Nelson, Summers, J. Kelly, Barrett, Boggs and Miley: Approving plans proposed by electric utilities to install middle-mile broadband fiber (Chapter 37, Acts, Regular Session, 2020)	518	948, 1263	2797	2797	1525, 2810	518, 948, 1380, 1483, 1525, 2810, 3577, 3588
*4620 -	By Delegate Rohrbach: Redefining definition of "recovery residence" (Chapter 285, Acts, Regular Session, 2020)	518	529, 849	1184	1851	1184	518, 529, 930, 972, 1042, 1106, 1183, 1184, 3577, 3588
*4621 -	By Delegates Capito, Cowles, Espinosa, Shott and Queen: West Virginia FinTech Regulatory Sandbox Act (Chapter 35, Acts, Regular Session, 2020)	539	893	1043, 2320, 2347	2320, 3552	1104, 2348	539, 975, 1042, 1103, 1104, 2348, 3577, 3587
4622 -	By Delegates Wilson, Waxman, Foster, D. Jeffries, Graves, Pack, Butler, Kessinger, C. Martin, P. Martin and J. Jeffries: Prohibiting the establishment of a constitution or legal system superior or parallel to the West Virginia Constitution and the West Virginia Code	540					540
4623 -	By Delegates Higginbotham, Ellington, Steele, Graves, Storch, Hanna, Howell, C. Martin, Hott, Barnhart and Dean: Requiring all schools to instruct students on the Holocaust and other genocides	540					540
4624 -	By Delegates S. Brown, Caputo, Diserio, C. Thompson, Dean, Toney, Paynter, Hicks, Sponaugle and Pyles: Permitting public employees the right to collectively bargain	540					540
4625 -	By Delegates S. Brown, Sponaugle, Hornbuckle, Pushkin, McGeehan, Hill, Angelucci, Dean, Hansen, Skaff and Walker: Relating to the normalization of cannabis laws	540					541
*4626 -	By Delegates Barnhart, J. Kelly, Foster, Pack, Steele, Cadle, Hamrick, Maynard, Linville and Hansen: West Virginia Development Achievements Transparency Act	541	668, 1118			1365	541, 668, 1251, 1330, 1365

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4627 -	By Delegate Summers: Increasing the monthly retirement annuity for certain retirants	541					541
4628 -	By Delegates Higginbotham, Ellington, Graves, Storch, Hanna, Dean, C. Martin, Hott, Barnhart, Kessinger and Hardy: Allowing certain deductions to be made from individual personal income tax refunds to the Make-A-Wish Foundation	541					542
4629 -	By Delegates S. Brown, Graves, Staggers, Rowan, Lavender-Bowe, Storch, Williams, Kessinger, Byrd, Fleischauer and Bates: Exempting certain hygiene products from sales tax	542					542
4630 -	By Delegates Hamrick, Storch, Hanna, Higginbotham, Hill, Bibby, Dean, Ellington, J. Jeffries, Barnhart and Worrell: Providing a tax credit for families who have foster children	542					542
4631 -	By Delegates Angelucci, Lavender-Bowe, Pyles, Walker, Diserio, Staggers, Zukoff, Caputo, Swartzmiller, Longstreth and C. Thompson: Requiring the return of certain campaign contributions if an elected official switches political parties	542					542
4632 -	By Delegates Rodighiero, R. Thompson, Worrell, Phillips, Storch, Rohrbach, Maynard, Tomblin, Hicks, Fleischauer and Miller: Relating to cost sharing in prescription epinephrine drugs	542					543
*4633 -	By Delegates Storch, Anderson, Nelson, Kessinger, Waxman, Summers, Criss, Sypolt, Hill, Espinosa and Capito: Expanding county commissions' ability to dispose of county or district property (Chapter 76, Acts, Regular Session, 2020)	543	888	2348	2348	1104, 2349	543, 888, 975, 1043, 1104, 2349, 3577, 3588

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4634 -	By Delegates Evans, Bates, Toney, Dean, Paynter and Porterfield: Southern West Virginia Lake Development Study Commission Act (Chapter 105, Acts, Regular Session, 2020)	543	762, 1058	3021	3021	1316, 3025	543, 762, 1198, 1248, 1316, 3025, 3577, 3588
4635 -	By Delegates D. Jeffries, Bartlett, Fast, Rowan, Foster, Waxman, Barnhart, P. Martin, C. Martin and Butler: Vulnerable Child Protection Act	544					544
4636 -	By Delegates Rohrbach, D. Kelly, Linville, Lovejoy and Pyles: Expanding tuition and fee waivers or adjustments for senior citizens	544					544
4637 -	By Delegates Rohrbach, D. Kelly, Pack, Hill, Kessinger, Linville, Waxman and Rowan: Relating to health care decisions	544					544
4638 -	By Delegates S. Brown, Espinosa, Doyle, Barrett, Sponaugle, Bibby, Householder, Rowan and Kump: Modifying the authority of medical examiners regarding the disposition of bodies	544	982				544, 982
*4639 -	By Delegates Kump, Linville, Butler, Fast, Criss, Porterfield and Foster: Changing frequency of mandatory state inspections of motor vehicles	545	947, 1257				545, 947, 1380, 1483, 1525, 1527
4640 -	By Delegates R. Thompson, Rohrbach, Evans, Hicks, Atkinson, Rodighiero, Tomblin and Pyles: Foster Care Support Fund	545					545
4641 -	By Delegates Householder, Barrett, Cowles, Kump, Bibby, Hardy, Espinosa, Hanshaw (Mr. Speaker), Graves and S. Brown: Establishing authority for creation of tourism development districts	545					546
4642 -	By Delegates Rohrbach, Hill and Porterfield: Relating to uniform credentialing for health practitioners	546					546

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4643 -	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Creating in the State Treasury a special account known as Medicaid Families First Reserve Fund	546					546
4644 -	By Delegates Maynard, Campbell, Miller, Williams, Steele, D. Kelly, D. Jeffries and Foster: Separating the Fire Marshal from the Fire Commission	547					548
*4645 -	By Delegates Householder, Barrett, Criss and Bates: Establishing the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance	573	1055			1316	573, 1198, 1249, 1316, 1317
4646 -	By Delegates Byrd, Nelson, Skaff, Capito and Robinson: Transferring property located in the Union Carbide Corporation Tech Center to the City of South Charleston	573					573
4647 -	By Delegates Shott, Espinosa, Queen, Westfall, Hamrick, Howell, Householder, Barrett, Bates and Miller: Relating to limited video lottery permit holders (Chapter 151, Acts, Regular Session, 2020)	573	701		1851	871	574, 757, 841, 871, 3563, 3588
*4648 -	By Delegates Foster, Summers, Wilson, J. Jeffries, McGeehan, Williams, Mandt and Phillips: The Parenting Fairness Act of 2020	574	671, 1352	3501, 3504	3501	1528, 3505	574, 671, 1380, 1483, 1527, 1528, 3505
*4649 -	By Delegates Lavender-Bowe, Zukoff, Dean, Rowan, Higginbotham, Evans, C. Thompson, R. Thompson, Doyle, Ellington and Robinson: Relating to implementation of trauma-informed practices in schools	574	934				575, 934
4650 -	By Delegates J. Jeffries, Kump, Dean, Wilson and Steele: Lowering the excise tax on cigarettes	575					575
*4651 -	By Delegate Butler: Clarifying the powers and duties of the Division of Highways in acquiring property for state road purposes	575	948, 1119				575, 948, 1201
4652 -	By Delegate Rohrbach: Relating to tobacco usage restrictions	575	702				576, 702



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4653 -	By Delegate Pack: Requiring disclosure of nonpublic personal information required in employment cases	576					576
4654 -	By Delegates Skaff, Graves, Byrd, Capito, Rowe, D. Jeffries, Robinson, Nelson, Estep-Burton, Pushkin and Bartlett: Establishing a class of employees within the West Virginia Public Employees Retirement System consisting of 911 staff	576					576
4655 -	By Delegates Howell, Hott, Summers, Maynard, C. Martin, Jennings, Staggers, Angelucci, Ellington, Hamrick and Fast: Permitting military personnel in areas where on-the-job emergency medicine is part of the training to be granted automatic EMS or EMT certification (Chapter 286, Acts, Regular Session, 2020)	576	731	2349	2349	920, 2354	577, 842, 881, 919, 920, 2354, 3580, 3587
4656 -	By Delegates Howell, Hott, C. Martin, Ellington, Higginbotham, Fast, Graves, Storch and Shott: Requiring test in civics to graduate high school or obtain GED	577					577
4657 -	By Delegates Cadle, Cooper, Paynter, Hott, Butler, Phillips, Foster, Householder, Criss, Azinger and Jennings: Eliminating the sunset and legislative review provisions relating to common carriers by motor vehicles	577					577
4658 -	By Delegates Linville, Maynard, Worrell, Rohrbach, Lovejoy and Barnhart: Relating to complaints against public agencies to obtain records through the Freedom of Information Act	577					578
4659 -	By Delegates Linville, Maynard, Barnhart, J. Jeffries and Graves: Relating to the West Virginia Secondary School Activities Commission	578					578

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4660 -	By Delegates Wilson, D. Jeffries, C. Martin, Phillips, P. Martin, Steele, Dean, Bibby, Hardy, Foster and J. Jeffries: Requiring state agencies to maintain updated records of all financial transactions in a searchable website	578					578
4661 -	By Delegates Anderson, J. Kelly, Maynard, Storch, Azinger, Pethel, Hartman, Miller, P. Martin and C. Martin: Relating to the powers of the Public Service Commission and the regulation of natural gas utilities (Chapter 307, Acts, Regular Session, 2020)	578	642		1627	753	579, 696, 726, 753, 1835, 3588
4662 -	By Delegates C. Martin, Steele, Foster, P. Martin, Fast, Hanna, Cowles, Shott, Hanshaw (Mr. Speaker), Bartlett and Mandt: Providing a process by which a city may hold an election to recall an ordinance	579					579
4663 -	By Delegates Howell, C. Martin, Pushkin, Hamrick and Hott: Eliminating certain payments to the Alcohol Beverage Control Commissioner from distilleries and mini-distilleries	579	667				580, 668
4664 -	By Delegates Shott, D. Kelly, Canestraro, Miller, N. Brown, Queen and Westfall: Clarifying the offense of driving under the influence of alcohol, controlled substances, or drugs	599	599			725	664, 694, 725, 726
4665 -	By Delegates Capito, Queen, Shott and Nelson: Reducing the amount of rebate going to the Purchasing Improvement Fund (Chapter 289, Acts, Regular Session, 2020)	616	1257		3553	1528	616, 1380, 1484, 1528, 3577, 3588
*4666 -	By Delegates Byrd, Nelson, Capito, Pushkin, Queen, Skaff, Rowe and Rohrbach: Relating to competitive bids for intergovernmental relations and urban mass transportation (Chapter 344, Acts, Regular Session, 2020)	616	845	3025	3025	1029, 3028	616, 930, 972, 1029, 1030, 3028, 3580, 3588
4667 -	By Delegate Sypolt: Relating to motor vehicle crash reports	616					616

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4668 -	By Delegates Miley, Lovejoy, Evans, Caputo, Waxman, Rohrbach, Worrell and Pushkin: Creating the misdemeanor crime of trespass for entering a structure that has been condemned (Chapter 94, Acts, Regular Session, 2020)	617	1125	2743	2743	1365, 2746	617, 1251, 1330, 1365, 1366, 2746, 3577, 3588
4669 -	By Delegate Rohrbach: Exempting participants in the Jobs and Hope program from Medicaid forfeiture for one year after certain conditions are met	617	704				617, 704
*4670 -	By Delegates Graves, Summers, Espinosa and Kump: Relating to the juvenile restorative justice programs	617	853	973		1030	617, 930, 973, 1030
4671 -	By Delegates Robinson, Hornbuckle, Hill, Pack, Rowan, Worrell, Rowe, Estep-Burton, Pushkin, Skaff and Byrd: Relating to DMV organ donation registry	617					618
4672 -	By Delegates Cadle, Hott, Butler, Toney, J. Jeffries, Kessinger, Hardy, Bibby, Canestraro, Foster and Paynter: Providing adequate pull-off parking space along the state's highway interstate system for those semitrailers and other vehicles that must stop	618					618
4673 -	By Delegates Criss, Bibby, Cadle, J. Jeffries, Miller, Maynard, Steele, Caputo, Worrell, Evans and Tomblin: Relating to the Public Energy Authority Act of West Virginia	618					618
4674 -	By Delegates Kessinger, Hardy, Hill, Bibby, Maynard, Fast, Rowan, P. Martin, Steele, Waxman and Pack: Act to Counter Boycotts, Divestments and Sanctions of Israel	618					618
4675 -	By Delegates Wilson, Cooper, Bibby, Atkinson, Tomblin, Rodighiero, D. Jeffries, Sypolt, D. Kelly, Hott and Campbell: Permitting persons who routinely shoot or discharge firearms at a public shooting range to assist in its maintenance and upkeep	619					619

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4676 -	By Delegates Linville, Ellington, Higginbotham, Householder, Dean, Lovejoy and Graves: West Virginia Saving Money and Reducing Time Prize Program	619					619
4677 -	By Delegates Wilson, Waxman and Kump: Making public school teachers state employees	619					619
4678 -	By Delegates Wilson and Kump: Keeping reptiles and amphibians from being included on the Dangerous Wild Animal Board's list	619					620
4679 -	By Delegates Rowe and Fleischauer: Providing notice of the type and cost of electrical outlets specified for that work in the National Electrical Code	620					620
4680 -	By Delegates Rohrbach, Kessinger, Hanna, Hornbuckle, Skaff, Walker, Hill, Pushkin, Robinson, Miller and Caputo: West Virginia Housing Development Fund loan program for recovery residences	620					620
4681 -	By Delegates Campbell, D. Jeffries, Anderson, J. Kelly, Atkinson, Lavender-Bowe, Canestraro, Lovejoy, Fluharty, Bates and Miller: Requiring schools to offer elective vocational courses in middle schools	620					620
4682 -	By Delegates Campbell, Lavender-Bowe, Canestraro, Lovejoy, Fluharty, Bates, Miller, Robinson, Pack, Hicks and R. Thompson: Increasing annuity payment by one percent for certain retirants under a Consolidated Public Retirement Board retirement system	621					621
4683 -	By Delegate Doyle: Better Safe than Sorry Act of 2020	621					621
4684 -	By Delegates R. Thompson, Evans, Doyle, Rodighiero, Hicks, Tomblin, Swartzmiller, Zukoff and Pyles: Providing changing stations for persons with disabilities in all rest areas	621					621

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4685 -	By Delegates Cowles, Pethel, Skaff, Storch and Summers: Relating to the regulatory authority of the Public Service Commission over make-ready pole access and use	622					622
4686 -	By Delegates Maynard, J. Jeffries, Worrell, Hill, Dean, Sypolt, Jennings, Pack, Hardy and Howell: Providing that West Virginia Emergency Medical Services Retirement Fund moneys are exempt from tax, and are not subject to garnishment	622					622
4687 -	By Delegates R. Thompson, Evans, Rodighiero, Hicks, Tomblin, Lovejoy and Pyles: Relating to workers' compensation and injuries received by a volunteer or part-volunteer firefighter	622					622
4688 -	By Delegates Maynard, Lovejoy, J. Jeffries, Worrell, Dean, Jennings, Pack and Hardy: Transferring 0.5 percent of Medicaid surplus funds to the Emergency Medical Services Equipment and Training Fund	622					623
4689 -	By Delegates Byrd, Fluharty, Queen, Skaff, Lavender-Bowe, Hansen and Lovejoy: West Virginia Technology Attraction Act and the West Virginia Information and Technology Investment Act	623					623
*4690 -	By Delegate Hill: Relating to solid waste facilities	623	853				624, 930, 973, 979
4691 -	By Delegates Ellington, Dean, Espinosa, Cooper, Hanna, Atkinson, Evans, Hornbuckle and Campbell: Relating to employment in areas of critical need in public education (Chapter 319, Acts, Regular Session, 2020)	597	597		2354	754	664, 695, 726, 753, 754, 3577, 3588
4692 -	By Delegates Pushkin, Estep-Burton, Robinson, Byrd, S. Brown, Bibby, Skaff, Hornbuckle and Pyles: Relating to calculation of the school aid formula based on net enrollment	646					646

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4693 -	By Delegates Pack, Steele, Cooper, Paynter, Summers and J. Jeffries: Expanding the scope of the Veterans to Agriculture Program (Chapter 4, Acts, Regular Session, 2020)	646	760, 1344		2810, 3554	1529	646, 760, 1380, 1484, 1528, 1529, 2810, 2812, 3577, 3588
4694 -	By Delegates R. Thompson and Pyles: Requiring that land surveyors record survey plats at the county courthouse	646					646
4695 -	By Delegates Campbell, Pack, Lovejoy, Caputo, Rohrbach, Rowan, Evans, Lavender-Bowe and D. Jeffries: The Closed Captioning Act	646					646
4696 -	By Delegates Campbell, Pack, Paynter, Kessinger, Toney, Evans, Lavender-Bowe, Bates, Staggers and Pyles: Exempting school buses with students on board from paying turnpike tolls	646					647
4697 -	By Delegates Pushkin, Foster, Skaff, Howell, Pyles and Westfall: Removing the restriction that a mini-distillery use raw agricultural products originating on the same premises (Chapter 9, Acts, Regular Session, 2020)	647	989	3505	3505	1243, 3511	647, 1110, 1196, 1243, 1244, 3511, 3577, 3588
4698 -	By Delegates Pushkin, Howell, Estep-Burton, Walker, McGeehan, Lavender-Bowe and Pyles: Allowing a bar to purchase liquor from a distillery or a mini-distillery	647					647
4699 -	By Delegates Rowe and Pyles: Relating to unfair or deceptive telemarketing acts or practices	647					647
4700 -	By Delegates Westfall, Storch, Criss and J. Kelly: Prohibiting vehicles from driving slow in the left lane	647					647
4701 -	By Delegates Howell, C. Martin, Dean, Higginbotham, Ellington, Fast, Graves, Pushkin, Caputo, Staggers and Hamrick: Establishing a comprehensive framework for the management of all real property assets of the state	647					648

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4702 -	By Delegates Azinger, Butler, McGeehan, Wilson, J. Kelly, Anderson and Steele: Providing that signs on bridges named for deceased members of the military identify the rank and branch of military with all medal awards	648					648
4703 -	By Delegates N. Brown, R. Thompson, Lovejoy, Boggs, Rodighiero, Canestraro, Kump, Miller and Dean: Establishing a special registration plate for recognizing and honoring families affected by Alzheimer's disease	648					648
4704 -	By Delegates Steele, Bartlett, Dean, C. Martin, Kump, Wilson, Pack, P. Martin, Butler, McGeehan and J. Jeffries: Repealing statutory provisions that provide immunity from criminal prosecution or liability	648					648
4705 -	By Delegates Steele, Jennings, Paynter, Phillips, Toney, Pack, Sypolt, Lovejoy and R. Thompson: Including three types of cancer for which rebuttable presumption of injury from employment exists for firefighters	648	940, 1258			1529	649, 940, 1380, 1484, 1529
*4706 -	By Delegates Anderson, J. Kelly, Graves, Hansen, Pethel, Evans, Miley, Higginbotham, Azinger, Paynter and Nelson: Relating to reports concerning funds due to unknown or unlocatable interest owners	649	732			920	649, 732, 842, 881, 920
4707 -	By Delegates Wilson, Steele, Bibby, Bartlett, Waxman, Jennings, C. Martin, Butler, Foster, J. Jeffries and Phillips: Clarifying that a legislator's immunity from arrest and trial is subject to the language of the state constitution	649					649
4708 -	By Delegates Wilson, Bibby, Dean, Paynter and J. Jeffries: Expanding the definition of political party for the purposes of election law	649					649
4709 -	By Delegates Jennings, Foster and Bibby: Relating to pollution control facilities tax treatment	649					649

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4710 -	By Delegates Rohrbach, Maynard, Canestraro, Hornbuckle, Lovejoy, Linville, Miller, Higginbotham, Waxman, Storch and Queen: Authorizing law-enforcement agencies to create a referral program for voluntary treatment of addiction	650	702				650, 702
4711 -	By Delegate Rohrbach: Developing a program for individuals suffering from a substance abuse disorder who voluntarily seek treatment for that abuse	650					650
4712 -	By Delegates Miley, Barrett, Bates, Hornbuckle, Worrell, Hanna and J. Jeffries: Consolidating the 55 county school boards into 10 district school boards	684					684
4713 -	By Delegates Graves, J. Jeffries, Hanna, D. Jeffries, McGeehan, Phillips, Howell, Cowles and Miley: Relating to annexation by minor boundary adjustment	684					685
4714 -	By Delegates Howell, C. Martin and Ellington: Increasing the monetary threshold for requiring nonprofit organizations to register as a charitable organization (Chapter 340, Acts, Regular Session, 2020)	685	935		2354	1184	685, 1044, 1107, 1184, 3580, 3587
4715 -	By Delegates Capito, Nelson, Byrd, Robinson, Pushkin, Estep-Burton, Rowe, Skaff, Bartlett and D. Jeffries: Authorizing municipalities to take action to grant certain fire department employees limited power of arrest (Chapter 301, Acts, Regular Session, 2020)	685	981, 1215	2920	2920	1434, 2924	685, 982, 1332, 1374, 1434, 2924, 3566, 3588
4716 -	By Delegate Rohrbach: Ban-the-Box Act	685					685
*4717 -	By Delegates Shott, Fleischauer and Wilson: Seizure and Forfeiture Reporting Act (Chapter 54, Acts, Regular Session, 2020)	686	1259	2924	2924	1530, 2931	686, 1380, 1484, 1529, 1530, 2931, 3566, 3588
4718 -	By Delegates Howell, Higginbotham, Graves, P. Martin, Dean, Maynard, Ellington and Rohrbach: West Virginia Indian Tribes Recognition Act	686	847				686, 847



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4719 -	By Delegates Campbell, Cooper, Dean, R. Thompson, Evans, Toney, C. Thompson, Lavender-Bowe and Pyles: Increasing the number of days a retired teacher may accept employment	686					686
4720 -	By Delegates Higginbotham, Hanna, C. Thompson, Barnhart and Zukoff: Qualifying not-for-profit private baccalaureate institutions for the Advanced Career Education Programs and the WV Invests Grant Program	686	889				686, 889
4721 -	By Delegates Pushkin, S. Brown, Wilson and Worrell: Relating generally to forfeiture of contraband	686					687
4722 -	By Delegates Cadle, Mandt, Phillips, Hott, Butler, Fast, J. Jeffries, Toney, D. Kelly, Jennings and Staggers: West Virginia Emergency Contact Information Registry	687					687
4723 -	By Delegates Hill, Pack, Fleischauer, Evans, Rodighiero and Bates: Permitting a certified behavioral analyst to be eligible for the student loan repayment program	687	849				687, 850
4724 -	By Delegates Skaff, Ellington, Barrett, Lavender-Bowe, Zukoff, C. Thompson, Dean, Higginbotham, Estep-Burton, Hornbuckle and Robinson: Providing a tax credit to encourage new teachers to remain in the state	687					688
4725 -	By Delegate Higginbotham: Requiring motor vehicle inspections only every three years and exempting certain vehicles	688					688
4726 -	By Delegate Espinosa: West Virginia Public Participation Protection Act	688					688
4727 -	By Delegates Howell, Hott, C. Martin and Hanna: Permitting mini-distilleries to import produce in excess of established limits	688					688
4728 -	By Delegates Howell, Hott and C. Martin: Removing statutory language requiring mini-distilleries to grow agricultural products	688					688

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4729 -	By Delegates Linville, Ellington, Summers, Higginbotham, Barnhart, Maynard, Graves, Foster, McGeehan, Hanna and Pack: Requiring higher education institutions to use previous versions or editions of instructional materials (Chapter 180, Acts, Regular Session, 2020)	688	890		1852	1105	689, 975, 1043, 1104, 1105, 3564, 3588
4730 -	By Delegate Linville: Relating to special license plates for vehicles titled in the name of the Division of Public Transit	689					689
4731 -	By Delegates Pushkin, Rowe and Pyles: Establishing the Minority Health Advisory Team	689					689
4732 -	By Delegates Caputo, Sponaugle, Boggs, Swartzmiller, Paynter, Robinson, Williams, Lovejoy, Criss, Rohrbach and Miller: Requiring that State Police officers be compensated for time when they are required to be on standby	689					689
4733 -	By Delegate Bates: Extending tax credits for certain tourism development and expansion projects	690					690
*4734 -	By Delegates Hill and Pack: Rewriting the article on registered professional nurses	690	949			1185	691, 950, 1044, 1107, 1184, 1185
4735 -	By Delegates Ellington, Higginbotham, Dean, Hanna, Hornbuckle, Estep-Burton, Lavender-Bowe and C. Thompson: Relating to the employment of school nurses or licensed practical nurses	672	672				672
4736 -	By Delegates Pack, Cooper, Steele, Higginbotham, Graves, Bates, Hill and Summers: Relating to qualifications for a commercial driver's license permit	713					713
4737 -	By Delegates Rowan, Toney, Sypolt, Linville, Graves, Zukoff, Bartlett, Pethtel, Maynard, Queen and Williams: Clarifying student eligibility for state-sponsored financial aid (Chapter 181, Acts, Regular Session, 2020)	713	1051		3554	1317	713, 1198, 1249, 1317, 3577, 3587

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4738 -	By Delegates Rowe and Pyles: Creating a tax credit for improving facades in historic districts	713					714
4739 -	By Delegate Westfall: Relating to the regulation of pharmacy services administrative organizations	714					714
4740 -	By Delegates Rowe and Pyles: Designating social workers in the DHHR to help improve or maintain school attendance and performance, health and well-being	714					714
4741 -	By Delegate Ellington: Reducing the motor fuel excise tax	714					714
4742 -	By Delegates Hansen, Pushkin, Walker, Hornbuckle and Doyle: Establishing a vote by mail program	714					714
4743 -	By Delegates Rowe and Pyles: Creating a Small Business and Minority Populations Economic and Workforce Development Taskforce	715					715
4744 -	By Delegates Wilson, Howell, Sypolt, Canestraro, Kump, Criss, Storch, Butler, Maynard, Hardy and Linville: Relating to the powers and duties of the West Virginia Commissioner of Highways	715					715
4745 -	By Delegates Campbell and Pack: Replacing minimum minutes of instructional time required per day with a requirement for an average of five hours per day	715					715
*4746 -	By Delegates Fleischauer, Rowe, Rohrbach, Evans, Butler, Hansen, Walker, Linville, Angelucci, Caputo and Zukoff: Establishing a registry of persons with a communication disability	716	1343				716, 1380, 1484, 1491
*4747 -	By Delegates Howell and C. Martin: Extending electronic submission of various applications and forms for nonprofit and charitable organizations, professionals and licensees (Chapter 171, Acts, Regular Session, 2020)	716	989		3553	1244	716, 1110, 1196, 1244, 3577, 3588

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4748 -	By Delegates Howell and C. Martin: Relating to the increase of fees that private nongovernment notary publics may charge for notarial acts (Chapter 310, Acts, Regular Session, 2020)	716	935, 1119		3553	1366	717, 935, 1251, 1331, 1366, 3578, 3588
4749 -	By Delegates Howell and C. Martin: Providing more efficient application processes for private investigators, security guards, and firms (Chapter 252, Acts, Regular Session, 2020)	717	988	3412	3412	1244, 3425	717, 1110, 1196, 1244, 1245, 3425, 3578, 3588
4750 -	By Delegates Rowe and Pyles: Katherine Johnson College Award Program	717					717
4751 -	By Delegates Barrett, Steele, N. Brown, Criss, Maynard, Hardy, Byrd, Bates and Stagers: Providing a tax credit for dues paid to trade associations	717					717
4752 -	By Delegates Graves and Pushkin: Initiating a State Employment First Policy to facilitate integrated employment of disabled persons	717					718
4753 -	By Delegates Doyle, S. Brown and Pyles: Requiring the authority to obtain approval from county board of education for agreements that involve tax revenues expended for public schools	718					718
4754 -	By Delegates Canestraro, Pushkin, Hornbuckle, Williams, Campbell, Lovejoy, Bates and Pyles: Including ulcerative colitis as a "serious medical condition"	718					718
4755 -	By Delegate Hanna: Requiring a vote on school closure or consolidation in certain circumstances	718					718
4756 -	By Delegate Kump: Relating to keeping reptiles, amphibians, and exotic birds from being included on the Dangerous Wild Animal Board's list	718					719

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4757 -	By Delegates Walker, Rohrbach, Miley, Lavender-Bowe, Skaff, Rowe, Hansen, Williams, Pyles, S. Brown and Fleischauer: Establishing tax credits for lead abatement in child occupied residences	719					719
4758 -	By Delegates Graves, Butler, D. Jeffries, Hott, Rowan, Sypolt, Pack, Wilson, Hanna and Bartlett: Solemn Covenant of the States to Award Prizes for Curing Diseases	719					719
4759 -	By Delegates Walker, Rohrbach, Miley, Miller, S. Brown, Fleischauer, Estep-Burton, Pushkin, Pyles and C. Thompson: Creating a duty to disclose by owners of property that knew or should have known that crystal methamphetamine production was occurring	719					719
4760 -	By Delegates Campbell, Criss, Cooper, Pack, Westfall, Canestraro, Queen, Dean, Paynter, Storch and Lavender-Bowe: Modifying video lottery retailer licensing eligibility requirements (Chapter 152, Acts, Regular Session, 2020)	719	1215	1897	1897	1435, 1898	720, 1332, 1374, 1434, 1435, 1898, 3578, 3588
4761 -	By Delegate Porterfield: Reducing to one year the deadline for right to set aside deed	742					742
4762 -	By Delegates Wilson and Kump: Requiring publication of continually updated records of state financial transactions in a publicly accessible, searchable website	742					742
4763 -	By Delegates Rowe, Kump and Pyles: Establishing special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States	742					742
4764 -	By Delegates Canestraro and Pyles: Increasing the excise tax on E-cigarettes	742					743

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4765 -	By Delegates C. Thompson, S. Brown, Angelucci, Sponaugle, Lavender-Bowe, Dean and Pyles: Reducing the criminal penalty for possession of small amounts of marijuana or paraphernal	743					743
4766 -	By Delegates Hartman, C. Thompson, N. Brown, Sponaugle, Doyle and Pyles: Changing the hourly threshold for exemption of part-time employees from classified service	743					743
4767 -	By Delegates C. Thompson, Hartman, Lavender-Bowe, Angelucci, Kessinger, Dean, Storch, Sponaugle and Pyles: Establishing a system for issuing permits for persons to provide rehabilitation of orphaned, sick and injured wildlife	744					744
4768 -	By Delegates C. Thompson, Sponaugle, Estep-Burton, S. Brown, Walker, Hartman, Lavender-Bowe, Angelucci, Dean and Pyles: Providing a \$1,000 pay increase for full-time adult protective service workers	744					744
4769 -	By Delegates Swartzmiller, Fluharty, Diserio, Robinson, Skaff, Storch, McGeehan and Pyles: Greyhound Racing Industry Viability Assessment Act	744					744
4770 -	By Delegates Rowe, Westfall and Steele: Changing the beginning time for beer and wine sales on Sunday from one p.m. to 10 a.m.	744					744
4771 -	By Delegates Dean, R. Thompson, N. Brown, Paynter, Steele, Toney, Evans, Rodighiero, Tomblin and Pyles: Requiring "Mine War History Day" be observed in schools every year	744					744
4772 -	By Delegate Rowe: Authorizing ordinances allowing the municipal court to place a structure, dwelling or building into receivership under certain circumstances	744					745

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4773 -	By Delegates Zukoff, Rowan, Ellington, Staggers, Rohrbach, Lavender-Bowe, Estep-Burton, Pyles, Pushkin and Lovejoy: Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state (Chapter 287, Acts, Regular Session, 2020)	745	937	1108, 1899	1899	1185, 1904	745, 1044, 1107, 1185, 3564, 3588
4774 -	By Delegates C. Thompson, Estep-Burton, Lavender-Bowe, S. Brown, Walker, Hartman, Angelucci, Sponaugle and Pyles: Providing that the Division of Motor Vehicles identification cards be issued at no cost	745					745
4775 -	By Delegates Rowe and Pyles: Reinstating the film industry investment tax credit	745					745
4776 -	By Delegates Miley, Barrett, Swartzmiller, Caputo, Sponaugle, Campbell, Pyles, Zukoff, Lavender-Bowe, Staggers and Miller: Increasing the pension awards to immediate family members of a deceased trooper that was disabled in the course of duty	745					745
4777 -	By Delegates Dean, Howell, C. Martin, Hamrick and Steele: Relating to the right of disposition of remains (Chapter 253, Acts, Regular Session, 2020)	746	983		3553	1245	746, 1110, 1196, 1245, 3580, 3587
4778 -	By Delegates Dean, Miller, D. Kelly, Maynard, J. Jeffries, Paynter, Angelucci, Staggers, Jennings, Hanshaw (Mr. Speaker) and Lovejoy: Creating the First Responders Mental Health Advisory Board	746	939				746, 939
4779 -	By Delegates Dean, Howell, C. Martin, Hamrick, Paynter, J. Jeffries, Angelucci and Steele: Relating to the criminal offense of therapeutic deception	746					746

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4780 -	By Delegates Bartlett, D. Jeffries, Fast, P. Martin, Dean, C. Martin, Porterfield, Waxman, Foster, Butler and Rodighiero: Permitting county boards to offer elective courses of instruction on the Bible (Chapter 121, Acts, Regular Session, 2020)	746	1219		2355	1435	747, 1332, 1375, 1435, 3578, 3588
4781 -	By Delegates Steele, Bartlett, Foster, Hanna and Kessinger: Repealing the article regulating the practice of radiologic technologists	747					747
4782 -	By Delegate Higginbotham: Public Participation Protection Act	747					747
4783 -	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Education	747					748
4784 -	By Delegates Hill and Pack: Relating to disposal of unused, unwanted or expired medications	748	938				748, 938
4785 -	By Delegate Rowe: Providing school days to register and transport students to vote	748					748
4786 -	By Delegates Rowe and Pyles: Changing the title of the Commissioner of Culture and History to the Curator of Arts, Culture, and History, and increasing the salary	748					748
4787 -	By Delegates Hansen, Lavender-Bowe, Campbell, Doyle, S. Brown, Walker, Pushkin and Estep-Burton: Allowing increased civil administrative penalties to be promulgated by legislative rules of by the Department of Environmental Protection	748					749
4788 -	By Delegate Rodighiero: Requiring that no later than July 1, 2020, credits earned at two-year colleges transfer for credit at any other state institution of higher education	749					749
4789 -	By Delegates Worrell and Pushkin: Affordable Medicaid Buy-In Program	749					749



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4790 -	By Delegates Ellington, Higginbotham, Atkinson, Hanna, Toney, Waxman, Hornbuckle, Campbell, Lavender-Bowe, R. Thompson and Zukoff: Relating to Career Technical Education for middle school students (Chapter 122, Acts, Regular Session, 2020)	730	730	1904	1904	921, 1905	842, 881, 920, 921, 1905, 3564, 3587
4791 -	By Delegates Foster, Waxman and Porterfield: Altering the definition of a specialty contractor under the West Virginia Contractor Licensing Act	789					789
4792 -	By Delegates Howell, C. Martin and Hamrick: Relating to the board of public works assessing a flat fee on land owned by a railroad, telegraph, telephone, or pipeline under certain conditions	789	1206				789, 1206
4793 -	By Delegates Maynard, Linville, Rohrbach, J. Jeffries, Kessinger, Householder, Sypolt, Steele, Hanna, Mandt and Rowan: Adding entities which may take possession of a child voluntarily relinquished	789					789
4794 -	By Delegates Hamrick, Dean, Maynard, Barnhart, Cadle, Higginbotham, Hanna, Stagers, Howell, Rodighiero and R. Thompson: Issuing specialty motor vehicle registration plates for businesses owning a fleet of 25 or more vehicles	790					790
4795 -	By Delegates Pushkin, Estep-Burton, Skaff and Byrd: Authorizing ordinances that allow the municipal court to place a structure, dwelling or building into receivership	790					790
4796 -	By Delegates Pushkin, Robinson, Estep-Burton, Walker, Skaff and Byrd: Requiring the Public Employees Agency and other health insurance providers to provide mental health parity	790					790

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4797 -	By Delegates Capito, Pushkin, Miller, Nelson and Westfall: Authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership (Chapter 77, Acts, Regular Session, 2020)	790	981, 1215	2932	2932	1436, 2943	791, 982, 1332, 1376, 1435, 1436, 2943, 3566, 3588
4798 -	By Delegates Foster and Waxman: Creating an exemption under the West Virginia Contractor Licensing Act for work performed by certain subcontracted specialty contractors	791					791
4799 -	By Delegates Summers, Ellington, Fast, Fleischauer and D. Jeffries: Patient Safety and Transparency Act	791					791
4800 -	By Delegates Cadle, Hicks, Paynter, Foster, Azinger and Bibby: Transferring the Division of Forestry from the Department of Commerce to the Department of Agriculture	791					792
4801 -	By Delegate Rowe: Establishing reimbursement rates for congregate and in-home meals	792					792
4802 -	By Delegates Fleischauer, Pushkin, Hornbuckle, Walker, Bates, Fluharty, Canestraro, Williams, Pyles, Evans and Rowe: Eliminating the ability of a person's driver's license to be suspended for the failure to pay court fines	792					792
*4803 -	By Delegate Capito: Relating to certification of electrical inspectors (Chapter 254, Acts, Regular Session, 2020)	792	1208		3425	1435, 3554	792, 1322, 1377, 1436, 1437, 3425, 3426, 3578, 3588
4804 -	By Delegates Ellington, Espinosa, Cowles, Householder, Atkinson, Hardy, Higginbotham, Bibby and C. Thompson: Relating to comprehensive systems of support for teacher and leader induction and professional growth (Chapter 320, Acts, Regular Session, 2020)	792	934, 1257	2943	2943	1530, 2944	793, 934, 1380, 1484, 1530, 2944, 3566, 3588

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4805 -	By Delegates Graves and Higginbotham: Providing adequate opportunities for state employees to obtain continuing education credits for professional licenses and registrations	793					793
4806 -	By Delegates Angelucci and Pyles: Including rumble strips on construction projects involving two lane secondary roads	793					793
4807 -	By Delegate Azinger: Relating to arrests of addicted or mentally ill persons that are a danger to themselves or others	793					794
4808 -	By Delegates Howell, C. Martin, Graves, Higginbotham and Steele: Relating to persons from another state storing firearms in this state	794					794
4809 -	By Delegates Storch, Westfall, Barrett, Criss, Householder, Canestraro and Fluharty: Relating to charitable raffles	794					795
4810 -	By Delegates Campbell, D. Jeffries, Fluharty, Dean, Lavender-Bowe, Pack, Hamrick, Higginbotham and R. Thompson: Requiring earlier start of buck deer hunting season	795					795
4811 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Relating to requirements for state contracts	795					795
4812 -	By Delegates Hamrick, Maynard, Bibby, Hardy, Cooper, Porterfield, Paynter, Higginbotham, Barnhart and Campbell: Permitting the resident lineal descendants of landowners to hunt, trap or fish on that resident landowner's property without a license	796					796
4813 -	By Delegates Steele and Foster: Relating to veterinary technicians or animal euthanasia technicians	796					796
4814 -	By Delegate McGeehan: Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement	796					796

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4815 -	By Delegates Campbell, Lavender-Bowe and Pyles: Imposing an additional assessment on certain real property	796					797
4816 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Removing the provisions for self-bonding	797					797
4817 -	By Delegates Phillips, McGeehan, Bibby and D. Kelly: West Virginia Monument and Memorial Protection Act of 2020	797					797
4818 -	By Delegates Phillips, Steele, Paynter, Bibby and D. Kelly: Making it a criminal offense to escape or attempt to escape from the custody of a Community Corrections program	797					797
4819 -	By Delegate Householder: Modernizing the process for dissolution of municipal corporations	797					797
*4820 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Relating to inventory of firearms owned by state agencies	798	1054	1249, 1250			798, 1198, 1249, 1317, 1318
4821 -	By Delegates Storch, Pack, Criss, Householder and Fluharty: Relating to the transportation for the mentally ill or substance abuser	798					798
4822 -	By Delegate Hill: Relating to the licensure of hospitals	798					798
*4823 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Developing a plan for periodic audits of the expenditure of the fees from the emergency 911 telephone system and wireless enhanced 911 (Chapter 308, Acts, Regular Session, 2020)	799	1206		3553	1437	799, 1332, 1377, 1437, 3578, 3588
4824 -	By Delegates Boggs, Caputo, Angelucci, Longstreth and Pyles: Revising requirements relating to the issuance and renewal of handicap vehicle placards	799					799

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4825 -	By Delegates Wilson, Jennings, Toney, Dean, Bartlett, Hanna, J. Kelly, Waxman, Cooper and Bibby: Requiring students to compete only against students of the same biological gender	799					799
4826 -	By Delegates Howell, Higginbotham, C. Martin, Fast, Hanna, Graves, Criss, Rodighiero, Hicks and Campbell: Permitting former members of the Legislature to remain eligible for insurance plans at full cost to the member and at no cost to the state	799					799
4827 -	By Delegates Hansen and Pyles: Orphan Oil and Gas Well Prevention Act	799					800
4828 -	By Delegates Bates, Lavender-Bowe, Worrell, Pack and Pyles: Creating a Children's Health Insurance Program buy-in program for children of families above 300 percent of the federal poverty level	800					800
4829 -	By Delegates Dean, Campbell, C. Thompson, N. Brown, R. Thompson, Evans, Cooper, Toney, Paynter and Pyles: Relating to transfers to State Teachers Retirement System	800					800
4830 -	By Delegates Little, Criss, Foster, Hanna, D. Jeffries and Pack: Modifying the factors to be used by the court in making a determination as to whether to grant visitation to a grandparent	800					800
4831 -	By Delegates Hamrick, Cooper, Porterfield, Paynter, Higginbotham and Campbell: Establishing a comprehensive addiction recovery center certification and grant program in this state	800					801
4832 -	By Delegate Hamrick: Establishing additional requirements of unit owners' associations	801					801
4833 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Relating to emergency telephone systems	801					801

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4834 -	By Delegates Hamrick, Howell, Foster, Porterfield and Waxman: Prohibiting state nursing boards from limiting the number of students a nursing school may admit	801					801
4835 -	By Delegates Howell, Foster, Porterfield, Hamrick and Waxman: Requiring all boards to be located in the same area and office space	801					802
4836 -	By Delegate Barnhart: Adopting and implementing a "Heat and Humidity Practice Policy" for all interscholastic athletic events	802					802
4837 -	By Delegates Canestraro, Hamrick, D. Kelly, Lovejoy, Miller, Shott and Pyles: Eliminating the ability of a person's driver's license to be suspended for the failure to pay court fines and costs	802					802
4838 -	By Delegates S. Brown and Pyles: Requiring an owner to offer tenant right to purchase housing accommodations before selling to others	802					802
4839 -	By Delegate S. Brown: Requiring the Board of Canvassers to reasonably ascertain whether a provisional or challenged ballot must be counted	802					803
4840 -	By Delegate Steele: Dividing pretrial detention jail costs between arresting authorities	803					803
4841 -	By Delegate Angelucci: Relating to public school faculty senates	803					803
4842 -	By Delegate S. Brown: Exempting child-care programs for out-of-school time summer camp operated by county parks and recreation commissions from the certification	803					803
4843 -	By Delegates Barrett, Higginbotham, Rohrbach, Byrd, Skaff, Cooper, Bibby and Campbell: Relating to public school education assessment of students for dyslexia and dyscalculia	803	1050				803, 1051

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4844 -	By Delegate Howell: Reforming the fees charged to wireless telephone subscribers for public safety systems to comply with federal law	803					804
4845 -	By Delegates Angelucci and Pyles: Increasing the community service hours a person may be ordered to perform upon conviction of or pleading guilty to littering	804					804
4846 -	By Delegates Longstreth and Pyles: Requiring penetration test for online election systems	804					804
4847 -	By Delegates Longstreth and Pyles: Requiring the commissioner to establish a website for state residents to submit road maintenance requests	804					804
4848 -	By Delegates Campbell and Pyles: Permitting retirement credit for persons who served in other law-enforcement before becoming a member of the State Police	804					804
4849 -	By Delegate Angelucci: Establishing a matrix necessary for an institution of higher education to become exempt from the Higher Education Policy Commission	804					805
4850 -	By Delegates C. Martin, P. Martin, Dean, Fast, Steele, Foster, Hanna, Bibby and Shott: Creating a process by which voters may recall a county ordinance in a special election	805					805
4851 -	By Delegates Hornbuckle, Fluharty, Lovejoy, Zukoff, Lavender-Bowe and Rowe: Screening for adverse childhood experiences	805					805
*4852 -	By Delegates Shott and Capito: Relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver methamphetamine (Chapter 58, Acts, Regular Session, 2020)	805	984	2812	2812	1531, 2816	805, 1110, 1196, 1201, 1383, 1488, 1531, 3578, 3588

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4853 -	By Delegates C. Martin, Hanshaw (Mr. Speaker), P. Martin, Butler and Fast: Relating to a customer constructing a connection or other infrastructure necessary for the customer to connect to the public utility	805	1117, 1217			1438	806, 1117, 1333, 1377, 1437, 1438
4854 -	By Delegate Wilson: Changing the method of filling vacancies in county boards of education	806					806
4855 -	By Delegates Boggs, Hartman, N. Brown, C. Thompson, Sponaule and Pyles: Allowing discounts and free camping at state parks for certain resident veterans	806					806
4856 -	By Delegate Householder: Establishing a system to remediate local fiscal emergencies	806					806
4857 -	By Delegates Howell and Porterfield: Relating to the addition of mandatory, inter-board reporting by licensees or registrants of the boards of medicine	806					806
4858 -	By Delegates Steele, Higginbotham, Dean, Hill, Pack, Toney, McGeehan, Storch, Linville, Hamrick and Maynard: Classifying "marihuana" and tetrahydrocannabinols as a Schedule IV controlled substance	807					807
4859 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Accounting for state funds distributed to volunteer and part-volunteer fire companies and departments (Chapter 302, Acts, Regular Session, 2020)	807	1221		2355	1438	807, 1333, 1377, 1438, 3578, 3588
4860 -	By Delegates Howell, C. Martin, Porterfield, Hamrick and Waxman: Discontinuing the Board of Landscape Architects and transferring its duties and authority to the Board of Registration for Professional Engineers	807					808



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4861 -	By Delegate Shott: Redefining the term "less than honorable service" to include certain misdemeanors for disqualification for public retirement plan benefits	808					808
4862 -	By Delegates Hanna, Pack, Hill, Miller, Campbell, J. Jeffries and Sypolt: Including emergency response vehicles in the single fee program for EZ Pass transponders	808	939				808, 939
4863 -	By Delegates Howell and Waxman: Relating to termination of the West Virginia Nursing Home Administrators Licensing Board	808					808
4864 -	By Delegates Howell and Waxman: Relating to performance reviews of state agencies and regulatory boards	808	988			1246	809, 1110, 1197, 1245, 1246
4865 -	By Delegates Foster, Howell, Waxman and Porterfield: Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures	809	988			1246	809, 1110, 1197, 1246
4866 -	By Delegates Howell and Porterfield: Relating to conspiracy to commit violations of the Uniform Controlled Substances Act	809					809
4867 -	By Delegates Capito, Nelson, Robinson, Byrd, Pushkin, Skaff and Rowe: Relating to psychophysiological detection of deception examinations by law-enforcement officers	809					809
4868 -	By Delegates Foster, Howell, Porterfield and Waxman: Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products	809					810
4869 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Requiring a public entity accepting a bid on a public contract to notify all municipalities and counties	810					810

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4870 -	By Delegates Hornbuckle, Lovejoy, Doyle, Rohrbach, Lavender-Bowe, Longstreth, Skaff, Walker, Hansen, N. Brown and Rowe: Prohibiting certain devices which enhance a diesel-powered vehicle's capacity to emit soot	810					810
4871 -	By Delegates Rowe and Pyles: Economic and Community Development Task Force	810					810
4872 -	By Delegates Shott, Lovejoy, Capito, N. Brown, Canestraro, Miller, Nelson, Byrd, Mandt and Phillips: Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse	810	1215			1439	811, 1333, 1377, 1438, 1439
4873 -	By Delegates Rowe and Pyles: Relating to the right of municipalities and counties to buy real estate for delinquent taxes	811					811
4874 -	By Delegate Angelucci: Eliminating the statute of limitations for claims arising from certain sex related injuries	811					811
4875 -	By Delegate S. Brown: Requiring certain insurance providers to enter into provider service agreements with a health care provider	811					811
4876 -	By Delegates Shott and Ellington: Updating the definition of "exempt schools"	811					811
4877 -	By Delegates Hornbuckle, Lovejoy, Worrell, Mandt, Linville, Maynard, R. Thompson, Hicks, Miller, Rohrbach and Anderson: Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash	811					812
4878 -	By Delegates Hornbuckle, Lavender-Bowe, Rowe and Robinson: Creating a policy on vaccine preventable diseases	812					812

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4879 -	By Delegates Hornbuckle, Pushkin, Miller, Rohrbach and Zukoff: Granting jurisdiction to supervise youth sport league events to county boards of education and the Secondary School Activities Commission	812					812
4880 -	By Delegate Graves: Providing increased protections for the welfare of domestic animals	812					813
4881 -	By Delegates Campbell and Pyles: Permitting individuals who have certain qualifications to operate as tactical emergency medicine providers	813					813
4882 -	By Delegates Espinosa, Barrett, Cowles, Hardy, Sponaugle, Williams and Householder: Authorizing limited sampling and limited sale of wine for off-premises consumption to wineries not licensed in the state (Chapter 10, Acts, Regular Session, 2020)	813	1204		1905	1439	813, 1333, 1377, 1439, 1905, 3564, 3588
4883 -	By Delegate Campbell: Relating to criminal procedure	813					814
4884 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Relating to a charitable or public service organization must submit a certifying statement attesting to its status	814	1204				814, 1255
4885 -	By Delegates Storch, Campbell, Lavender-Bowe, Hornbuckle, S. Brown, Walker, Skaff, Rowan, Sybolt, Fleischauer and Kump: "Katherine Johnson and Dorothy Vaughan Fair Pay Act"	814					814, 1358
*4886 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Requiring the PSC and the DOH to submit reports concerning activity on the Coal Resource Transportation Road System	814	1206			1440	814, 1333, 1377, 1439, 1440
4887 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Relating to revocation, cancellation, or suspension of business registration certificates	814	1205		1852	1440	815, 1333, 1377, 1440, 1852, 1853
4888 -	By Delegate Hamrick: Food Freedom Act	815					815

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4889 -	By Delegates Hornbuckle, Lovejoy, Fluharty, Doyle, Byrd and Hansen: Collecting a tax from manufacturers and distributors of opium and opiate drugs to be used for funding addiction and prevention	815					815
4890 -	By Delegates Pack and Campbell: Relating to the removal of standardized testing in public schools	815					815
4891 -	By Delegate Capito: College Graduate Tax Credit	815					816
*4892 -	By Delegates Linville and Householder: Reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold	816	1353			1511	816, 1380, 1484, 1511, 1512
4893 -	By Delegate Campbell: Special Needs Registry	816					816
4894 -	By Delegates Storch, Doyle and Pyles: Pay Transparency Act of 2020	817					817
4895 -	By Delegates S. Brown, Doyle and Pyles: Relating to the contests of county, district, and municipal elections	817					817
4896 -	By Delegate Mandt: Relating to oversight of syringe exchange programs by the Department of Health and Human Resources	817					817
4897 -	By Delegate S. Brown: Child Care Access Work Group	818					818
4898 -	By Delegate C. Thompson: Imposing a general data mining service tax on commercial data operators	818					818
4899 -	By Delegates Espinosa, Summers and J. Kelly: Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals	818	1208				818, 1209
4900 -	By Delegates S. Brown and Pyles: Enacting fair workweek employment standards	818					819
4901 -	By Delegates Hornbuckle and Pyles: Mountaineer Games Sports League	819					819

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4902 -	By Delegate S. Brown: Requiring higher education institutions to adopt policies and programs relating to sexual assault, domestic violence, dating violence, and stalking	819					819
4903 -	By Delegate S. Brown: Requiring that free feminine hygiene products be provided to female prisoners in jails	819					819
4904 -	By Delegate S. Brown: Creating the Taxpayer Protection Act	820					820
*4905 -	By Delegates S. Brown, Pushkin, Walker, Fleischauer, Espinosa, Kessinger and Paynter: Ban-the-Box Act	820	1354				820, 1380, 1485, 1491
4906 -	By Delegates S. Brown and Pyles: Granting Purple Heart recipients, their spouses or unmarried widows, children and grandchildren a 100 percent tuition waiver	820					820
4907 -	By Delegate S. Brown: Granting members of a Gold Star Family a 100 percent tuition waiver	820					821
4908 -	By Delegate S. Brown: Granting veterans, and spouses and children of a veteran with documented wartime service a 75 percent tuition	821					821
4909 -	By Delegate Hornbuckle: Requiring seats to be provided for employees	821					821
4910 -	By Delegate S. Brown: Relating to partial tuition waivers for veterans and their families	821					821
4911 -	By Delegate S. Brown: Providing that military veterans or gold star families may not be charged fees at the State Capitol or fined for not paying fees for parking	821					822
4912 -	By Delegate S. Brown: Relating to West Virginia service medals	822					822
4913 -	By Delegate S. Brown: Providing a procedure for modification of a prison sentence when a person has served at least 10 years	822					822
4914 -	By Delegates Caputo and Pyles: Providing pay raises to public school teachers	822					822

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4915 -	By Delegate Wilson: Increasing the period for which violations may be considered for filing of an ethics complaint	822					822
4916 -	By Delegate S. Brown: Relating to charges assessed against inmates for services	822					823
4917 -	By Delegates Caputo and Pyles: Changing student to school nurse staffing ratios	823					823
4918 -	By Delegate Miller: Permitting the clerk of a circuit court to charge and collect a fee to search electronic records that requires special programming	823					823
4919 -	By Delegate Miller: Requiring certain identifying information of the judgment debtor	823					823
4920 -	By Delegate Storch: Relating to powers and duties of the Commissioner of the Bureau for Public Health	823					823
4921 -	By Delegates Fluharty, Hornbuckle and Pyles: Authorizing student athletes to be compensated for use of their name, image or likeness	824					824
4922 -	By Delegates Storch, Westfall, Queen, D. Kelly, Phillips and Worrell: First Time Home Buyer Savings Account Act	824					824
4923 -	By Delegates Caputo, Robinson, Fluharty, Evans, Cooper, Campbell, Hornbuckle, Pack, Pethtel, Sponaugle and Swartzmiller: Establishing a ratio of one counselor for every 250 students	824					825
4924 -	By Delegate Kessinger: Women's Health Protection Act	825					825
*4925 -	By Delegates Kessinger, Hornbuckle, Maynard and Campbell: Requiring the Secondary Schools Athletic Commission to recognize preparatory athletic programs (Chapter 123, Acts, Regular Session, 2020)	825	1345	1485, 1532, 1906	1906	1532, 1910	825, 1380, 1485, 1532, 1910, 3578, 3588
4926 -	By Delegate Kessinger: Establishing the emergency service authority for Fayette County	825					825

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4927 -	By Delegate Linville: Transferring the West Virginia Network for Educational Telecomputing to the Board of Governors for Marshall University	825					826
4928 -	By Delegate Lavender-Bowe: Requiring medical insurance providers to include infertility services in their policies	826					826
4929 -	By Delegate Shott: Relating to the administrative closing of stale or unprogressed estates (Chapter 146, Acts, Regular Session, 2020)	826	1258		1779	1533	826, 1381, 1485, 1532, 1533, 2577, 3588
4930 -	By Delegate Pyles: Relating to military service credit for retirement purposes	826					826
4931 -	By Delegates Angelucci, Longstreth and Pyles: Providing a tax credit for families who have foster children	826					827
4932 -	By Delegates Angelucci and S. Brown: Requiring the random drug testing of legislators and members of the Board of Public Works	827					827
4933 -	By Delegate Shott: Relating to the administration of trusts	827					827
4934 -	By Delegate Porterfield: Relating to creation of the unlicensed practice review board	827					827
4935 -	By Delegates Angelucci, Diserio, Walker, Lavender-Bowe, Estep-Burton, Longstreth, S. Brown and Pyles: Developing a searchable website with detailed information about current and planned Division of Highways projects	828					828
4936 -	By Delegates Foster, Porterfield and Waxman: Terminating the State Board of Registration of Foresters	828					828
4937 -	By Delegate Angelucci: Relating to home school students	828					828
4938 -	By Delegate Caputo: Allowing state employees to take paid leave to attend parent-teacher conferences for their children	828					829

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4939 -	By Delegate Boggs: Relating to senior citizens attending college classes at state institutions without receiving college credit	829					829
4940 -	By Delegate Pack: Providing a tax credit for families who have foster children	829					829
4941 -	By Delegates Angelucci, Longstreth, Lavender-Bowe, Walker, Staggers, S. Brown and Pyles: Providing a credit against personal income tax for classroom teachers for nonreimbursed costs of supplies	829					829
4942 -	By Delegates Angelucci, Campbell, Lavender-Bowe, Longstreth, Zukoff and Staggers: Establishing that the educational instructional term for students shall begin no earlier than Labor Day	829					829
4943 -	By Delegates Hamrick, Longstreth, Angelucci, McGeehan and Queen: Establishing matrix necessary for an institution of higher education to become exempt from the Higher Education Policy Commission	829					830
4944 -	By Delegate Rowe: Establishing a procedure to name a kinship legal guardian	830					830
4945 -	By Delegate Wilson: Creating a criminal penalty for an agent or sworn officer who refuses or fails to enforce the Compact Agreement on Detainers in immigration cases	830					830
*4946 -	By Delegates Angelucci, Longstreth and Caputo: Eliminating the requirement that municipal police civil service commissions certify a list of three individuals for every position vacancy (Chapter 78, Acts, Regular Session, 2020)	830	981, 1348	2945	2945	1533, 2945	830, 982, 1381, 1485, 1533, 2945, 3566, 3588
4947 -	By Delegates Angelucci, Campbell, Longstreth and S. Brown: Repealing additional registration fees for alternative fuel vehicles	831					831



Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4948 -	By Delegates Angelucci, Lavender-Bowe, Longstreth, Walker, S. Brown and Pyles: Prohibiting discrimination based upon age and sexual orientation, or gender identity	831					831
4949 -	By Delegates Porterfield, Hanna and Hamrick: Occupational Board Reform Act	831					832
4950 -	By Delegates Angelucci, Lavender-Bowe, Longstreth, Walker, S. Brown and Pyles: Requiring county boards of education to provide one social worker for each 1000 students	832					832
4951 -	By Delegates Angelucci, Diserio, Walker, Lavender-Bowe and Estep-Burton: Limiting individual contributions to a political candidate to \$1,000	832					832
4952 -	By Delegates Angelucci, Pyles, S. Brown, Walker and Staggers: Granting tax credits for employees of the West Virginia Department of Health and Human Resources Child Protective Services	832					832
4953 -	By Delegate Hanshaw (Mr. Speaker): Providing the PSC with authority to order the acquisition of failing utilities and a variety of tools to assist distressed and failing utilities	832	1260				833, 1260, 1381, 1486, 1491
4954 -	By Delegate Barnhart: Updating highway and vehicle laws to include electric bicycles	833					833
4955 -	By Delegates Householder, Barrett, Criss, Espinosa, Cowles, Boggs, Graves, Anderson, Hartman and Pack: Relating to reducing the cost of fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons (Chapter 148, Acts, Regular Session, 2020)	846	846		1853	1031	930, 973, 1030, 1031, 3564, 3587
4956 -	By Delegates Shott, Lovejoy and Fast: Relating generally to the partition of real property	983	983			1247	983, 1110, 1197, 1246, 1247

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4957 -	By Delegates Anderson, Cadle, J. Kelly, Tomblin, Hott, Higginbotham, Porterfield, Azinger and Paynter: Relating to business and occupation taxes on operators of certain coal-fired electric generating units	1113	1113				1113
4958 -	By Delegates Hamrick, Canestraro, D. Kelly, Lovejoy, Miller, Shott, Nelson, Mandt, Fleischauer, Pushkin and Pyles: Relating to eliminating the ability of a person's driver license to be suspended for failure to pay court fines and costs (Chapter 227, Acts, Regular Session, 2020)	1260	1260	1487, 3426	3426	1534, 3452	1381, 1486, 1533, 1534, 3452, 3578, 3588
4959 -	By Delegates Howell, C. Martin, Staggers, Jennings, Tomblin and Barnhart: Relating to clarifying the ability of the Economic Development Authority Board of Directors to enter into any contracts necessary to carry out its duties (Chapter 106, Acts, Regular Session, 2020)	1205	1205		1910	1441	1333, 1378, 1440, 1441, 1910, 3562, 3588
4960 -	By Delegates Howell, C. Martin, Wilson and Jennings: Relating to exempting from licensure as an electrician	1205	1205			1441	1333, 1378, 1441
4961 -	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Bureau of Senior Services	1276					1276
4962 -	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Public Service Commission, Consumer Advocate Fund	1277					1277
4963 -	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Supplementary appropriation to the Department of Transportation, A. James Manchin Fund, and to the State Rail Authority	1277					1277

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4964 -	By Delegates Hanshaw (Mr. Speaker) and Miley: Supplementing, amending and adding a new appropriation to the Department of Transportation, Aeronautics Commission	1277					1277
4965	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Supplementing and amending the appropriations of public moneys to the Department of Health and Human Resources, Division of Health	1277					1278
4966	By Delegates Householder, Boggs, Pack, Storch, Pethel, Espinosa, Hartman, Graves, Ellington and Criss: Relating generally to updating the North American Industry Classification System code references	1257	1381				1257, 1488, 1491
4967	By Delegates Doyle, Higginbotham, Jennings, Bartlett, Rohrbach, Toney, J. Kelly, Campbell, C. Thompson, R. Thompson and Hornbuckle: Relating to calculating net enrollment for home-school students enrolled in one virtual school course in the public school system	1256	1256				1256
4968	By Delegates Byrd, Shott, Capito, Queen, Mandt, Westfall, Phillips, D. Kelly, Pushkin, Fluharty and S. Brown: Relating to expanding the availability of new technology resources in the state	1263	1263				1263
4969	By Delegates Maynard, Hill, Pack, Williams, Sponaule, Boggs, Rowan, Pethel, Skaff and Sypolt: Relating to providing tax credit for the donation or sale of a vehicle to certain charitable organizations (Chapter 338, Acts, Regular Session, 2020)	1262	1261		1779	1535	1381, 1488, 1534, 1535, 2577, 3588
4970	By Delegates Westfall, Queen, Phillips, Miller, D. Kelly, Fleischauer, Steele, Kessinger, Kump, Waxman and N. Brown: Relating to military service as a factor in certain insurance coverage rates	1348	1348				1381, 1488, 1491

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4971	By Delegates Howell, C. Martin, Angelucci, Staggers, Jennings, D. Jeffries, J. Jeffries, Hott, and Tomblin: Relating to a closing hospital	1343	1343	1535		1537	1381, 1489, 1490, 1535, 1536, 1537
4972	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services, Energy Assistance	1425					1425
4973	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services	1425					1426
4974	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund	1426					1426
4975	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the School Building Authority, Debt Service Fund	1632	1731				1632, 1829, 1831
4976	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the School Building Authority	1632	1732				1632, 1829, 1831
4977	By Delegates Cowles, Hartman, Skaff, Espinosa, Boggs, Rowan, Pethel, Rowe, Hill, Barrett, and Pack: Expiring funds to the balance of the Department of Arts, Culture and History, Division of Culture and History, Public Records and Preservation Revenue Account Fund	1775	1775				1829, 1831

Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4978	By Delegates Criss, Anderson, Rowe, Rowan, Boggs, Espinosa, Sponaugle, Hardy, Barrett, Cowles, and Skaff: Expiring funds to the balance of the Department of Transportation, State Rail Authority, West Virginia Commuter Rail Access Fund	1775	1775				1829, 1831
4979	By Hanshaw (Mr. Speaker) and Delegate Miley [By Request of the Executive]: Expiring funds to the balance of the Department of Commerce, West Virginia Development Office, Marketing and Communications Operating Fund	1920					1920

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\*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
1 -	By Delegate Hanshaw (Mr. Speaker): Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly	5			34	6	5, 6
2 -	By Delegates Cooper and Pack: Requesting the Division of Highways name a portion of WV 3 Vietnam Veterans Memorial Highway	3	1549, 1657		3555	1687	3, 1551, 1687, 1689
*3 -	By Delegate Cooper: Researching and making recommendations regarding construction of a veterans' nursing home facility in Summers County	3	324				3, 324
4 -	By Delegates Rowe, Estep-Burton, Robinson, Nelson, Skaff and Lavender-Bowe: U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge	80	943, 1047		1910	1177	80, 944, 1179
5 -	By Delegate Steele: Urging Congress to repeal the National Childhood Vaccine Injury Act of 1986	81					81
6 -	By Delegates Pack, Toney, Bates and Cooper: Clarence Watson Meadows Memorial Boulevard	83	1549, 1657		3555	1687	83, 1551, 1687, 1689
7 -	By Delegates Miller, Maynard and Tomblin: U. S. Navy MM2 Carl E. Keeney, U. S. Navy SN1 Frank Keeney and U. S. Army PFC Carl M. Nicholas Memorial Bridge	141	2253, 2575		3555	2657	141, 2253, 2657, 2659
*8 -	By Delegates Howell, Summers, Shott, Householder, C. Martin, Hott, Graves, Cadle, Barnhart, J. Jeffries, Maynard, Phillips, Foster, Hamrick, Steele, D. Jeffries, Wilson, Waxman, Bartlett, Paynter, Linville, Sypolt, Bibby, Hill, Ellington, Higginbotham, J. Kelly, Mandt, Dean, P. Martin, Toney, Worrell, Little, Lovejoy, Miller, Kump, Jennings, Porterfield, Butler, McGeehan, Criss, Azinger, Pack and Rohrbach: Admitting certain counties and independent cities of the Commonwealth of Virginia to be admitted to the State of West Virginia as constituent counties	143	223				143, 224
9 -	By Delegate Howell: Considering repealing the Jones Act	149					148
*10 -	By Delegates Hartman, N. Brown, Boggs, C. Thompson and Sponaugle: Robert 'Glen' Schoonover Memorial Bridge	206	1545, 1657		3555	1687	206, 1545, 1548, 1687, 1689

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
11 -	By Delegates Hartman, N. Brown, Boggs, C. Thompson, Sponaugle and Summers: U. S. Army SGT Robert R. "Bob" Defibaugh Memorial Bridge	150	1549, 1657		3555	1687	150, 1551, 1687, 1689
*12 -	By Delegates Higginbotham, Ellington, Atkinson, Dean, Hamrick, Hanna, J. Jeffries, Phillips, Rohrbach, Steele, Toney, Waxman and Maynard: Feasibility study of extracting rare earth elements from coal ash	208	1619, 2691			3543	208, 1619, 3543, 3544
*13 -	By Delegates Hott, Howell, Rowan, Mandt, D. Kelly, Toney, J. Jeffries, Fast, Phillips, Sypolt and D. Jeffries: Watts Brothers Memorial Road	225	945, 1047		1911	1177	225, 947, 1177, 1179
14 -	By Delegates Westfall, Atkinson, Higginbotham, Azinger and Cadle: U. S. Army, Staff Sargent Wendell Otho Casto Memorial Bridge	227	943, 1047		1911	1177	227, 943, 944, 1177, 1179
*15 -	By Delegates Longstreth, Angelucci, Caputo and Summers: Rose Agnes Rollis Cousins Bridge	229	1545, 1657		3555	1687	229, 1548, 1687, 1689
16 -	By Delegates Tomblin, Maynard, Rodighiero, Miller, Hicks and Dean: U. S. Army Pvt George H. Hooker Memorial Bridge	252					252
*17 -	By Delegate P. Martin: U. S. Army PFC William E. "Ed" Smith and W. Va. Army Nat. Guard SSG Edward L. "Eddie" Smith Memorial Bridge	253	945, 1047		3555	1177	253, 947, 1177, 1179
18 -	By Delegate Linville: Declaring the West Virginia Marching Band Invitational to be the states' official Marching Band Championship event	255					255
19 -	By Delegates Cooper, Pack, Bibby, Rowan, Hott and Cadle: Gold Star Families Highway	274	943, 1047		1911	1177	274, 944, 1177, 1179
*20 -	By Delegates Westfall and Atkinson: U. S. Army PFC James Ray Miller Memorial Bridge	276	945, 1047		3555	1177	274, 947, 1177, 1179
*21 -	By Delegates Atkinson, Westfall, D. Jeffries, Criss, J. Kelly, D. Kelly and Jennings: U. S. Army Specialist, Four, Franklin D. Ashley II Memorial Bridge	297	946, 1048		3555	1177	297, 947, 1177, 1179

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
22 -	By Delegates Pack, C. Martin, D. Jeffries, Steele, J. Jeffries, Hill, Toney, Cadle, Paynter, Bartlett, Phillips, Barnhart, Bibby, N. Brown, Butler, Cooper, Dean, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Higginbotham, Hott, Jennings, D. Kelly, Kessinger, Linville, Little, Mandt, Maynard, McGeehan, Queen, Rodighiero, Rohrbach, Rowan, Skaff, Summers, Sypolt, Tomblin, Waxman, Westfall and Worrell: Calling a convention of the states to limit the terms of office for a Member of the United States House of Representatives and for a Member of the United States Senate.	299					299
*23 -	By Delegates Hartman, Sponaugle, C. Thompson, Boggs, N. Brown and Caputo: U. S. Army Spec. 4, Roger Dale Griffith Memorial Bridge	300	1546, 1657		3555	1687	300, 1546, 1548, 1687, 1689
24 -	By Delegates Rodighiero, Tomblin, Hicks, Miller, Evans and R. Thompson: U. S. Army PFC Glenn S. Perdue, U. S. Army TEC 5 Charley H. Perdue and U. S. Army Air Corps SGT Carl C. Perdue Memorial Road	302					302
25 -	By Delegates R. Thompson, Hicks, N. Brown, Tomblin and Rodighiero: Curtis "Pap" and Mille "Mammie" Asbury Bridge	332					332
*26 -	By Delegates Hanshaw (Mr. Speaker), Fast, D. Kelly and Kessinger: Requesting the Division of Highways name a portion of Cannelton Road "In Memory of Fallen Corrections Officers"	333	2249, 2575		3555	2657	333, 2253, 2658, 2659
27 -	By Delegates Caputo, Angelucci and Longstreth: U. S. Army PFC Thomas Howard Wills, Jr. Memorial Bridge	334	1550, 1657		3555	1687	333, 1551, 1687, 1689
28 -	By Delegates Robinson, Pushkin, Byrd, Nelson, D. Jeffries, Graves, Bartlett, Estep-Burton and Skaff: U.S.M.C. Cpl Andrew Ryan White Memorial Bridge	356	1550, 1657			1687	356, 1550, 1687, 1689
29 -	By Delegates Miller, Maynard, Tomblin and Rodighiero: U. S. Army SSG/TEC 5 Fred E. Duty Memorial Highway	358					358
*30 -	By Delegates Robinson, Hill and Boggs: U. S. Army Corporal C. O. 'Skip' Johnson Memorial Bridge	360	1546, 1657		3555	1687	360, 1548, 1687, 1689
*31 -	By Delegates Pehotel and Hartman: U. S. Army Air Corp PFC James W. Brown Memorial Bridge	391	2250, 2575		3555	2657	391, 2253, 2658, 2659



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
*32 -	By Delegate Linville: Wolfe Brothers, Edward, William, Paul, George and Fred, WW II Veterans Memorial Bridge	392	946, 1048		1911	1176	392, 947, 1178, 1179
*33 -	By Delegate Linville: U.S.A.F. Lt Col Frederick Donald Belknap Memorial Bridge	393	946, 1048	2355, 2357	2355	1178, 2357	393, 947, 1178, 1179, 2357
34 -	By Delegates Longstreth, Evans, Fleischauer, Butler, Pethtel, Diserio, Angelucci, Campbell, Cooper, Toney and Pushkin: Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families	395	944, 1048		1911	1178	395, 944, 1173, 1178, 1179
35 -	By Delegates P. Martin and C. Martin: U.S. Navy BT 2nd Wade E. Burnside Memorial Bridge	410	944, 1048		3556	1178	410, 944, 1178, 1179
36 -	By Delegates Westfall, Cadle, Higginbotham and Atkinson: Thomas Brothers Memorial Bridge	412					412
37 -	By Delegates Rodighiero, Evans, Tomblin, R. Thompson, Hicks, Worrell, Phillips, Staggers, N. Brown and Wilson: Affirming The Legislature's commitment to the rights of West Virginia citizens under the Second Amendment to the United States Constitution	413					413
38 -	By Delegates Miller, Westfall, Tomblin, Rodighiero, Hicks, Butler and Linville: U. S. Army PFC Nile C. Ballard Memorial Road	415	944, 1048		1911	1178	415, 944, 1178, 1179
39 -	By Delegates Barnhart, D. Kelly, Azinger, J. Kelly, Anderson and Criss: Coach Kenny Wright Road	418	944, 1048			1178	418, 944, 1178
40 -	By Delegate Hanna: The Hall Brothers Veterans Bridge	419	1550, 1657		3556	1687	419, 1551, 1687, 1689
*41 -	By Delegates Hartman, N. Brown, C. Thompson and Boggs: U. S. PFC Dennis Warren Baxter, USMC, Memorial Bridge	422	1546, 1658		3556	1687	421, 1548, 1687, 1689
*42 -	By Delegates Hartman, Sponaule, C. Thompson and N. Brown: PFC David Henry Shiflett Memorial Bridge	498	1547, 1658		3556	1687	498, 1548, 1687, 1689
43 -	By Delegates Rodighiero, Tomblin and Miller: U. S. Army SPC Larry E. Nunnery, Sr. Memorial Highway	447					447

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
44 -	By Delegates Walker, Zukoff, Estep-Burton, Lavender-Bowe, Pyles, Summers, Rowan, Worrell, Storch, Lovejoy and Rodighiero: Study regarding suitable physical, technological, and procedural accommodations for disabled persons in all buildings of the West Virginia State Capitol Complex	500					500
45 -	By Delegates Robinson, Rowe, Estep-Burton, Byrd, Pushkin, Skaff and Linville: U. S. Army Sgt John Matthew Tully Memorial Bridge	502	944, 1048			1178	502, 944, 1178, 1179
46 -	By Delegates Toney, Cooper, Paynter and Bates: U. S. Army CSM Hugh H. 'Smokey' Stover Memorial Road	503					503
47 -	By Delegates Robinson, Estep-Burton, Rowe and Skaff: U. S. Army Air Corps SSGT Charles Dexter Duncan Memorial Road	505	1550, 1658		3556	1687	505, 1551, 1687, 1689
48 -	By Delegates Householder, Maynard, Hanna, J. Jeffries, Paynter, Linville, Dean, Pack, Foster, Kessinger and Wilson: Imposing fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress	507					507
49 -	By Delegates Rodighiero, Tomblin, N. Brown, R. Thompson and Hicks: Declaring West Virginia to be a Second Amendment Sanctuary State	510					510
50 -	By Delegates Angelucci, C. Thompson, Lavender-Bowe, S. Brown, Longstreth, Stagers, Caputo, Pyles, Walker, Hanna, Zukoff and Diserio: Requesting the Division of Corrections and Rehabilitation to conduct annual studies on the reporting of sexual assaults in the state's correctional facilities	535					535
51 -	By Delegates Rowan and Cowles: Gunsmiths Trace	536	1550, 1658		3556	1687	536, 1551, 1687, 1689
52 -	By Delegates Barnhart, J. Kelly, Maynard and Linville: U. S. Army PFC Paul Eugene Gregg Memorial Bridge	538	944, 1048		3556	1178	538, 944, 1178
53 -	By Delegates Nelson, Byrd, Capito, Skaff, Robinson, Campbell and Lavender-Bowe: U. S. Army Air Corps T SGT Ralph H. Ray Memorial Bridge	559	944, 1048		3552	1178	559, 1178, 1179
*54 -	By Delegates Hott, Rowan, Fast, Howell, C. Martin, Dean, P. Martin, Toney, J. Jeffries, D. Kelly and Cadle: PFC Marvin K. "Sonny" Sherman Memorial Bridge	561	947, 1048		3557	1178	561, 947, 1178, 1179

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
55 -	By Delegates Hott, Rowan, D. Kelly, C. Thompson, Sponaugle, Toney, Fast, Howell, Cadle, C. Martin and P. Martin: Pendleton County Veterans Killed in Action Memorial Bridge	563	944, 1048		3557	1178	563, 1178, 1179
*56 -	By Delegate Hanshaw (Mr. Speaker): U. S. Marine Corps Lance Corporal Eddie Dean Starcher Memorial Bridge	564	2250, 2575		3557	2658	564, 2253, 2658, 2659
57 -	By Delegates J. Jeffries, Angelucci, Atkinson, Barnhart, Bartlett, Bates, Bibby, Cowles, Criss, Dean, Ellington, Fast, Hanna, Higginbotham, Hill, Hott, Howell, Jennings, D. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Little, Maynard, McGeehan, Miller, Pack, Phillips, Rohrbach, Rowan, Stagers, Storch, Sypolt, Toney, Walker, Waxman, Wilson and Worrell: Proclaiming and making the fiddle the official musical instrument of the State of West Virginia	565					565
58 -	By Delegates Hanshaw (Mr. Speaker), Householder, Anderson, Criss, J. Kelly, D. Kelly, Kessinger and Hill: Requesting a study of the state Tax Commissioner's methodology for valuing and assessing active and reserve coal properties for the purpose of ad valorem taxes	571					571
59 -	By Delegates Jennings and Azinger: Requesting a study on the impact of a future electromagnetic pulse (EMP) catastrophe on the State of West Virginia	606					606
60 -	By Delegates Rowe, Estep-Burton, Robinson and Pushkin: U. S. Army PFC Teddy Ray Chandler Memorial Bridge	608	1550, 1658		3557	1688	607, 1551, 1687, 1689
61 -	By Delegates Rodighiero, Tomblin, Hicks and Evans: U. S. Army PFC Clayton Collins Memorial Bridge	609					609
62 -	By Delegates Linville, Maynard and J. Jeffries: USMC Cpl Guy Maywood Edwards Memorial Bridge	610	944, 1048			1178	610, 945, 1178, 1179
63 -	By Delegates Hartman, C. Thompson, Boggs, Pethel and Sponaugle: Sharp Military Brothers Bridge	611	1550, 1658		3557	1688	611, 1551, 1687, 1689
64 -	By Delegates Pushkin, Rowe, Estep-Burton, Byrd, Robinson, Nelson and Skaff: U. S. Army SP5 Benny Ray Snodgrass Memorial Bridge	677	1550, 1658		3557	1688	677, 1551, 1687, 1689
65 -	By Delegates Maynard, Linville, Worrell, Lovejoy, Mandt, J. Jeffries and Rohrbach: U. S. Army TEC5 Donald "Tiny" Lucas Memorial Bridge	678	944, 1048			1178	678, 945, 1178, 1179

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
66 -	By Delegates Bartlett, Graves, D. Jeffries, Butler and Skaff: U. S. Army Sgt. Joseph W. McCutcheon Memorial Bridge	679	1550, 1658		3557	1688	679, 1551, 1687, 1689
67 -	By Delegates Sponaugle, Skaff, Hott, Rowan, Criss, Householder, Hartman, C. Thompson, Boggs, Byrd and Campbell: First Lieutenant Fred Omar Pratt Memorial Bridge	681	1550, 1658		3557	1688	681, 1551, 1687, 1689
68 -	By Delegates Rowe, Estep-Burton, Robinson and Caputo: Kidd Brothers Veterans Memorial Bridge	707	1550, 1658		3557	1688	707, 1551, 1687, 1689
*69 -	By Delegates C. Martin, Rowan, Bibby, J. Jeffries, Hanna, P. Martin, Howell, Phillips, Worrell and Fast: U. S. Air Force Senior Airman Luke Christopher Wamsley Memorial Bridge	709	2250, 2575		3557	2657	709, 2253, 2658, 2659
70 -	By Delegates Atkinson, Westfall and J. Kelly: U. S. Army Air Corps Private Albert J. Sutphin Memorial Highway	710	944, 1049			1178	710, 945, 1178, 1179
71 -	By Delegate Rowe: Urging Congress to recognize June 19 as "Juneteenth Nation Freedom Day" as a national holiday	712					712
72 -	By Delegates Lavender-Bowe, Walker, Estep-Burton, Staggers, S. Brown, Zukoff, Fleischauer, Longstreth, Storch, Rowan and Graves: Urging the United States Congress to extend the ratification deadline to include the Equal Rights Amendment	739					739
73 -	By Delegates C. Thompson, Storch, S. Brown, Estep-Burton, Walker, Evans, Hartman, Angelucci, Kessinger, Zukoff and Dean: Designating dogs that are adopted from West Virginia animal shelters and rescues as West Virginia's official state dog	741					741
*74 -	By Delegate Phillips: U. S. Army PFC Roger Lee Carpenter Memorial Bridge	775	2251, 2575		3557	2657	775, 2253, 2658

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
*75 -	By Delegates Staggers, Boggs, Miley, Wilson, Phillips, Lavender-Bowe, Bates, Pack, Cooper, Kessinger, Campbell, Angelucci, Azinger, Barrett, Bibby, N. Brown, S. Brown, Byrd, Cadle, Canestraro, Caputo, Criss, Diserio, Doyle, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hornbuckle, Householder, Jennings, D. Kelly, Kump, Linville, Longstreth, Maynard, McGeehan, Miller, Paynter, Pethtel, Porterfield, Pushkin, Pyles, Queen, Rodighiero, Rohrbach, Rowe, Shott, Skaff, Sponaugle, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Worrell: Naming the highest peak on Wolf Creek Mountain in Monroe County, Boone's Peak	776	988, 1342			1359	776, 988, 1359
76 -	By Delegates Fluharty, Diserio, Canestraro, Zukoff, Lovejoy and Storch: Naming a waterfall located on North Branch of Short Creek, White Angel Falls	779					778
77 -	By Delegates Skaff, Anderson, Barnhart, Barrett, Bates, Byrd, Cadle, Campbell, Canestraro, Capito, Caputo, Criss, Dean, Doyle, Estep-Burton, Fleischauer, Fluharty, Hanna, Hansen, Hartman, Hicks, Hill, Hornbuckle, Hott, Householder, D. Jeffries, J. Jeffries, D. Kelly, Kump, Lavender-Bowe, Linville, Little, Longstreth, Lovejoy, Mandt, Miller, Pack, Phillips, Pyles, Robinson, Rowan, Rowe, Shott, Sponaugle, Storch, Swartzmiller, R. Thompson, Tomblin, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff: Conducting a study of the increased duties and responsibilities of the West Virginia State Police	780					780
78 -	By Delegate P. Martin: U. S. Army Air Corps PVT Thomas M. Wright Memorial Bridge	780					780
79 -	By Delegates Hartman, Sponaugle, Staggers, N. Brown, C. Thompson and Boggs: U. S. Army Nurses Corps CPT Nancy Margret Kiess Memorial Bridge	781	1550, 1658		3557	1687	781, 1551, 1687
80 -	By Delegates C. Martin and P. Martin: U. S. Army Major Michael Alphonse Rafferty Memorial Bridge	861	1550		3557	1687	861, 1551, 1687, 1689

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
81 -	By Delegates Miller, Shott, Lovejoy, D. Kelly, Robinson, Canestraro, N. Brown, Boggs, Pethel, Barrett, Pack, Byrd, Campbell, Criss, Diserio, Estep-Burton, Evans, Foster, Hansen, Hicks, Hornbuckle, J. Jeffries, Little, McGeehan, Queen, Rodighiero, Skaff, Staggers, Summers, Swartzmiller, C. Thompson, Tomblin, Toney, Walker, Westfall, Wilson and Zukoff: Requesting that the State of West Virginia introduce itself as a firearms-friendly state to firearms manufacturers and manufacturers of firearms accessories who may be seeking locations for new or relocated manufacturing facilities	862					862
*82 -	By Delegates R. Thompson, Hicks, Rodighiero, Tomblin, Lovejoy and Rohrbach: Naming a portion of Buffalo Creek Road, In Memory of Tootsie Hensley, Please keep Buffalo Creek Litter Free	864	1547, 1658		3557	1687	864, 1548, 1658, 1687
83 -	By Delegates D. Jeffries, Atkinson, Nelson, Butler, Bibby, Pack and Wilson: U. S. Army SFC Guy R. Hively Memorial Bridge	905	1550, 1658			1687	904, 1551, 1658, 1687, 1689
84 -	By Delegates Angelucci, C. Thompson, Lavender-Bowe, S. Brown, Longstreth, Staggers, Caputo, Pyles, Walker, Hanna, Zukoff and Diserio: Requesting the Division of Corrections and Rehabilitation to conduct annual studies on the reporting of sexual assaults in the state's correctional facilities	911					911
85 -	By Delegate Fast: Requesting Joint Committee on Government and Finance to study ways the state can leverage technology	941	2691			3514	941, 942, 3511, 3514
86 -	By Delegates Longstreth, Pethel, Evans, Angelucci, Hardy, Bibby, Rowe, Hicks, Tomblin, Zukoff, Williams, Atkinson, Bates, Boggs, Canestraro, Caputo, Fleischauer, Fluaharty, Hill, J. Kelly, Lovejoy, Miller, Pushkin, Pyles, Robinson, Skaff, Staggers, Swartzmiller, R. Thompson, Walker, Wilson, Rowan, Higginbotham, Jennings, Bartlett, Campbell, Worrell, Toney, Cooper, Sypolt and D. Kelly: Designating June 12th each year as Women Veterans Appreciation Day	955	1543				955, 1544

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
87 -	By Delegates Campbell, Hornbuckle, Pack, Hill, Miller, Staggers, Longstreth, D. Jeffries, Canestraro and Fluharty: Recognizing the last day of February every year as Rare Disease Day	956	1774, 2691			3514	956, 1744, 3511
88 -	By Delegates Hanna, C. Martin and P. Martin: Johnnie Bryant Moore Memorial Bridge	958	1550, 1657		3557	1658	958, 1551, 1657, 1659
89 -	By Delegates C. Thompson, Hartman, Estep-Burton, Staggers, Boggs, Sponaugle, Barrett, Caputo, Miley, Fleischauer and Bates: U. S. Army SGT James Shellace Armentrout Memorial Bridge	959	2253, 2575		3557	2658	959, 2253, 2657
*90 -	By Delegates Cadle, Westfall, Graves, Foster, Worrell, Phillips, Hott, J. Jeffries, J. Kelly, Atkinson and Mandt: Wood Brothers Memorial Bridge	961	1547, 1658		3557	1687	961, 1548, 1687, 1689
91 -	By Delegates Hott, Howell, Rowan, Mandt, D. Kelly, Worrell, Phillips, Cadle, Toney, J. Jeffries and Fast: Caldwell Brothers Memorial Road	965	1550, 1659		3557	1687	965, 1551, 1659, 1687, 1689
92 -	By Delegates Campbell, Pack, Sypolt, Rowan, Atkinson, Cooper, Hott, D. Kelly, Jennings, Westfall and Lavender-Bowe: Mayor Abraham E. Huddleston Memorial Bridge	998	1550, 1659		3557	1687	998, 1551, 1659, 1687, 1689
93 -	By Delegates Evans, Rodighiero, Tomblin, Miller, Zukoff, Williams, R. Thompson, Atkinson, Hicks, Swartzmiller and Hornbuckle: U. S. Army SP4 Dennis Harvey Roberts Memorial Bridge	1000					1000
94 -	By Delegates Howell, C. Martin, Hott, Dean, Sponaugle, Ellington, Campbell, Hartman, Paynter, Pack, Worrell and C. Thompson: Calling for the construction of a licensed Off Highway Vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side	1001	1551, 2691			3514	1001, 1551, 3511, 3514
95 -	By Delegate Butler: Establishment Act	1003					1003
96 -	By Delegates Howell, C. Martin, Hott, Hamrick, Cadle, Sypolt, Wilson, Swartzmiller, Hansen, J. Jeffries and Worrell: Requesting the Joint Committee on Government and Finance study the hiring exemptions of the West Virginia State Tax Department and the West Virginia Division of Highways—Department of Transportation	1019	1392, 2691			3514	1019, 1392, 3512, 3514

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
97 -	By Delegate Rowe: Designating February 3 as Freedom Day to memorialize the February 3, 1865, Act by the Legislature that abolished slavery in West Virginia	1020					1020
*98 -	By Delegates Evans, Anderson, Angelucci, Atkinson, Barnhart, Barrett, Bartlett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Caputo, Cooper, Criss, Dean, Diserio, Doyle, Espinosa, Estep-Burton, Fast, Fleischauer, Fluaharty, Hamrick, Hanna, Hansen, Hardy, Hartman, Hicks, Higginbotham, Hill, Hornbuckle, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Lavender-Bowe, Little, Longstreth, Lovejoy, Mandt, C. Martin, Maynard, Miley, Miller, Pack, Pethel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Staggers, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff: Delegate Emily Warden Yeager Memorial Bridge	1097	2251, 2575		3557	2658	1097, 2657
99 -	By Delegates Hartman, C. Thompson, Boggs and N. Brown: U. S. Army CPL Russell Allen Taylor Memorial Bridge	1099	1551, 1659		3557	1687	1099, 1551, 1687, 1689
100 -	By Delegates Graves, Higginbotham, Caputo, Ellington, Bartlett, Nelson, Sypolt, Pack, Barnhart, Storch and Hanna: Requesting the Joint Standing Committee on Government and Finance study existing policies and programs available to assist working age individuals with disabilities	1231					1231
*101 -	By Delegate Hanshaw (Mr. Speaker): Claude Markle Hill	1233	2251, 2575		3557	2658	1233, 2253, 2657
102 -	By Delegates Ellington, Higginbotham, Hanna and Campbell: Requiring the development of funding formulas for West Virginia's public institutions of higher education	1218					1218
103 -	By Delegates Howell, Rowan, Kump, C. Martin, Butler, Hott, Staggers, Linville, Cowles, Householder and Sponaugle: French & Indian War Veterans Memorial Bridge	1272	1551, 1659		3557	1687	1272, 1551, 1687, 1689
104 -	By Delegates R. Thompson, Hicks, Rodighiero and N. Brown: Hercie Maynard Memorial Bridge	1275					1275



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
105 -	By Delegates Boggs, D. Jeffries, Hartman, Diserio, Skaff, Byrd, Hornbuckle, Lovejoy, Criss, Householder and Summers: U. S. Air Force Colonel Rishel C. Walker Memorial Bridge	1413	1551, 1659		3553	1687	1413, 1551, 1687, 1689
106 -	By Delegates R. Thompson, Hicks, Rodighiero and Lovejoy: U. S. Navy, Water Tender 3rd Class, V-6, Lewis Glenn Mills Memorial Boulevard	1415					1415
107 -	By Delegates Robinson, Estep-Burton and Rowe: U. S. Army SSG Elson M. Kuhn Memorial Bridge	1417					1417
*108 -	By Delegates Canestraro, Fluharty, Zukoff, Storch, McGeehan, Diserio, Pethel and Swartzmiller: U. S. Navy PO3 Heath "Scrappy" Shilling Memorial Road	1418	2258, 2575		3557	2658	1420, 2253, 2657, 2659
*109 -	By Delegates Byrd and Skaff: U. S. Airman Thomas Harry Honaker, Jr. Memorial Bridge	1420	2252, 2575		3557	2658	1420, 2253, 2657, 2659
110 -	By Delegates Sponaule, Hanshaw (Mr. Speaker) and Miley: Speaker Clyde M. See, Jr. Exit	1421	2252, 2576		3557	2658	1423, 2253, 2657, 2659
*111 -	By Delegate Fast: U. S. Air Force Major Mary Lafferty Coll, D.O. Memorial Bridge	1423	2252, 2576		3558	2658	1423, 2253, 2657, 2659
112 -	By Delegates Storch, Miller, Walker, S. Brown, Little, Jennings, Doyle, Longstreth and Cowles: Requesting the Joint Committee on Government and Finance to conduct a study the impact on counties that pay for the cost of transporting persons requiring mental health treatment and/or substance abuse treatment to mental health facilities or state hospitals outside of that county	1393	2691				1395, 3512, 3514
113 -	By Delegates Howell, C. Martin, Angelucci, Azinger, Barnhart, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Pyles, Staggers, Sypolt, Tomblin, Walker and Wilson: Requesting the Joint Committee on Government and Finance study the licensing categories and regulation of contractors by the West Virginia Contractors Licensing Board	1384	2692			3514	1384, 1392, 3512, 3514

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
114 -	By Delegates Howell, C. Martin, Angelucci, Azinger, Barnhart, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Pyles, Staggers, Sypolt, Tomblin, Walker and Wilson: Requesting the Joint Committee on Government and Finance to conduct a study of licensure, certification and registration forms of occupational and professional regulation	1385	2692			3514	1385, 1392, 3512, 3514
115 -	By Delegates Howell, C. Martin, Angelucci, Azinger, Barnhart, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Pyles, Staggers, Sypolt, Tomblin, Walker and Wilson: Requesting the Joint Committee on Government and Finance to conduct a study of the feasibility of a single building to house all occupational and professional regulatory boards	1386	2692			3514	1386, 1392, 3512, 3514
116 -	By Delegates Howell, C. Martin, Angelucci, Azinger, Barnhart, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Pyles, Staggers, Sypolt, Tomblin, Walker and Wilson: Requesting the Joint Committee on Government and Finance to conduct a study duplicative and unnecessary professional and occupational regulations	1388	2692			3514	1388, 1392, 3512, 3514
117 -	By Delegates Howell, C. Martin, Angelucci, Azinger, Barnhart, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Pyles, Staggers, Sypolt, Tomblin, Walker and Wilson: Requesting the Joint Committee on Government and Finance to conduct a study of state procurement policies to identify best practices, including exploring exceptions to the statewide contract and purchasing policies generally	1389	2692			3514	1389, 1392, 3512, 3514
118 -	By Delegates Howell, C. Martin, Angelucci, Azinger, Barnhart, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Pyles, Staggers, Sypolt, Tomblin, Walker and Wilson: Requesting the Joint Committee on Government and Finance to conduct a study of state logging regulations regarding trucking and related insurance requirements compared to other logging intensive states	1391	2692			3514	1391, 1392, 3512, 3514
119 -	By Delegates R. Thompson, Hicks, Rodighiero, Evans, Lovejoy and N. Brown: Nelson Veterans Memorial Road	1508					1508

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
120 -	By Delegates R. Thompson, Hicks, Rodighiero, Evans, Lovejoy and N. Brown: Haynie Family Veterans Memorial Bridge	1509					1509
121 -	By Delegates Caputo, Miley, Robinson, Miller, Lovejoy, Canestraro, Byrd, Toney, Dean, Rohrbach and Paynter: Requesting the Joint Committee on Government and Finance study the West Virginia State Police's increased duties and responsibilities and determine the number of full-time equivalent positions that are needed to meet the statutory mission of statewide enforcement of criminal and traffic laws	1511					1511
122 -	By Delegates Shott, Ellington, Paynter and Evans: Eustace Frederick Memorial Road	1595	1659		3558	1687	1595, 1687
123 -	By Delegate Fleischauer: John W. Pyles Bridge	1598					1598
124 -	By Delegate Summers: Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 4275	1599			1628	1600	1600
125 -	By Delegates Hansen, Bates, Pyles, Pushkin, Williams, Skaff, Walker and S. Brown: Requesting the Joint Committee on Government and Finance study the benefits of creating a West Virginia State Bank to facilitate access to capital for returning veterans, low income entrepreneurs and for underserved communities	1629					1629
126 -	By Delegates C. Martin, Azinger, Barnhart, Cadle, Caputo, Diserio, Hamrick, Hansen, Hott, D. Jeffries, J. Jeffries, Jennings, Little, Pyles, Staggers, Swartzmiller, Sypolt, Tomblin, Walker, Wilson and Worrell: Requesting the Joint Committee on Government and Finance study the Division of Personnel regarding the policies and practices	1652	1652			3512	1652, 3512, 3514
127 -	By Delegates R. Thompson, Hicks, Rodighiero and Evans: U. S. Army PFC Carl. J. Osburn Bridge	1685					1685
128 -	By Delegates C. Martin, Azinger, Barnhart, Cadle, Caputo, Diserio, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Little, Pyles, Staggers, Sypolt, Tomblin, Walker, Wilson and Worrell: Requesting the Joint Committee on Government and Finance study how state agencies can better manage the amount of state taxpayer dollars spend on utilities	1725	1725, 2692			3514	1730, 3513, 3514

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
129 -	By Delegates C. Martin, Azinger, Barnhart, Cadle, Caputo, Diserio, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Little, Pyles, Stagers, Sypolt, Tomblin, Walker, Wilson and Worrell: Requesting the Joint Committee on Government and Finance study the professional and occupational licensing policies	1727	1725, 2692			3514	1730, 3513, 3514
130 -	By Delegates C. Martin, Azinger, Barnhart, Cadle, Caputo, Diserio, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Little, Pyles, Stagers, Sypolt, Tomblin, Walker, Wilson and Worrell: Requesting the Joint Committee on Government and Finance to study the adoption and enforcement of the municipal building codes and property maintenance codes	1729	1725, 2692			3514	1730, 3513, 3514
131 -	By Delegates Hill and Pack: Requesting a study to research the obstacles preventing private school students from attending vocational school in West Virginia	1741	2693			3514	1741, 3513, 3514
132 -	By Delegates Hill and Pack: Requesting the Joint Committee on Government and Finance to conduct a study to consider the Icelandic Model for substance use prevention	1743	2693			3514	1743, 3513, 3514
133 -	By Delegates Hill and Pack: Requesting a study of involuntary commitment practices for persons suffering from severe psychiatric illnesses	1764	1764, 2693			3514	1773, 3513, 3514
134 -	By Delegates Hill and Pack: Requesting a study to determine the usage and whereabouts of federal money allocated to the State of West Virginia for the purpose of prevention and treatment efforts regarding the state opioid crisis	1766	1764, 2693			3514	1773, 3513, 3514
135 -	By Delegates Hill and Pack: Requesting a study of prescription drug transparency laws, including reports on data submitted by health insurers, manufacturers, and pharmacy benefit managers	1767	1764, 2693			3514	1773, 3513, 3514
136 -	By Delegates Hill and Pack: Requesting a study to present a plan for the combination of the Board of Medicine and the Board of Osteopathic Medicine	1769	1764, 2693			3514	1773, 3513, 3514
137 -	By Delegates Hill and Pack: Requesting a study of appropriate identification and medical and rehabilitative interventions for persons who sustain a traumatic brain injury	1769	1764, 2693			3514	1773, 3513, 3514

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
138 -	By Delegates Hill and Pack: Requesting a study of sexual violence prevention and intervention services	1772	1764, 2693			3514	1773, 3514
139 -	By Delegate Linville: U. S. Army TSGT Denver E. Short Memorial Road	2248	2248, 2576		3558	2658	2249, 2658, 2659
140 -	By Delegates Dean, Anderson, Angelucci, Barrett, Boggs, N. Brown, Canestraro, Caputo, Cooper, Diserio, Estep-Burton, Evans, Hansen, Hartman, Lavender-Bowe, Longstreth, Lovejoy, C. Martin, P. Martin, Maynard, Paynter, Pethel, Pyles, Rodighiero, Rohrbach, Rowe, Skafl, Sponaugle, Staggers, Steele, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Toney, Walker, Worrell and Zukoff: Urging the Congress of the United States to pass the RECLAIM Act	1918					1918
141 -	By Delegates Hardy, Wilson, Steele, Cooper, Sypolt, Kump, Phillips and Bibby: Urging the President and Congress of the United States of America take no action to employ military forces of the United States in active duty combat unless the United States Congress has passed an official declaration of war	2257	2256			3544	2659, 3544
142 -	By Delegate Hill: Urging the President and Congress of the United States of America take no action to employ military forces of the United States in active duty combat unless the United States Congress has passed an official declaration of war	2653					2653
143 -	By Delegate Rowan: Requesting the Joint Committee on Government and Finance study and analyze the continued impact of human trafficking in West Virginia	2654	2866			2866	2654, 2866
144 -	By Delegate Rowan: Requesting the Joint Committee on Government and Finance study ongoing issues relating to providing resources and processes to support and assist "Grandfamilies" caring for minor children in West Virginia	2656	2866			2866	2656, 2866

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Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
1 -	By Delegate McGeehan: Super-Majority Required for Passage of Tax Bill Amendment	3					3
2 -	By Delegate Caputo: Homestead Exemption Increase Amendment	3					3
3 -	By Delegate Bates: Term Limits for Senators and Delegates in the West Virginia Legislature	3					3
4 -	By Delegates Wilson and Rowan: Life Begins at Conception Amendment	3					3
5 -	By Delegates Wilson and Kump: Senators and Delegates Service Limit Amendment	3					3
6 -	By Delegate Bates: State Apportionment Commission	3					3
7 -	By Delegate Sponaugle: Volunteer Emergency Service Personnel Property Tax Exemption Amendment	3					3
8 -	By Delegate Sponaugle: Right to Hunt and Fish in West Virginia Amendment	3					3
9 -	By Delegates Sponaugle and Rowan: Disabled Veteran's Property Tax Exemption Amendment	3					3
10 -	By Delegate Sponaugle: Veteran's Property Tax Exemption Amendment	3					3
11 -	By Delegate Howell: Senior Citizen Homestead Valuation Amendment	3					3
12 -	By Delegate Foster: Manufacturing Inventory and Equipment Tax Exemption Amendment	3					3
13 -	By Delegates Caputo, Longstreth, Pyles, Angelucci, Boggs, Miller, Fluharty, Campbell, Sponaugle, Hartman and Miley: Veteran's Additional Property Tax Exemption Amendment	3					3
15 -	By Delegates Kump, Paynter, Wilson and McGeehan: Legislator Term Limit Amendment	3					3
16 -	By Delegates Pack and Cooper: Senators and Delegate Service Limit Amendment	3					3
17 -	By Delegates Householder, Anderson, Jennings, Nelson, Steele, D. Jeffries, Foster, Criss, Wilson and Fast: Business Inventory, Machinery and Equipment Tax Exemption Amendment	3					3

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
20 -	By Delegates McGeehan, Paynter, J. Jeffries, Wilson, Kessinger, C. Martin, Storch, Hill, Hanna, Fast and P. Martin: Taxpayer Bill of Rights	3					3
22 -	By Delegates Doyle, R. Thompson, Hornbuckle, S. Brown, Evans, Lavender-Bowe, Campbell and Pyles: State Redistricting Commission	3					3
24 -	By Delegates Steele, Pack, Butler, McGeehan, Maynard, Howell, Harshbarger and Higginbotham: Disabled Veteran's Property Tax Exemption Amendment	3					3
25 -	By Delegates Hansen, Miley, Walker, Zukoff, Fleischauer, C. Thompson, Doyle, Estep-Burton, S. Brown, Pyles and Diserio: Natural Resources and the Public Estate Amendment	3					3
26 -	By Delegates Howell, C. Martin and Fleischauer: Giving the Legislature more control over the manufacture and sale of alcohol amendment	3					3
27 -	By Delegates Wilson, C. Martin, Porterfield, Bibby, P. Martin, McGeehan, R. Thompson and Paynter: Initiative, Referendum, and Recall Amendment	3					3
28 -	By Delegates Doyle, Hornbuckle, R. Thompson, Evans, Pyles, Williams, Zukoff, Pushkin, Longstreth, Fluharty and Diserio: Requiring two-thirds vote of the Legislature to override a veto by the Governor amendment	3					3
29 -	By Delegates Nelson, Mandt, Kump, Queen and Westfall: Limiting the terms of members of the House of Delegates amendment	3					3
101 -	By Delegates Cowles, Foster, Criss, Porterfield, Waxman, Espinosa, Hamrick and Householder: Amendment to the West Virginia Constitution providing the West Virginia Legislature rule-making oversight of the West Virginia Supreme Court of Appeals and circuit courts	5					5
102 -	By Delegates Espinosa, Bibby, Criss, Waxman, Porterfield, Cowles, Hamrick, Foster, Householder and Ellington: Providing the West Virginia Legislature rulemaking oversight of the board of education	5	270				5, 314, 317
103 -	By Delegate Kump: Relating to permitting increase in homestead exemption	64					64
104 -	By Delegate Kump: Relating to the length of legislative sessions	64					64

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
105 -	By Delegates J. Jeffries, Cadle, Kump, Worrell, Phillips, Maynard, Hardy and Howell: Requiring a two-thirds vote in each house of the Legislature to increase any tax or fee	151					151
106 -	By Delegates Higginbotham, Ellington and Hanna: Relating to creating split legislative regular sessions	231					231
107 -	By Delegates Linville, Rohrbach, Waxman, Little and Maynard: Giving the Legislature discretion in appropriating revenue generated from motor vehicle registrations and nongame wildlife motor vehicle registration plates	277					277
108 -	By Delegates Doyle, Hansen, Pushkin, Bates, Lovejoy, Skaff, Miley, Hornbuckle, Walker, S. Brown and Estep-Burton: Allowing citizens to participate directly in the formation of legislative districts by creating a nonpartisan citizen commission	397					397
109 -	By Delegate Hanshaw (Mr. Speaker): Relating to impeachment rules of practice or procedure of the House of Delegates and Senate	423					424
110 -	By Delegates Fleischauer, Pethel, Estep-Burton, Lavender-Bowe, Caputo, Bates, Boggs, Hansen, Staggers, Angelucci and Hartman: Allowing citizens to participate directly in the formation of legislative districts	448					449
111 -	By Delegates Miley, Fluharty, Evans, Angelucci, Rowe, Bates, Diserio, Fleischauer, Skaff and Hornbuckle: Permitting the Legislature to exempt some species of tangible personal property	786					787
112 -	By Delegates Miley, Bates, Doyle, Hicks, Diserio, Skaff, Lavender-Bowe, S. Brown, Barrett, Longstreth and Zukoff: Amending the constitution to exempt non-commercial motor vehicles owned by individuals for personal use from paying ad valorem tax	787					787
113 -	By Delegates Steele and Bartlett: Guaranteeing the right of the citizens of West Virginia to hunt and fish	787					787
114 -	By Delegate Wilson: Amending the State Constitution to remove the West Virginia Board of Education as the sole entity supervising free schools in the state	787					788
115 -	By Delegates Fast, Hanshaw (Mr. Speaker), Householder and Criss: Repealing the business and inventory ad valorem tangible personal property tax	788					788



<b>Number</b>	<b>SPONSORS AND SYNOPSIS</b>	<b>Introduced</b>	<b>Reported from Committee</b>	<b>Amended</b>	<b>Adopted by Senate</b>	<b>Adopted by House</b>	<b>OTHER PROCEEDINGS</b>
116 -	By Delegates Skaff, Zukoff, Angelucci, Diserio, Lavender-Bowe, C. Thompson and Estep-Burton: Allowing an elected state official to be a government employee or employee of a public school, college, or university	788					788

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Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
1 -	By Delegate Hanshaw (Mr. Speaker): Authorizing the appointment of employees for this, the Second Regular Session of the Eighty-fourth Legislature, 2020.	6			12	6, 12
2 -	By Delegate Hanshaw (Mr. Speaker): Authorizing printing and distribution of Acts of the Legislature and Journals of the House	12			13	13
3 -	By Delegate Hanshaw (Mr. Speaker): Amending the Rules of the House of Delegates, relating to remarks by members	13	93		13	16, 116
4 -	By Delegates Swartzmiller, Diserio, Anderson, Angelucci, Atkinson, Azinger, Barnhart, Barrett, Bartlett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Foster, Graves, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Hartman, Hicks, Higginbotham, Hill, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Little, Longstreth, Lovejoy, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Miley, Miller, Nelson, Pack, Paynter, Pethtel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Sponaule, Staggers, Steele, Storch, Summers, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff: Memorializing the life of the Honorable Roy Givens	114			116	116
5 -	By Delegates Higginbotham, Ellington, Summers, Linville, Hamrick, Atkinson, Barnhart, Dean, J. Jeffries, Phillips, Rohrbach, Steele, Toney and Waxman: Urging support of the United States-Mexico-Canada Agreement	203				203
6 -	By Delegates Higginbotham, Ellington, Jennings, Hanna, Bibby, Waxman, Bartlett, Cooper, J. Kelly, Barnhart, Dean, J. Jeffries, Hamrick, Rohrbach, Steele and Toney: Condemning the United States House of Representatives for impeaching the President of the United States	206				206

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
7 -	By Delegates Linville, Anderson, Atkinson, Azinger, Barnhart, Bartlett, Bates, Butler, Byrd, Cadle, Campbell, Canestraro, Capito, Cooper, Criss, Dean, Ellington, Estep-Burton, Fast, Fleischauer, Fluharty, Foster, Hanna, Hansen, Higginbotham, Hill, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Lavender-Bowe, Little, Longstreth, Lovejoy, Mandt, C. Martin, P. Martin, Miller, Nelson, Pack, Phillips, Pushkin, Queen, Robinson, Rowan, Shott, Skaff, Storch, Swartzmiller, Sypolt, R. Thompson, Toney, Walker, Waxman, Westfall, Wilson and Worrell: Designating a single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II	355	1543, 1657		1689	355, 1544, 1689
8 -	By Delegates Higginbotham, Graves, Cowles, Waxman, Linville, Maynard, Hardy, Bartlett, Hornbuckle and Barrett: Supporting the signing of a Bilateral Trade Agreement between the United States and the Republic of China (Taiwan).	445				445
9 -	By Delegates Rohrbach, Linville, Mandt, Hornbuckle, Worrell and Lovejoy: Memorializing the life of the Honorable Jody Guthrie Smirl	1616			1618	1618
10 -	By Delegates Higginbotham, Steele, Bartlett, Barnhart, Howell, C. Martin, Dean, Rowan, Kump, Ellington, Hott, D. Kelly, Linville, Mandt and Pack: Expressing concern of the House of Delegates to the need to create patient navigation, psychosocial and survivorship support services and programs for childhood cancer patients and their families in West Virginia	859				859
11 -	By Delegates Rowe and Longstreth: Calling on Congress to recognize June 19 as Juneteenth National Freedom Day.	996				996

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
12 -	By Delegates Bates, Steele, Pack, Toney, Anderson, Angelucci, Atkinson, Azinger, Barnhart, Barrett, Bartlett, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Foster, Graves, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Hartman, Hicks, Higginbotham, Hill, Hombuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Little, Longstreth, Lovejoy, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Miley, Miller, Nelson, Paynter, Pethtel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Sponaule, Stagers, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff: Memorializing the life of the Honorable Sally Matz Susman	1202			1204	1202, 1204
13 -	By Delegates Storch, Hanshaw (Mr. Speaker), Anderson, Howell, Kessinger, Summers, Shott, Fast, Rowan, Espinosa, Cowles, Rohrbach, Capito, Hott, P. Martin, Higginbotham, Hardy, Hamrick, Porterfield, Mandt, D. Kelly, Nelson, Sypolt, Pack, Azinger, Westfall, Queen, Miller, Walker, Tomblin, Hicks, Robinson, Longstreth, Zukoff, Fluharty, Bates, Pushkin, Pyles, Miley, Caputo, Barrett, Stagers, Hartman, Diserio, Pethtel, Angelucci, S. Brown, C. Thompson and Fleischauer: Calling upon the Attorney General to investigate the business practices of Alecto	1229			1231	1229,1231
14 -	By Delegates Shott, Pushkin, Caputo, Ellington, Williams, Fleischauer, Rowe, Wilson, Bibby, D. Jeffries, Hansen, Pyles, Skaff, Campbell, Estep-Burton, Cowles, Nelson, Byrd, Porterfield, Evans, Hardy, Cooper, Hamrick, Paynter, Maynard, Rohrbach, Summers, Howell, Fast, J. Jeffries, C. Martin, Rowan, Capito, Householder, Cadle, P. Martin, Steele, Criss, Mandt, Kump, Bartlett, Linville, D. Kelly, Barnhart, Jennings, Sypolt, Storch, Pack, Hill, Westfall, Queen, Miller, Rodighiero, Hicks, Bates, Miley, Barrett, Stagers, Robinson, N. Brown, Hartman, Diserio, Pethtel and Sponaule: Urging Major League Baseball to rescind the ill-advised proposal that threatens the future of professional baseball in West Virginia	1270			1272	1270, 1271

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
15 -	<p>By Delegates J. Jeffries, Wilson, D. Jeffries, Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Cooper, Dean, Fast, Foster, Higginbotham, Hott, Householder, Mandt, C. Martin, P. Martin, McGeehan, Pack, Phillips, Steele and Toney: Expressing the disapproval of the House of Delegates to Senator Manchin for his vote to convict President Donald J. Trump in the impeachment trial</p>	1507				1507
16 -	<p>By Delegates Sypolt, Williams, Walker, Pyles and Jennings: Urging Congress to allow vehicles traveling on interstate highways in West Virginia to have the same maximum gross vehicle weight and axle configuration as currently permissible for vehicles traveling on U.S. routes in West Virginia</p>	1737	2694			1737, 3544
17 -	<p>By Delegates Sponaugle, Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Staggers, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff: Expressing the disapproval of the House of Delegates to State Attorney General Patrick Morrissey for his repetitive attempts to undermine affordable healthcare coverage for West Virginians</p>	1739				1739
18 -	<p>By Delegates Caputo, Anderson, Angelucci, Atkinson, Azinger, Barnhart, Barrett, Bartlett, Bates, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Caputo, Cooper, Criss, Dean, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Graves, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Hartman, Hicks, Higginbotham, Hill, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Lavender-Bowe, Linville, Little, Longstreth, Lovejoy, C. Martin, P. Martin, Maynard, McGeehan, Miley, Miller, Pack, Paynter, Pethtel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Skaff, Sponaugle, Staggers, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Westfall, Williams, Worrell and Zukoff: Expressing appreciation to Senator Joe Manchin for leading the effort to secure pensions and healthcare for nearly 100,000 coal miners and their families; and to Senator Shelley Moore Capito and Representative David McKinley for their leadership in passing the 2019 Bipartisan American Miners Act</p>	1916				1916

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Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*6 -	By Senators Cline and Roberts: Allowing DOH issue permits for certain tractors with certain trailers not exceeding specified maximum axle weights (Chapter 341, Acts, Regular Session, 2020)	1225	1548		1745	1225, 1548, 1650, 1697, 1698, 1702, 1744, 1745, 3564, 3586
8 -	By Senators Azinger, Cline, Tarr, Romano, Smith, Maroney and Maynard: Exempting certain armed forces veterans from payment of fees for license to carry deadly weapon	440				440
*16 -	By Senators Azinger, Maynard and Rucker: Creating Protect Our Right to Unite Act (Chapter 339, Acts, Regular Session, 2020)	296	735		913	296, 841, 871, 913, 1492, 1781
*28 -	By Senator Maroney: Allowing WV Board of Medicine investigators to carry concealed weapons	1574				1574
*35 -	By Senator Clements: Limiting civil penalty for littering conviction to \$2,000 (Chapter 80, Acts, Regular Session, 2020)	273, 951	701	839, 866	866	273, 756, 839, 865, 866, 1492, 1791
*38 -	By Senators Azinger, Cline and Maynard: Requiring schools provide elective course on Hebrew Scriptures or Bible	1574				1575
42 -	By Senators Maynard and Cline: Permitting faith-based electives in classroom drug prevention programs (Chapter 107, Acts, Regular Session, 2020)	296	1776	2364	2363	296, 1827, 2139, 2363, 2364, 3567, 3587
*46 -	By Senator Rucker: Defining "pepper spray" and exempting from definition of "deadly weapons" (Chapter 81, Acts, Regular Session, 2020)	273	601		834	273, 662, 692, 699, 759, 834, 1126, 1397
51 -	By Senators Cline, Baldwin, Romano, Jeffries and Pitsenbarger: Specifying forms of grandparent visitation (Chapter 101, Acts, Regular Session, 2020)	469	1491, 1834		2659	470, 1492, 2246, 2387, 2659, 3566, 3587
*66 -	By Senators Lindsay and Romano: Requiring State Police to follow towing services policies of county of location	1575				1575

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*94 -	By Senators Trump, Weld, Azinger, Baldwin, Beach, Clements, Cline, Hardesty, Jeffries, Lindsay, Maynard, Pitsenbarger, Romano, Rucker, Smith, Takubo, Woelfel, Hamilton, Stollings, Ihlenfeld and Sypolt: Providing persons with physical disabilities ability to vote by electronic absentee ballot (Chapter 124, Acts, Regular Session, 2020)	224	295		403	225, 346, 376, 402, 403, 469, 601
*96 -	By Senators Trump, Cline, Rucker, Azinger, Maynard, Roberts, Sypolt, Smith, Hamilton, Romano and Facemire: Prohibiting municipalities from limiting persons' rights to possess certain weapons (Chapter 64, Acts, Regular Session, 2020)	766	1393, 1549		1745	766, 1393, 1650, 1698, 1745, 3564, 3588
*97 -	By Senators Trump, Hamilton, Lindsay, Romano and Maroney: Allowing senior judge to continue receiving per diem compensation beyond annual salary of sitting judge due to delay by Governor in filling vacancy	855				855
*106 -	By Senators Cline, Baldwin, Stollings, Rucker, Romano and Facemire: Making daylight saving time official time year round in WV	1493				1493
114 -	By Senators Romano and Hamilton: Providing continued eligibility for developmental disability services to dependents of military members	440	1544			440, 1544
*120 -	By Senators Romano, Facemire, Jeffries and Rucker: Establishing priorities for expenditures for plugging abandoned gas or oil wells (Chapter 129, Acts, Regular Session, 2020)	1575, 3545	1833	2660	2659	1575, 2246, 2387, 2659, 2660, 3568, 3588
*125 -	By Senators Trump, Ihlenfeld and Woelfel: Prohibiting victim from being subjected to certain physical examinations for sexual offenses (Chapter 95, Acts, Regular Session, 2020)	330, 2358	1621	1748	1782	330, 1721, 1748, 1781, 1782, 3564, 3587
*130 -	By Senators Trump, Ihlenfeld and Facemire: Relating to procedure for driver's license suspension and revocation for DUI (Chapter 342, Acts, Regular Session, 2020)	1334, 3551	1777	2140, 2661	2660	1336, 1827, 2140, 2255, 2579, 2660, 2663, 3568, 3588
*131 -	By Senators Trump and Roberts: Creating Tim Tebow Act	855				856
*136 -	By Senator Swope: Prohibiting certain misleading lawsuit advertising practices (Chapter 311, Acts, Regular Session, 2020)	736, 2816, 3546	1668	1801, 1921, 2817	1921, 2817	736, 1763, 1795, 1801, 1920, 1922, 2817, 3568, 3588
*138 -	By Senators Blair, Palumbo and Roberts: Incentives for consolidating local governments	736				737

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
140 -	By Senators Blair and Hamilton: Changing rate at which certain judges are paid for mileage when traveling within state	273				273
*142 -	By Senators Sypolt, Hamilton, Jeffries, Lindsay, Pitsenbarger and Romano: Expanding Coyote Control Program through voluntary assessment on breeding cows	737	1358			737, 1358
*144 -	By Senators Sypolt and Cline: Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation (Chapter 82, Acts, Regular Session, 2020)	409, 2748	1621	1750, 1783	1783	409, 1721, 1749, 1754, 1782, 1783, 3567, 3587
*150 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Budget Bill (Chapter 11, Acts, Regular Session, 2020)	1736, 3065		2116, 2132, 3065	2132, 3270	1736, 1801, 1922, 2132, 3270, 3560, 3586
*160 -	By Senators Sypolt, Beach, Clements, Hamilton, Stollings, Pitsenbarger, Romano and Facemire: Creating Voluntary WV Rifle Team Check-Off Program on hunting and fishing licenses	1576				1576
*163 -	By Senators Blair and Maroney: Relating to municipal or county taxation of hotel rooms booked through marketplace facilitator	1265, 2358	1652	1755, 1784	1784	1265, 1721, 1754, 1758, 1783, 1784, 3564, 3580
170 -	By Senator Blair: Alleviating double taxation on foreign income at state level	273	764			273, 885, 887
*175 -	By Senator Blair: Requiring certain agencies maintain website which contains specific information (Chapter 153, Acts, Regular Session, 2020)	531	1056, 1660	2140, 2364	2364	531, 1056, 1721, 1747, 1831, 2140, 2364, 3567, 3587
180 -	By Senators Blair, Cline and Rucker: Relating to Second Chance Driver's License Program (Chapter 215, Acts, Regular Session, 2020)	901, 3546	1832	2663	2663	901, 2246, 2387, 2663, 2664, 3567, 3587
*190 -	By Senator Weld: Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date	674				674
*191 -	By Senators Weld, Baldwin, Cline, Ihlenfeld, Woelfel and Romano: Creating felony offense of aggravated cruelty to animals	470				470
*193 -	By Senator Tarr: Setting forth timeframes for continuing purchases of commodities and services over \$1 million (Chapter 154, Acts, Regular Session, 2020)	1576, 3546	1833	2388	2664	1576, 2246, 2388, 2664, 3568, 3588
*195 -	By Senator Sypolt: Updating powers of personal representatives of deceased person's estate (Chapter 136, Acts, Regular Session, 2020)	767	1724		2665	767, 1748, 1832, 2246, 2388, 2664, 2665, 3566, 3586



Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*201 -	By Senators Weld, Hamilton, Lindsay, Irlenfeld, Rucker, Woelfel, Baldwin and Romano: Relating generally to criminal offenses of stalking and harassment (Chapter 83, Acts, Regular Session, 2020)	470, 1853	1493		1746	470, 1613, 1615, 1667, 1702, 1745, 1746, 3564, 3586
202 -	By Senator Weld: Allowing one member of PSD board to be county commissioner (Chapter 309, Acts, Regular Session, 2020)	951	1395		1634	951, 1538, 1607, 1633, 1634, 3558, 3586
203 -	By Senators Weld and Hamilton: Allowing certain deductions from personal income tax refunds	737	1544			737, 1544
*204 -	By Senators Weld and Baldwin: Providing for nonpartisan elections of county prosecuting attorneys	1225				1226
*207 -	By Senators Weld and Cline: Creating Prosecuting Attorney's Detectives Act	274				274
*208 -	By Senator Tarr: Protecting consumers from unfair pricing practices during state of emergency (Chapter 52, Acts, Regular Session, 2020)	856	1622		1785	856, 1721, 1758, 1784, 1785, 3564, 3587
*209 -	By Senators Rucker and Maynard: Relating to annexation by minor boundary adjustment (Chapter 65, Acts, Regular Session, 2020)	497	981		1235	498, 981, 1109, 1185, 1235, 1236
*213 -	By Senator Trump: Relating to administration of trusts (Chapter 137, Acts, Regular Session, 2020)	1493, 3453	1724	2665, 3453	2665, 3454	1494, 1748, 1832, 2246, 2388, 2665, 2666, 3454, 3577, 3587
*217 -	By Senators Maynard, Cline and Roberts: Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for job placement	330				331
*225 -	By Senators Maynard and Cline: Empowering municipalities to enact Adopt-A-Street programs (Chapter 66, Acts, Regular Session, 2020)	296	1395		1690	297, 1538, 1607, 1646, 3564, 3586
*230 -	By Senators Weld, Cline, Baldwin, Lindsay, Roberts, Stollings, Jeffries and Maroney: Requiring State Board of Education provide routine education in suicide prevention (Chapter 108, Acts, Regular Session, 2020)	901, 3546	1656	2146, 2366	2365	901, 1721, 1747, 1832, 2146, 2147, 2365, 2366, 3566, 3586
*232 -	By Senator Weld: Removing outdated prohibitions against electronic or mechanical ticket dispensers and readers (Chapter 149, Acts, Regular Session, 2020)	951	1548		1746	951, 1650, 1706, 1746, 3564, 3586
*240 -	By Senators Jeffries, Hamilton, Lindsay and Cline: Requiring hotels and restaurants secure manhole covers of certain grease traps (Chapter 258, Acts, Regular Session, 2020)	645, 2565	1384	1607, 2565	1633, 2566	645, 1538, 1607, 1609, 1615, 1632, 1633, 2566, 3561, 3587

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*241 -	By Senators Baldwin, Roberts, Rucker and Stollings: Requiring State Board of Education develop method for student transportation costs as stand-alone consideration (Chapter 109, Acts, Regular Session, 2020)	498, 1736	1396	1634	1634	498, 1538, 1609, 1634, 3559, 3587
*246 -	By Senators Jeffries, Hamilton, Woelfel, Lindsay, Stollings, Ihlenfeld, Romano, Facemire and Plymale: Including family court judges in retirement system for judges	1494				1494
*253 -	By Senators Jeffries, Baldwin, Stollings, Romano, Lindsay and Rucker: Providing for fair pay and maximized employment of disabled persons	1336	1835			1336, 2246, 2255, 2579, 2690
*261 -	By Senators Ihlenfeld, Baldwin, Stollings and Maynard: Creating criminal penalties for introducing ransomware into computer with intent to extort (Chapter 84, Acts, Regular Session, 2020)	532, 3546	1659	2147	2366	532, 1721, 1747, 1832, 2147, 2366, 2367, 3568, 3587
*265 -	By Senators Swope, Woelfel, Baldwin, Cline, Stollings, Roberts, Plymale, Hamilton, Jeffries, Facemire and Palumbo: Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program	1089				1089
266 -	By Senator Weld: Clarifying and updating language regarding Fairmont State alumni license plates	767	1544			767, 1545
*267 -	By Senators Jeffries and Lindsay: Creating offenses of conversion of leased or rented personal property	645				645
*269 -	By Senators Stollings, Rucker, Roberts, Cline and Jeffries: Establishing advisory council on rare diseases (Chapter 259, Acts, Regular Session, 2020)	1576, 3547	1774	2147, 2367	2367	1577, 1774, 1827, 2147, 2148, 2367, 3568, 3588
*275 -	By Senators Carmichael (Mr. President), Cline, Rucker and Roberts: Creating Intermediate Court of Appeals	765	1669, 1777	2449, 2453		770, 1669, 1827, 2147, 2148, 2388, 2666
278 -	By Senator Trump: Providing various methods to deal with defendant who becomes incompetent during trial	1577	1834			1577, 2246, 2453, 2579
*279 -	By Senators Trump, Stollings, Baldwin, Maroney, Romano, Hamilton, Jeffries, Rucker, Roberts and Facemire: Requiring dental insurance plans honor assignment made in writing by person covered	1089				1089
281 -	By Senators Woelfel, Plymale and Palumbo: Removing residency requirement for persons applying for reappointment to municipal police dept (Chapter 67, Acts, Regular Session, 2020)	605	1395		1635	605, 1539, 1609, 1635, 3559, 3587

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*284 -	By Senators Carmichael (Mr. President), Cline, Maynard and Maroney: Creating WV Health Care Continuity Act	1494				1495
*288 -	By Senator Tarr: Relating to family planning and child spacing (Chapter 260, Acts, Regular Session, 2020)	994, 3339	1620	2148, 2368, 3339	2368, 3340	994, 1721, 1747, 1832, 2148, 2367, 2369, 3340, 3568, 3588
289 -	By Senators Weld, Baldwin and Hamilton: Creating Green Alert Plan (Chapter 348, Acts, Regular Session, 2020)	441, 2748	1549, 1655	2148, 2153	2153	441, 1549, 1721, 1747, 1932, 2148, 2152, 2153, 2154, 3567, 3587
*291 -	By Senators Weld and Woelfel: Requiring PEIA and health insurance providers provide mental health parity (Chapter 186, Acts, Regular Session, 2020)	1265, 3547	1830	2503, 2669	2669	1265, 2246, 2503, 2505, 2668, 2669, 3578, 3588
*297 -	By Senator Cline: Requiring Board of Education create family and consumer sciences course	389				389
300 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Updating certain terms in WV Corporation Net Income Tax Act (Chapter 322, Acts, Regular Session, 2020)	674	764		967	674, 885, 921, 966, 967, 1492, 1781
*303 -	By Senators Rucker and Cline: Enacting Students' Right to Know Act (Chapter 110, Acts, Regular Session, 2020)	441, 3340	1657	2154	2369, 3341	441, 1721, 1748, 1832, 2154, 2369, 3342, 3578, 3587
*306 -	By Senators Trump, Woelfel and Plymale: Licensing of drivers utilizing bioptic telescopic devices	1090	1545			1090, 1545
307 -	By Senator Maynard: Correcting code citation relating to certain tax liens (Chapter 323, Acts, Regular Session, 2020)	353	1395		1690	353, 1539, 1609, 1646, 1690, 3565, 3587
*308 -	By Senators Weld, Ihlenfeld and Jeffries: Creating criminal penalties for violation of orders issued for protection of victims of financial exploitation (Chapter 85, Acts, Regular Session, 2020)	674	1492, 1777		2370	674, 1492, 1827, 2155, 2369, 2370, 3568, 3588
310 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Updating certain terms used in WV Personal Income Tax Act (Chapter 324, Acts, Regular Session, 2020)	274	764		967	274, 885, 921, 967, 968, 1090, 1492, 1781
*311 -	By Senators Clements, Trump, Cline, Hamilton, Woelfel, Baldwin and Maynard: Relating to court-ordered community service (Chapter 96, Acts, Regular Session, 2020)	410	527		651	410, 588, 629, 650, 651, 854, 990

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*312 -	By Senators Weld, Stollings, Rucker, Roberts, Plymale, Maynard, Cline, Hamilton, Jeffries, Woelfel and Palumbo: Relating to provisional licensure of social workers (Chapter 240, Acts, Regular Session, 2020)	1577	1774		2370	1577, 1828, 2155, 2370, 3569, 3587
*316 -	By Senator Maynard: Relating to oil and gas conservation commission membership	675				675
321 -	By Senator Trump: Relating to collection of tax and priority of distribution of estate or property in receivership (Chapter 138, Acts, Regular Session, 2020)	410	643		866	410, 695, 699, 759, 839, 866, 1492, 1781
322 -	By Senator Maynard: Relating to prequalifications for state contract vendors (Chapter 155, Acts, Regular Session, 2020)	353	1669		2670	353, 1748, 1832, 2246, 2505, 2669, 2670, 3567, 3587
*323 -	By Senator Maynard: Authorizing Department of Administration promulgate legislative rules (Chapter 205, Acts, Regular Session, 2020)	331, 532	383	461	480	331, 432, 460, 461, 480, 481, 644, 766
*339 -	By Senator Maynard: Authorizing DHHR promulgate legislative rules (Chapter 206, Acts, Regular Session, 2020)	533, 2566	990	1189, 1236, 2566	1236, 2568	534, 1109, 1186, 1189, 1236, 1238, 2568, 3562, 3587
355 -	By Senator Maynard: Fire Commission rule relating to State Fire Code	1578				1578
*357 -	By Senator Maynard: Authorizing Department of Revenue promulgate legislative rules (Chapter 207, Acts, Regular Session, 2020)	442	527		651	442, 588, 629, 651, 854, 990
*364 -	By Senator Maynard: Authorizing Department of Transportation promulgate legislative rules (Chapter 208, Acts, Regular Session, 2020)	442, 902	671	754	834	442, 726, 754, 755, 834, 835, 1126, 1397
*449 -	By Senator Maynard: Authorizing Department of Commerce promulgate legislative rules (Chapter 209, Acts, Regular Session, 2020)	557	701		867	559, 756, 839, 866, 867, 868, 1662, 2579
468 -	By Senators Pitsenbarger, Hamilton, Sypolt, Azinger, Boley, Clements, Cline, Roberts, Romano, Swope, Tarr and Woelfel: Relating to eligibility for license or permit application	443				443
*470 -	By Senators Cline, Hamilton, Pitsenbarger, Sypolt, Roberts and Azinger: Relating to use of crossbow to hunt (Chapter 228, Acts, Regular Session, 2020)	443	595		835	443, 662, 692, 699, 759, 835, 1126, 1397

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*472 -	By Senators Maynard, Stollings, Clements and Cline: Providing alternative sentencing program for work release (Chapter 59, Acts, Regular Session, 2020)	1495	1855		2670	1495, 1856, 2505, 2670, 3562, 3587
482 -	By Senators Maynard, Cline, Roberts and Azinger: Eliminating permit requirement for storing concealed handgun in vehicle on school property for persons over 21	705				706
*484 -	By Senators Lindsay, Stollings, Woelfel and Beach: Requiring free feminine hygiene products be provided to female prisoners	1337				1337
*487 -	By Senators Sypolt, Hamilton, Azinger and Rucker: Providing exception that all DNR payments be deposited within 24 hours (Chapter 229, Acts, Regular Session, 2020)	443	595		836	443, 663, 693, 699, 759, 835, 836, 1126, 1397
*490 -	By Senators Sypolt, Smith, Rucker, Beach, Baldwin, Jeffries and Pitsenbarger: Relating to criminal offenses against agricultural facilities (Chapter 86, Acts, Regular Session, 2020)	1090	1358, 1668	2133	2133	1090, 1358, 1763, 1801, 2133, 2134, 3567, 3588
*491 -	By Senators Sypolt, Smith, Rucker, Beach, Baldwin, Jeffries and Pitsenbarger: Relating to Seed Certification Program (Chapter 3, Acts, Regular Session, 2020)	1337	1654		2371	1337, 1721, 1748, 1832, 2155, 2370, 2371, 3567, 3588
*500 -	By Senators Hamilton, Pitsenbarger, Sypolt and Cline: Relating to Class Y special crossbow hunting permit (Chapter 230, Acts, Regular Session, 2020)	444, 902	596	693	836	444, 663, 693, 699, 759, 836, 1127, 1397
*501 -	By Senators Hamilton, Pitsenbarger, Sypolt, Prezioso, Baldwin, Woelfel, Jeffries and Stollings: Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR (Chapter 231, Acts, Regular Session, 2020)	444, 902	596	693	837	444, 663, 693, 699, 759, 836, 837, 1127, 1397
*502 -	By Senators Ihlenfeld, Hardesty, Jeffries, Lindsay, Palumbo, Stollings, Woelfel, Baldwin, Hamilton and Facemire: Relating to methamphetamine criminal penalty	1266		1366		1266, 1366, 1369, 1383
509 -	By Senators Trump and Hamilton: Relating to custodial allocation actions independent of divorce	444	1383	1609		444, 1539, 1609, 1615

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
510 -	By Senators Palumbo, Beach, Jeffries, Lindsay, Plymale, Prezioso, Takubo, Weld, Woelfel, Hamilton and Stollings: Making permanent land reuse agency or municipal land bank's right of first refusal on certain tax sale properties (Chapter 139, Acts, Regular Session, 2020)	645, 3547	1622	2371	2371	645, 1722, 1748, 1832, 2155, 2371, 2372, 3569, 3588
*511 -	By Senators Jeffries and Lindsay: Regulating pawnbrokers	1495				1495
*513 -	By Senators Jeffries, Baldwin, Cline, Lindsay, Ihlenfeld and Woelfel: Protecting consumers against businesses using automatic renewals without consent	1578				1578
*514 -	By Senators Tarr and Plymale: Creating WV FinTech Regulatory Sandbox Act	1496				1496
*517 -	By Senators Hamilton, Prezioso, Stollings and Lindsay: Creating State Parks and Recreation Endowment Fund (Chapter 232, Acts, Regular Session, 2020)	856	1855		2671	857, 1855, 2505, 2670, 2671, 3562, 3587
*521 -	By Senators Tarr, Swope, Sypolt, Cline and Roberts: Relating to job creation and economic incentives	1579				1579
*522 -	By Senators Trump, Weld and Rucker: Relating to compensation awards to crime victims (Chapter 46, Acts, Regular Session, 2020)	738, 3547	1622, 1834		2671	738, 1651, 2246, 2505, 2671, 2672, 3547, 3578, 3587
523 -	By Senators Plymale and Stollings: Extending deadline for municipalities to offer Social Security coverage to certain municipal retirement system members (Chapter 68, Acts, Regular Session, 2020)	471, 1736	1393	1610, 1635	1635	471, 1539, 1610, 1635, 1636, 3558, 3587
*528 -	By Senators Swope, Azinger, Rucker, Trump, Cline and Maynard: Creating Uniform Worker Classification Act	1397				1397
*529 -	By Senator Trump: Establishing limitations on claims and benefits against state (Chapter 47, Acts, Regular Session, 2020)	471, 2818, 3541	1384	1691	1690, 3543	471, 1539, 1610, 1615, 1667, 1690, 1691, 2818, 3064, 3542, 3543, 3579, 3587
*530 -	By Senators Blair and Rucker: Relating to taxation of aircraft (Chapter 325, Acts, Regular Session, 2020)	1497, 2547	1660	2158, 2372	2372	1497, 1722, 1748, 1832, 2158, 2372, 2373, 3579, 3588
*532 -	By Senators Azinger, Hamilton, Ihlenfeld, Plymale, Tarr, Jeffries and Romano: Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary (Chapter 69, Acts, Regular Session, 2020)	471, 952	641	840, 868	868	471, 695, 699, 759, 840, 868, 869, 1662, 2579

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*534 -	By Senators Trump, Blair, Hamilton and Ihlenfeld: Allowing temporary legislative employees be eligible for unemployment benefits coverage (Chapter 255, Acts, Regular Session, 2020)	605	852		1644	606, 929, 970, 979, 1615, 1636, 1644, 3559, 3587
*544 -	By Senators Ihlenfeld, Romano and Stollings: Authorizing pharmacists and pharmacy interns administer vaccines (Chapter 241, Acts, Regular Session, 2020)	675, 1174	850	971, 1024	1024	675, 929, 971, 1023, 1024, 1663, 2579
545 -	By Senator Tarr: Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund (Chapter 156, Acts, Regular Session, 2020)	902, 2358	1660	1758	1785	902, 1722, 1758, 1759, 1785, 3565, 3587
*547 -	By Senators Trump and Plymale: Relating to employer testing, notice, termination, and forfeiture of unemployment compensation (Chapter 203, Acts, Regular Session, 2020)	606, 3547	1777	2505, 2672	2672	606, 1828, 2158, 2505, 2512, 2672, 3569, 3588
*550 -	By Senators Maynard, Cline, Jeffries and Stollings: Permitting leashed dogs track mortally wounded deer or bear	559				559
*551 -	By Senators Smith, Clements, Jeffries, Sypolt, Hamilton, Romano, Lindsay and Woelfel: Relating to Water and Wastewater Investment and Infrastructure Improvement Act (Chapter 345, Acts, Regular Session, 2020)	675, 3548	1056, 1830	2512, 2673	2673	676, 1056, 2246, 2512, 2513, 2673, 3569, 3588
552 -	By Senators Maynard and Cline: Requiring contracts of \$25,000 or more be competitively bid (Chapter 130, Acts, Regular 2Session, 2020)	606, 1736	1395	1611	1636, 1645	606, 1539, 1610, 1611, 1636, 1637, 1644, 1646, 3559, 3587
*554 -	By Senators Smith, Clements, Pitsenbarger, Roberts, Trump, Romano, Hamilton and Maroney: Relating to termination, expiration, or cancellation of oil or natural gas leases (Chapter 140, Acts, Regular Session, 2020)	994, 1779	1255	1442	1692	995, 1256, 1378, 1441, 1442, 1491, 1667, 1691, 1692, 3565, 3588
*560 -	By Senators Takubo, Maroney, Cline, Rucker and Roberts: Permitting nursing home use trained individuals administer medication (Chapter 261, Acts, Regular Session, 2020)	676, 1090	733	872, 1091	914, 1092	677, 841, 872, 873, 914, 1091, 1092, 1663, 2579
562 -	By Senators Trump, Stollings, Woelfel and Facemire: Expunging certain criminal convictions (Chapter 87, Acts, Regular Session, 2020)	1266, 3454	1548	1720, 3454, 3455	1747, 3456	1266, 1651, 1706, 1720, 1746, 1747, 3455, 3456, 3569, 3588

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
569 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Expiring funds from various accounts to DHHR, Medical Services Program Fund (Chapter 12, Acts, Regular Session, 2020)	1497	1655		1786	1497, 1722, 1759, 1785, 1786, 3560, 3586
*570 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Expiring funds from State Excess Lottery Revenue Fund to DHHR, Medical Services Program Fund (Chapter 13, Acts, Regular Session, 2020)	1497	1655		1787	1498, 1722, 1759, 1786, 1787, 3560, 3586
*571 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Expiring funds from State Excess Lottery Revenue Fund to various accounts (Chapter 14, Acts, Regular Session, 2020)	902, 1737	1350	1442	1637	903, 1378, 1442, 1491, 1651, 1637, 3559, 3586
572 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Expiring funds from General Revenue and Lottery Net Profits to various accounts (Chapter 15, Acts, Regular Session, 2020)	1174	1349		1692	1175, 1378, 1383, 1615, 1646, 1647, 1692, 1693, 3560, 3586
573 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplementing, amending, and increasing appropriations of public moneys for claims against state (Chapter 16, Acts, Regular Session, 2020)	770	1050		1278	771, 1197, 1247, 1278, 1279, 1663, 2579
*575 -	By Senators Maynard and Rucker: Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian (Chapter 38, Acts, Regular Session, 2020)	857, 3342	1620	2374, 3342	2373, 3343	857, 1722, 1748, 1832, 2158, 2373, 2374, 3342, 3343, 3569, 3588
*576 -	By Senator Maynard: Relating to management of public records (Chapter 157, Acts, Regular Session, 2020)	771	1396		1693	772, 1539, 1611, 1615, 1667, 1693, 3565, 3588
*578 -	By Senators Roberts and Cline: Recalculating tax on generating, producing, or selling electricity from solar energy facilities (Chapter 326, Acts, Regular Session, 2020)	1398, 2748	1669	2134	2134	1398, 1763, 1801, 2134, 2135, 3567, 3588
*579 -	By Senators Cline and Roberts: Changing and adding fees to wireless enhanced 911 fee (Chapter 303, Acts, Regular Session, 2020)	1398	1834		2674	1398, 2246, 2513, 2674, 3567, 3589



Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*583 -	By Senators Rucker, Blair, Smith, Weld, Cline, Maroney, Roberts and Palumbo: Creating program to further development of renewable energy resources (Chapter 304, Acts, Regular Session, 2020)	995, 3548	1384	1759, 1761, 1788	1788	996, 1539, 1611, 1615, 1667, 1720, 1759, 1762, 1787, 1789, 3565, 3588
*586 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Reorganizing and re-designating Department of Military Affairs and Public Safety as Department of Homeland Security (Chapter 158, Acts, Regular Session, 2020)	1398, 1664	1537	1601	1601	1403, 1537, 1538, 1600, 1606, 3559, 3588
*589 -	By Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, Stollings, Unger and Woelfel: Creating Critical Needs/Failing Systems Sub Account (Chapter 346, Acts, Regular Session, 2020)	1092, 3548	1652, 1830	2514	2515	1092, 1652, 2246, 2514, 2515, 3569, 3588
*597 -	By Senators Trump, Woelfel, Romano, Unger, Lindsay, Palumbo and Plymale: Relating to judicial branch members' salaries and pensions (Chapter 79, Acts, Regular Session, 2020)	1092, 3548	1833	2515, 2674	2674	1092, 2246, 2515, 2520, 2674, 2675, 3579, 3588
600 -	By Senators Weld, Cline and Maroney: Creating special revenue account designated Military Authority Fund (Chapter 290, Acts, Regular Session, 2020)	771	1669		2135	771, 1763, 1801, 2135, 3565, 3589
*607 -	By Senators Sypolt, Clements, Hamilton, Maynard, Pitsenbarger, Smith, Swope and Roberts: Reporting motor vehicle crashes to owners	857				857
610 -	By Senators Weld, Palumbo, Trump and Woelfel: Removing resident manager requirement for Alcohol Beverage Control Administration (Chapter 159, Acts, Regular Session, 2020)	1267	1493		2675	1267, 1613, 1647, 1667, 2255, 2521, 2675, 2676, 3579, 3588
*614 -	By Senators Rucker, Cline, Roberts and Maynard: Changing method of allocating funding from Safe School Funds (Chapter 111, Acts, Regular Session, 2020)	1498, 2749	1724	1801	2136	1498, 1763, 1801, 1802, 2135, 2316, 3562, 3588
*615 -	By Senators Blair, Prezioso and Plymale: Declaring certain claims against state as moral obligations of state (Chapter 48, Acts, Regular Session, 2020)	738, 3548	1725	2521	2676	738, 1748, 1832, 2247, 2521, 2676, 2677, 3567, 3588
*616 -	By Senator Trump: Relating to employment grievance procedure for public employees	1579				1580

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
618 -	By Senators Clements, Swope, Cline and Plymale: Conforming WV law to federal distance requirements for locations of salvage yards	858				858
620 -	By Senators Clements, Trump, Baldwin and Weld: Authorizing Division of Corrections and Rehabilitation approve home plans for inmates (Chapter 60, Acts, Regular Session, 2020)	706, 1226	887	1031, 1100	1100	706, 975, 1031, 1041, 1100, 1101, 1663, 2579
*623 -	By Senators Rucker, Plymale, Roberts and Cline: Allowing noncitizen of US be eligible for teaching certificate (Chapter 315, Acts, Regular Session, 2020)	738	1052		1279	739, 1197, 1247, 1279, 1663, 2579
*625 -	By Senators Trump and Weld: Creating one-day annual license to permit charitable auction of sealed rare, antique, or vintage liquor bottles	706	1493			706, 1613, 1648, 1667
*629 -	By Senator Trump: Clarifying alcohol by volume percentage for certain wines	707				707
*633 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Creating Medicaid Families First Reserve Fund account	1498				1498
*635 -	By Senator Trump: Allowing administration of small estates	1499				1499
*638 -	By Senator Trump: Creating new private club licenses and requirements	952				952
641 -	By Senator Maroney: Allowing WVCHIP flexibility in rate setting (Chapter 187, Acts, Regular Session, 2020)	903, 3547	1620	2159, 2374	2374	903, 1722, 1748, 1832, 2159, 2374, 3569, 3588
642 -	By Senators Azinger, Baldwin, Beach, Clements, Cline, Hardesty, Jeffries, Lindsay, Maynard, Pitsenbarger, Romano, Rucker, Smith, Takubo, Weld, Woelfel and Trump: Correcting incorrect code citation in WV Consumer Credit and Protection Act (Chapter 53, Acts, Regular Session, 2020)	559	852		1025	559, 929, 971, 1025, 1663, 2579
647 -	By Senators Takubo, Mann, Maroney, Stollings and Plymale: Permitting physician's assistants and advanced practice registered nurses issue do-not-resuscitate orders (Chapter 262, Acts, Regular Session, 2020)	903, 3549	1620	2159, 2375	2375	903, 1722, 1748, 1832, 2159, 2375, 3569, 3589
*648 -	By Senators Takubo, Mann, Maroney, Prezioso, Stollings, Weld, Baldwin, Cline, Hardesty, Lindsay, Palumbo, Plymale, Unger, Roberts and Rucker: Providing dental coverage for adult Medicaid recipients (Chapter 182, Acts, Regular Session, 2020)	1580, 3343	1734, 1830	2522, 3343	2524, 3343	1580, 1734, 2247, 2523, 2524, 3343, 3569, 3588

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*649 -	By Senators Maynard and Cline: Permitting county emergency phone system directors negotiate contracts for mobile phones (Chapter 70, Acts, Regular Session, 2020)	1338	1548		1747	1338, 1651, 1720, 1747, 3565, 3589
651 -	By Senator Azinger: Relating to definition of "mortgage loan originator" (Chapter 31, Acts, Regular Session, 2020)	1403, 2358	1548	1789, 1790	1790	1404, 1651, 1721, 1747, 1789, 1790, 3565, 3588
652 -	By Senators Rucker, Cline, Roberts and Plymale: Authorizing School Building Authority promulgate legislative rules (Chapter 210, Acts, Regular Session, 2020)	1226, 1737	1396		1638	1226, 1539, 1612, 1638, 3559, 3588
*653 -	By Senators Carmichael (Mr. President), Tarr and Rucker: Increasing number of magistrates in certain counties	1580	1670			1581, 1671
654 -	By Senators Tarr, Hardesty, Pitsenbarger, Prezioso, Smith, Weld, Cline, Stollings and Plymale: Allowing certain sheriffs transfer from PERS to Deputy Sheriff Retirement System (Chapter 71, Acts, Regular Session, 2020)	858	1732		2375	858, 1828, 2159, 2375, 3567, 3588
655 -	By Senators Tarr and Woelfel: Relating to valuation of natural resources land property	1226				1226
*657 -	By Senators Rucker, Blair, Smith, Trump, Cline, Sypolt and Roberts: Allowing designation of tourism development districts (Chapter 160, Acts, Regular Session, 2020)	858, 1499	1116	1318	1360	859, 1250, 1318, 1323, 1359, 1360, 1663, 2579
*660 -	By Senators Maynard, Roberts and Cline: Regulating electric bicycles (Chapter 343, Acts, Regular Session, 2020)	1338	1724		2677	1388, 1748, 1832, 2247, 2524, 2677, 3567, 3588
*661 -	By Senators Rucker, Cline and Baldwin: Replacing minimum minutes of instructional time required per day	1737				1737
*662 -	By Senator Sypolt: Removing restrictions on fiduciary commissioners (Chapter 141, Acts, Regular Session, 2020)	903, 2749	1724		2137	904, 1763, 1802, 2136, 2137, 3568, 3588
664 -	By Senators Takubo and Maroney: Adding physician's assistant to list of medical professionals capable of determining if individual lacks capacity (Chapter 263, Acts, Regular Session, 2020)	904	1620		2677	904, 1646, 1835, 2247, 2524, 2677, 3568, 3589
*665 -	By Senators Weld, Sypolt and Maroney: Requiring persons convicted of certain crimes on or after March 8, 1995, provide DNA samples	772				772

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*668 -	By Senator Trump: Enacting Uniform Trust Decanting Act (Chapter 142, Acts, Regular Session, 2020)	1499, 2749	1724	1802	2137	1500, 1763, 1802, 1826, 2137, 2138, 3569, 3588
*670 -	By Senator Weld: Amending service of process on nonresident persons or corporate entities (Chapter 1, Acts, Regular Session, 2020)	772	1668		2678	772, 1748, 1832, 2247, 2524, 2678, 3569, 3587
*672 -	By Senators Jeffries, Clements, Sypolt, Baldwin, Romano and Unger: Creating special registration plate recognizing Girl Scouts	1339				1339
*674 -	By Senator Maynard: Permitting DOH purchase hardware items and equipment from local seller	904				904
*676 -	By Senators Mann, Baldwin, Jeffries, Takubo, Weld, Roberts and Maroney: Permitting fees from Central Abuse Registry be used for information technology support costs (Chapter 291, Acts, Regular Session, 2020)	772			914	772, 773, 873, 914, 915, 1492, 1781
*678 -	By Senators Clements, Baldwin, Jeffries, Pitsenbarger, Roberts, Trump, Cline, Romano and Woelfel: Waiving fines and fees for completing Getting Over Addicted Lifestyles Successfully Program (Chapter 61, Acts, Regular Session, 2020)	773, 2749	1776	2159, 2161	2161	773, 1828, 2159, 2160, 2161, 3569, 3587
680 -	By Senators Palumbo, Hamilton, Jeffries, Lindsay, Pitsenbarger and Takubo: Qualifying not-for-profit private baccalaureate institutions for Advanced Career Education programs and WV Invests Grant Program	1581	1656			1581, 1656
*686 -	By Senators Blair and Jeffries: Exempting contract and common carrier laws for certain vehicles (Chapter 216, Acts, Regular Session, 2020)	1227	1392		1694	1227, 1539, 1612, 1615, 1667, 1693, 1694, 3565, 3588
687 -	By Senators Trump, Hamilton, Palumbo, Hardesty, Cline, Stollings and Roberts: Increasing compensation of elected county officials	1581				1581
*689 -	By Senators Maroney, Takubo, Palumbo, Roberts, Rucker, Stollings, Weld, Cline, Plymale, Prezioso and Woelfel: Enacting Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act (Chapter 239, Acts, Regular Session, 2020)	1404	1620		2376	1404, 1722, 1748, 1832, 2161, 2375, 2376, 3569, 3588
*690 -	By Senators Maynard and Cline: Permitting street-legal special purpose vehicles on highways (Chapter 217, Acts, Regular Session, 2020)	1581, 3549	1670	2528, 2678	2678	1582, 1748, 1832, 2247, 2524, 2528, 2678, 2679, 3570, 3588

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
691 -	By Senators Rucker, Cline and Roberts: Limiting programs adopted by State Board of Education (Chapter 316, Acts, Regular Session, 2020)	1404	1733		2376	1404, 1828, 2161, 2376, 3570, 3588
*692 -	By Senator Trump: Clarifying persons indicted or charged jointly for felony offense can move to have separate trial	1267, 3549	1622	2162, 2377	2377	1267, 1722, 1748, 1832, 2162, 2376, 2377, 3570, 3582
*700 -	By Senators Takubo, Blair and Stollings: Exempting physicians from specified traffic laws when responding to emergencies	1582				1582
*702 -	By Senators Rucker and Maroney: Designating specific grade levels in which nutrition and physical fitness programs are taught	1093				1093
703 -	By Senators Prezioso, Azinger, Beach, Clements, Hamilton, Plymale, Rucker, Weld, Cline, Hardesty, Jeffries, Romano and Roberts: Increasing earning limit for employees who accept separation incentive (Chapter 172, Acts, Regular Session, 2020)	1094	1396		1639	1094, 1539, 1612, 1638, 1639, 3559, 3588
*705 -	By Senators Maynard, Blair, Clements, Cline and Rucker: Allowing military veterans with certain experience qualify for examination as electrician or plumber (Chapter 349, Acts, Regular Session, 2020)	1405	1655		1791	1405, 1722, 1762, 1790, 1791, 3565, 3587
*706 -	By Senators Trump and Clements: Clarifying duties of law-enforcement training and certification subcommittee (Chapter 242, Acts, Regular Session, 2020)	1094	1383		1694	1094, 1539, 1612, 1648, 1694, 3565, 3588
*707 -	By Senators Rucker, Cline, Maroney, Plymale, Takubo and Stollings: Relating to nursing career pathways (Chapter 112, Acts, Regular Session, 2020)	1405, 3549	1733	2162, 2378	2377	1405, 1828, 2162, 2163, 2377, 2378, 3568, 3588
*710 -	By Senators Azinger, Cline, Maroney and Roberts: Establishing pilot program to evaluate telemedicine health services	1582	1833			1582, 2247, 2255
*711 -	By Senator Trump: Relating to juvenile jurisdiction of circuit courts (Chapter 39, Acts, Regular Session, 2020)	1583	1835		2679	1583, 2247, 2528, 2679, 3570, 3588
712 -	By Senators Plymale, Woelfel, Jeffries, Stollings and Takubo: Correcting name of Forensic Analysis Laboratory (Chapter 292, Acts, Regular Session, 2020)	1095	1396		1639	1095, 1539, 1612, 1639, 1640, 3559, 3588
*716 -	By Senators Takubo and Stollings: Requiring DHHR pay for tubal ligation without 30-day wait between consent and sterilization (Chapter 183, Acts, Regular Session, 2020)	1583, 3549	1734, 1830	2680	2680	1583, 1735, 2247, 2528, 2679, 2680, 3579, 3587

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*717 -	By Senators Maroney, Cline, Hamilton, Prezioso, Rucker, Swope, Sypolt, Takubo, Trump, Weld, Stollings and Smith: Relating generally to adult protective services (Chapter 184, Acts, Regular Session, 2020)	1175	1835		2681	1175, 2247, 2528, 2680, 2681, 3570, 3587
*719 -	By Senators Maroney, Cline, Prezioso, Rucker, Sypolt, Takubo, Trump, Clements and Stollings: Imposing health care-related provider tax on certain health care organizations (Chapter 327, Acts, Regular Session, 2020)	1227	1830		2681	1227, 2247, 2528, 2681, 2682, 3570, 3588
*722 -	By Senators Boley, Azinger, Baldwin, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Palumbo, Pitsenbarger, Plymale, Romano, Smith, Swope, Tarr, Unger, Hardesty, Prezioso and Stollings: Relating to special license plates for public and private nonprofit transit providers	1339	1670			1339, 1748, 1832, 2247, 2528, 2579
723 -	By Senators Rucker, Cline, Stollings and Roberts: Requiring Department of Education develop plan based on analyzed data on school discipline (Chapter 113, Acts, Regular Session, 2020)	1406, 3344	1733	2163, 2164	2164	1406, 1828, 2163, 2164, 2165, 3345, 3570, 3588
725 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation to various Department of Education accounts (Chapter 17, Acts, Regular Session, 2020)	1175	1350		1640	1176, 1378, 1442, 1491, 1615, 1640, 3559, 3586
727 -	By Senators Clements, Ihlenfeld, Maroney, Romano, Hardesty, Roberts, Stollings and Plymale: Relating to disbursement of funds for highway road repair (Chapter 131, Acts, Regular Session, 2020)	1406, 2569		1541, 1606	1606, 2570	1406, 1538, 1540, 1541, 1606, 1607, 2570, 3570, 3588
*728 -	By Senators Trump, Baldwin, Maroney, Rucker, Smith, Sypolt and Pitsenbarger: Exempting all property used for agricultural purposes from county property maintenance codes or ordinances	1407				1407
*729 -	By Senators Mann, Azinger, Jeffries, Romano, Weld, Baldwin, Hardesty, Stollings, Hamilton and Roberts: Relating to awards and disability under Deputy Sheriff Retirement Act (Chapter 72, Acts, Regular Session, 2020)	1501	1732		2379	1501, 1828, 2165, 2378, 2379, 3570, 3588
732 -	By Senators Trump and Cline: Authorizing fee payment and expense reimbursement for attorneys who participate on court teams established by Supreme Court of Appeals	1583				1583
733 -	By Senators Trump and Ihlenfeld: Recognizing political party status	996				996

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
734 -	By Senator Clements: Clarifying powers and duties of DOH in acquiring property for state road purposes (Chapter 313, Acts, Regular Session, 2020)	1407			1607	1407, 1538, 1607, 3560, 3588
*738 -	By Senators Maynard and Plymale: Creating Flatwater Trail Commission (Chapter 161, Acts, Regular Session, 2020)	1584	1670		2682	1584, 1748, 1832, 2247, 2528, 2682, 3570, 3588
*739 -	By Senators Swope, Clements, Maynard and Cline: Authorizing PSC protect consumers of distressed and failing water and wastewater utilities (Chapter 347, Acts, Regular Session, 2020)	1584, 3550	1776	2166	2222	1585, 1828, 2166, 2222, 2223, 3579, 3588
740 -	By Senator Blair: Clarifying authorized users of Ron Yost Personal Assistance Services Fund (Chapter 185, Acts, Regular Session, 2020)	1228	1830		2682	1228, 2247, 2529, 2682, 2683, 3570, 3588
*745 -	By Senators Tarr, Blair, Smith and Swope: Creating exemption to state sales and use tax for rental and leasing of equipment	1585				1585
*746 -	By Senators Maroney, Stollings, Takubo and Palumbo: Providing contracted managed care companies access to uniform maternal screening tool (Chapter 264, Acts, Regular Session, 2020)	1095	1620		2379	1095, 1722, 1748, 1832, 2223, 2379, 3570, 3588
747 -	By Senators Maroney, Takubo, Cline, Prezioso, Romano, Plymale and Stollings: Requiring Bureau for Public Health develop Diabetes Action Plan (Chapter 265, Acts, Regular Session, 2020)	1228, 3550	1620	2529	2683	1228, 1722, 1748, 1832, 2223, 2529, 2683, 3570, 3588
748 -	By Senators Maroney, Takubo, Cline, Prezioso, Romano, Plymale and Stollings: Increasing awareness of palliative care services (Chapter 266, Acts, Regular Session, 2020)	1228, 3550	1620	2223, 2225	2225	1228, 1722, 1748, 1832, 2223, 2225, 3570, 3588
*749 -	By Senators Maroney, Stollings, Takubo, Prezioso, Romano and Plymale: Requiring Fatality and Mortality Review Team share data with CDC (Chapter 267, Acts, Regular Session, 2020)	1501	1620		2380	1501, 1723, 1748, 1832, 2225, 2379, 2380, 3571, 3588
750 -	By Senators Rucker and Cline: Establishing extended learning opportunities (Chapter 114, Acts, Regular Session, 2020)	1585, 2749	1776	2226, 2229	2229	1585, 1828, 2225, 2228, 2229, 3571, 3588
*751 -	By Senator Rucker: Removing certain requirements of municipality annexing property within urban growth boundary	1407	1655			1407, 1723, 1748

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*752 -	By Senators Takubo, Stollings, Romano and Woelfel: Relating generally to medical cannabis	1586	2255			1587, 2256, 2690, 2752
755 -	By Senators Palumbo, Ihlenfeld, Jeffries, Takubo, Clements, Hardesty, Prezioso, Beach, Lindsay, Stollings, Romano and Plymale: Relating to High-Wage Growth Business Tax Credit Act	1407				1408
758 -	By Senators Sypolt, Tarr and Unger: Relating to authority of Emergency Medical Services Advisory Council	1587				1588
*760 -	By Senator Rucker: Allowing state college or university apply to HEPC for designation as administratively exempt school (Chapter 173, Acts, Regular Session, 2020)	1501	1775		2380	1502, 1828, 2229, 2380, 3571, 3588
*762 -	By Senators Maroney, Takubo, Lindsay, Baldwin, Stollings, Woelfel and Rucker: Creating Preserving Patient Stability Act of 2020	1588				1588
765 -	By Senators Weld and Woelfel: Modifying "Habitual Offender" statute (Chapter 88, Acts, Regular Session, 2020)	1588, 3550	1834	2529	2535	1588, 2247, 2529, 2535, 2536, 3571, 3588
767 -	By Senators Maroney, Tarr and Roberts: Relating to licensure of hospitals (Chapter 268, Acts, Regular Session, 2020)	1228	1620		2381	1229, 1723, 1748, 1832, 2230, 2231, 2380, 2382, 3571, 3588
*770 -	By Senators Takubo, Stollings, Rucker and Plymale: Revising requirements for post-doctoral training (Chapter 243, Acts, Regular Session, 2020)	1408	1621		2381	1408, 1723, 1748, 1832, 2231, 2381, 3571, 3588
*772 -	By Senators Azinger, Smith, Sypolt and Trump: Clarifying American Law Institute's Restatements of Law	1503				1503
778 -	By Senators Blair, Boley, Hamilton, Mann, Maroney, Roberts, Tarr, Swope, Sypolt, Ihlenfeld, Palumbo, Prezioso, Plymale and Stollings: Supplemental appropriation expiring funds from State Excess Lottery Revenue Fund to DHHR (Chapter 18, Acts, Regular Session, 2020)	1176	1350		1641	1176, 1378, 1442, 1491, 1615, 1641, 1642, 3560, 3586
779 -	By Senators Blair, Boley, Hamilton, Mann, Maroney, Roberts, Tarr, Swope, Sypolt, Ihlenfeld, Palumbo, Prezioso, Plymale and Stollings: Supplemental appropriation expiring funds in State Excess Lottery Revenue to Department of Veterans' Assistance (Chapter 19, Acts, Regular Session, 2020)	1176	1350		1642	1176, 1378, 1443, 1491, 1615, 1642, 3560, 3586



Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
780 -	By Senators Blair, Boley, Hamilton, Mann, Maroney, Roberts, Tarr, Swope, Sypolt, Ihlenfeld, Palumbo, Prezioso, Plymale and Stollings: Supplemental appropriation by decreasing and adding new appropriation out of Treasury to DMAPS (Chapter 20, Acts, Regular Session, 2020)	1177	1350		1643	1177, 1378, 1443, 1491, 1615, 1642, 1643, 3560, 3586
781 -	By Senators Rucker, Plymale, Stollings and Cline: Relating to reports regarding collaborative agreements between community and technical colleges and federally registered apprenticeship programs (Chapter 174, Acts, Regular Session, 2020)	1339, 1853	1396	1612, 1854	1644, 1854	1339, 1612, 1643, 1644, 1854, 3565, 3588
782 -	By Senators Maroney and Plymale: Relating to fees assessed by Health Care Authority on certain hospitals	1408				1408
*785 -	By Senators Trump and Cline: Establishing uniform electioneering prohibition area (Chapter 125, Acts, Regular Session, 2020)	1589, 2946	1776	2231, 2946	2236, 2946	1408, 1828, 2231, 2235, 2236, 2946, 2947, 3570, 3588
*787 -	By Senators Tarr, Hardesty, Maroney, Stollings and Plymale: Providing benefits to pharmacists for rendered care (Chapter 188, Acts, Regular Session, 2020)	1408, 3550	1621, 1830	2536, 2689	2683	1409, 1621, 2248, 2536, 2683, 2689, 2690, 3579, 3588
789 -	By Senator Carmichael (Mr. President): Repealing obsolete sections of WV Code relating to Legislature (Chapter 50, Acts, Regular Session, 2020)	1340	1493		1695	1340, 1613, 1648, 1694, 3565, 3588
*793 -	By Senators Smith, Sypolt and Cline: Relating to business and occupation taxes imposed on certain coal-fired electric generating units (Chapter 328, Acts, Regular Session, 2020)	1503	1732		2382, 2383	1503, 1828, 2237, 2382, 2383, 3571 3588
*797 -	By Senators Takubo, Cline and Stollings: Authorizing governing boards of public and private hospitals employ hospital police officers (Chapter 269, Acts, Regular Session, 2020)	1589, 3551	1833	2536, 2685	2685	1589, 2248, 2536, 2542, 2684, 2685, 3579, 3588
*798 -	By Senators Sypolt, Cline, Stollings and Romano: Requiring dairy foods processed in state be added to list of items to be purchased by state-funded institutions	1503				1503
800 -	By Senators Romano, Facemire and Smith: Authorizing electric utilities construct and operate project within electric utility distribution system	1504				1504
*802 -	By Senator Swope: Relating to public utilities generally (Chapter 305, Acts, Regular Session, 2020)	1589, 3028	1670	1827, 2138, 3028	2138, 3029	1590, 1763, 1827, 2138, 2139, 3029, 3579, 3588

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
803 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of money out of General Revenue Fund to DHHR (Chapter 21, Acts, Regular Session, 2020)	1409	1656		1791	1409, 1723, 1762, 1791, 1792, 3560, 3586
804 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of moneys from Treasury to PSC, Consumer Advocate Fund (Chapter 22, Acts, Regular Session, 2020)	1340	1656		1792	1340, 1723, 1762, 1792, 3560, 3586
805 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of moneys from Treasury to WV Commuter Rail Access Fund (Chapter 23, Acts, Regular Session, 2020)	1504	1656		1793	1504, 1723, 1762, 1792, 1793, 3560, 3586
806 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation out of federal funds in Treasury to DOT (Chapter 24, Acts, Regular Session, 2020)	1340	1656		1794	1340, 1723, 1762, 1793, 1794, 3560, 3586
*810 -	By Senators Smith and Cline: Implementing federal Affordable Clean Energy rule (Chapter 132, Acts, Regular Session, 2020)	1590	1668		2139	1590, 1763, 1827, 2139, 3566, 3589
812 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services (Chapter 25, Acts, Regular Session, 2020)	1504, 2750	1655	1762	1794	1504, 1723, 1762, 1794, 1795, 3560, 3586
816 -	By Senator Blair: Updating North American Industry Classification System code references (Chapter 329, Acts, Regular Session, 2020)	1505			1695	1505, 1613, 1648, 1695, 1696, 3566, 3589
*819 -	By Senators Cline and Plymale: Relating to DOH management of Coal Resource Transportation roads	1505				1505
*820 -	By Senators Takubo, Cline and Stollings: Authorizing DHHR transfer comprehensive community mental health centers and intellectual disability facilities to regional centers and facilities	1590	1735			1590, 1735
*821 -	By Senator Takubo: Providing immunity from civil liability to facilities and employees providing crisis stabilization	1590				1591
828 -	By Senators Jeffries, Lindsay and Woelfel: Clarifying municipal B&O taxation where business activity occurs	1505				1506

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*829 -	By Senator Maynard: Establishing Overland Recreation Fund	1591				1591
830 -	By Senator Blair: Eliminating special merit-based employment system for health care professionals (Chapter 51, Acts, Regular Session, 2020)	1591	1734		2383	1591, 1828, 2237, 2383, 3571, 3589
832 -	By Senator Maynard: Permitting retailers assume sales or use tax assessed on tangible personal property	1591				1592
837 -	By Senators Blair, Tarr, Maroney, Roberts, Swope and Takubo: Providing exemptions from ad valorem taxes for certain types of personal property	1409				1410
838 -	By Senators Azinger, Baldwin, Beach, Clements, Cline, Hardesty, Jeffries, Lindsay, Maynard, Pitsenbarger, Romano, Rucker, Smith, Takubo, Weld, Woelfel and Trump: Directing State Police establish referral program for substance abuse treatment (Chapter 293, Acts, Regular Session, 2020)	1410, 3551	1659	2237, 2384	2383	1411, 1723, 1748, 1832, 2237, 2383, 2384, 3568, 3589
839 -	By Senators Roberts, Weld, Baldwin, Boley, Jeffries, Rucker, Smith, Stollings and Tarr: Creating State Advisory Council on Postsecondary Attainment Goals (Chapter 175, Acts, Regular Session, 2020)	1592, 3551	1733	2237	2385	1592, 1829, 2237, 2240, 2384, 2385, 3579, 3589
840 -	By Senators Smith, Sypolt, Boley, Clements, Cline, Hamilton, Ihlenfeld, Jeffries, Lindsay and Swope: Creating statutory fee for modifying permits issued by DEP Office of Oil and Gas	1592				1592
841 -	By Senators Blair, Tarr, Boley, Hamilton, Mann, Maroney, Swope, Roberts, Takubo, Facemire, Ihlenfeld, Palumbo, Stollings and Unger: Requiring Governor to fix salaries of certain appointed officers after office is vacated	1592				1593
842 -	By Senators Azinger, Baldwin, Boley, Cline, Pitsenbarger, Plymale, Roberts, Romano, Stollings, Trump, Unger, Weld and Rucker: Requiring Superintendent of Schools establish a Behavior Interventionist Pilot Program in two school districts for five years (Chapter 115, Acts, Regular Session, 2020)	1593, 2746	1776	2240, 2243, 2746	2243, 2747	1593, 1829, 2240, 2243, 2244, 2747, 2748, 3571, 3589
843 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of funds from Treasury to DHHR Energy Assistance Fund (Chapter 26, Acts, Regular Session, 2020)	1664	1834		2685	1664, 2248, 2542, 2685, 2686, 2687, 3561, 3586

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
844 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation from Treasury to DHHR Birth-to-Three Fund (Chapter 27, Acts, Regular Session, 2020)	1664	1834		2686	1664, 2248, 2542, 2686, 2687, 3561, 3586
*845 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation from Treasury to DHHR, Division of Human Services (Chapter 28, Acts, Regular Session, 2020)	1664	1834		2687	1665, 2248, 2542, 2687, 2688, 3561, 3586
846 -	By Senators Maroney, Tarr, Takubo, Weld, Azinger, Rucker, Maynard, Roberts, Stollings, Unger, Plymale and Palumbo: Requiring hospital publish notification prior to facility closure regarding patient medical records (Chapter 270, Acts, Regular Session, 2020)	1593	1734		2385	1593, 1829, 2244, 2385, 2386, 3562, 3589
847 -	By Senators Azinger, Baldwin, Clements, Cline, Hardesty, Jeffries, Lindsay, Maynard, Pitsenbarger, Romano, Rucker, Smith, Weld, Woelfel and Trump: Updating controlled substance lists in Schedules I and V	1594				1594
848 -	By Senators Azinger, Baldwin, Beach, Clements, Cline, Hardesty, Jeffries, Lindsay, Maynard, Pitsenbarger, Romano, Rucker, Smith, Weld, Woelfel and Trump: Clarifying persons charged with DUI may not participate in Military Service Members Court (Chapter 97, Acts, Regular Session, 2020)	1594	1777		2386	1594, 1829, 2244, 2386, 3571, 3589
849 -	By Senators Azinger, Baldwin, Beach, Clements, Cline, Hardesty, Jeffries, Lindsay, Maynard, Pitsenbarger, Romano, Rucker, Smith, Weld and Trump: Relating to military service as factor in certain insurance coverage rates (Chapter 189, Acts, Regular Session, 2020)	1594, 2570		1648, 1696, 2570, 2571	1696, 2571	1594, 1648, 1649, 1696, 1697, 2572, 3562, 3589
850 -	By Senators Baldwin, Beach, Clements, Cline, Hardesty, Jeffries, Lindsay, Maynard, Pitsenbarger, Romano, Rucker, Smith, Takubo, Weld, Woelfel and Trump: Prohibiting racial discrimination based on certain hair textures and hairstyles	1595				1595

Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
851 -	By Senators Azinger, Baldwin, Beach, Clements, Cline, Hardesty, Jeffries, Lindsay, Maynard, Pitsenbarger, Romano, Rucker, Smith, Takubo, Weld, Woelfel and Trump: Requiring Governor's Committee on Crime, Delinquency, and Correction propose rule in coordination with law enforcement and certain medical boards (Chapter 294, Acts, Regular Session, 2020)	1595, 3456	1659	2245, 2387	2386, 3456	1595, 1723, 1748, 1832, 2244, 2245, 2386, 2387, 3456, 3457, 3579, 3589
852 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Fund (Chapter 29, Acts, Regular Session, 2020)	1779	1831		2688	1779, 2248, 2542, 2688, 3561, 3586
853 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of public moneys from Treasury to Department of Education, School Building Authority (Chapter 30, Acts, Regular Session, 2020)	1779	1831		2689	1780, 2248, 2542, 2688, 2689, 3561, 3586
854 -	By Senators Blair, Boley, Hamilton, Maroney, Roberts, Tarr, Swope, Sypolt, Ihlenfeld, Palumbo, Prezioso, Plymale, Stollings and Unger: Expiring funds to Division of Culture and History from Auditor's Office, Purchasing Card Administration Fund	2358				2358, 2359, 2690
855 -	By Senators Blair, Boley, Maroney, Roberts, Tarr, Swope, Sypolt, Ihlenfeld, Palumbo, Prezioso, Plymale, Stollings and Unger: Expiring funds to State Rail Authority, WV Commuter Rail Access Fund from Auditor's Office, Purchasing Card Administration Fund	2359				2359
856 -	By Senators Blair, Hamilton, Roberts, Tarr, Swope, Sypolt, Ihlenfeld, Facemire, Prezioso, Plymale and Stollings: Expiring funds from WV Development Office, Synthetic Fuel, Producing County Fund to Market and Communications Operating Fund	2691				2691

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\*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
1 -	By Senators Weld and Baldwin: Designating dogs adopted from animal shelters and rescues as WV official state dog	202	1357			202, 1357
2 -	By Senators Trump and Cline: Requesting Frederick County, Virginia, consider becoming part of State of West Virginia	136	224			136, 224
3 -	By Senators Palumbo, Lindsay, Stollings and Jeffries: US Army MSG Richard A. "Dick" Smoot Memorial Bridge	389	2253, 2866		2867	389, 2253, 2868
4 -	By Senators Smith, Azinger, Baldwin, Boley, Clements, Cline, Hardesty, Maynard, Roberts, Rucker, Swope, Sypolt, Tarr, Trump and Weld: Urging Congress call convention to propose amendment on congressional term limits	354	2256, 2694			353, 2657, 2752
6 -	By Senators Romano, Facemire, Baldwin, Beach, Hardesty, Ihlenfeld, Jeffries, Lindsay, Stollings, Swope, Woelfel and Unger: Walter E. Swiger, Jr., Memorial Bridge	2360	2866		2867	2360, 2868
*8 -	By Senators Carmichael (Mr. President), Stollings, Romano, Smith and Jeffries: US Army 1LT Harold H. Frazier Memorial Bridge	952	2866		2867	952, 2868
9 -	By Senators Weld, Ihlenfeld, Stollings, Smith and Romano: US Army SSG Nick P. Markos Memorial Bridge	1912	2866		2867	1912, 2868
10 -	By Senators Rucker, Cline, Roberts and Baldwin: Requesting study of current WV laws relating to anti-bullying measures in schools	534	1051, 2694		3543	534, 1051, 3544
12 -	By Senators Weld, Jeffries and Stollings: US Army PFC Gary Alcott Birkhimer Memorial Bridge	954	2253, 2867		2867	954, 2253, 2868
15 -	By Senators Smith, Sypolt, Beach, Lindsay, Stollings, Unger, Jeffries and Romano: Kaylee Grace Whetzel Memorial Bridge	2983			2984	2984
17 -	By Senators Ihlenfeld, Beach, Lindsay, Romano, Unger, Weld and Jeffries: USMC PFC Manuel P. Markos Memorial Bridge	1340	2867		2867	1340, 2868
*19 -	By Senators Hamilton and Pitsenbarger: USMC LCpl Fred Michael Kerns Memorial Bridge	1267	2867		2867	1268
*23 -	By Senators Beach, Romano, Lindsay, Stollings, Sypolt, Unger, Baldwin, Cline and Jeffries: Requesting study of State Police's increased duties and responsibilities	2361				2361

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27 -	By Senators Boley, Carmichael (Mr. President), Azinger, Baldwin, Beach, Blair, 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 Woelfel: Requesting study on ways to make State Capitol building more handicap accessible	1269				1269
29 -	By Senator Sypolt: Requesting DEA and USDA promulgate rule allowing state to take custody of certain cannabis plants for testing on lowering THC levels in processed hemp	773				773
32 -	By Senators Romano, Facemire, Lindsay, Unger, Jeffries and Cline: US Marine Corps PFC James R. "Johnny" Corder Memorial Bridge	1671	2867		2867	1671, 2868
33 -	By Senators Cline, Weld, Jeffries, Lindsay, Unger and Romano: US Air Force MSGT Dvon Duncan Memorial Bridge	1673	2867		2867	1673, 2868
34 -	By Senators Pitsenbarger, Azinger, Baldwin, Facemire, Hamilton, Romano, Stollings, Unger, Jeffries and Lindsay: US Army CPL Dane Hampton Hamric Memorial Bridge	1675	2867		2867	1675, 2868
35 -	By Senators Cline, Roberts, Stollings, Romano, Lindsay, Jeffries and Unger: Veterans Memorial Drive	1677	2867		2867	1677, 2868
36 -	By Senators Baldwin, Mann, Pitsenbarger, Romano, Stollings, Jeffries, Plymale, Lindsay and Unger: Shafer Brothers US Military Veterans Memorial Bridge	1678	2867		2867	1678, 2868
39 -	By Senators Baldwin, Mann, Beach, Jeffries, Unger and Cline: US Navy PO1 Jeffrey S. Taylor Memorial Bridge	1680	2867		2867	1679, 2868
42 -	By Senators Mann, Carmichael (Mr. President), Baldwin, Blair, Jeffries, Prezioso, Romano, Swope, Takubo, Weld, Lindsay, Stollings and Unger: US Army CPL Richard "Warren" Ellison Memorial Bridge	1914	2867		2867	1914, 2868
43 -	By Senators Smith, Sypolt, Stollings, Lindsay, Jeffries, Unger and Cline: US Army 1LT Fred Omar Pratt Memorial Bridge	1682	2867		2867	1682, 2868
46 -	By Senators Trump, Hardesty, Rucker, Lindsay, Romano, Beach, Weld, Takubo, Clements, Baldwin, Pitsenbarger, Smith, Jeffries, Cline and Woelfel: Requesting DEP and DHHR propose public source-water supply study plan	1411	1773, 2694		3514	1411, 1773, 2694, 3511, 3514

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59 -	By Senators Romano, Facemire, Stollings, Jeffries and Lindsay: Rachel Hershey Smith Memorial Shelter	2650	2869		2867	2868







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- 4699. Relating to unfair or deceptive telemarketing acts or practices
- 4707. Clarifying that a legislator's immunity from arrest and trial is subject to the language of the state constitution
- 4717. Seizure and Forfeiture Reporting Act
- 4759. Creating a duty to disclose by owners of property that knew or should have known that crystal methamphetamine production was occurring



- 4765. Reducing the criminal penalty for possession of small amounts of marijuana or paraphernal
- 4779. Relating to the criminal offense of therapeutic deception
- 4808. Relating to persons from another state storing firearms in this state
- 4818. Making it a criminal offense to escape or attempt to escape from the custody of a Community Corrections program
- 4845. Increasing the community service hours a person may be ordered to perform upon conviction of or pleading guilty to littering
- 4852. Relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver methamphetamine
- 4858. Classifying “marihuana” and tetrahydrocannabinols as a Schedule IV controlled substance
- 4872. Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse
- 4880. Providing increased protections for the welfare of domestic animals
- 4883. Relating to criminal procedure
- 4902. Requiring higher education institutions to adopt policies and programs relating to sexual assault, domestic violence, dating violence, and stalking
- 4913. Providing a procedure for modification of a prison sentence when a person has served at least 10 years
- 4945. Creating a criminal penalty for an agent or sworn officer who refuses or fails to enforce the Compact Agreement on Detainers in immigration cases

**CRIMES**

- 2218. Modifying the definition of child abuse or neglect to exclude accidental injury
- 2610. Creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated
- 2689. Relating to replacing the present crime of burglary with the crime of home invasion

**DISABILITIES**

- 2134. Requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability
- 2633. Issuing a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder

**DOMESTIC RELATIONS**

- 2188. Nullifying certain adoption orders
- 2348. Authorizing magistrates to order emergency removal of child when parent’s drug use creates unsafe environment

- 2460. Creating a statutory right to petition circuit and family courts for sibling visitation
- 2682. Establishing a bill of rights for foster parents
- 3039. Relating to a court's consideration of the expression of a preference by a child in certain child custody matters
- 3074. Ensuring that legal or biological parents have equal access to any and all copies of birth registry forms
- 4041. Allowing deductions to determine adjusted gross income for student loan payments or mortgage payments in determining child support
- 4046. Relating to abolishing spousal support
- 4080. Relating to petition for legal adoption
- 4129. Relating to adoption
- 4648. The Parenting Fairness Act of 2020
- 4830. Modifying the factors to be used by the court in making a determination as to whether to grant visitation to a grandparent

#### **DRUGS AND DRUG PARAPHERNALIA**

- 2177. Relating to drug testing of legislators

#### **ECONOMIC DEVELOPMENT**

- 2076. Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system
- 2085. Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health
- 2160. Economic and Community Development Task Force
- 2939. West Virginia Call Center Jobs Act of 2019
- 2941. Reinstating the film investment tax credit
- 3097. West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act
- 3099. Relating to eliminating payments to the Alcohol Beverage Control Commissioner from distilleries and mini-distilleries
- 3129. Be Exceptional Starting Today Act
- 4364. Creating a tax credit for hiring an ex-felon
- 4519. Establishing a summer youth intern pilot program within Department of Commerce
- 4574. Establishing Just Transition support for coal and timber related jobs
- 4621. West Virginia FinTech Regulatory Sandbox Act
- 4634. Southern West Virginia Lake Development Study Commission Act
- 4641. Establishing authority for creation of tourism development districts

- 4663. Eliminating certain payments to the Alcohol Beverage Control Commissioner from distilleries and mini-distilleries
- 4676. West Virginia Saving Money and Reducing Time Prize Program
- 4733. Extending tax credits for certain tourism development and expansion projects
- 4871. Economic and Community Development Task Force

**EDUCATION**

- 2370. Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax
- 2374. Discontinuing the use of common core standards and assessments in the state
- 2395. Providing school days to register and transport students to vote
- 2742. Making available elective courses on the history of the Old and New Testaments of the Bible
- 2747. Allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent
- 2778. Providing that school nutrition plans include take home meals for low income students

**EDUCATION (AND RELATED SUBHEADINGS)**

- 2039. Requiring county boards of education to employ a certified library media specialist in each county school
- 2426. Giving local authorities the authority to decrease the speed limit on streets and highways where school buses travel in its jurisdiction

**EDUCATION — RETIREMENT**

- 2104. Increasing benefits of retired state personnel and retired teachers
- 2152. Permitting teachers under the State Teachers Retirement System to teach college level courses without loss of benefits

**EDUCATION (AND RELATED SUBHEADINGS)**

- 2126. Requiring county boards of education to provide released time for professional educators and service personnel when serving in an elected municipal or county office

**EDUCATION (HIGHER)**

- 2021. Relating to relocation or closure of state higher education institutions
- 2034. Prohibiting West Virginia institutions of higher learning and state agencies from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing

- 2059. Expanding the amount of PROMISE scholarship funds awarded to persons majoring in science, technology, engineering and mathematics
- 2065. Expiring the PROMISE Scholarship Program, and establishing the Promise for All Scholarship Program
- 2072. Relating to tuition and fees at community and technical colleges
- 2350. Permitting public employees the right to collectively bargain
- 2377. Making Promise scholarships available for students pursuing certificates or degrees through an accredited community and technical college
- 2455. Redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the Public Employees Insurance Agency
- 2519. The Campus Self Defense Act
- 2520. Relating to the Antihazing Law
- 2586. Providing programs to train firefighters and emergency medical technicians
- 2604. Permitting service credit in the Teachers Retirement System to persons with alternative school teaching experience
- 2862. Relating to the Underwood-Smith scholarship and loan assistance program and teacher scholarship and loan program
- 3048. Permitting adjunct professors to serve on the institutional governing boards
- 3125. Coordinating a plan to provide the first two years of post-secondary education for free
- 4022. Clarifying the qualifications of the Chancellor of the Higher Education Policy Commission
- 4077. Increasing the amount of the bond required to be posted by proprietary schools
- 4085. Relating to PROMISE Scholarship Program requirements
- 4365. Granting of college credit hours for learning English as a second language
- 4389. Relating to transfer for program credits earned at two-year colleges or community and technical colleges
- 4483. Establishing a higher education scholarship program for foster children
- 4597. Creating a Campus Mentors pilot program
- 4624. Permitting public employees the right to collectively bargain
- 4636. Expanding tuition and fee waivers or adjustments for senior citizens
- 4720. Qualifying not-for-profit private baccalaureate institutions for the Advanced Career Education Programs and the WV Invests Grant Program
- 4723. Permitting a certified behavioral analyst to be eligible for the student loan repayment program

- 4729. Requiring higher education institutions to use previous versions or editions of instructional materials
- 4737. Clarifying student eligibility for state-sponsored financial aid
- 4750. Katherine Johnson College Award Program
- 4788. Requiring that no later than July 1, 2020, credits earned at two-year colleges transfer for credit at any other state institution of higher education
- 4849. Establishing a matrix necessary for an institution of higher education to become exempt from the Higher Education Policy Commission
- 4876. Updating the definition of “exempt schools”
- 4901. Mountaineer Games Sports League
- 4902. Requiring higher education institutions to adopt policies and programs relating to sexual assault, domestic violence, dating violence, and stalking
- 4906. Granting Purple Heart recipients, their spouses or unmarried widows, children and grandchildren a 100 percent tuition waiver
- 4907. Granting members of a Gold Star Family a 100 percent tuition waiver
- 4908. Granting veterans, and spouses and children of a veteran with documented wartime service a 75 percent tuition
- 4910. Relating to partial tuition waivers for veterans and their families
- 4921. Authorizing student athletes to be compensated for use of their name, image or likeness
- 4927. Transferring the West Virginia Network for Educational Telecomputing to the Board of Governors for Marshall University
- 4939. Relating to senior citizens attending college classes at state institutions without receiving college credit
- 4943. Establishing matrix necessary for an institution of higher education to become exempt from the Higher Education Policy Commission

### **EDUCATION (K12)**

- 2002. Education Savings Account Act
- 2013. Providing a bonus for teachers willing to teach in certain critical needs areas
- 2022. Permitting county boards of education to accumulate instructional days and use them when needed
- 2093. Relating to seniority rights and school consolidation
- 2100. Establishing a pilot program to develop school-based mental and behavioral health services
- 2322. Providing a salary increase for special education teachers
- 2327. Relating to public school education in dating violence, domestic abuse and sexual violence prevention
- 2345. Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children’s receptive and expressive language

- 2350. Permitting public employees the right to collectively bargain
- 2367. Creating a state program allowing high school students advance to getting a college degree or technical training while in high school
- 2368. Relating to education to children and adults housed in correctional facilities and regional jails
- 2383. Creating a pilot program for expansion of school-based mental health and school-based diversion
- 2386. School Consolidation Task Force
- 2397. Requiring county school boards to provide adequate mental health and counseling services
- 2425. Defining a work day for school service personnel and removing a provision relating to employment of licensed practical nurses
- 2433. Modifying the school calendar to begin not earlier than September 1 and end no later than June 7
- 2448. Middle School Technical Education Program Act
- 2457. Educational Equality Act
- 2464. Requiring free feminine hygiene products in grades 6 through 12
- 2549. Relating to compulsory school attendance
- 2551. Requiring the State Board of Education to develop a method for funding student transportation costs as a stand-alone consideration
- 2561. Expanding the eligibility for service on county school boards
- 2593. Limiting the increase or decrease of state funding to a county board of education
- 2604. Permitting service credit in the Teachers Retirement System to persons with alternative school teaching experience
- 2606. Requiring 30 minutes of unstructured play time daily for students in kindergarten through grade 5
- 2615. Requiring the state board of education to develop an elective course on Vocational Agriculture
- 2620. Modifying the contact requirements with a student's guardians upon accrual of unexcused absences
- 2630. Requiring each county school board to employ at least one full time school nurse
- 2632. Tim Tebow Act
- 2710. Prohibiting manufacturing plants from locating within two air miles of an existing public school
- 2713. Expunging records of unsubstantiated complaints made by the Department of Health and Human Resources against teachers
- 2719. Establishing an optional bus operator in residence program for school districts
- 2758. Establishing minimum numbers of school counselors
- 2766. Relating to a student not advancing to the next grade by teacher recommendation
- 2775. Requiring each high school student to complete a full credit course of study in personal finance

- 2794. Establishing the Summer Feeding for All initiative
- 2824. Relating to teacher to pupil ratio in grades first through third
- 2842. Increasing the amount that a faculty senate of a public school may allocate to a classroom teacher or librarian for academic materials
- 2847. Relating to exemptions from mandated immunizations
- 2852. Increasing the expenditure for academic materials, supplies, and equipment
- 2859. Authorizing certain teachers to use alternative teaching programs
- 2860. Relating to mandatory drug testing of all classes of employees in K through 12 schools
- 2870. Reducing the number of students and schools that a school nurse must serve
- 2919. Establishing an Education Employees Fund
- 2938. Relating to vocational and technical education programs
- 2963. Modifying the school calendar
- 3006. Providing school day to register and transport students to vote
- 3058. Granting full time employees of county boards of education three months of paid leave following the birth of a child
- 3114. Eliminating the requirement that schools be closed on election days
- 3118. Relating to mandatory drug testing for state legislators and teachers
- 3127. Relating to the Secondary School Activities Commission and participation by home schooled students
- 3128. Changing the recommended guidelines for full-day and half-day cooks to the minimum ratio of one cook for every 110 meals
- 3130. Creating three separate job titles for school bus operators
- 4036. Requiring the State Board of Education to develop curriculum content for a semester-long financial literacy course
- 4069. West Virginia Student Religious Liberties Act
- 4084. Relating to teacher salary enhancement
- 4089. Requiring cursive writing to be taught
- 4105. Requiring that public schools have full-time trainers on staff
- 4112. Requiring county school boards to provide adequate mental health evaluations, and counseling services
- 4115. Requiring compulsory immunization of public school children
- 4140. Granting tax credits for parents and legal guardians whose children are in a home schooling program or private school
- 4148. Authorizing the suspension or dismissal of school personnel who retaliate against a student or parent who has made a complaint
- 4153. Forbidding displays relating to sexuality in public school facilities and forbidding the teaching of sexuality in public schools
- 4165. West Virginia Remembers Program
- 4183. Relating to mandatory drug testing of all classes of employees in K through 12 schools

- 4193. Allowing private entities to lease buildings to local school boards in cases of emergency
- 4366. Changing the school aid formula allowances for instructional technology and for AP and dual credit courses
- 4367. Adding speech pathologists to the step increase for special education teachers
- 4378. Relating to disciplining teachers
- 4398. Relating to required courses of instruction
- 4408. Requiring the State Board of Education to develop and implement an online database for the employment of school principals
- 4440. Prohibiting the home schooling of children in certain circumstances
- 4457. Requiring air conditioning on all school buses
- 4475. Requiring the State Board of Education to provide for the routine education of all professional educators
- 4492. West Virginia Children's Vision Act
- 4497. Requiring an external defibrillator device at any secondary school athlete event
- 4518. Relating to minimum salaries for teachers
- 4519. Establishing a summer youth intern pilot program within Department of Commerce
- 4535. Relating to student aide class titles
- 4538. Modifying the definitions and pay grades of certain school cafeteria personnel
- 4546. Relating to tuberculosis testing for school superintendents
- 4564. Relating to participation in school sports
- 4568. Requiring the State Board of Education to provide for the routine education of all professional educators
- 4596. Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment
- 4614. Requiring seat belts on every new school bus
- 4623. Requiring all schools to instruct students on the Holocaust and other genocides
- 4624. Permitting public employees the right to collectively bargain
- 4649. Relating to implementation of trauma-informed practices in schools
- 4656. Requiring test in civics to graduate high school or obtain GED
- 4659. Relating to the West Virginia Secondary School Activities Commission
- 4681. Requiring schools to offer elective vocational courses in middle schools
- 4682. Increasing annuity payment by one percent for certain retirants under a Consolidated Public Retirement Board retirement system
- 4692. Relating to calculation of the school aid formula based on net enrollment



- 4712. Consolidating the 55 county school boards into 10 district school boards
- 4724. Providing a tax credit to encourage new teachers to remain in the state
- 4740. Designating social workers in the DHHR to help improve or maintain school attendance and performance, health and well-being
- 4745. Replacing minimum minutes of instructional time required per day with a requirement for an average of five hours per day
- 4753. Requiring the authority to obtain approval from county board of education for agreements that involve tax revenues expended for public schools
- 4755. Requiring a vote on school closure or consolidation in certain circumstances
- 4771. Requiring "Mine War History Day" be observed in schools every year
- 4780. Permitting county boards to offer elective courses of instruction on the Bible
- 4785. Providing school days to register and transport students to vote
- 4804. Relating to comprehensive systems of support for teacher and leader induction and professional growth
- 4825. Requiring students to compete only against students of the same biological gender
- 4836. Adopting and implementing a "Heat and Humidity Practice Policy" for all interscholastic athletic events
- 4841. Relating to public school faculty senates
- 4843. Relating to public school education assessment of students for dyslexia and dyscalculia
- 4854. Changing the method of filling vacancies in county boards of education
- 4879. Granting jurisdiction to supervise youth sport league events to county boards of education and the Secondary School Activities Commission
- 4890. Relating to the removal of standardized testing in public schools
- 4914. Providing pay raises to public school teachers
- 4917. Changing student to school nurse staffing ratios
- 4923. Establishing a ratio of one counselor for every 250 students
- 4925. Requiring the Secondary Schools Athletic Commission to recognize preparatory athletic programs
- 4937. Relating to home school students
- 4938. Allowing state employees to take paid leave to attend parent-teacher conferences for their children
- 4942. Establishing that the educational instructional term for students shall begin no earlier than Labor Day

4950. Requiring county boards of education to provide one social worker for each 1000 students

### **ELECTED OFFICIALS**

2126. Requiring county boards of education to provide released time for professional educators and service personnel when serving in an elected municipal or county office
2176. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists

### **ELECTIONS**

2008. Relating to nonpartisan election of justices of the Supreme Court of Appeals
2169. Allowing a group of affiliated voters to become a recognized political party under certain criteria
2217. Requiring all local special elections to be held on the days and hours of general, primary or state-wide elections
2309. Allowing municipalities to cancel elections when only one person is running
2395. Providing school days to register and transport students to vote
2432. Electing members of county school boards on a nonpartisan basis in general elections
2456. Relating to the definition of a political party for all state and local elections
2605. Relating to the regular election of officers on state general election day
2753. Permitting stand-in candidates for gubernatorial and presidential contests
2990. Redistricting of the Senate
3006. Providing school day to register and transport students to vote
3041. Relating to electioneering or distributing literature at early voting locations
3077. Permitting election day registration of voters
3094. Relating to political affiliation of elected officials
4044. Prohibiting payroll deductions to electioneering organizations
4056. Requiring all local and state special elections to be held on the days and hours of general or primary or state elections
4073. Relating to disclosure of fundraising contributions during a legislative session
4096. Requiring candidates to live in the state or local election district for the office for which they are seeking
4137. Allowing counties to store and maintain voter registration records in a digital format
4164. Taxation With Representation Act

- 4203. Prohibiting charging your campaign interest for personal loans to your campaign
- 4372. Providing for political party platforms to be placed on ballots for certain primary elections
- 4386. Relating to political party committees
- 4402. Relating to designation of early voting locations
- 4471. West Virginia Native American Tribes Unique Recognition, Authentication and Listing Act
- 4575. Implementing The Agreement Among the States to Elect the President and Vice President by National Popular Vote
- 4593. Authorizing the assignment of poll workers to serve more than one precinct under certain circumstances
- 4594. Allowing poll workers to be appointed to work in precincts outside their county
- 4631. Requiring the return of certain campaign contributions if an elected official switches political parties
- 4708. Expanding the definition of political party for the purposes of election law
- 4742. Establishing a vote by mail program
- 4755. Requiring a vote on school closure or consolidation in certain circumstances
- 4774. Providing that the Division of Motor Vehicles identification cards be issued at no cost
- 4785. Providing school days to register and transport students to vote
- 4846. Requiring penetration test for online election systems
- 4895. Relating to the contests of county, district, and municipal elections
- 4951. Limiting individual contributions to a political candidate to \$1,000

## **ENERGY**

- 2102. Relating generally to horizontal well control standards
- 2131. Establishing the Legislative Oversight Commission on Energy Workers Safety
- 2138. Prohibiting blasting within six hundred twenty-five feet of an occupied dwelling
- 2537. West Virginia Black Lung Program
- 2568. Increasing the tax on the privilege of severing natural gas and oil
- 2812. Allowing the Office of Miners' Health, Safety and Training to inspect the records of employers of certified persons for compliance purposes
- 2832. Requiring drug testing companies to have contractor IDs and mandatory safety training before performing work on mine property
- 4091. Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees
- 4172. Providing for solar energy production on formerly mined land

- 4465. Relating to a tax rebate for facilities or processes that result in additional employment and an additional demand for electrical power
- 4562. Renewable Energy Facilities Program
- 4615. West Virginia Critical Infrastructure Protection Act
- 4661. Relating to the powers of the Public Service Commission and the regulation of natural gas utilities
- 4673. Relating to the Public Energy Authority Act of West Virginia

**ENVIRONMENT**

- 2073. Implementing the recommendations of the studies required by the Natural Gas and Horizontal Well Control Act
- 2076. Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system
- 2496. Shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities
- 2544. Authorizing local boards of health to assess, charge and collect increased environmental fees for restaurants
- 2555. Banning plastic bags
- 2556. Relating to required notices for air quality permits prior to the permit being granted
- 2711. Requiring public hearing for applicant for air quality permit relating to facility of certain investment value
- 3120. West Virginia Beverage Container Recycling and Litter Control Act
- 4079. Altering the definition of an aboveground storage tank
- 4087. Allowing access to the Department of Environmental Protection's electronic submission system
- 4443. Shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities
- 4446. Relating to inspections of surface coal mining operations
- 4484. Relating to the Hazardous Waste Management Fund
- 4534. Relating to rulemaking for healthcare plans
- 4542. Clean Drinking Water Act of 2020
- 4565. Prohibiting the use of polystyrene containers
- 4690. Relating to solid waste facilities
- 4787. Allowing increased civil administrative penalties to be promulgated by legislative rules of by the Department of Environmental Protection
- 4816. Removing the provisions for self-bonding
- 4870. Prohibiting certain devices which enhance a diesel-powered vehicle's capacity to emit soot

**ENVIRONMENTAL PROTECTION**

2113. Intrastate Coal and Use Act

**ESTATES AND TRUSTS**

2552. Relating to the intestate share of a decedent's surviving spouse  
4374. Relating to the administration of estates and trusts  
4929. Relating to the administrative closing of stale or unprogressed estates  
4933. Relating to the administration of trusts

**ETHICS**

2044. Relating to pecuniary interest of county and district officers, teachers and school officials in contracts  
2176. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists  
2497. Relating to the whistle-blower law  
3119. Relating generally to the ethical standards for elected and appointed officials and public employees  
4064. Requiring a lobbyist who is registered to represent multiple clients to immediately notify clients in writing of a conflict of interest  
4674. Act to Counter Boycotts, Divestments and Sanctions of Israel  
4915. Increasing the period for which violations may be considered for filing of an ethics complaint

**FINANCE AND ADMINISTRATION**

2035. Requiring purchases to be made at lowest retail price available at level of quality sought by the spending unit  
2144. Relating to debarment of vendors seeking to provide goods and services to the state and its subdivisions  
2166. Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle  
2756. Requiring contractors performing work for government contracts on computers use software to verify the hours  
2769. Citizen and State Accountability Act  
2972. Authorizing local units of government to adopt local energy efficiency partnership programs  
3051. Relating to requiring state, county, and municipal government agencies to provide all employees an annual statement of total compensation  
4001. Creating West Virginia Impact Fund  
4042. Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules  
4118. Creating a state-wide email address directory

- 4130. Relating to competitive bidding for government construction contracts arising out of declared states of emergency
- 4141. Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December
- 4142. Providing that the Jobs Investment Trust Board be part of the Department of Commerce
- 4390. Relating to records management of public records
- 4434. West Virginia health care workforce sustainability study
- 4437. Relating to the West Virginia Pay Card program
- 4449. Requiring state purchases of certain items to be made from authorized dealers in this state
- 4463. Relating to prequalification of vendors for state contracts
- 4506. Relating to procurement of architect-engineer services by the West Virginia Division of Natural Resources
- 4507. Exempting certain Division of Natural Resources sections from the requirement that all payments must be deposited in a bank within 24 hours
- 4527. Creating a special revenue account designated the Military Authority Fund
- 4552. Relating to state accounting system transaction fees
- 4617. Requiring the State Auditor to conduct financial audits of state agencies and departments
- 4660. Requiring state agencies to maintain updated records of all financial transactions in a searchable website
- 4706. Relating to reports concerning funds due to unknown or unlocatable interest owners
- 4762. Requiring publication of continually updated records of state financial transactions in a publicly accessible, searchable website
- 4766. Changing the hourly threshold for exemption of part-time employees from classified service
- 4811. Relating to requirements for state contracts
- 4869. Requiring a public entity accepting a bid on a public contract to notify all municipalities and counties
- 4877. Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash
- 4911. Providing that military veterans or gold star families may not be charged fees at the State Capitol or fined for not paying fees for parking

#### **FIRE FIGHTING AND PREVENTION**

- 2107. Providing meetings and conference rights for members of municipal fire departments
- 2208. Reducing federal adjusted gross income for volunteer fire department and rescue squad members

**FIREARMS**

2143. West Virginia Firearms Freedom Act

**FUEL**

2134. Requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability

**FUNDS**

2776. Providing one-time supplements to all annuitants when they reach the age of seventy

**GOVERNMENTAL AGENCIES**

2176. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
2581. Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card

**GOVERNOR — BILLS REQUESTED BY**

4021. Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution
4135. Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act
4485. Reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland Security
4486. Making supplementary appropriations from the State Fund, General Revenue, special revenue funds, and state road funds
4487. Expiring funds to the balance of the Department of Health and Human Resources, Division of Human Services
4488. Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, and making a supplementary appropriation to DHHR
4489. Expiring funds to the balance of the Department of Health and Human Resources - Medical Services Program Fund
4490. Making a supplementary appropriation to the Department of Administration, to the DHHR, and to the Department of Veterans' Assistance
4643. Creating in the State Treasury a special account known as Medicaid Families First Reserve Fund
4783. Making a supplementary appropriation to the Department of Education
4961. Making a supplementary appropriation to the Bureau of Senior Services

- 4962. Making a supplementary appropriation to the Public Service Commission, Consumer Advocate Fund
- 4963. Supplementary appropriation to the Department of Transportation, A. James Manchin Fund, and to the State Rail Authority
- 4964. Supplementing, amending and adding a new appropriation to the Department of Transportation, Aeronautics Commission
- 4965. Supplementing and amending the appropriations of public moneys to the Department of Health and Human Resources, Division of Health
- 4972. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services, Energy Assistance
- 4973. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services
- 4974. Supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund
- 4975. Making a supplementary appropriation to the School Building Authority, Debt Service Fund
- 4976. Making a supplementary appropriation to the School Building Authority
- 4979. Expiring funds to the balance of the Department of Commerce, West Virginia Development Office, Marketing and Communications Operating Fund

### **HAZARDOUS MATERIALS**

- 2136. Clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates

### **HEALTH**

- 2074. Life at Conception Act of 2019
- 2077. Prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present
- 2080. Authorizing possession and smoking of medical cannabis by approved persons
- 2214. Requiring applicants for new and renewed drivers' licenses to be asked if they desire to be organ donors
- 2227. Nondiscrimination in Involuntary Denial of Treatment Act
- 2319. Creating a state-administered wholesale drug importation program
- 2323. Raising the legal age for purchase of tobacco and tobacco products
- 2331. Relating to legalizing cannabis production, sales and adult consumption



- 2337. Assessing the health impact of any new, or modification to, rule proposed by the Secretary of the Department of Environmental Protection
- 2345. Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's receptive and expressive language
- 2383. Creating a pilot program for expansion of school-based mental health and school-based diversion
- 2428. Creating a state administered wholesale drug importation program
- 2430. Prohibiting forcing currently owner-occupied residences to be required to participate in a public sewer or public water system
- 2537. West Virginia Black Lung Program
- 2544. Authorizing local boards of health to assess, charge and collect increased environmental fees for restaurants
- 2581. Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card
- 2652. Relating to public health
- 2656. Health Care Choice Act
- 2729. Recognition of Emergency Medical Services Personnel Licensure Interstate Compact
- 2817. Youth Mental Health Protection Act
- 2847. Relating to exemptions from mandated immunizations
- 2903. Fetal Heartbeat Act
- 2915. Restricting the performance of abortions and acquiring, providing, receiving, otherwise transferring, or using fetal body parts
- 2950. Relating to employees of local boards of health
- 2961. Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly
- 2978. Improving the quality of West Virginia's Medicaid program
- 2983. Relating to therapeutic rights of minors
- 2987. Relating to Involuntary treatment for alcohol and other drug abuse
- 2988. Relating to tobacco usage restrictions
- 3019. Health Care Transparency Act
- 3028. Workplace Violence Prevention for Health Care and Social Service Workers Act
- 3042. Requiring prescriptions be made by electronic means
- 3049. Improving dissemination of boiled water advisories to affected communities
- 4003. Relating to telehealth insurance requirements
- 4007. Born-Alive Abortion Survivors Protection Act
- 4009. Relating to the process for involuntary hospitalization
- 4028. Relating to licensure of hospitals
- 4037. Fetal Heartbeat Act
- 4052. Persistent Symptoms Act
- 4054. Vapor Products Warning Notice
- 4059. Increasing access to long acting reversible contraception

- 4063. Relating to compulsory immunizations
- 4066. Raising the legal age for the purchase of tobacco, tobacco products
- 4078. Relating to insulin cost management
- 4108. Relating generally to certificates of need for health care services
- 4114. Informed Consent Protection Act
- 4124. Exempting certain health services from certificate of need
- 4161. Making it illegal to scleral tattoo a person
- 4175. Born-Alive Abortion Survivors Protection Act
- 4186. Removing marijuana as a tested substance from the screening requirements
- 4368. Relating to the Medical Cannabis Act
- 4387. Donated Drug Repository Program
- 4391. Redefining certain definitions, including the definition of “Life-prolonging intervention”
- 4422. The Patient Brokering Act
- 4423. Permitting a nursing home to use trained individuals to administer medication
- 4424. Combining the presently existing five regional command centers of the office of Emergency Medical Services into a single state-wide center
- 4467. Relating to the posting of information regarding the West Virginia Tobacco Quitline
- 4468. The Genealogical Record Integrity Act of 2020
- 4481. Relating to health care decisions
- 4492. West Virginia Children’s Vision Act
- 4493. Relating to age verification requirements for delivery sales of tobacco
- 4497. Requiring an external defibrillator device at any secondary school athlete event
- 4498. Relating to a Woman’s Right to Know
- 4511. Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes
- 4521. Requiring rules of local boards of health to be approved by the county commission; exceptions
- 4539. Relating to the cultivation of medical cannabis
- 4540. Authorizing the appointment, qualifications, certification, authority, compensation, and training of hospital police officers
- 4546. Relating to tuberculosis testing for school superintendents
- 4567. Relating to the use of medical cannabis
- 4580. Eliminating the certificate of need program
- 4581. Relating to West Virginia Clearance for Access: Registry and Employment Screening
- 4583. Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act

- 4605. Transferring state facilities to comprehensive regional mental health centers
- 4609. Limiting minors' access to gender reassignment surgery or hormone replacement therapy
- 4612. Modifying legislative rules for vital statistics relating to death certificates
- 4620. Redefining definition of "recovery residence"
- 4632. Relating to cost sharing in prescription epinephrine drugs
- 4637. Relating to health care decisions
- 4642. Relating to uniform credentialing for health practitioners
- 4652. Relating to tobacco usage restrictions
- 4680. West Virginia Housing Development Fund loan program for recovery residences
- 4688. Transferring 0.5 percent of Medicaid surplus funds to the Emergency Medical Services Equipment and Training Fund
- 4710. Authorizing law-enforcement agencies to create a referral program for voluntary treatment of addiction
- 4711. Developing a program for individuals suffering from a substance abuse disorder who voluntarily seek treatment for that abuse
- 4731. Establishing the Minority Health Advisory Team
- 4746. Establishing a registry of persons with a communication disability
- 4754. Including ulcerative colitis as a "serious medical condition"
- 4758. Solemn Covenant of the States to Award Prizes for Curing Diseases
- 4764. Increasing the excise tax on E-cigarettes
- 4773. Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state
- 4778. Creating the First Responders Mental Health Advisory Board
- 4799. Patient Safety and Transparency Act
- 4814. Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement
- 4822. Relating to the licensure of hospitals
- 4828. Creating a Children's Health Insurance Program buy-in program for children of families above 300 percent of the federal poverty level
- 4831. Establishing a comprehensive addiction recovery center certification and grant program in this state
- 4851. Screening for adverse childhood experiences
- 4858. Classifying "marihuana" and tetrahydrocannabinols as a Schedule IV controlled substance
- 4878. Creating a policy on vaccine preventable diseases
- 4879. Granting jurisdiction to supervise youth sport league events to county boards of education and the Secondary School Activities Commission

- 4881. Permitting individuals who have certain qualifications to operate as tactical emergency medicine providers
- 4888. Food Freedom Act
- 4896. Relating to oversight of syringe exchange programs by the Department of Health and Human Resources
- 4901. Mountaineer Games Sports League
- 4920. Relating to powers and duties of the Commissioner of the Bureau for Public Health
- 4924. Women's Health Protection Act
- 4926. Establishing the emergency service authority for Fayette County
- 4928. Requiring medical insurance providers to include infertility services in their policies

### **HOLIDAYS**

- 2747. Allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent

### **HUMAN RIGHTS**

- 2025. Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person
- 2050. Prohibiting confidential settlement terms of a contested case involving sexual harassment, sexual abuse, or sexual assault
- 2062. The Healthy and Safe Workplace Act
- 2074. Life at Conception Act of 2019
- 2320. Establishing a special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States
- 2335. Family Protection Act
- 2406. Exempting persons with valid religious objections from having their photographs taken and placed on government licenses
- 2553. The Motion Picture Open Captioning Act
- 2741. Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act
- 2763. Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act
- 2899. Creating the West Virginia Intrastate Commerce Improvement Act
- 2985. West Virginia Faith Freedom Act
- 4168. Preserving and protecting the right to keep and bear arms
- 4200. Prohibiting discrimination based on age or sexual orientation
- 4201. Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act
- 4377. The Protection of Vulnerable Adults from Financial Exploitation Act
- 4508. Making it illegal to discriminate based on hair texture or hair style
- 4570. The Motion Picture Open Captioning Act

- 4718. West Virginia Indian Tribes Recognition Act
- 4743. Creating a Small Business and Minority Populations Economic and Workforce Development Taskforce
- 4763. Establishing special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States
- 4894. Pay Transparency Act of 2020
- 4948. Prohibiting discrimination based upon age and sexual orientation, or gender identity

### **HUMAN SERVICES**

- 2007. Eliminating the certificate of need program
- 2154. Creating a litigation practice license for social workers
- 2328. Relating to designation of social workers in the Department of Health and Human Services
- 2336. Relating to the state's Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver
- 2381. Exempting certain contracts between the Department of Health and Human Resources and West Virginia University, Marshall University or the School for Osteopathic Medicine from state purchasing requirements
- 2447. Exempting certain kindergartens, preschools and school education programs that are operated by a private school from state licensure requirements
- 2664. The West Virginia Refugee Absorptive Capacity Act
- 2669. West Virginia Child Advocate for the Protection of Children Act
- 2683. Establishing a bill of rights of children in foster care
- 2893. Increasing minimum salaries for Bureau for Child Support Enforcement attorneys
- 2902. Relating to wages of persons with disabilities
- 2978. Improving the quality of West Virginia's Medicaid program
- 4018. Requiring able-bodied adults receiving Medicaid benefits to be participating with the requirements of a work, education, or volunteer program
- 4387. Donated Drug Repository Program
- 4447. Creating the shared table initiative for senior citizens who suffer from food insecurity
- 4459. Allowing a personal income tax deduction for a foster care child
- 4470. Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services
- 4557. Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals
- 4566. Establishing a tax deduction against corporation net income tax for retail food distributors that donate to school "backpack programs"
- 4573. Relating to Medicaid subrogation liens of the Department of Health and Human Resources

- 4591. Amending the definition of “financial exploitation” to include the use of undue influence
- 4605. Transferring state facilities to comprehensive regional mental health centers
- 4630. Providing a tax credit for families who have foster children
- 4640. Foster Care Support Fund
- 4669. Exempting participants in the Jobs and Hope program from Medicaid forfeiture for one year after certain conditions are met
- 4695. The Closed Captioning Act
- 4752. Initiating a State Employment First Policy to facilitate integrated employment of disabled persons
- 4768. Providing a \$1,000 pay increase for full-time adult protective service workers
- 4789. Affordable Medicaid Buy-In Program
- 4793. Adding entities which may take possession of a child voluntarily relinquished
- 4796. Requiring the Public Employees Agency and other health insurance providers to provide mental health parity
- 4821. Relating to the transportation for the mentally ill or substance abuser
- 4851. Screening for adverse childhood experiences
- 4920. Relating to powers and duties of the Commissioner of the Bureau for Public Health
- 4931. Providing a tax credit for families who have foster children

### **INFRASTRUCTURE**

- 2099. Relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom

### **INSURANCE**

- 2053. Providing that state retirees’ insurance benefits be restored to the benefit levels that existed in 2015
- 2063. Prohibiting use of a person’s credit history in certain insurance transactions
- 2213. Mountain State Employee Compensation Realignment Act
- 2222. Requiring the Insurance Commissioner to regulate professional bondsmen
- 2224. Relating to insurance coverage for breast cancer screening
- 2310. Repealing the Public Employees Insurance Agency Finance Board
- 2332. Relating to insurance unfair trade practices
- 2393. Fixing the premium cost sharing at no less than 80 percent for the employer and no more than 20 percent for the employee

- 2394. Requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage
- 2656. Health Care Choice Act
- 2754. Establishing certain requirements for dental insurance
- 2810. Modifying the method of calculation of the employer and employee contribution percentages for public employee insurance premiums
- 2873. Establishing an insurance program for health and medical insurance coverage to be offered in counties with limited insurance providers
- 3038. Increasing access to contraceptive drugs, devices, and procedures
- 3052. Ensuring coverage for residents with preexisting conditions
- 3078. Relating generally to paid family and medical leave
- 3136. Relating to the Centers for Medicare and Medicaid Services
- 4043. Preventing state, county and municipal agencies from covering any portions of Public Employee Insurance Act premiums for spouse
- 4058. Relating to pharmacy benefit managers
- 4061. Health Benefit Plan Network Access and Adequacy Act
- 4062. Reducing the cost of prescription drugs
- 4146. Relating to credit for reinsurance
- 4149. Relating to insurance
- 4150. Preventing taxpayer subsidization of health insurance covering elective abortions
- 4162. Requiring Medicaid and insurance coverage for treatment of pediatric autoimmune neuropsychiatric disorders
- 4171. Relating to the assignment of certain benefits in dental care insurance coverage
- 4192. Relating to the establishment of an insurance innovation process
- 4198. Permitting a person to obtain a 12-month supply of contraceptive drugs
- 4359. Modifying the filing fees for insurers
- 4361. Relating to insurance law violations
- 4385. Family and Medical Leave Insurance Benefits Act
- 4436. Clarifying that The American Law Institute's Restatement of the Law, Liability Insurance is not a source of West Virginia insurance law
- 4448. Relating to the transfer of moneys from the Insurance Commission Fund into the Workers' Compensation Old Fund
- 4466. Certificates of Insurance Act
- 4474. Relating to peer-to-peer car sharing programs
- 4477. West Virginia Mutual to Mutual Insurance Holding Company Act
- 4496. Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections
- 4502. Relating to insurance adjusters

- 4528. Relating to the surcharge on fire and casualty insurance policies
- 4553. Requiring certain health insurance providers to provide fertility services coverage
- 4554. Relating to insurance coverage for insulin
- 4572. Allowing WVCHIP flexibility in rate setting to establish cost savings
- 4588. Requiring access to coverage of individuals with preexisting conditions
- 4739. Relating to the regulation of pharmacy services administrative organizations
- 4796. Requiring the Public Employees Agency and other health insurance providers to provide mental health parity
- 4826. Permitting former members of the Legislature to remain eligible for insurance plans at full cost to the member and at no cost to the state
- 4875. Requiring certain insurance providers to enter into provider service agreements with a health care provider
- 4898. Imposing a general data mining service tax on commercial data operators
- 4928. Requiring medical insurance providers to include infertility services in their policies

#### **INSURANCE — HEALTH**

- 2575. Freezing PEIA employee premiums for three years
- 2577. Authorizing insurance to married workers without children at reduced rates under the West Virginia Public Employees Insurance Act
- 2613. Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance
- 2631. Relating to qualifying children of state employees, receiving income of \$25,000 per year or less, for the West Virginia Children's Health Insurance Program
- 2649. Providing state health care services for all active and inactive duty military personnel

#### **INSURANCE — MOTOR VEHICLES**

- 2613. Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance

#### **INSURANCE (AND RELATED SUBHEADINGS)**

- 2125. Giving the Insurance Commissioner the power to regulate and penalize self-insured employers



2129. Prohibiting the use of a credit score in casualty insurance rate filings

**JUVENILES**

2096. Relating to the juvenile justice reform oversight committee
2317. Requiring the release of an unemancipated minor's medical records for drug testing
2383. Creating a pilot program for expansion of school-based mental health and school-based diversion
2460. Creating a statutory right to petition circuit and family courts for sibling visitation
2578. Allowing children in the custody of the state in any foster home, group home or other facility or residence to hunt and fish without a license
2983. Relating to therapeutic rights of minors
4092. Relating to foster care
4094. Continuing the Foster Care Ombudsman
4107. Requiring the Department of Health and Human resources to pay the attorney fees of an adoptive parent in a subsidized adoption
4128. Relating to child protective caseworkers
4469. Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor
4470. Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services
4536. Prohibiting certain sex offenders from being in a supervisory position over children
4551. Relating to subsidized adoption
4572. Allowing WVCHIP flexibility in rate setting to establish cost savings
4585. Providing immunity from civil or criminal liability for making good faith reports of suspected or known instances of child abuse or neglect
4670. Relating to the juvenile restorative justice programs
4842. Exempting child-care programs for out-of-school time summer camp operated by county parks and recreation commissions from the certification
4897. Child Care Access Work Group
4940. Providing a tax credit for families who have foster children

**LABOR**

2023. Repealing provision prohibiting employers from discriminating for use of tobacco products
2045. Removing the requirement for contactors to file payroll information on public improvement construction projects

- 2056. Repealing the West Virginia Workplace Freedom Act and restoring prior law
- 2057. Reestablishing prevailing wages for certain state government contracts
- 2125. Giving the Insurance Commissioner the power to regulate and penalize self-insured employers
- 2350. Permitting public employees the right to collectively bargain
- 2646. Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees
- 2871. Increasing the state minimum wage
- 2939. West Virginia Call Center Jobs Act of 2019
- 4012. West Virginia Contractor Act
- 4040. Reducing the number of hours of experience needed to qualify as a journeyman sprinkler fitter
- 4068. Increasing the state minimum wage
- 4086. Removing certain requirements related to wages for construction of public improvements
- 4110. Repealing the West Virginia Jobs Act
- 4181. Moving provisions relating to the licensing of contractors to Chapter 30 of this code
- 4186. Removing marijuana as a tested substance from the screening requirements
- 4189. Relating generally to the payment of salary or wages under the Parental Leave Act
- 4196. Enacting fair workweek employment standards
- 4364. Creating a tax credit for hiring an ex-felon
- 4606. Listing contractor classifications on a contractor license
- 4624. Permitting public employees the right to collectively bargain
- 4791. Altering the definition of a specialty contractor under the West Virginia Contractor Licensing Act
- 4798. Creating an exemption under the West Virginia Contractor Licensing Act for work performed by certain subcontracted specialty contractors
- 4867. Relating to psychophysiological detection of deception examinations by law-enforcement officers
- 4900. Enacting fair workweek employment standards
- 4905. Ban-the-Box Act
- 4909. Requiring seats to be provided for employees

#### **LAW ENFORCEMENT**

- 2137. Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement
- 2333. Relating to career progression of members of the State Police

**LAW ENFORCEMENT — STATE POLICE**

- 2105. Establishing a minimum number of troopers to provide basic law enforcement services, and providing members of the West Virginia State Police a \$580 salary increase at the end of two years of service
- 2106. Requiring that State Police officers be compensated for time when they are required to be on standby and providing a stipend for housing cost for certain officers
- 2135. Requiring the Superintendent of the State Police to implement a plan to increase the number of troopers

**LEGAL GAMING**

- 2527. Relating to forgery and other crimes concerning lottery tickets
- 2932. Transferring regulation and licensing of charitable bingo, charitable raffles, and charitable raffle boards
- 4010. Changing the licensing requirement for certain casino employees
- 4191. Permitting wagering on the results of certain professional or collegiate sports or athletic events
- 4435. Granting counties and municipalities a portion of the net terminal income from racetrack video lottery
- 4438. Relating to the licensing of advance deposit wagering
- 4599. Discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund
- 4647. Relating to limited video lottery permit holders
- 4760. Modifying video lottery retailer licensing eligibility requirements

**LEGISLATURE**

- 2147. Limiting pay of members of the Legislature when a budget bill has not been passed
- 2176. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
- 2445. Creating the Independent Redistricting Commission of the Joint Committee on Government and Finance
- 2705. Redistricting of the Senate into 16 two-member senatorial districts and redistricting the House into 96 single member districts
- 2904. Implementing drug testing for legislators of the State of West Virginia
- 2928. Relating to the Public Service Commission
- 3117. Prohibiting the Legislature from negotiating with illegal strikers
- 3118. Relating to mandatory drug testing for state legislators and teachers
- 4351. Requiring the random drug testing of legislators
- 4380. Updating the regulatory board review schedule

- 4441. Providing that political party caucus meetings are not exempt from open proceedings requirements
- 4494. Tobacco Use Cessation Initiative
- 4582. Declaring certain claims against agencies of the state to be moral obligations of the state
- 4645. Establishing the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance
- 4932. Requiring the random drug testing of legislators and members of the Board of Public Works

**LEGISLATURE—RULE MAKING**

- 2303. State Tax Department, rule relating to payment of taxes by electronic funds transfer
- 4803. Relating to certification of electrical inspectors

**LIBRARIES**

- 2039. Requiring county boards of education to employ a certified library media specialist in each county school

**LICENSES**

- 2150. Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents

**LOCAL AND SPECIAL LAWS**

- 4582. Declaring certain claims against agencies of the state to be moral obligations of the state
- 4646. Transferring property located in the Union Carbide Corporation Tech Center to the City of South Charleston

**MILITARY AFFAIRS**

- 2582. Exempting all veterans of the Armed Forces or any reserve component thereof from having to obtain a hunting, trapping fishing license
- 2649. Providing state health care services for all active and inactive duty military personnel

**MILITARY AND VETERANS**

- 2030. Permitting honorably discharged veterans to hunt, trap or fish in this state without first obtaining a license
- 2058. Exempting retirement income of members of certain uniformed services from state income tax
- 2064. Relating to a five percent bid preference on certain state contracts for businesses owned fifty-one percent by honorably discharged resident veterans

- 2330. Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter
- 2427. Paying a monthly allotment to certain veterans
- 2672. Exempting honorably discharged veterans of the from payment of fees and costs for a license to carry deadly weapons
- 2732. Defend the Guard Act
- 4030. Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans
- 4032. Creating a procedure that allows a fireworks retailer to combine and pay all applicable fees in a single payment
- 4138. Prescribing methods of support for families of veterans to attend funeral services
- 4194. Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee
- 4197. Model Veterans Treatment Court Act
- 4511. Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes
- 4526. Making a supplementary appropriation to the Department of Veterans' Assistance- Veterans Home
- 4817. West Virginia Monument and Memorial Protection Act of 2020
- 4912. Relating to West Virginia service medals
- 4930. Relating to military service credit for retirement purposes

#### **MINES AND MINERALS**

- 2113. Intrastate Coal and Use Act
- 2131. Establishing the Legislative Oversight Commission on Energy Workers Safety

#### **MOTOR VEHICLES**

- 2060. Relating to the procedures for driver's license suspension and revocation in criminal proceedings for driving under the influence of alcohol, controlled substances or drugs
- 2094. Exempting motor vehicles from personal property tax
- 2166. Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle
- 2207. Requiring that a state employee with a commercial driver's license have a current medical evaluation certification
- 2214. Requiring applicants for new and renewed drivers' licenses to be asked if they desire to be organ donors
- 2338. Allowing the owner of an antique military vehicle to display alternate registration insignia
- 2417. Clarifying that a vehicle may not be backed into a public street or highway unless it does not interfere with other traffic

- 2429. Creating the Vehicle Registration Scofflaw Elimination Program
- 2458. Providing that West Virginia will not participate in the REAL ID Act of 2005
- 2512. Authorizing the Department of Motor Vehicles to issue certain vital records in the custody of the State Registrar
- 2596. Providing for a special "Don't Tread On Me" license plate
- 2616. Providing a maximum repair cost for insured owners of motor vehicles if a collision with a deer caused the damage
- 2627. Removing all costs and fees from a Silver Star registration plate
- 2653. Creating a presidential service registration plate
- 2723. Placing penalty points on driver's licenses for using electronic communications devices while operating a motor vehicle
- 2784. Extending the expiration of driver's licenses for active military members' spouses
- 2820. Relating to criminal penalties for reckless driving
- 2822. Creating an enhanced penalty for certain aggravated serious traffic offenses
- 2851. Providing a special license plate to support adoption
- 2930. Relating to emergency vehicles
- 2935. Relating to licensing of drivers utilizing bioptic telescopic devices
- 2942. Relating to the contents of driver's license
- 4016. Requiring motor vehicles safety inspections every three years instead of each year
- 4035. Relating to posting of the alcoholic content of gasoline
- 4047. Relating to activities of an automotive collector
- 4050. Establishing requirements for a Division of Motor Vehicles office or Division of Motor Vehicles Now kiosk to be present in a county
- 4060. Removing the registration fee for a vehicle operating on a combination of electricity and petrochemical fuels
- 4065. Relating to donations to West Virginia 4 H Program or the Future Farmers of America when renewing driver's license
- 4113. Relating to motor fuel excise taxes
- 4117. Authorizing a special vehicle registration plate for "2nd Amendment" enthusiasts
- 4131. Authorizing municipal fire departments specialized license plates
- 4132. Authorizing certain motor vehicle manufacturers to operate as new car dealers
- 4133. Clarifying display of the name on the face of a driver's license
- 4194. Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee
- 4425. Relating generally to the issuance of driver licenses
- 4450. Relating to instruction permits issued by the Division of Motor Vehicles
- 4464. Relating to driving privileges and requirements for persons under the age of 18

- 4469. Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor
- 4478. Creating a lifetime ban for commercial drivers involved in human trafficking
- 4479. Removing the authority of the Commissioner of the Division of Motor Vehicles to set documentary charges
- 4495. Extending the validity of a level one instruction driver's permit
- 4504. Relating to renewal application requirements for individuals with permanent disabilities
- 4512. Creating a work permit driver's license program
- 4522. Allowing division to accept documents compliant with Real ID Act for proof of identity
- 4541. Relating to an occupational limited license
- 4548. Eliminating the ability of a person's driver's license to be suspended for the failure to pay court fines and costs
- 4571. Establishing a special plate with a medical condition diagnosis
- 4577. Establishing regulation of electric bicycles
- 4595. Identifying anatomical organ donors on drivers' or chauffers' license
- 4602. Increasing the penalty for DUI causing death when a child is present
- 4639. Changing frequency of mandatory state inspections of motor vehicles
- 4667. Relating to motor vehicle crash reports
- 4671. Relating to DMV organ donation registry
- 4700. Prohibiting vehicles from driving slow in the left lane
- 4703. Establishing a special registration plate for recognizing and honoring families affected by Alzheimer's disease
- 4722. West Virginia Emergency Contact Information Registry
- 4725. Requiring motor vehicle inspections only every three years and exempting certain vehicles
- 4736. Relating to qualifications for a commercial driver's license permit
- 4741. Reducing the motor fuel excise tax
- 4774. Providing that the Division of Motor Vehicles identification cards be issued at no cost
- 4794. Issuing specialty motor vehicle registration plates for businesses owning a fleet of 25 or more vehicles
- 4802. Eliminating the ability of a person's driver's license to be suspended for the failure to pay court fines
- 4824. Revising requirements relating to the issuance and renewal of handicap vehicle placards
- 4837. Eliminating the ability of a person's driver's license to be suspended for the failure to pay court fines and costs
- 4954. Updating highway and vehicle laws to include electric bicycles

**MOTOR VEHICLES (AND RELATED SUBHEADINGS)**

2426. Giving local authorities the authority to decrease the speed limit on streets and highways where school buses travel in its jurisdiction

**MUNICIPALITIES**

2085. Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health
2107. Providing meetings and conference rights for members of municipal fire departments
2117. Relating to the approval of the Historic Landmarks Commission
2118. Relating to the power of local government authorities to regulate vehicular traffic within their borders
2120. Providing local government the authority to place video cameras at road intersections
2216. Defining the term minor boundary adjustment
2808. Requiring local entities to enforce immigration laws
2881. Altering the color scheme for county vehicle registration plates
2973. Local Energy Efficiency Partnership Act
3043. Clarifying that municipalities may enact ordinances for rates, fees, and charges based upon actual use of services
4020. Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state
4027. Providing that a municipal services user fee may not be imposed on employees of the state
4034. Prohibiting outdoor concerts later than 11:00 p.m. if the amphitheater is located within 500 feet of a residential dwelling
4097. Requiring program to assist eligible homeowners maintain their homes free of conditions that are unsafe
4145. Prohibiting the regulation and licensing of occupations by local government
4157. Prohibiting the regulation and licensing of occupations by local government
4355. Allowing municipalities and counties to post their annual financial statements on the Internet
4357. Relating to governmental websites
4376. Prohibiting municipalities from limiting the rights of persons to purchase, possess, transfer, own, carry, transport, sell or store deadly weapons
4384. West Virginia Monument and Memorial Protection Act of 2020
4396. Relating to reporting suspected governmental fraud
4409. Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund
4429. Relating to the distribution of the assets remaining in a municipal policemen's or firemen's pension



- 4442. Requiring certain municipalities to pay for the incarceration of inmates
- 4451. Relating to charging fees for municipal services
- 4544. Relating to possession of any controlled substance on the premises of or within 200 feet of a public library
- 4555. Relating to municipal or county taxation of hotel rooms booked through a marketplace facilitator
- 4662. Providing a process by which a city may hold an election to recall an ordinance
- 4666. Relating to competitive bids for intergovernmental relations and urban mass transportation
- 4713. Relating to annexation by minor boundary adjustment
- 4715. Authorizing municipalities to take action to grant certain fire department employees limited power of arrest
- 4772. Authorizing ordinances allowing the municipal court to place a structure, dwelling or building into receivership under certain circumstances
- 4795. Authorizing ordinances that allow the municipal court to place a structure, dwelling or building into receivership
- 4797. Authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership
- 4802. Eliminating the ability of a person's driver's license to be suspended for the failure to pay court fines
- 4819. Modernizing the process for dissolution of municipal corporations
- 4840. Dividing pretrial detention jail costs between arresting authorities
- 4850. Creating a process by which voters may recall a county ordinance in a special election
- 4856. Establishing a system to remediate local fiscal emergencies
- 4859. Accounting for state funds distributed to volunteer and part-volunteer fire companies and departments
- 4946. Eliminating the requirement that municipal police civil service commissions certify a list of three individuals for every position vacancy

#### **NATURAL RESOURCES**

- 2030. Permitting honorably discharged veterans to hunt, trap or fish in this state without first obtaining a license
- 2055. Prohibiting drilling units from being established without consent of all owners
- 2110. Reallocating and dedicating the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin
- 2111. Relating to pension benefits exempt from state income taxation

- 2137. Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement
- 2150. Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents
- 2151. Relating to the beginning and expiration of hunting and fishing licenses
- 2334. Establishing an industrial water extraction fee
- 2373. Streamlining the process of abandoned mineral interests
- 2404. Providing an increase in compensation for natural resources police officers
- 2442. Increasing compensation for conservation officers
- 2578. Allowing children in the custody of the state in any foster home, group home or other facility or residence to hunt and fish without a license
- 2599. Awarding service weapons to special natural resources police officers upon retirement
- 2636. Exempting volunteer firefighters from fees for hunting, fishing and trapping licenses and permits
- 2641. Requiring owners of oil and gas wells to install and maintain separate meters that calculate the amount of production from those wells
- 2858. Permitting the taking of bait fish with a net not exceeding 12 foot in radius
- 3032. Modifying the types of bolts and arrows that may be used in crossbow hunting
- 3053. Relating to rules for hunting antlered deer
- 4029. Creating a Class VI hunting permit to safely accommodate visually impaired hunters
- 4090. Creating the Oil and Gas Abandoned Well Plugging Fund
- 4091. Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees
- 4116. Permitting the tracking of wounded or injured deer or bear with leashed dogs
- 4127. Relating generally to hunting and fishing
- 4381. Relating to lifetime hunting, fishing and trapping licenses for adopted children
- 4456. Allowing a member of a volunteer fire department to purchase a resident lifetime hunting, fishing, and trapping license
- 4499. Relating to multicounty trail network authorities
- 4505. Creating the State Parks and Recreation Endowment Fund
- 4506. Relating to procurement of architect-engineer services by the West Virginia Division of Natural Resources

- 4507. Exempting certain Division of Natural Resources sections from the requirement that all payments must be deposited in a bank within 24 hours
- 4513. Increasing the replacement costs required of a person causing injury or death of game or protected species
- 4514. Permitting the use of leashed dogs to track mortally wounded deer or bear
- 4515. Relating to wildlife resources, eligibility for license or permit application
- 4520. Relating to the North Bend Rail Trail, Greenbrier River Rail and the Elk River Trail
- 4523. Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase
- 4537. Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake
- 4545. Permitting the Alcohol Beverage Control Commission licensees operating at state park locations to pay in arrears on invoices
- 4549. Relating to the use of a crossbow to hunt
- 4675. Permitting persons who routinely shoot or discharge firearms at a public shooting range to assist in its maintenance and upkeep
- 4678. Keeping reptiles and amphibians from being included on the Dangerous Wild Animal Board's list
- 4767. Establishing a system for issuing permits for persons to provide rehabilitation of orphaned, sick and injured wildlife
- 4810. Requiring earlier start of buck deer hunting season
- 4812. Permitting the resident lineal descendants of landowners to hunt, trap or fish on that resident landowner's property without a license
- 4827. Orphan Oil and Gas Well Prevention Act
- 4845. Increasing the community service hours a person may be ordered to perform upon conviction of or pleading guilty to littering
- 4855. Allowing discounts and free camping at state parks for certain resident veterans

#### **OIL AND GAS**

- 2131. Establishing the Legislative Oversight Commission on Energy Workers Safety

#### **PARKS AND RECREATION**

- 2140. Providing a ten percent discount to residents at state parks and forests
- 2150. Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents

#### **PROFESSIONS AND OCCUPATIONS**

- 2052. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
- 2119. Prohibiting the performing of an onychectomy or flexor tendonectomy procedure on a cat
- 2192. Requiring pawnbrokers to providing certain information to law-enforcement agencies
- 2199. Requiring pawnbrokers to providing certain information to law-enforcement agencies
- 2203. West Virginia Contractor Licensing Act
- 2347. Providing long-term care and substance abuse treatment
- 2401. Licensing the practice of athletic training
- 2443. Granting the West Virginia Board of Examiners for Registered Professional Nurses the sole authority for the accreditation of nursing schools
- 2634. Requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses
- 2681. Providing guidance for prosecuting attorneys in cases involving abused and neglected children
- 3023. Including home confinement officers in definition of law-enforcement officers
- 3029. Requiring court reporters be licensed
- 3042. Requiring prescriptions be made by electronic means
- 3089. Modifying licensing requirements for the practice of telemedicine and surgery or podiatry
- 4011. Reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions
- 4075. Allowing a funeral service licensee to solicit business whether after death or while death is impending
- 4122. Reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions
- 4123. Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform “emergency services” during a disaster
- 4128. Relating to child protective caseworkers
- 4145. Prohibiting the regulation and licensing of occupations by local government
- 4155. Relating generally to the regulation of plumbers
- 4156. Reducing the recertification fee for emergency medical services personnel
- 4157. Prohibiting the regulation and licensing of occupations by local government
- 4179. Recognition of Emergency Medical Services Personnel Licensure Interstate Compact

- 4181. Moving provisions relating to the licensing of contractors to Chapter 30 of this code
- 4185. Exempting from licensure as an electrician a person who installs low voltage electrical wiring
- 4188. Removing the requirement of continuing education for barbers and cosmetologists
- 4360. Exempting certain persons from heating, ventilating, and cooling system licensing requirements
- 4427. Relating to the Psychology Interjurisdictional Compact
- 4453. Expanding the eligibility requirements for private investigator and security guard licensure
- 4500. Exempting from personal property taxation, vehicles of certain volunteer firefighters
- 4604. Removing the requirement that real estate brokers, associate brokers and salespeople maintain a main office
- 4606. Listing contractor classifications on a contractor license
- 4607. Authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services
- 4694. Requiring that land surveyors record survey plats at the county courthouse
- 4734. Rewriting the article on registered professional nurses
- 4747. Extending electronic submission of various applications and forms for nonprofit and charitable organizations, professionals and licensees
- 4751. Providing a tax credit for dues paid to trade associations
- 4777. Relating to the right of disposition of remains
- 4779. Relating to the criminal offense of therapeutic deception
- 4781. Repealing the article regulating the practice of radiologic technologists
- 4784. Relating to disposal of unused, unwanted or expired medications
- 4805. Providing adequate opportunities for state employees to obtain continuing education credits for professional licenses and registrations
- 4813. Relating to veterinary technicians or animal euthanasia technicians
- 4834. Prohibiting state nursing boards from limiting the number of students a nursing school may admit
- 4835. Requiring all boards to be located in the same area and office space
- 4839. Requiring the Board of Canvassers to reasonably ascertain whether a provisional or challenged ballot must be counted
- 4865. Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures
- 4866. Relating to conspiracy to commit violations of the Uniform Controlled Substances Act

- 4868. Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products
- 4934. Relating to creation of the unlicensed practice review board
- 4949. Occupational Board Reform Act

**PUBLIC EMPLOYEES**

- 2130. Establishing seniority rights for public employees
- 2132. Increasing the amount of annual and incremental salary increases for eligible state employees
- 2133. Creating an additional magistrate court deputy clerk position for Marion County
- 2577. Authorizing insurance to married workers without children at reduced rates under the West Virginia Public Employees Insurance Act
- 2628. Including volunteer firefighters within the Public Employees Insurance Act
- 2650. Establishing seniority rights for public employees
- 2748. Increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System

**PUBLIC SAFETY**

- 2031. Permitting persons who have been issued state licenses to carry concealed deadly weapons to carry those weapons on the grounds of the State Capitol Complex
- 2032. Permitting the carrying of concealed weapons on the campus of a state institution of higher education
- 2070. Permitting persons who are twenty-one years of age or older to operate or be a passenger on a motorcycle without a helmet
- 2097. Relating to the hunting of coyotes
- 2155. Relating to Capitol Complex security access
- 2170. Right to keep and bear arms
- 2171. Increasing frequency of the State Police updating the state sex offender registry
- 2341. West Virginia Residential Furniture and Children's Products Flame Retardants Act
- 2350. Permitting public employees the right to collectively bargain
- 2473. Prohibiting the private ownership or operation of a prison
- 2502. Prohibiting registered sex offenders from participating in Halloween activities
- 2563. Relating to civil asset forfeiture
- 2645. Relating to power of security guards to arrest individuals
- 2685. Refugee Information Act
- 2757. Authorizing the Governor to seek the return of fugitives

- 2765. Allowing firearms-qualified tax division investigators to carry firearms
- 2920. Creating state and local law-enforcement review boards
- 4004. Creating the West Virginia Sentencing Commission
- 4013. Establishing an intravenous drug user treatment and commitment process
- 4033. West Virginia Emergency Responder Service Tax Credit Act
- 4039. Providing limitations on nuisance actions against fire department and emergency medical services
- 4040. Reducing the number of hours of experience needed to qualify as a journeyman sprinkler fitter
- 4071. Relating to the authority of county commissions to establish enhanced emergency telephone systems and change the fee
- 4123. Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform “emergency services” during a disaster
- 4134. Exempting nonpaid volunteers at a volunteer fire department who volunteer for fundraising from workers’ compensation benefits
- 4139. Firearm Protection Act
- 4168. Preserving and protecting the right to keep and bear arms
- 4170. Granting state police troopers a pay increase
- 4176. West Virginia Intelligence/Fusion Center Act
- 4179. Recognition of Emergency Medical Services Personnel Licensure Interstate Compact
- 4182. West Virginia Civil Authority Act
- 4383. Facilitating Business Rapid Response to State Declared Disasters Act of 2020
- 4401. Establishing the State Resiliency Office and State Resiliency Officer
- 4409. Relating to transferring remaining funds from the Volunteer Fire Department Workers’ Compensation Premium Subsidy Fund
- 4412. Relating to education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard
- 4455. Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure
- 4456. Allowing a member of a volunteer fire department to purchase a resident lifetime hunting, fishing, and trapping license
- 4476. Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases
- 4482. Repealing the section of code relating to unlawful military organizations
- 4501. Relating to the ability to refuse offenders for commitment to a jail
- 4527. Creating a special revenue account designated the Military Authority Fund

- 4563. Creating a law-enforcement transparency board
- 4586. Establishing the Office of Administrative Hearings within the Department of Military Affairs and Public Safety
- 4618. Relating to deadly weapons for sale or hire
- 4624. Permitting public employees the right to collectively bargain
- 4644. Separating the Fire Marshal from the Fire Commission
- 4667. Relating to motor vehicle crash reports
- 4679. Providing notice of the type and cost of electrical outlets specified for that work in the National Electrical Code
- 4683. Better Safe than Sorry Act of 2020
- 4688. Transferring 0.5 percent of Medicaid surplus funds to the Emergency Medical Services Equipment and Training Fund
- 4732. Requiring that State Police officers be compensated for time when they are required to be on standby
- 4776. Increasing the pension awards to immediate family members of a deceased trooper that was disabled in the course of duty
- 4820. Relating to inventory of firearms owned by state agencies
- 4821. Relating to the transportation for the mentally ill or substance abuser
- 4840. Dividing pretrial detention jail costs between arresting authorities
- 4844. Reforming the fees charged to wireless telephone subscribers for public safety systems to comply with federal law
- 4859. Accounting for state funds distributed to volunteer and part-volunteer fire companies and departments
- 4893. Special Needs Registry
- 4899. Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals
- 4926. Establishing the emergency service authority for Fayette County

#### **PUBLIC SERVICE COMMISSION**

- 2124. Expanding the authority of motor carrier inspectors
- 2202. Relating to net metering
- 2430. Prohibiting forcing currently owner-occupied residences to be required to participate in a public sewer or public water system
- 2660. Relating to the manner in which actual investment of capital and costs and a natural gas utility's expedited cost recovery are calculated
- 2722. Requiring the use of statutory income tax rates for ratemaking purposes for certain public utilities
- 2898. Relating to billing practices of public utilities
- 2928. Relating to the Public Service Commission
- 2974. Exempting businesses relating to transporting certain used tires to storage, disposal, or recycling locations from provisions of chapter
- 3075. Terminating the Public Service Commission



- 3076. Transferring jurisdiction over vehicle weight enforcement and excess weight permit issuances to the State Police
- 3092. Creating a pilot program to encourage utility infrastructure development to certain lands
- 4026. Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions
- 4049. Establishing Next Generation 911 services in this state
- 4154. Relating to the Public Service Commission
- 4178. Requiring calls which are recorded be maintained for a period of five years
- 4431. Relating to notice of discontinuance of service by a utility
- 4516. Establishing Next Generation 911 services in this state
- 4587. Modernizing the Public Service Commission's regulation of solid waste motor carriers and solid waste facilities
- 4619. Approving plans proposed by electric utilities to install middle-mile broadband fiber
- 4657. Eliminating the sunset and legislative review provisions relating to common carriers by motor vehicles
- 4673. Relating to the Public Energy Authority Act of West Virginia
- 4685. Relating to the regulatory authority of the Public Service Commission over make-ready pole access and use
- 4823. Developing a plan for periodic audits of the expenditure of the fees from the emergency 911 telephone system and wireless enhanced 911
- 4833. Relating to emergency telephone systems
- 4844. Reforming the fees charged to wireless telephone subscribers for public safety systems to comply with federal law
- 4853. Relating to a customer constructing a connection or other infrastructure necessary for the customer to connect to the public utility
- 4886. Requiring the PSC and the DOH to submit reports concerning activity on the Coal Resource Transportation Road System
- 4953. Providing the PSC with authority to order the acquisition of failing utilities and a variety of tools to assist distressed and failing utilities

#### **REAL AND PERSONAL PROPERTY**

- 2085. Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health
- 2123. Uniform Partition of Heirs Property Act
- 2163. Relating to consumer protection of new manufactured home warranties
- 2180. Relating to the Consumer Credit and Protection Act
- 2187. Requiring that lien releases filed with county clerk's office include the Deed of Trust Book and page numbers

- 2563. Relating to civil asset forfeiture
- 2590. Relating to payment of taxes by co owner or others
- 2696. Creating an additional index system for state-owned lands
- 2802. Uniform Partition of Heirs Property Act
- 2944. Relating to paving contracts
- 3046. Relating to compensation paid to landowners when interest in property taken by eminent domain is for a nongovernmental entity
- 3056. Providing protections, under certain circumstances, to owners of livestock and other domestic animals
- 3062. Relating to sale of delinquent tax liens
- 4005. West Virginia Intellectual Property and Trade Secrets Act
- 4081. Uniform Partition of Heirs' Property Act
- 4088. Disposition of funds from certain oil and natural gas wells due to unknown or unlocatable interest owners
- 4576. Establishing a procedure for correcting errors in deeds, deeds of trust and mortgages
- 4701. Establishing a comprehensive framework for the management of all real property assets of the state
- 4717. Seizure and Forfeiture Reporting Act
- 4761. Reducing to one year the deadline for right to set aside deed
- 4832. Establishing additional requirements of unit owners' associations
- 4838. Requiring an owner to offer tenant right to purchase housing accommodations before selling to others

### **REAL PROPERTY**

- 2094. Exempting motor vehicles from personal property tax
- 2139. Allowing quarterly payment of real and personal property taxes

### **RECORDS AND PAPERS**

- 2024. Allowing a home improvement transaction to be performed under an oral contract
- 2142. Issuing identification documents to homeless individuals residing at homeless shelters
- 2679. Relating to state issued identification cards
- 4369. Relating to the termination, expiration, or cancellation of oil or natural gas leases
- 4458. Requiring state agencies to publish and maintain state grant opportunities and awards on their websites
- 4576. Establishing a procedure for correcting errors in deeds, deeds of trust and mortgages
- 4660. Requiring state agencies to maintain updated records of all financial transactions in a searchable website
- 4747. Extending electronic submission of various applications and forms for nonprofit and charitable organizations, professionals and licensees

- 4748. Relating to the increase of fees that private nongovernment notary publics may charge for notarial acts
- 4774. Providing that the Division of Motor Vehicles identification cards be issued at no cost

### **RESOLUTIONS**

- 4622. Prohibiting the establishment of a constitution or legal system superior or parallel to the West Virginia Constitution and the West Virginia Code
- 4743. Creating a Small Business and Minority Populations Economic and Workforce Development Taskforce

### **RESOLUTIONS (NAMING)**

- 4702. Providing that signs on bridges named for deceased members of the military identify the rank and branch of military with all medal awards

### **RETIREMENT**

- 2051. Annual retirement annuity adjustment West Virginia State Police Retirement System
- 2418. Including family court judges in the Judges' Retirement System
- 2431. Relating to eligibility in the Public Employees Retirement System for those newly elected or appointed members of the State Legislature
- 2580. Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income
- 2595. Establishing the West Virginia Division of Natural Resources Police Officer Retirement System
- 2604. Permitting service credit in the Teachers Retirement System to persons with alternative school teaching experience
- 2748. Increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System
- 2785. Reopening period to allow purchase of State Teachers Retirement System service credit following transfer
- 2818. Reopening period to allow purchase of State Teachers Retirement System service credit by transfer
- 3010. Establishing a 911 Emergency Services Retirement System
- 3030. Relating to the West Virginia Public Employees Retirement Act
- 3034. Relating to Deputy Sheriff Retirement System
- 3035. Members of certain state, county, and municipal public employee retirement plans option to purchase credit for Peace Corps service
- 3036. Relating to the West Virginia State Police Retirement System
- 4111. Relating to awards and benefits for disability under the Deputy Sheriff Retirement Act

- 4136. Relating to deputy sheriff retirement system act
- 4350. Relating to the Deputy Sheriff Retirement System Act
- 4363. Establishing the West Virginia Division of Natural Resources Police Officer Retirement System
- 4429. Relating to the distribution of the assets remaining in a municipal policemen's or firemen's pension
- 4627. Increasing the monthly retirement annuity for certain retirants
- 4654. Establishing a class of employees within the West Virginia Public Employees Retirement System consisting of 911 staff
- 4829. Relating to transfers to State Teachers Retirement System
- 4848. Permitting retirement credit for persons who served in other law-enforcement before becoming a member of the State Police
- 4861. Redefining the term "less than honorable service" to include certain misdemeanors for disqualification for public retirement plan benefits
- 4930. Relating to military service credit for retirement purposes

#### **RETIREMENT — EDUCATION PERSONNEL**

- 2104. Increasing benefits of retired state personnel and retired teachers
- 2152. Permitting teachers under the State Teachers Retirement System to teach college level courses without loss of benefits

#### **RETIREMENT — PUBLIC EMPLOYEES**

- 2104. Increasing benefits of retired state personnel and retired teachers
- 2111. Relating to pension benefits exempt from state income taxation

#### **RETIREMENT (AND RELATED SUBHEADINGS)**

- 2111. Relating to pension benefits exempt from state income taxation

#### **ROADS AND HIGHWAYS**

- 2426. Giving local authorities the authority to decrease the speed limit on streets and highways where school buses travel in its jurisdiction

#### **ROADS AND TRANSPORTATION**

- 2012. Establishing country roads accountability and transparency
- 2027. Requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers
- 2112. Relating to failure to maintain state and public roads
- 2159. Requiring paving contracts for state highways to have special requirements to prevent potholes
- 2387. Requiring the Commissioner of Highways to verify legal employment status of contractors and vendor's employees for certain road and bridge contracts
- 2487. Pothole app and map

- 2565. Collecting a user fee from oil and gas producers who use secondary roads in the state
- 2629. Ending tolls on the West Virginia Turnpike effective July 1, 2019
- 2723. Placing penalty points on driver's licenses for using electronic communications devices while operating a motor vehicle
- 2735. Relating to state road construction
- 2762. Modernizing rental car transactions
- 2836. Providing a special license plate for spay and neuter advocates
- 2877. Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access
- 2897. Relating to driving restrictions in school zones
- 2924. Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website
- 4017. Establishing country roads accountability and transparency
- 4083. Requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls
- 4120. Requiring the Commissioner of Highways to develop a formula for allocating road funds among districts
- 4474. Relating to peer-to-peer car sharing programs
- 4503. Conforming West Virginia law to federal distance requirements for location of salvage yards
- 4530. Authorizing daily passenger rental car companies to charge reasonable administrative fees
- 4561. Exempting law enforcement and emergency vehicles from paying turnpike tolls
- 4595. Identifying anatomical organ donors on drivers' or chauffers' license
- 4613. Allowing the Division of Highways use money in the Gas Field Highway Repair and Horizontal Drilling Waste Study Fund
- 4651. Clarifying the powers and duties of the Division of Highways in acquiring property for state road purposes
- 4671. Relating to DMV organ donation registry
- 4672. Providing adequate pull-off parking space along the state's highway interstate system for those semitrailers and other vehicles that must stop
- 4684. Providing changing stations for persons with disabilities in all rest areas
- 4696. Exempting school buses with students on board from paying turnpike tolls
- 4730. Relating to special license plates for vehicles titled in the name of the Division of Public Transit
- 4744. Relating to the powers and duties of the West Virginia Commissioner of Highways

- 4806. Including rumble strips on construction projects involving two lane secondary roads
- 4847. Requiring the commissioner to establish a website for state residents to submit road maintenance requests
- 4862. Including emergency response vehicles in the single fee program for EZ Pass transponders
- 4935. Developing a searchable website with detailed information about current and planned Division of Highways projects

**RULE MAKING AUTHORITY**

- 4204. Department of Administration, rules for the general administration of records managements and preservation
- 4205. Department of Administration, rules for retention and disposal scheduling
- 4206. Department of Administration, rules for the managements of records maintained by the records center
- 4207. Department of Administration, exemptions from management services provided by the fleet management division
- 4208. Commissioner of Agriculture, animal disease control
- 4209. Commissioner of Agriculture, fresh food act
- 4210. Commissioner of Agriculture, poultry rules for hatcheries, growers and contractors pertaining to poultry disease control and eradication
- 4211. Commissioner of Agriculture, grade "A" pasteurized milk
- 4212. Commissioner of Agriculture, WV manufacture-grade milk
- 4213. Commissioner of Agriculture, WV exempted dairy farms and milk and milk products processing rules
- 4214. Commissioner of Agriculture, West Virginia spay neuter assistance program
- 4215. Commissioner of Agriculture, captive cervid farming
- 4216. West Virginia Board of Dentistry, rule for the West Virginia Board of Dental Examiners
- 4217. Authorizing the Department of Environmental Protection to promulgate legislative rules
- 4218. Department of Environmental Protection, standards of performance for new stationary sources
- 4219. Department of Environmental Protection, emission standards for hazardous air pollutants
- 4220. Department of Environmental Protection, control of ozone season nitrogen oxides emissions
- 4221. Department of Environmental Protection, groundwater protection rules for coal mining operations
- 4222. Department of Environmental Protection, hazardous waste management system

- 4223. Department of Environmental Protection, voluntary remediation and redevelopment rule
- 4224. Division of Forestry, sediment control during commercial timber-harvesting operations-licensing
- 4225. Division of Forestry, sediment control during commercial timber-harvesting operations-logger certification
- 4226. Department of Health and Human Resources, primary care seed money grants
- 4227. Department of Health and Human Resources, pilot program for drug screening of applicants for cash assistance
- 4228. Division of Highways, transportation of hazardous wastes upon the roads and highways
- 4229. Insurance Commission, Medicare supplement insurance
- 4230. Insurance Commission, pharmacy auditing entities and pharmacy benefit managers
- 4231. Division of Labor, supervision of plumbing work
- 4232. Division of Labor, regulation of heating, ventilating and cooling work
- 4233. Office of Miner's Health, Safety and Training, substance abuse screening, standards and procedures
- 4234. Office of Miner's Health, Safety and Training, rules governing the certification, recertification and training of EMT-miners and EMT-M instructors
- 4235. Division of Motor Vehicles, state vehicle title, registration and relicensing project of 2018
- 4236. Division of Natural Resources, commercial whitewater outfitters
- 4237. Division of Natural Resources, transporting and selling wildlife pelts and parts
- 4238. Division of Natural Resources, boating rule
- 4239. Division of Natural Resources, special requirements concerning boating
- 4240. Division of Natural Resources, defining the terms used in all hunting and trapping
- 4241. Division of Natural Resources, prohibitions when hunting and trapping
- 4242. Division of Natural Resources, catching and selling bait fish
- 4243. Division of Natural Resources, falconry
- 4244. Board of Occupational Therapy, fees for services rendered by the board
- 4245. Board of Occupational Therapy, consideration of prior criminal convictions in initial licensure determinations
- 4246. Board of Pharmacy, Board of Pharmacy rules for immunizations administered by pharmacists and pharmacy interns
- 4247. Board of Examiners for Registered Professional Nurses, requirements for registration and licensure and conduct

- 4248. Board of Respiratory Care, consideration of prior criminal convictions in initial licensure determinations
- 4249. State Auditor, local government purchasing card program
- 4250. State Conservation Committee, state conservation committee grant program
- 4251. State Tax Department, payment of taxes by electronic funds transfer
- 4252. Authorizing miscellaneous agencies and boards to promulgate legislative rules
- 4253. Board of Acupuncture, fees for the board of acupuncture
- 4254. Board of Acupuncture, auricular detoxification therapy certificate
- 4255. Board of Acupuncture, application for waiver of initial licensing fees for certain individuals
- 4256. Board of Acupuncture, consideration of prior criminal convictions in initial licensure determinations
- 4257. Department of Administration, financial services reporting
- 4258. Board of Architects, registration of architects
- 4259. Board of Architects, fees for registration of architects
- 4260. Commissioner of Agriculture, auctioneers
- 4261. Commissioner of Agriculture, employment reference and inquiries and background checks
- 4262. Commissioner of Agriculture, industrial hemp
- 4263. Commissioner of Agriculture, hemp products
- 4264. Commissioner of Agriculture, farmers markets
- 4265. Board of Chiropractic Examiners, application for waiver of initial licensing fees for certain individuals
- 4266. Board of Chiropractic Examiners, consideration of prior criminal convictions in initial licensure determinations
- 4267. Department of Commerce, small business innovation research and small business technology transfer matching funds program
- 4268. Board of Examiners in Counseling, application for waiver of initial licensing fees for certain individuals
- 4269. West Virginia Board of Dentistry, dental advertising
- 4270. Department of Environmental Protection, control of air pollution from hazardous waste treatment, storage and disposal facilities
- 4271. Board of Licensed Dietitians, licensure and renewal requirements
- 4272. Board of Licensed Dietitians, application for waiver of initial licensing fees for certain individuals
- 4273. Election Commission, corporate and membership organization political activity
- 4274. Election Commission, regulation of campaign finance
- 4275. Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission
- 4276. Fire Commission, rule relating to state building code



- 4277. Board of Funeral Service Examiners, applications for waiver of initial licensing fees for certain individuals
- 4278. Board of Funeral Service Examiners, consideration of prior criminal convictions in initial licensure determinations
- 4279. Department of Health and Human Resources, public water systems
- 4280. Department of Health and Human Resources, fees for permits
- 4281. Department of Health and Human Resources, vital statistics
- 4282. Department of Health and Human Resources, emergency medical services
- 4283. Department of Health and Human Resources, primary care center uncompensated care grants
- 4284. Department of Health and Human Resources, medical cannabis program—general provisions
- 4285. Department of Health and Human Resources, medical cannabis program—growers/processors
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- 4288. Department of Health and Human Resources, medical cannabis program-safe harbor letter
- 4289. Department of Health and Human Resources, collection and exchange of data related to overdoses
- 4290. Department of Health and Human Resources, minimum licensing requirements for residential child care and treatment facilities
- 4291. Department of Health and Human Resources, qualifications for a provisional license to practice as a social worker
- 4292. Health Care Authority, critical access hospitals
- 4293. Board of Hearing Aid Dealers, application for waiver of initial licensing fees for certain individuals
- 4294. Board of Hearing Aid Dealers, consideration of prior criminal convictions in initial licensure determinations
- 4295. Division of Highways, use of state road rights of way and adjacent areas
- 4296. Division of Highways, small wireless facilities on Division of Highways rights-of-way
- 4297. Insurance Commission, credit for reinsurance
- 4298. Board of Landscape Architects, consideration of prior criminal convictions in initial licensure determinations
- 4299. Massage Therapy Licensure Board, application for waiver of initial licensing fees for certain individuals
- 4300. Massage Therapy Licensure Board, consideration of prior criminal convictions in initial licensure determinations
- 4301. Medical Imaging and Radiation Therapy Technology Board of Examiners, rules relating to board

- 4302. Board of Medicine, licensure, disciplinary and complaint procedures, continuing education, physician assistants
- 4303. Board of Medicine, waiver of initial licensing fees for certain initial licensure applicants
- 4304. Division of Motor Vehicles, safety and treatment program
- 4305. Division of Natural Resources, special boating rule
- 4306. Division of Natural Resources, public use of campgrounds in West Virginia State Parks and State Forests and campsites in State Rail Trails
- 4307. Division of Natural Resources, special projects and grants for West Virginia State Parks, State Forests, and State Rail Trails
- 4308. Division of Natural Resources, special fishing rule
- 4309. Nursing Home Administrators Licensing Board, nursing home administrators
- 4310. Board of Occupational Therapy, application for waiver of initial licensing fees for certain individuals
- 4311. Oil and Gas Conservation Commission, rules of the commission
- 4312. Board of Optometry, rules for the West Virginia Board of Optometry
- 4313. Board of Osteopathic Medicine, osteopathic physician assistants
- 4314. Board of Osteopathic Medicine, waiver of initial licensing fees for certain initial licensure applicants
- 4315. Board of Pharmacy, licensure and practice of pharmacy
- 4316. Board of Pharmacy, record keeping and automated data processing systems
- 4317. Board of Pharmacy, Board of Pharmacy rules for registration of pharmacy technicians
- 4318. Board of Pharmacy, Board of Pharmacy rules for centralized prescription processing
- 4319. Board of Pharmacy, regulations governing pharmacy permits
- 4320. Board of Pharmacy, regulations governing pharmacists
- 4321. Board of Pharmacy, application for waiver of initial licensing fees for certain individuals
- 4322. Board of Physical Therapy, general provisions for physical therapist and physical therapist assistants
- 4323. Board of Physical Therapy, fees for physical therapist and physical therapist assistant
- 4324. Board of Physical Therapy, general provisions for athletic trainers
- 4325. Board of Physical Therapy, fees for athletic trainers
- 4326. Board of Physical Therapy, application for waiver of initial licensing fees for certain individuals
- 4327. Board of Registration for Professional Engineers, examination, licensure and practice of professional engineers
- 4328. Board of Professional Surveyors, examination and licensing of professional surveyors in West Virginia

- 4329. Board of Psychologists, consideration of prior criminal convictions in initial licensure determinations and application for fee waiver
- 4330. Public Defender Services, payment of fees and reimbursement of expenses of court appointed attorneys
- 4331. Racing Commission, thoroughbred racing
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- 4333. Real Estate Commission, application for waiver of initial licensing fees for certain individuals
- 4334. Real Estate Commission, consideration of prior criminal convictions in initial license eligibility determination
- 4335. Board of Examiners for Registered Professional Nurses, request for waiver of initial licensing fees for certain individuals
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- 4346. Board of Veterinary Medicine, registration of veterinary technicians
- 4347. Board of Veterinary Medicine, schedule of fees
- 4348. Department of Environmental Protection, West Virginia surface mining reclamation rule

## **RULES**

- 4174. Relating to expiring rules of the Alcohol Beverage Control Commission

## **SAFETY**

- 2131. Establishing the Legislative Oversight Commission on Energy Workers Safety
- 2135. Requiring the Superintendent of the State Police to implement a plan to increase the number of troopers

- 2138. Prohibiting blasting within six hundred twenty-five feet of an occupied dwelling
- 2141. Providing for the use of neck braces by football players
- 2161. Prohibiting sexual offenders from residing within one thousand feet of a school or childcare facility
- 2634. Requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses

**SALARIES**

- 2105. Establishing a minimum number of troopers to provide basic law enforcement services, and providing members of the West Virginia State Police a \$580 salary increase at the end of two years of service
- 2106. Requiring that State Police officers be compensated for time when they are required to be on standby and providing a stipend for housing cost for certain officers
- 2127. Providing for career development and establishing a pay scale for Alcohol Beverage Commission inspectors, enforcement agents and supervisors
- 2132. Increasing the amount of annual and incremental salary increases for eligible state employees
- 2213. Mountain State Employee Compensation Realignment Act
- 2308. Katherine Johnson Fair Pay Act of 2019
- 2404. Providing an increase in compensation for natural resources police officers
- 2442. Increasing compensation for conservation officers
- 2463. Increasing the minimum wage based upon increases in the consumer price index
- 3051. Relating to requiring state, county, and municipal government agencies to provide all employees an annual statement of total compensation
- 3138. Relating to increasing salaries of certain state officers
- 4428. Katherine Johnson and Dorothy Vaughan Fair Pay Act of 2020
- 4461. Requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated or after July 1
- 4885. "Katherine Johnson and Dorothy Vaughan Fair Pay Act"

**SENIOR CITIZENS**

- 2625. Establishing reimbursement rates for congregate and in-home meals
- 2776. Providing one-time supplements to all annuitants when they reach the age of seventy
- 4377. The Protection of Vulnerable Adults from Financial Exploitation Act

- 4801. Establishing reimbursement rates for congregate and in-home meals
- 4930. Relating to military service credit for retirement purposes

**STATE PERSONNEL**

- 2051. Annual retirement annuity adjustment West Virginia State Police Retirement System
- 2053. Providing that state retirees' insurance benefits be restored to the benefit levels that existed in 2015
- 2054. Giving all honorably discharged veterans ten extra points when successfully completing a civil service examination
- 2166. Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle
- 2213. Mountain State Employee Compensation Realignment Act
- 2310. Repealing the Public Employees Insurance Agency Finance Board
- 2325. Relating to net neutrality for state government
- 2350. Permitting public employees the right to collectively bargain
- 2393. Fixing the premium cost sharing at no less than 80 percent for the employer and no more than 20 percent for the employee
- 2438. Relating generally to survivor benefits for emergency response providers
- 2455. Redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the Public Employees Insurance Agency
- 2491. Providing certain employees of the Highways increases in annual pay
- 2497. Relating to the whistle-blower law
- 2570. Providing that schools be closed for two weeks during the holiday season preceding Christmas Day and following New Year's Day
- 2713. Expunging records of unsubstantiated complaints made by the Department of Health and Human Resources against teachers
- 2765. Allowing firearms-qualified tax division investigators to carry firearms
- 2810. Modifying the method of calculation of the employer and employee contribution percentages for public employee insurance premiums
- 3051. Relating to requiring state, county, and municipal government agencies to provide all employees an annual statement of total compensation
- 4579. Relating to the state employee merit system
- 4590. Allowing current state employees who are appointed to a state office which has a salary set by the code to retain their higher salary
- 4598. Establishing seniority rights for public employees

- 4616. Creating a customer service quality reporting system for public officials and public employees
- 4624. Permitting public employees the right to collectively bargain
- 4658. Relating to complaints against public agencies to obtain records through the Freedom of Information Act
- 4677. Making public school teachers state employees
- 4704. Repealing statutory provisions that provide immunity from criminal prosecution or liability
- 4766. Changing the hourly threshold for exemption of part-time employees from classified service
- 4768. Providing a \$1,000 pay increase for full-time adult protective service workers

### **TAXATION**

- 2026. Relating to gasoline and fuel excise tax
- 2058. Exempting retirement income of members of certain uniformed services from state income tax
- 2068. Providing counties the power to establish a county sales tax under certain circumstances
- 2071. Exempting a percentage of social security benefits from personal income tax
- 2075. Exempting certain law-enforcement officers from payment of income and personal property taxes
- 2076. Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system
- 2087. Reallocating and dedicating three percent of oil and gas severance tax revenues to the oil and gas producing counties
- 2098. Home Instruction Tax Relief Act
- 2101. Modifying the tax on soft drinks to only cover sugary drinks
- 2108. Creating the West Virginia Earned Income Tax Credit
- 2149. Relating to the Farm-To-Food Bank Tax Credit
- 2156. Creating a tax credit for improving facades in historic districts
- 2157. Relating to the right of municipalities and counties to buy real estate for delinquent taxes
- 2168. Authorizing a temporary foreign brewers import license
- 2201. Relating to personal income taxes
- 2211. Budget and Spending Transparency Act
- 2228. Allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants
- 2318. Changing the persons responsible for the taxes on soft drinks and soft drink syrups
- 2334. Establishing an industrial water extraction fee
- 2339. Establishing the “Stay in State” tax credit
- 2340. West Virginia Earned Income Tax Credit

- 2344. Livable Home Tax Credit
- 2370. Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax
- 2371. Abolishing the Personal Income Tax
- 2372. Continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans
- 2375. Save the Hospitals Act
- 2402. Exempting social security benefits from personal income tax
- 2403. Exempting firefighters and volunteer firefighters from payment of income and real and personal property taxes
- 2454. Allowing low income senior citizens to receive certain tax credits without filing a state income tax return
- 2455. Redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the Public Employees Insurance Agency
- 2457. Educational Equality Act
- 2477. Establishing different rates of taxation for tobacco products for certain border counties
- 2489. Relating to the removal of the severance tax on oil and gas produced from low producing oil and natural gas wells
- 2529. Exempting social security benefits from state personal income tax
- 2543. Increasing the tax on the privilege of severing natural gas and oil
- 2548. Creating a healthy living tax credit against the personal income tax
- 2569. Reinstating the film tax credits
- 2574. Repealing the soft drink tax
- 2576. Establishing a tax credit for new businesses that locate in the state
- 2580. Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income
- 2590. Relating to payment of taxes by co owner or others
- 2623. Requiring the assessor of each county to, within three months of a deed filing in the county clerk's office of each county, prepare a new property tax ticket
- 2659. Establishing a tax on the production of natural gas to fund the public employees insurance program
- 2678. Eliminating the personal property tax on new vehicles
- 2684. Relating to exempting "specie" from taxation
- 2724. Small Business Tax Credit
- 2749. Relating to quarterly payment of real and personal property taxes
- 2765. Allowing firearms-qualified tax division investigators to carry firearms
- 2797. Relating to modification reducing federal adjusted gross income for social security benefits
- 2876. Relating to the commission allowed to a sheriff for collection of taxes

- 2927. Establishing a tax credit for a taxpayer family member of a child in the custody of the taxpayer due to the addiction of one or both parents
- 2941. Reinstating the film investment tax credit
- 2957. Permitting residential customers to deduct up to 50 percent of their electric utility payments from their federal adjusted gross income
- 2967. Permitting a county to retain the excise taxes for the privilege of transferring title of real estate
- 3009. The Young Professional Tax Credits
- 3013. College Graduate Tax Credit
- 3015. West Virginia Residential Incentive Tax Credit Act
- 3026. Establishing a tax credit for businesses who hire, promote and develop women and minorities into executive, professional or administrative roles
- 3043. Clarifying that municipalities may enact ordinances for rates, fees, and charges based upon actual use of services
- 3062. Relating to sale of delinquent tax liens
- 3063. Relating to a home Instruction and private school tax credit
- 3071. Relating to electronic cigarettes
- 3081. Relating to Good Samaritan Food Donation Act
- 3097. West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act
- 3137. Relating to the personal income tax fund
- 4014. Providing new graduates of an in-state or out-of-state higher educational institution, or trade school, a \$1,000 tax credit
- 4019. Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020
- 4053. Granting tax credits for parents and legal guardians whose children are in a home schooling program or private school
- 4055. Allowing Class IV municipalities to receive proceeds on the purchase of liquor from retail licensees
- 4070. Compensating counties for state-owned lands through payments in lieu of taxes
- 4072. Removing the income cap for eligibility for the exemption from state taxation of social security benefits
- 4082. Classifying single family real estate property as Class II property
- 4090. Creating the Oil and Gas Abandoned Well Plugging Fund
- 4113. Relating to motor fuel excise taxes
- 4126. Providing taxpayers repaying their own student loans a modification
- 4140. Granting tax credits for parents and legal guardians whose children are in a home schooling program or private school
- 4152. Allowing a personal income tax deduction for a stillborn child



- 4177. Allowing sheriffs to keep electronic copies of receipts for the payment of taxes
- 4190. Relating to definitions in excise tax on privilege of transferring real property
- 4202. Allowing a personal income tax deduction for a stillborn child
- 4349. Exempting sales of small arms and small arms ammunition from state sales and use taxes
- 4373. Establishing a tax credit for families who suffer the loss of a stillborn child
- 4382. Reinstating the film investment tax credit
- 4383. Facilitating Business Rapid Response to State Declared Disasters Act of 2020
- 4397. Providing a tax credit for first time home buyers
- 4407. Exempting from the sales tax all-terrain vehicles and utility terrain vehicles used as farm equipment
- 4421. Natural Gas Liquids Economic Development Act
- 4439. Clarifying the method for calculating the amount of severance tax attributable to the increase in coal production
- 4445. Economic Diversification Act of 2020
- 4459. Allowing a personal income tax deduction for a foster care child
- 4460. Relating to the valuation of natural resources property
- 4462. Adjusting the calculation of business and occupation tax on producing or selling electricity from solar energy facilities
- 4465. Relating to a tax rebate for facilities or processes that result in additional employment and an additional demand for electrical power
- 4473. Providing tax credits to provide vehicles to certain persons
- 4547. Providing tax credits to expand access to gainful employment by providing vehicles to certain low-income persons
- 4555. Relating to municipal or county taxation of hotel rooms booked through a marketplace facilitator
- 4558. Creating a personal income tax credit for volunteer firefighters in West Virginia
- 4566. Establishing a tax deduction against corporation net income tax for retail food distributors that donate to school “backpack programs”
- 4569. Imposing a health care related provider tax on certain health care organizations
- 4584. Providing a tax exemption for income from a qualified retirement plan used to pay for long-term care
- 4610. Relating to withholding tax on income of nonresidents from natural resources royalty payments
- 4626. West Virginia Development Achievements Transparency Act
- 4628. Allowing certain deductions to be made from individual personal income tax refunds to the Make-A-Wish Foundation
- 4629. Exempting certain hygiene products from sales tax

- 4630. Providing a tax credit for families who have foster children
- 4650. Lowering the excise tax on cigarettes
- 4686. Providing that West Virginia Emergency Medical Services Retirement Fund moneys are exempt from tax, and are not subject to garnishment
- 4689. West Virginia Technology Attraction Act and the West Virginia Information and Technology Investment Act
- 4709. Relating to pollution control facilities tax treatment
- 4724. Providing a tax credit to encourage new teachers to remain in the state
- 4730. Relating to special license plates for vehicles titled in the name of the Division of Public Transit
- 4738. Creating a tax credit for improving facades in historic districts
- 4741. Reducing the motor fuel excise tax
- 4749. Providing more efficient application processes for private investigators, security guards, and firms
- 4751. Providing a tax credit for dues paid to trade associations
- 4757. Establishing tax credits for lead abatement in child occupied residences
- 4764. Increasing the excise tax on E-cigarettes
- 4775. Reinstating the film industry investment tax credit
- 4873. Relating to the right of municipalities and counties to buy real estate for delinquent taxes
- 4887. Relating to revocation, cancellation, or suspension of business registration certificates
- 4889. Collecting a tax from manufacturers and distributors of opium and opiate drugs to be used for funding addiction and prevention
- 4891. College Graduate Tax Credit
- 4892. Reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold
- 4904. Creating the Taxpayer Protection Act
- 4940. Providing a tax credit for families who have foster children
- 4941. Providing a credit against personal income tax for classroom teachers for nonreimbursed costs of supplies
- 4947. Repealing additional registration fees for alternative fuel vehicles
- 4952. Granting tax credits for employees of the West Virginia Department of Health and Human Resources Child Protective Services

**TAXATION — PERSONAL & CORPORATE INCOME TAX**

- 2111. Relating to pension benefits exempt from state income taxation
- 2139. Allowing quarterly payment of real and personal property taxes

**TAXATION — PROPERTY**

- 2139. Allowing quarterly payment of real and personal property taxes

**TOURISM**

2150. Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents

**TRANSPORTATION**

2633. Issuing a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder

**UNEMPLOYMENT COMPENSATION**

4104. Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation

**UNIFORM LAWS**

2086. Uniform Real Property Electronic Recording Act  
2306. Revised Uniform Fiduciary Access to Digital Assets Act  
4197. Model Veterans Treatment Court Act

**UTILITIES**

2430. Prohibiting forcing currently owner-occupied residences to be required to participate in a public sewer or public water system  
2573. Relating to payment for the construction of any expanded or upgraded public service district facilities in certain circumstances  
2911. Permitting third party ownership of on-site renewable and alternative generating facilities  
2928. Relating to the Public Service Commission  
3072. Permitting customers and developers to enter into solar power purchase agreements

**WORKERS COMPENSATION**

2321. Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder  
2588. Relating to occupational pneumoconiosis claims  
3040. Repealing the law which makes prime contractors liable for the failure of subcontractors to make proper payments for workers' compensation  
4134. Exempting nonpaid volunteers at a volunteer fire department who volunteer for fundraising from workers' compensation benefits  
4400. Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder  
4405. Relating to occupational pneumoconiosis  
4409. Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund  
4413. Relating to whom Workers' Compensation Fund is disbursed

- 4687. Relating to workers' compensation and injuries received by a volunteer or part-volunteer firefighter
- 4705. Including three types of cancer for which rebuttable presumption of injury from employment exists for firefighters





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5 .....	3098	37 .....	4619	69 .....	532
6 .....	4388	38 .....	575	70 .....	649
7 .....	4524	39 .....	711	71 .....	654
8 .....	4560	40 .....	4092	72 .....	729
9 .....	4697	41 .....	4094	73 .....	4396
10 .....	4882	42 .....	4415	74 .....	4600
11 .....	150	43 .....	4470	75 .....	4601
12 .....	569	44 .....	4551	76 .....	4633
13 .....	570	45 .....	4585	77 .....	4797
14 .....	571	46 .....	522	78 .....	4946
15 .....	572	47 .....	529	79 .....	597
16 .....	573	48 .....	615	80 .....	35
17 .....	725	49 .....	4582	81 .....	46
18 .....	778	50 .....	789	82 .....	144
19 .....	779	51 .....	830	83 .....	201
20 .....	780	52 .....	208	84 .....	261
21 .....	803	53 .....	642	85 .....	308
22 .....	804	54 .....	4717	86 .....	490
23 .....	805	55 .....	2922	87 .....	562
24 .....	806	56 .....	4354	88 .....	765
25 .....	812	57 .....	4544	89 .....	2602
26 .....	843	58 .....	4852	90 .....	4362
27 .....	844	59 .....	472	91 .....	4393
28 .....	845	60 .....	620	92 .....	4615
29 .....	852	61 .....	678	93 .....	4618
30 .....	853	62 .....	4501	94 .....	4668
31 .....	651	63 .....	4510	95 .....	125
32 .....	4406	64 .....	96	96 .....	311

**DISPOSITION OF BILLS ENACTED**

The first column gives the chapter assigned and the second column gives the bill number.

**Regular Session, 2020****-Continued-**

House Bills = 4 Digits

Senate Bills = 1-3 Digits

<b>Chapter .....</b>	<b>Bill No.</b>	<b>Chapter .....</b>	<b>Bill No.</b>	<b>Chapter .....</b>	<b>Bill No.</b>
97.....	848	129.....	120	161.....	738
98.....	2419	130.....	552	162.....	2696
99.....	2892	131.....	727	163.....	2924
100.....	4166	132.....	810	164.....	4004
101.....	51	133.....	4090	165.....	4042
102.....	3039	134.....	4091	166.....	4130
103.....	4129	135.....	4484	167.....	4141
104.....	4001	136.....	195	168.....	4461
105.....	4634	137.....	213	169.....	4509
106.....	4959	138.....	321	170.....	4581
107.....	42	139.....	510	171.....	4747
108.....	230	140.....	554	172.....	703
109.....	241	141.....	662	173.....	760
110.....	303	142.....	668	174.....	781
111.....	614	143.....	4088	175.....	839
112.....	707	144.....	4529	176.....	4022
113.....	723	145.....	4576	177.....	4077
114.....	750	146.....	4929	178.....	4365
115.....	842	147.....	4611	179.....	4412
116.....	3127	148.....	4955	180.....	4729
117.....	4069	149.....	232	181.....	4737
118.....	4165	150.....	4438	182.....	648
119.....	4497	151.....	4647	183.....	716
120.....	4519	152.....	4760	184.....	717
121.....	4780	153.....	175	185.....	740
122.....	4790	154.....	193	186.....	291
123.....	4925	155.....	322	187.....	641
124.....	94	156.....	545	188.....	787
125.....	785	157.....	576	189.....	849
126.....	4137	158.....	586	190.....	4003
127.....	4593	159.....	610	191.....	4058
128.....	2086	160.....	657	192.....	4061

**DISPOSITION OF BILLS ENACTED**

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**Regular Session, 2020****-Continued-**

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Senate Bills = 1-3 Digits

<b>Chapter .....</b>	<b>Bill No.</b>	<b>Chapter .....</b>	<b>Bill No.</b>	<b>Chapter .....</b>	<b>Bill No.</b>
193 .....	4146	225 .....	4522	257 .....	4363
194 .....	4149	226 .....	4530	258 .....	240
195 .....	4198	227 .....	4958	259 .....	269
196 .....	4359	228 .....	470	260 .....	288
197 .....	4361	229 .....	487	261 .....	560
198 .....	4466	230 .....	500	262 .....	647
199 .....	4477	231 .....	501	263 .....	664
200 .....	4496	232 .....	517	264 .....	746
201 .....	4502	233 .....	4381	265 .....	747
202 .....	4543	234 .....	4499	266 .....	748
203 .....	547	235 .....	4513	267 .....	749
204 .....	2646	236 .....	4514	268 .....	767
205 .....	323	237 .....	4515	269 .....	797
206 .....	339	238 .....	4523	270 .....	846
207 .....	357	239 .....	689	271 .....	2961
208 .....	364	240 .....	312	272 .....	4007
209 .....	449	241 .....	544	273 .....	4009
210 .....	652	242 .....	706	274 .....	4102
211 .....	4217	243 .....	770	275 .....	4103
212 .....	4252	244 .....	4020	276 .....	4108
213 .....	4275	245 .....	4099	277 .....	4161
214 .....	4480	246 .....	4352	278 .....	4179
215 .....	180	247 .....	4353	279 .....	4414
216 .....	686	248 .....	4360	280 .....	4422
217 .....	690	249 .....	4375	281 .....	4434
218 .....	2338	250 .....	4417	282 .....	4447
219 .....	4026	251 .....	4607	283 .....	4494
220 .....	4450	252 .....	4749	284 .....	4557
221 .....	4464	253 .....	4777	285 .....	4620
222 .....	4474	254 .....	4803	286 .....	4655
223 .....	4478	255 .....	534	287 .....	4773
224 .....	4504	256 .....	2497	288 .....	4437

**DISPOSITION OF BILLS ENACTED**

The first column gives the chapter assigned and the second column gives the bill number.

**Regular Session, 2020****-Continued-**

House Bills = 4 Digits

Senate Bills = 1-3 Digits

<b>Chapter .....</b>	<b>Bill No.</b>	<b>Chapter .....</b>	<b>Bill No.</b>	<b>Chapter .....</b>	<b>Bill No.</b>
289 .....	4665	310 .....	4748	331 .....	2967
290 .....	600	311 .....	136	332 .....	4019
291 .....	676	312 .....	2478	333 .....	4113
292 .....	712	313 .....	734	334 .....	4421
293 .....	838	314 .....	4017	335 .....	4439
294 .....	851	315 .....	623	336 .....	4452
295 .....	4123	316 .....	691	337 .....	4558
296 .....	4176	317 .....	4378	338 .....	4969
297 .....	4178	318 .....	4546	339 .....	16
298 .....	4409	319 .....	4691	340 .....	4714
299 .....	4444	320 .....	4804	341 .....	6
300 .....	4476	321 .....	4377	342 .....	130
301 .....	4715	322 .....	300	343 .....	660
302 .....	4859	323 .....	307	344 .....	4666
303 .....	579	324 .....	310	345 .....	551
304 .....	583	325 .....	530	346 .....	589
305 .....	802	326 .....	578	347 .....	739
306 .....	4587	327 .....	719	348 .....	289
307 .....	4661	328 .....	793	349 .....	705
308 .....	4823	329 .....	816	350 .....	4030
309 .....	202	330 .....	2149	351 .....	4589







## APPENDIX

### SECOND REGULAR SESSION, 2020

#### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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##### REMARKS

of  
**HON. TERRI SYPOLT**  
*January 10, 2020*

DELEGATE SYPOLT. Mr. Speaker. Mr. Speaker, thank you. I want to thank Perry. When I came in right before the session, he handed me a photo that he had taken. The photo shows the memorial card that I had picked up from Sharon Mic ... Sharon Malcolm's funeral that I have had on my desk along with the sash that I was given over at the Cultural Center from the hundred year voting of the anniversary of the Women's Hundred Year Voting along with the American flag, and that's very special and I thank you Perry. And, I just wanted to say a couple of words about Sharon. The last time I spoke to her was here in the chamber. As usual I was sitting here, and she was sitting here in Eric's seat and we talked about our children and our grandchildren. Of course, I talked about the grandkids and the great-granddaughter and she spoke about her children and you could tell how much she loved them with that smile on her face, and she would always say, you know, "I was always trying to clean up my act and not say anything bad because if I said a bad word, the next week they was saying it and I always wanted to clean up my act because I wanted to raise them the best that I could and raise them up right." But another thing that we talked about was how upset she was that she was being portrayed in the papers as being a very fragile elderly person. And I tell you, I assured her that anybody that knew her knew that that was very far from the truth. That we knew Sharon as being the fighter that she really was and that she would fight to the end for a good cause. And she truly wanted to make West Virginia a better place to live, work and raise the family and we lost a delegate way too soon that was serving West Virginia for all the right reasons. And I want to tell you that I will remember Sharon, my friend, Delegate Sharon Malcolm as the classy, spunky, boot-wearing, pistol packing lady that she really was and I hope that she is able to rest in peace. Thank you, Mr. Speaker.

#### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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##### REMARKS

of  
**HON. DANIELLE WALKER**  
*January 13, 2020*

DELEGATE WALKER. Thank you, Mr. Speaker. Good morning everyone. As many times we want to say that West Virginia we fight each day for someone to live, work and play. We also want to make sure that we put every West Virginian first and so I want to take the time to read something that was sent to me about a family that was waiting to be off the IDD waiting list. My name is Sarah Raines. I ran into you last night in front of the information desk after the waiver rally and you gave me your card. I was emailing you my story about how my son Jonah is on the waiting list. I am also the vice-president of the Down's Syndrome Network of West Virginia. Jonah is one of three boys. He is six years old and has Down Syndrome. He is in the first grade at Cross Lanes Elementary. I applied for IDD waiver for Jonah during the Spring of 2015 when he was not quite three yet. Back then you can start the application process before a child's third birthday. I was fortunate enough to have an awesome birth-to-three team that kept me informed about the upcoming changes coming to the waiver program, so they encourage applying ASAP before the changes took place. We received the approval to be on the waiting list July of 2015 and the changes took effect of August 1<sup>st</sup> of that year. He has been on the wait list ever since, currently six at number 85 as of December 16, 2019. While we wait, every year, we have to apply for his medical card through a program called CDCSP which he gets approved for like traditional medical cards based on his diagnosis. The program itself is great; if you get approved and somewhat lengthy to apply, for it requires an SSI denial letter every year, denial from DHHR, all EOB's from the previous year, estimates for the upcoming year and a list of all doctors and hospital visits. While we are moving closer to being off the waiting list, over four years is too long for anyone to have to wait, especially those with greater needs. We all know after the cuts in 2015 the money is there. We heard that that waiting list is going to be clear but if you hear this parent's truth there's still some things in this system

## APPENDIX

that we need to make effective. Who has the time to apply for these programs for denials when we already know what the child's diagnosis are? Why should a family have to wait until a child is three to apply for the waiver and if its terminal that child can die within days? We must do better to put West Virginians first. Thank you, Mr. Speaker.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS of MEMBERS *January 14, 2020*

DELEGATE MILEY. Thank you, Mr. Speaker. I know we recognized him earlier during the session, but I want to point out a couple of things. Number one, there are few opportunities that we get down here during the sixty days to recognize something that causes our service and politics generally to be considered so insignificant compared to other things in life. And number two, when you see one of us act so selflessly and make the sacrifices that Delegate Hornbuckle has made, it makes me so humbled to be in your presence, Sean, and I want to thank you, Delegate Hornbuckle. I want to thank you for being an inspiration to not just your caucus, me as your friend and caucus leader, but I hope and think to all of us because, you know, it's going to heated here as it always does as the sixty days passes, but if we could all think about where politics and where our disputes and disagreements stand considering some of the things that those of us in here do to make sacrifices for others. So, thank you for being an inspiration to all of us, and we're glad to have you back.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. Just wanted to say to everyone in here appreciate the love, the support ... I've got a lot of it since I was in surgery on December 19<sup>th</sup>. I had nonstop texts from a lot of the close buddies in here. As my gentleman just said across the aisle, I had a lot of buddies across the aisle, texting and making sure I was okay because these things are not about politics it's about life. So, I just want to say to everyone in this chamber, folks that are back home watching, different colleagues, business partners, family friends, everyone who took care of me has reached

out and most importantly my sister, I just thank her for life and appreciate all of you all. Thank you so much.

### H. B. 4007

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#### REMARKS of MEMBERS *January 15, 2020*

DELEGATE HANSEN. Thank you, Mr. Speaker. I'm looking at the title of this bill, the Born Alive Abortion Survivor's Protection Act and that's some pretty graphic language. It's pretty divisive language. It's got the word abortion in there that tends to divide us in this chamber. It's got the phrase "born alive." I think each of us sitting here probably has a different, very graphic image of what that could mean but where did this bill come from and was it written by West Virginians to solve a West Virginia problem. You know, as many of you know, similar bills have passed elsewhere; North Carolina passed a bill called the Born-Alive Abortion Survivors Protection Act. Montana passed a bill called the Born Alive Infant Protection Act and in Wisconsin they passed a bill called Requirements for Children Born Alive Following Abortion or Attempted Abortion and these bills grab headlines, they may forget attack ads, but do they actually do anything. What happened to those three bills, the bills in North Carolina and Wisconsin and Montana? They were all vetoed and here are a few sentences from those vetoed messages; in North Carolina the Governor said laws already protects newborn babies and the vetos message continued ... this needless legislation would criminalize doctors and other healthcare providers for a practice that simply does not exist. The governor's veto message in Wisconsin said, "this bill is redundant because the protections this bill seeks to provide already exists in State law. And what about Montana, the veto message said, "the situation this bill purportedly seeks to address is a medical practice that does not exist, and it continued ... I believe women, families and healthcare providers are best able to make these difficult medical decisions without political interference that is meant only to inflame and cause division. That's what these veto messages said. So, making no mistake, there are laws in place already at the state level and in the federal level. The

## APPENDIX

chair of the WVU School of Medicine Department of OB/GYN said about this bill; the chance of this truly effecting any West Virginian is extremely small ... any West Virginian. Doctors are in practice to help people, to save people. My dad was a doctor. My dad was an OB/GYN doctor. He delivered a lot of babies. He provided a wide range of women's healthcare services and he cared about mothers, he cared about babies ... that's why he was a doctor and we've talked about some of those difficult decisions that he's made with his patients and with their families and a lot of these are life and death decisions that we can't even imagine. These are decisions that doctors make every day with their patients. Not just in women's healthcare but in other types of healthcare and I'm thankful for the doctors that understand the science and the art of practicing medicine and they're compassionate, caring people that want to help people and I think it's wrong for us to run a bill that might criminalize doctors like my dad even if the bill really doesn't do much of anything. So, I wonder why we're voting on this bill today. Why are we voting on this one week in the session when the candidate filing period just opened? Is this really the number one priority for West Virginians? Yesterday I attended the hunger caucus meeting. People from both parties were there and we learned that one in five kids in West Virginia ... kids that were actually born alive, are hungry but we're not addressing that in the first week of the session. We know that we have seven thousand kids across the State of West Virginia that were actually born alive that are in need of foster care and we're not addressing that in the first week of the session. There's a real crisis that we should be voting on. My constituents sent me to Charleston to solve real problems and not to vote for a bill that does nothing but divide us so I'm not playing this political game; I'm going to vote no. Thank you, Mr. Speaker.

DELEGATE FLEISCHAUER. Thank you. Mr. Speaker. I want to talk about the context of this bill and the gentleman from the 51<sup>st</sup> from Monongalia County spoke a little bit about how there is legislation around the country that is bringing this up in legislature after legislature and in this legislature year after year, outside special interests have insisted that we vote on at least one abortion bill every single year and that has happened certainly for the last five years. This vehicle,

House Bill 4007, presents us with an imaginary problem and an imaginary solution. We heard from our physician on the health committee that it is physiologically impossible for a fetus to survive outside the womb at or under twenty weeks. There is an article today from the head of WVU OB/GYN who says the chance of that happening is about like being struck by lightning ... of the baby being struck by lightning. We have no incidents where this has ever happened in West Virginia or nor have we heard of any evidence of any surrounding states or any other states in the country. The solution ... it's not a solution to anything because its been illegal for decades. There was a 2002 congress passed a born alive abortion survivor's protection act and it's also illegal under state law so ... and as the gentleman said, the physicians and physician medical association have said this bill will have no practical effect so it's an imaginary solution to an imaginary problem. Well, why are we dealing with this then. Why are we taking up precious time of this sixty-day session and for that matter, why do we do it year after year and that ... I believe is because it's a political game ... g-a-m-e. The hope is that some democrats who feel strongly about women's bodily integrity and the right to make decisions about their body can be marginalized and demonized. We'll have flyers, we'll have radio ads against them and maybe we can pick some of them off. That is what I believe is the game that's being played here. If I'm right that this is a game, it's a cynical game and it's purely political. Women's right to decide whether or not to have children is not a game to me. It is serious business. I'm not going to participate in this game, and I will be voting no.

DELEGATE S. BROWN. Thank you. Mr. Speaker, in just this exchange, in just the question and answer it's very clear to me that the proper stakeholders were not a part of the conversation in order to create a bill that is viable. In order to really speak to how to preserve life in this particular situation there is legislation that can be introduced, there is policy that can be introduced to protect the mother, to protect the fetus, to protect a child that can be born and in this case we already have legal precedent to ban any sort of infanticide in the State of West Virginia and the nation. Further, we have one abortion provider in the State of West Virginia and as already discussed it has a self-imposed

## APPENDIX

restriction of sixteen weeks and in that time-frame the fetus is not viable and so the very scenario that we are trying to litigate here that may have criminal persecution posthaste ... I'm telling you this is not possible. And further, we're now be seeing legislation ... we're trying to push forward law that is not based on fact and ladies and gentlemen I need to caution you of this as a legislative body. Are we going to be a body that is complicit to creating law based on political statements, propaganda, mistruths and medical fallacy? Is that the chamber we are? I would caution you against that. Now I will tell you that I was put here as a representative for 65<sup>th</sup> District. I represent the voices of Charles Town and Ranson, I represent the voices of a community that raised me and with my vote I would be endorsing a process. I would be endorsing a piece of legislation and a piece of policy. But, ladies and gentlemen we've already showed that this piece of policy is not based on fact and we should be held to a higher standard because we are stewards of governance to create policy based on truth and I will not lend the voice of this 65<sup>th</sup> to things that simply are not true. I'm all for policy that will protect mothers, that will protect infants, that will protect life, but this simply isn't it. It is my charge and yours to protect individuals within your respective communities, not disenfranchise them and not play to a rhetoric that is intended to divide us all. You know why this is here. I know why this is here and I'm perfectly aware of the political reality of my vote today. I know what will happen when I leave the chamber. I know what will happen when I go home but the reality is, I simply cannot be complicit to law that is not based on any sort of truth and it certainly will not serve for justice. Mr. Speaker I will be unapologetically voting no today on this bill.

DELEGATE ROWAN. Thank you, Mr. Speaker. I am the lead sponsor of this bill. I am a stakeholder. I'm here because of my grandson. He was one pound five ounces when he was born and he wanted to live. His eyes were sealed shut just like a newborn kitten's eyes. You could see through his skin; you could see his blood vessels and he was a fighter; he wanted to live. He is fifteen now and if I haven't told you yet, he won the Golden Horseshoe. He is a wonderful little boy ... well he's not a little boy anymore; he's fifteen. It was because he wanted to live, and he fought to live. There were thirteen

doctors and medical professionals in his room when he was born. They fought for him and we prayed for him and as I said, you know, he was a fighter. I'm here also because I'm his grandmother and as the Chairman of Seniors, Children and Families I'm speaking for them. Somebody mentioned something about choices. What choices do our grandparents have ... the grandparents involved when it's their daughter-in-law or their daughter that has requested this abortion. What choices did they have? I'm speaking not just for the infants; I'm speaking for the grandparents and I know the statistics here in West Virginia ... I know we have grandparents; I know we have aunts and uncles raising these children and what words am I living by ... well, I'm inspired by Proverbs 31 verse 8 ... speak up for those who cannot speak for themselves.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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REMARKS  
of  
**HON. DANIELLE WALKER**  
*January 15, 2020*

DELEGATE WALKER. Thank you. I've sat in this chamber for the first-time last year. I've listened to the good and the bad of many things. We spoke about life, liberty and the pursuit of happiness in every human being but yet I stand before you as we've introduced many amendments and many bills that sit in committee and don't see the light of day but life, liberty and the pursuit of happiness. Every West Virginian ... we want to make sure that every person born is going to be protected. Well, I'm not even protected as a woman because we can't pass a Katherine Johnson Pay Act. We can't even pass an act to protect our neighbors who's part of the LGBTQ community. We want babies, as well as I want babies. I am a proud mother of two kings, but do you know how many days I went hungry to make sure that my kings were provided for? Where was this body then? Do you know what type of HUD housing I had to live in and the first day of moving from my gated community there was a drive-by shooting? Where was this body then? Do you know what I teach my sons? One has three strikes, and one has four. Number one, you're black; number two,

## APPENDIX

you're male; number three, you're poor and for my oldest son, your gay. Don't walk in the store with your hands in your pocket. Don't travel this state alone. Make sure you have a true ally. Even if you're not doing anything and there is a police enforcement officer, a law enforcement; stand down, survive the encounter in 2020. I have no problem with life, but I do have a problem because I have no pursuit of happiness. West Virginia is my second chance state. No, I'm not born and bred here, but there was no policy, no program, to give me the survivor skills. But what it was, was the people and not the ones that sit in this chamber or the one across the way. It was the people in my neighborhood who struggled just as I did. It was the people who wanted to actually give a hand up and not slap you on your hand when you weren't a robot to what they wanted you to be. For every bill that's introduced there's even a problem with natural hair. We have students that can't even play a game but life, liberty, and the pursuit of happiness. I am a proud black woman serving in this House even though I'm not even respected when I walk through the doors. I am a proud black woman being a citizen of West Virginia even though my year-round tan is not even respected among my colleagues in this same House. I am a proud black woman who supports all religions but yet in still when we get certain people of faith to come say a prayer, we disrespect them by taking a stand, by taking a seat and I call that disrespect. I am a black woman and I'm proud of exactly who I am, whom I am and whose I am. I get attack ads for joining a prayer caucus. I get attack ads for fighting for women's rights. I get attack ads for standing with the LGBTQ community. I get attack ads because I tell you to do your job. There is too many hungry people in this state and I don't see that we voted on anything for anything. We have a waiting list of people with special needs, and we didn't do anything about anything. We have people that's not ... that doesn't even have a livable wage and we're not doing anything for anything. So, as you speak about life, liberty, and the pursuit of happiness and as you speak about the Constitution, I remember when there was an amendment that made black people human. I hope we don't have to introduce another one or repeal that so I can remain human. Thank you, Mr. Speaker.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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REMARKS  
of  
**HON. T. KEVAN BARTLETT**  
*January 16, 2020*

DELEGATE BARTLETT. Thank you, Mr. Speaker. I wish to take a moment to call the members' attention to the fact that today, January 16<sup>th</sup>, is National Religious Freedom Day. This date has been officially proclaimed as such by presidential proclamations every year since 1993. National Religious Freedom Day commemorates a profoundly impactful action by our now estranged brethren serving in the Virginia General Assembly way back in 1786. It was on January 16<sup>th</sup> of that year that Thomas Jefferson's landmark Virginia Statute for Religious Freedom was adopted by the assembly. That statute became the basis for the establishment clause of the First Amendment to the Constitution of the United States and lead to the guarantee of religious freedom for all Americans. So today let us acknowledge and celebrate religious freedom ... the quest for which brought the pilgrims first to the new world. Religious freedom, the first of all freedoms, articulated in the Bill of Rights. Religious freedom, the bedrock of our liberties and the very essence of what makes America great. Thank you, Mr. Speaker.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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REMARKS  
of  
**HON. JASON BARRETT**  
*January 22, 2020*

DELEGATE BARRETT. Thank you, Mr. Speaker. Yesterday like many of you, I watched the Today's Show segment on the opioid and foster care crisis. The most heartbreaking thing that I've seen in a long time and quite frankly, I don't know how any of us could watch that without getting choked up. We were introduced to a foster care family, Monica and Robert Kinder, who have fostered over 20 children in the past six years providing stable, safe and loving homes to those children and they, like so many other foster care families across this state, are

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angels among us. Over 7,000 children are in our current ... are currently in our foster care system in West Virginia. Over 2,800 of them with no instate foster or adoptive home to go to. They're currently in emergency shelters, group homes, hospitals, transitional living or out-of-state. House Bill 4092 has passed the Health Committee, the Judiciary Committee and is now in the Finance Committee. In the Health Committee it was amended by my friend and colleague from the 28<sup>th</sup>, Delegate Pack. That amendment provided the necessary increase to the daily rate per child that families receive, allowing more families to open their homes to these 2,800 foster children. It's been estimated that the cost of this bill is now roughly \$16 million dollars. Some here suggest that we can't afford it. Let me remind you in that Today's Show segment that one child was asked, prior to her being in a foster care home, where she got food. Her answer was, they dug in a garbage can. Now, if anyone here thinks that we don't have \$16 million dollars to fund this bill I want you to take the time to picture a West Virginia child digging in a garbage can for food and then tell me, better yet, tell these children that we don't have \$16 million dollars. If it is the will of this body ... the majority of this body believes that we don't have this necessary funds, then you need to reevaluate your priorities. In the small state of 1.8 million people we have rainy day funds in excess of \$800 million ... \$800 million and our children are eating out of garbage cans. The proposed general revenue budget this year is approximately \$4.6 billion dollars, yet we have children eating out of garbage cans.

Monica and Robert Foster have been living in a home with a leaking roof and a deteriorating ceiling because they choose to take care of children with the money that they have. They clearly have their priorities in line; they're taking care of children; children that are not born to them ... children that are our responsibility, and they're stepping up to the plate. It's time this House get its priorities in line. During the State of the State address the Governor reported there would be approximately \$309 million dollars in Medicaid surplus. He proposed some of that fill the budget gap, some of that to go to the IDD wait list, which is long overdue, and some of that ... \$150 million dollars of that to go into a lock box ... a family's first fund. Twenty-eight hundred children in our state don't even have families ... families first

fund. Mr. Speaker, we need to give these children a family first. In the Today's Show segment some of the girls changed their names when they got a new home; one to Serenity and one to Haven. When asked why she chose Haven she said she knew this was a safe place. The first time in her life she was in a stable, safe and loving home. Mr. Speaker, we need to pass House Bill 4092 in its current form because we have 2,800 West Virginia children just like Haven and Serenity that need and deserve a safe place. Thank you, Mr. Speaker.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

#### REMARKS of MEMBERS

*January 23, 2020*

DELEGATE BATES. Thank you, Mr. Speaker. As I get older time seems to pass more quickly and it's hard to believe it's day 16 and a quarter of our time here together is ... is already gone. This past year has been the fastest of my life and I've spent a little bit more of it than I would have liked on this ... on this floor. That being said, the privilege of sitting here, and to speak on this floor is not lost on me and when I do tend to speak, I try to respect people's time and their attention. But I'm compelled to make some remarks today as it's kind of an anniversary of sorts, and time is running short and maybe out.

In the words of our Governor, it's unbelievable. But today is the one-year anniversary of what some have called my pot speech. I prefer to refer to it as my cannabis can remarks. Maybe it's because I talk kind of funny and people tend to listen to how I say things, not what I say. In the last year West Virginia has fallen further behind, not moved forward on this issue. So, I'm gonna say a few things in maybe a little different way, in the hope of a better outcome.

Mr. Speaker, let the record reflect yet again, that I am not in favor of recreational marijuana. What I do support and what I believe the majority of West Virginians are for, and the majority of the members of this House would vote for, if it came to the floor, is the taxation, regulation and

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decriminalization of the personal possession of cannabis by an adult over the age of 21.

Mr. Speaker, we have a population problem. West Virginia's greatest export is not its coal, it's its people and in particular, its young people. West Virginia is a departure not a destination state. In the last five years we've lost 57,516 West Virginians. That's the attendance at Mountaineer Field on game day. Since I gave my pot speech just over a year ago, public opinion and legislative action on this issue has moved quickly. Since I gave my pot speech the cannabis industry is no longer for West Coast liberals and frozen Canucks above the Northern border. It has marched east and it has marched south, Michigan, Illinois, Pennsylvania, Ohio. It is on our doorstep and everyone in this room knows it is only a matter of time before it becomes legal at a federal level.

Since I last gave my pot speech there are 4,132 less students in our public schools. Since I last gave my last pot speech our severance tax collections are down \$73 million dollars. Mr. Chairman, I'm confident in your ability to work with us in a bipartisan way to balance our budget for 2021. But you know, and I know, that we are going to need some big money around here to the tune of at least of a \$170 million dollars to close a structural hole in our budget, starting in 2022 and every year thereafter. And that \$170 million dollars is before we've paid for Mitch and his minions JV, Supreme Court, his heavy equipment tax cut, or to fund PEIA when we haven't fixed it.

Ladies and gentlemen, there is a window and since my pot speech that window has began to close rapidly for West Virginia to experience the benefits of this new and growing industry. Since my pot speech, hemp production was legalized nationally. Two years prior to my pot speech, in 2017 this body passed the medical cannabis legislation. Do you know how much money we've collected from our medical cannabis program? Zero. Do you know how much money we've collected from our hemp program? Fifteen thousand dollars. We've heard from the Treasurer, DHHR and from the Secretary of Agriculture. We've spent millions of dollars and hundreds of man hours on the administration of these programs and we haven't produced one ounce of product. Nor enough money to pay

for the paper we've used to regulate it. Hemp and medical cannabis are unprofitable and unsustainable without a full cannabis program and they are digging a hole in our budget. If you are pro hemp, if you are pro medical cannabis, you must be pro adult use. Cannabis can fill this and other holes in our budget.

In closing Mr. Speaker, we need to create a place that people want to be and want to come to. Cannabis can fix the single biggest problem we have, our people problem, our population problem. There is a growing industry in this country that West Virginia is uniquely positioned to capitalize on if we act, and act now. Cannabis is the single greatest and may very well be the only growth opportunity that West Virginia has in this coming decade. It is time. It is time we put the interest of West Virginians first and move this piece of legislation from the possession of the Health and Human Resource Committee where it was sent to die, and on to the Judiciary and Finance Committees where it can be fully considered, vetted, acted upon and voted on this session. And as such, pursuant to Rule 61, I move to take off the table my motion to discharge House Bill 2331 relating to legalizing cannabis production, sale and consumption from the committee of Health and Human Resources. I ask for the yeas and nays. Thank you, Mr. Speaker.

DELEGATE COWLES. Yes, thank you, Mr. Speaker. First I would like to make a comment. I jotted down some remarks, but again today, my friend from the 30<sup>th</sup>, I heard him use "Mitch's minions" in reference to the Senate President and the West Virginia State Senators, and I would ask ... you know, I certainly didn't call a Point of Order, but I would ask that we all don't forget our place, Mr. Speaker.

I would like to talk briefly in response ... today up in Finance Committee, we had a budget presentation and it was from the Military Affairs and Public Safety Committee. They passed out a little card and on there is a story. I'll just read it to you, it's only a paragraph. It references a couple of stories, but it says; Addiction can happen to any student. Consider Corey who enjoyed outdoor activities and was an Eagle Scout. He first used marijuana and eventually tried other drugs. He was addicted to opiates by

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age 17. Julia, meanwhile, was involved in many school activities and was an honor roll student. She began using marijuana at age 11, and eventually used other drugs. She overdosed four times. These stories are shared, and other hard learned lessons it says, about addiction, at a website called [getsmartaboutdrugs.gov](http://getsmartaboutdrugs.gov). That was in today's presentation upstairs.

What I'd like to say is, if you're under the illusion that legal pot, or adult use cannabis, as they say, is an economic solution for West Virginia, I think you're being misled. We should get smart about drugs, about the revenue and the possible economic impact on the health in West Virginia. We need sober workers, healthy families, educated children. Solutions for West Virginia's economy would involve a diversified economy, educated workers, good roads and infrastructure, healthy families, safe workers, fair tax policy. Those things my friends are difficult, but necessary to economic health in West Virginia. If you believe legal pot is an economic solution, you are being misled.

We should get smart about economic policy. The risk to young people of adult use cannabis is real. In the stories on the get smart website that I went through, the risk is clear that it kicks off quick descent into drug use for many young people. There are real stories on there, drug driving statistics, marijuana concentrates, drug abuse and how it affects teens. It is not an easy quick solution for legal pot in West Virginia. There are real world consequences and Mr. Speaker, it is just not an economic solution. Thank you, very much.

DELEGATE WALKER. Thank you, Mr. Speaker. To my colleagues, I listen very well, and I hear you. Sober workers, healthy families, fair tax policy, it's time that we start putting West Virginians first on a day that we celebrate all kinds welcome day. While we promote West Virginia as a place to live, work and play, putting West Virginians first should be no exclusions.

On Monday we celebrated a hero, not just to the Civil Rights movement, not just to black and brown communities, but to all Americans and my 99 colleagues was hushed and didn't even say his name. But yet, as we went through the Capitol on Monday, and we

had a celebration at the Methodist Church, and we did the bell ringing, I still didn't see all my colleagues. Now I know that meetings are important with constituents and committee meetings. And as Governor Justice said, "I have a dream." Are we still having a dream in 2020? Can we be truthful of what those nightmares of many West Virginians are living with? The nightmare of hunger; the nightmare of being Muslim; the nightmare of being Jewish; the nightmare of wearing your natural hair; the nightmare of not having a home; the nightmare of not being able to love who you love and be protected within the borders of West Virginia. Human Rights: The quality, not the longevity of one's life is what's important. That is the words of Reverend Dr. Martin Luther King, Jr.

We speak about our population is dying in West Virginia. I fight for her each and every day. We like to say, "Mountaineers are always free," but then there comes that exception. If you're part of the LGBTQ community, we gonna table this or not even bring it up. If you're a felon, we gonna table this and not bring it up. If you're dealing with voter suppression, we gonna table this and not bring it up and if you're hungry for change, we definitely gonna table this and not bring this up. This is not how we put West Virginians first. And it's time we start listening to hear, listening to hear the people's truth. Not just listening with our ears but listening with our hearts and listening with our eyes, and our hands, and our feet.

Each and every one of us come together to do a job. Each and every one of us have our own opinions and so does our constituents. It is hard sometimes to press a red or a green button because I have to take self out of it and be selfless, because each vote is about putting West Virginians first, and not my own convictions, not my own religion, not my own race, not my own children, not my own home, not my own business, not my own tax bracket. It's time that we start taking a stand for the people of West Virginia where each and every person can even dream to live, work and play, by putting them first. Thank you, Mr. Speaker.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. To my colleague's in this body, without being insensitive to anyone who has fallen to addiction, we're going to have a lot



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of discussions about cannabis and rightfully so, and I appreciate the gentleman from the 30<sup>th</sup> and his passionate speech today. And I would only hope that we can actually get it up for a debate. But, to channel my inner libertarian, it is about personal choice and freedoms.

Most of us know and some of us in here have experienced, that you try your uncle's beer at eight, nine, 10, 12, 11, 14, 15, 20 years old at the cookout. That's how it started. You got a loosie cigarette and that's what you did. Alright, you got that wine, maybe even at communion and you liked it, and you traveled from there. Marijuana, cannabis, reefer, pot, devil's lettuce, whatever you want to call it, it does not go further than that. And, I heard some names earlier today and I'm sorry for those, but I have some names here of some very notable cannabis users and former users that have done quite well. Michael Bloomberg, really rich. Ted Turner, he's a great one. George W., a lot of you in here like him. Senator Rand Paul, going out for my libertarian guys. Bill Gates, Oprah Winfrey and my personal favorite, that guy that was putting our country on his back and actually smoking while he was getting gold metals, Michael Phelps. Thank you, Mr. Speaker.

### REGARDING THE BISHOFF FAMILY

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REMARKS  
of  
**HON. TERRI SYPOLT**  
*January 31, 2020*

DELEGATE SYPOLT. Thank you. Mid-February of last year I stood in this chamber with a very heavy heart, informed this chamber that we had had a tragedy in Preston County. That there had been a car accident with four of our students from Preston High School. One of the boys were critically injured and passed away shortly after that. At that time, I'd asked for prayers for his family, his friends and the students and staff of Preston High School. His name was Brayden Bishoff. Today again, I stand with a heavy heart. Again, Preston County and Preston High School has lost another. Again, I ask for a moment of silence for the same Bishoff family. They have lost another son, Grayson Bishoff, a junior at Preston High School. May we pray that the Almighty God wrap his

arms around his family, his friends and the students and staff of Preston High. Thank you.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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REMARKS  
of  
**MEMBERS**  
*February 3, 2020*

DELEGATE HANNA. Thank you, Mr. Speaker. Last Friday we got word from FEMA and the Governor's office that Nicholas County Schools were awarded \$132 million from FEMA to start reconstruction of the schools we lost in the 2016 flood. After the state match, that's about \$176 million total to build two schools. Well, there was an article in the Gazette that stated when they reached out to the Nicholas County School Superintendent, Donna Burge-Tetrick, she declined Friday, to give even a ballpark estimate of the budget for each school.

Well, I am thrilled, Mr. Speaker, that we have finally made some headway on this issue and that we're finally going to make some progress after four years to get these kids out of trailers and into a permanent building. I still have the question of where's this money going to go? Because if we look back at conceptual plans from 2018, we see that of the \$176 million dollars, \$150 would go to a facility on the western side of the county to replace one school that was destroyed in the 2016 flood as well as Nicholas County High School and to move the vocational center from the eastern side of the county to the western side of the county, and I will note that the last two schools I just mentioned were not affected at all by the 2016 flood.

Now, however, on the eastern side of the county, the part that I represent, Richwood. Richwood High School was destroyed in the 2016 flood as well as Richwood Middle School, and we're going to spend \$30 ... or \$20 million dollars of the money that we get from FEMA to build a K-12 onto an existing elementary school in Richwood. Now, I stated in the Gazette article when they asked me last week; How do you feel about this situation? We're going to build a Taj Mahal

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on one side of the county, and we're not even going to build a hallway on the other, Mr. Speaker. It upsets me. It very much upsets me. Because if this situation was just done right to start with, if the Board of Education and the Superintendent would have listened to input from the community to start with, this wouldn't be a problem. On one side of the county we're going to build a mega complex that sets on 70 acres and that's valued at \$150 million dollars, a 6-12 with a vocational center. On the other side we're going to build a K-12 for \$20 million dollars.

And when I say that if they just listened to start with, I mean transparency is a huge issue. I have FOIA'd emails from our superintendent in Nicholas County that date all the way back to July 20 of 2016, and just before I get into these emails, I want to give you a little background. Before you can tear a school down, when it comes to rebuilding of schools, it has to meet a 50% threshold. That school has to be assessed at 50% damage of what its value is just to remove that school to start with.

Well, if you look back at these emails from July 20<sup>th</sup> of 2016, we have an email from the superintendent to the members of the board saying that Richwood Middle School is currently assessed at 59% damage. Richwood High School is assessed at 16% damage, and Summersville Middle School is assessed at 22% damage, but that number could change when we add repairs and a mold study.

Well, let's fast forward just a few months to August 26<sup>th</sup> when Richwood High School is now assessed from 16% to 40%. Now how does that number come about? Well, let me tell you how. Because our superintendent started sending emails asking how can we get these numbers up? What can we attach to this building? So, let's see if we can attach the football field, those locker rooms, the concession stand, the gymnasium and the band room. Which are all separate structures, this is not a shared facility, separate structures.

So, finally we do meet the 50% threshold and all three schools are destroyed. So, we get what we want, but the term comes to; was this done the right way? Was this done the right way, and I think the most disturbing

thing is it's really not just looking back at our county board and asking if they did the right thing, but did the Federal Government do the right thing? I have an email here, and I'm not going to sift through it but it came out through the FOIA request that the gentleman that our county board worked with from FEMA was named Scott, and he sent an email, and in the headline it said; This is Scott, not FEMA Scott, Taxpayer Scott.

So, we have FEMA officials giving personal information to our county board because they know that they can't do it officially. But, you know, Mr. Speaker, I stood up last year in education committee, when we had the SBA come in, and I told them, you know, I really just don't trust the process. I don't trust our board of education, and one thing they did actually, was they sent an email to you and they sent an email to our education chair at the time, the gentleman from the 48<sup>th</sup>, saying that the statements I made of not trusting our board of education were very misleading, and that basically I shouldn't have the right to say those things. And then to end that email from our superintendent, that you should deal with me accordingly.

So, Mr. Speaker, I just want to tell you to prepare yourself, you'll probably get another email after today. But it's a travesty, what's happening really. But the thing is, it's not too late. It's not too late, and this is why I wanted to stand today, because we just got this money. We need to break ground, and as quickly as I want to get these kids in schools, I also want to do the right thing. So, here's my outcry to our superintendent, to our county board of education, and to the people of Nicholas County. There's still hope and there's still time. So, just do the right thing. There were three schools destroyed, two on the eastern side, one on the western side. Give us an equal share.

Now, when we had site proposals in the eastern side of the county, there was the K-12 to build onto the existing Cherry River Elementary, and there's also a lumber mill, Collins Hardwood, that was actually ... just closed down last year about September or October. That's where we want the school. That's where we want it. We want a 6-12. Give us our \$30 million. We'll let you build your megadome on the other side of the

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county. Give us our \$30 million and build us a 6-12 on the Collins site, and we'll be happy.

So, here's my outcry. Here's my final plea. Superintendent, Nicholas County Board of Education, do the right thing. Give the people and the kids of Nicholas County what they want and what they deserve. Thank you, Mr. Speaker.

DELEGATE DOYLE. Thank you, Mr. Speaker. I wish to talk about Rockwool for a few minutes. The controversy continues to rage in Jefferson County and the overwhelming majority of the people of our county still do not want Rockwool. Now, if Rockwool would agree to use something called an electric arc furnace, instead of burning coal in a coal-fired furnace right next door to an elementary school, I think a lot of the opposition would melt away.

There is another environmental problem, which has become more evident in recent months, and that is the stormwater runoff. The Environmental Protection Agency strongly recommends to states that they do not allow construction or factory operations to use ponds for stormwater in karst topography. Now, karst topography is limestone. There are only two areas in our state that are significant collections of karst topography. That is all of Jefferson County and eastern Berkeley County, essentially most of it east of Interstate 81, and eastern Greenbrier County. Now, I've talked to the folks at the Department of Environmental Protection, and they seem to think that there's not a whole lot of difference between karst and other forms of topography. They're wrong. Sink holes open up all the time. There are 17 sink holes now on the Rockwool property, one of which is under one of their ponds.

Now, the interesting thing is, I didn't know this until a week or so ago, in Millwood in Jackson County, there is a competitor to Rockwool, making stone wool insulation. It's a subsidiary of Armstrong, which is the same company that owns the hardwood factory plant in Elkins. They used the electric arc furnace. If Rockwool would be willing to A, go to the electric arc furnace and B, go someplace other than karst topography, I think they would be fine for our state, and I strongly urge them to do so.

One more point, the Lady from the 65<sup>th</sup>, Delegate Brown and I, met this past summer with Michael Graney of the Development Office to try to persuade him to back off of supporting Rockwool because it was obvious that the newly appointed development authority in Jefferson County didn't want it. What he did not tell us was that two months before, the state economic development authority had already voted to do an end-around around Jefferson County, figuring that the local development authority didn't want it. A, it's wrong to do that to a community and B, the fact that in that meeting he did not tell us what happened, causes me to be skeptical of anything he says, and one other point in that is, Secretary Gaunch was in the meeting, the Secretary of Commerce. I've known Secretary Gaunch for a number of years and he is absolutely a straight shooter. We talked a week or so ago, and he apologized to me. He says, "I did not know that decision had been made." I said, "Mr. Secretary, I know it. Because I know you're an honest person and a straight shooter." So, I just want to make sure that my criticism of the development office does not fall off on someone who doesn't deserve it. Thank you.

DELEGATE MANDT. Thank you, Mr. Speaker. Excuse me with my voice. It's been a long week and I want to thank you, Mr. Speaker. I'd like to thank our leadership and I'd like to thank everybody in here for your concerns, your prayers, for your interest in me and my family and what my mother is going through. I had the opportunity to spend some really good time with her and have those kinds of talks that you do when things are near the end, and I'm grateful that you all gave me that opportunity and understood what I'm going through.

You know, our parents take care of us and it's very gratifying and fulfilling that we have that opportunity most of the time when it's toward the end or too late. But we have that opportunity to do that with our parents, and just to catch you up, I did come back yesterday. She is on a morphine drip, so she's sleeping a lot now. But the main thing is she's comfortable. She's not in any kind of pain and you know, I could just feel the sense of angels in the room when I was there because she was comfortable and when my sister was there, and my son came down and my dad, you know, there was just a calmness, and you

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know, the angels in that room were you all, and our friends at home keeping us in your thoughts and prayers and sending me messages. And I just wanted to take this opportunity to really ... I wanted to thank all of you. Everybody in this room that has reached out to us. It means a whole lot to my family and I, and I'm very appreciative. Thank you.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS of MEMBERS *February 4, 2020*

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. Today I rise, colleagues, to share a few quotes with you. The first quote today, and it's also good that it's game day. So, I think it's very applicable. The first one is: "Sports are such a great teacher. I think of everything they've taught me; comradery, humility and how to resolve differences. The most important thing is to try and inspire people so that they can be great in whatever they want to do." And the last one: "The topic of leadership is a touchy one. A lot of leaders fail because they do not have the bravery to touch that nerve or strike that chord. Throughout my years I haven't had that fear."

These quotes, ladies and gentlemen, were by a man who spoke five different languages. And this quote, these quotes rather, were by a person who was an Academy Award winner at the Oscars. Somebody who was giving back to the youth with various centers and all types of good things and caring for the homeless. This person was also a two-time gold medalist and a five-time NBA champion. This man that I'm speaking of is Kobe Bean Bryant.

Last week I was a little too raw to speak about it. As being an 80's baby I, two-thirds of my life I grew up watching this guy, and he wasn't my absolute favorite player. But I am a person who is forever chasing greatness, and that's what he was. So, I wanted to take this time celebrate all those that lost their lives last week out is Calabasas. I wanted to take this time to celebrate a guy who was not just an American icon, but a global icon. It is

rare that we see somebody, one of our fellow Americans that, throughout the world, people are paying homage and giving honor. This is somebody who was the American dream.

All of us in here, you know, a lot of times we have idols. Whether you want to be, maybe like your uncle, your grandma. Maybe there is that certain sports figure. All of us in here, whether you want to be a nurse, policeman, teacher, pro athlete, a carpenter, electrician, you want to take over the family business, you have those aspirations. That guys was to be great and to be like Mike. He did that. That's about work ethic. It's about fighting. It's about going until you can't go anymore.

Something almost struck me last week as well. I was watching ESPN and I was watching a great former Cowboy's defensive end, Marcus Spears and he said, "It wasn't so much about the sports achievements of Kobe. It was about Kobe wanting people to be better humans."

And times in here ... sometimes we get riled up and I get it. All of us have different perspectives. But I firmly believe that all of us in this body want to better somebody, and we've got to get back to that. Because sometimes we do fall off the wagon. We get away. But I think all of us in here want to better folks, and we've got to remember that when things get heated and get back to the center focus of that.

So, I also want to challenge this body in here, and in your everyday walk-in life, to carry that mama mentality. That mama mentality is a constant quest to find answers. It's the infinite curiosity to want to be better, to figure things out. Thank you all.

DELEGATE ROBINSON. Thank you, Mr. Speaker. Yesterday I left this building pretty hopeful, you know, and that's not always how I leave this building if anybody's ever walked out the door with me. Usually, I leave this building dejected and thinking, well are we really going the right direction? Have we done anything? Did we waste our time in this building that day? But yesterday I left after our Banking and Insurance meeting thinking we did something right. We passed a bill that had already passed the Health Committee and then it went to Banking and Insurance, and

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we passed that bill there. Now, in that committee we fought off a motion to table that bill that in my mind would have killed the bill.

This bill would cap insulin rates for 30 days at \$25, and it sounds outrageous to cap something and, you know, nobody can do this. But we had a discussion in that meeting about how people are spending hundreds or thousands of dollars each month to pay for insulin to keep themselves alive, or keep their children alive, as one person that testified that yesterday told us. And had that child beside her and told us that. Now, the lady from the 51<sup>st</sup> traveled to Canada, and I believe our Health Chair had a part in some of that as well, to study this issue and get it through.

Now yesterday, the conversation really wasn't about what does it cost to keep your child alive monthly. The conversation was about, if we cap this, how does the wholesaler get paid? How does the pharmaceutical manufacturer get paid? How does the pharmacy benefit manager get paid? It was not about what the cost to the patient was.

Now today, you might have heard HB4543 give it an additional reference, and usually a triple referred bill just is a death sentence for a bill. Now unfortunately we refer to things by their numbers, not by the lady who spoke to us yesterday about spending thousands of dollars to keep her son alive, but 4543 is what we heard today, get its third and tripled reference.

Now, I can understand concerns and questions coming up and one member of the committee had those concerns of how does the wholesaler get paid? How does the pharmaceutical manufacturer get paid? I'm sorry but that's not my concern. My concern is how my constituents pay for their pharmaceuticals to keep themselves and their children alive.

Now, sadly that bill will be triple referenced, it will go to Judiciary and will have a questionable fate. I hope, I truly hope, as the Speaker said, that there are additional questions, and hopefully those questions don't involve how a pharmaceutical manufacturer, who by the way, has not been real friendly to West Virginia in the recent history, gets paid. Thank you, Mr. Speaker.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. I just wanted to make a few comments about this debate we had today over the war powers and the National Guard bill that Defendant Guard Bill. I wanted to reiterate that ... you know, sometimes I focus too much on, I don't know, the logical side of things, the rational side of things. It's just sort of how my analytical brain works. But there is an emotional side of things, and I just wanted to make sure I emphasized that some things that we talk about and we debate in here, and that we discuss and ultimately pass or not pass in terms of legislation, has direct real-world effects.

This past summer a member of the West Virginia National Guard from Parkersburg, Sergeant William Frieshe who had a family, he was married, had children, passed away overseas on yet another unnecessary deployment in Kuwait from a training accident, and was killed. This bill that I proposed was debated and made it out of the discharge motion, presumably, potentially had the ability to pass last year, and given that this deployment was months later. Who knows? But that widow, yet another Gold Star family in West Virginia, from members of the National Guard being deployed over and over again, into foreign wars perpetually, whether they're killed in action or whether it's training accidents, from being put into a place in a hazardous duty area. Sometimes that's on the politicians. That's on us, and that's just so disappointing, and I'm not one to resort to the more emotional side of things. But I'm putting this out because my family has been there. I come from a strong military family. I was of the warrior class myself. My father was, my grandfather was, both of them were. I know what it's like for my mother to be a widow. If we continue to stand back and do nothing, do nothing about what's within our control, and the proposition I put forward with you is in our control to at least do something small about this. Then in some respects it can be our fault.

Now, I hold no ill will towards anyone in here who votes against me on some sort of extraordinary or some sort of parliamentary procedure maneuver. I understand that. You know, you don't want to cross yourselves with leadership. I get it, right? And a lot of the folks in here might not understand completely the issue at hand. They might have questions one way or another. So, I hold

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no ill will towards members of this body. The rank and file, for lack of a better way of putting it. But those people who know the truth, who have come to study the issue. Who have come to recognize what the truth is, and they fail to exercise on that truth? Pardon for those people should not be so swift.

DELEGATE GRAVES. Thank you, Mr. Speaker. I'd like to set the record straight about what my friend and colleague from the 36<sup>th</sup> discussed earlier in his remarks. I would hope that I have the reputation in this body of someone who likes to work with both sides, who appreciates the differing views from my colleagues across the aisle, and that I put a lot of thought into the bills that I support, and that pass through this chamber. So, to suggest that my only concern was for the profit of drug manufacturers or pharmacists, I think is maybe not the whole story.

Sometimes capitalism is not what we would wish in all instances, and the process of making bills is actually pretty complicated. Bad bills are easy to slap together. But this process takes thought and question. So, what happened in that committee meeting ... yes, there was a move to lay that on the table. We intended, after we got the information that we needed, to have it on the very next agenda. I certainly did not want to kill that bill.

I believe in the depths of my heart that there are people in West Virginia and other places who are being price gouged. Because, let's face it, you can charge whatever you want. If someone's going to die if they don't get it, they're going to do what they have to do to get it. So, that's not my concern. But there's no mandate for a drug manufacturer to sell his product in the State of West Virginia. If he's having to sell it at a loss, my concern was that drug may not be available here. If we cap it at a level that's below their cost to produce, why would they have to make it available here? That's just how capitalism works. So, I wanted to find out everything I could about the cost to manufacture. Luckily my friend was available to bring up a recent study that showed that the price of the drug to manufacture is something that's below what we set the cap at. Which resolved my concerns by the way, and I was happy to support that bill.

There are still some questions about new binding agents and new versions of this drug. I haven't really got to the bottom of that yet, and also in Remarks by Members I wanted to say I intend to follow that very closely on my own time to make sure that we haven't done something the opposite of what we intend. So, I just thought you might like knowing the whole story about what happened in that committee. I think we're all concerned about our constituents and the people who live in this state and their lives depend on a reasonable price for insulin.

DELEGATE J. KELLY. Thank you, Mr. Speaker. I really wasn't going to say anything about the insulin bill, but there seems to be some comment about it today. In January, I refilled my prescription, and I got a 90-day prescription refilled. I take insulin. I take two shots every day. I paid the pharmacy \$518 out of my pocket and I have part D insurance. Now when I paid that bill, I looked at the pharmacist and I said, "You know, I don't like to pay a bill that much, but I can afford it if I have to. But what about the people in this state and in this community that cannot afford to pay \$518 for an insulin prescription for a 90-day prescription?" And the pharmacist looked at me and said, "They just do without. If they can't afford to buy it, they don't get it." And that just wasn't the answer I wanted to hear. So, I want to see this insulin bill come forward and I want to have a vote on this bill. Not for me, I can afford to pay it if I have to. I don't want to. I can find a lot of other things to pay that ... or to spend that \$518 on, I assure you. But for those folks in this state, and those folks in my community that can't afford to buy that medication, I want a vote on this bill. Thank you, Mr. Speaker.

### H. B. 2732

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REMARKS  
of  
**HON. LINDA LONGSTRETH**  
*February 4, 2020*

DELEGATE LONGSTRETH. Thank you, Mr. Speaker. I'm glad to hear the Chair saying that he would put this on the agenda. It's worth a discussion. It's worth an open discussion of being true and honest to what we're doing with our boys and our girls in the service. I know that the guard has gone

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several duties, several times to Afghanistan and to Iraq. Is that where they belong? I don't think they belong there. But maybe that's not my call, but I think need to really have a deep discussion and bring everyone to the table, General Hoyer, everyone else, and let's talk about this. You know, the guard was not intended to go to another country and fight a war. They were intended to protect our country. Right or wrong, that's where they are now and they've done several duties, and I think that it's something that we really need to look at as to what is their responsibilities and what can be changed and what cannot be changed? We do have a service. We have a full-time military, and they have taken an oath to protect us in other countries. But this is another issue. I will not vote to discharge it. I do want it to go to Veterans' Affairs, that's where it belongs. That's where we need to have the open discussion with it, and Mr. Chair, I hope you will have it on the agenda in the following week, and please do, and please do for all of us, so we can have this discussion. Thank you. Thank you, Mr. Speaker.

### DEATH OF FORMER DELEGATE TED ELLIS

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REMARKS  
of  
**HON. ZACK MAYNARD**  
*February 4, 2020*

DELEGATE MAYNARD. Thank you, Mr. Speaker. Yesterday the State of West Virginia lost a very great man. Ted Ellis, former delegate of this body, a husband, a dad, a granddad, a brother, a former delegate, teacher and coach. Ted won ... was a part of three state championships, was inducted into the West Virginia Baseball Hall of Fame, was a basketball coach for many years and helped a lot of players go to the next level in division one and division two, even AAA ball. The only thing, you know, Ted was a man that treated everybody the same. Being around him, Ted ... it didn't matter who you was. If you was the ball boy or the star player, he treated everybody absolutely the same, and you know, we have a little motto in Chapmanville and we stand behind it all the time. It's been there for generations and I think Ted was even the one that started it. It's all for one, and one for all and that was Ted Ellis, and I would ask for a moment of silence, Mr. Speaker.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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REMARKS  
of  
**MEMBERS**  
*February 5, 2020*

DELEGATE CAPITO. Thank you, Mr. Speaker. I'll be brief. Today, as I mentioned yesterday, today is Entrepreneurship and Innovation Day at the Capitol, and we had a series of events this morning that were truly uplifting. The sort of conversation that I think each one of us can agree is the type of subject matter that we want to hear in West Virginia. It kind of made me think that we were at the front edge of what's happening in the country and in the world.

But as we walked out of that room, the reality set in that we're not there yet, and walking into the Chamber and hearing discussion today, I sense that in being in that room with a bipartisan group of individuals, all committed to wanting to move the State of West Virginia forward was inspiring. I think we all have a willingness and want to roll up our sleeves and do the hard work for each one of our people. But one of the most important things that we can do, and that we gain from our lesson today in government organizations, is that in today's world we're either going to disrupt or we're going to be disrupted. So, I think that I would rather disrupt than be disrupted. Because for too long in West Virginia, we've been disrupted. We've been kicked. So, let's start doing some of the kicking, and what I can say is that requires change. And change is so hard to overcome because we all find it so easy to stick, and I'm kind of using some of the lessons we learned this morning. But it's so easy to stick in our silos. It's so easy to go back to our county and explain why we did something and feel in a safe place. But while we're here together, we have to knock those down. We have to knock those down and we have to come together, and we've got to take risks, and we're going to fail, and we're going to get worn out for failing. We're going to get beat up. But if we really care about what we want West Virginia to look like for Eli, who brought me a coffee today, and my daughter who I was lucky enough to have with me this morning at our meeting. If we really want West Virginia to be a place where

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they can stay and where they can have opportunity, and where they can tell their friends from college to come, we must be willing to fail. We must be willing to fail, and if it means that our placard comes off the front of that seat, so be it. So be it. Because fear of change stifles innovation, and we need innovation in West Virginia.

So, Mr. Speaker, today on Entrepreneurship and Innovation Day, I would encourage each of us to be willing to perhaps be bold, be willing to commit to change and to the future of West Virginia for our children that are here today. Thank you.

DELEGATE J. JEFFRIES. Thank you, Mr. Speaker. I don't usually stand up for remarks, but I received a handwritten letter and they ... I feel they wanted me to read it to you all. Now, this is addressed to Delegates Jeffries, Hanna, Phillips, Butler, Cadle, Paynter, Bibby, Dean Jeffries, Maynard, Mark Dean and Porterfield.

It says:

I live my life knowing every day I'm a proud American. Thankfully, since moving to the great State of West Virginia, I've been able to practice being a proud American. Coming to this state afforded me the opportunity to purchase my first home. I've been able to marry my wife, afford a new car, and most of all protect my growing family. West Virginia, I feel, is one of the best states to live in, if having the right to bear arms is important to you.

I grew up in Maryland and I honestly do not know why I waited so long to experience freedom. I wanted to take the time to write to the eleven of you and thank you all for creating HB4168, the preservation of the right to keep and bear arms. With all the background, awful thinking in the U.S. these days, and with all the incorrect and negative contentions that come with being a firearms owner. It warms my heart to know that there are patriots and heroes like yourselves, working behind the scenes to promote and protect our rights. Complacency is a deadly thing when it comes to freedom.

Our neighbors in Virginia became complacent and now evil, corrupt people are unconstitutionally stripping them of their

rights. The people of West Virginia live in a state that allows them to be Americans. But that is also dangerous. We may become too comfortable, then grow to be lazy, and in that laziness, we can lose our power. You 11 delegates are staying vigilant rather than slothy.

I thank you so much for writing a bill that looks to work in the background to keep our rights safe. I implore you and your fellow delegates to continue to push this bill, HB4168, through and into law. Continue to value your duties and continue to value rights of your citizens. I sent this letter to Delegate Joe Jeffries because he is the leading ... because when reading the bill, his name comes on it first, and I hope that you will pass this letter along to everyone so that all of you know how much I and my family appreciate what you are doing. Hopefully, you can be an example for other states as well.

Sincerely,

Jonathan Resnick of  
Harper's Ferry West  
Virginia

Now, I know that most bills only allow 11 sponsors, and I'm sure I could probably easily get 50 plus sponsors on that bill. I know it's sitting in a judiciary committee. I'd hoped that Chairman has had a chance to look at this bill. But this is how our constituents get it done, a handwritten letter, not an email, not some form mail, and I definitely appreciate receiving this even though he's not in my district. I just wanted to share that with everybody. Thank you, Mr. Speaker.

DELEGATE JENNINGS. Thank you, Mr. Speaker. I just want to add a little thing to what Gentleman Capito ... about entrepreneurship, I can't say the word correctly. But we just voted to stifle entrepreneurship in contracting. You guys, you don't understand what you're doing here. Do you notice you don't see young contractors? If you want developers to develop, you've got to let them get started, and you voted, you keep on voting these hours in. Do you guys understand where these hours come from? They were picked out of the air. There was no reason whatsoever to put 10,000 hours on a sprinkler fitter. Twelve thousand hours on a plumber before he's allowed to test to be able to do to



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go into the field. Have you noticed how hard it is to call and get a plumber? You need to think of these things when we run these bills by you. Look at this. It's not rocket science putting plumbing in, it's not rocket science. Like I said, the sprinkler fitters, those are all tested before they're turned on. You do something wrong in plumbing, it'll leak. You've got to fix it. It's pretty simple. So, I would like for you all to think about this whenever we're trying to get business to grow. You cannot get anybody to come from another state into West Virginia that's a contractor to help because of all these goofy laws that we have. So, you need to think about it. Thank you, Mr. Speaker.

DELEGATE WALKER. Thank you, Mr. Speaker. Today in this chamber we heard reasonable, saving lives, big labor, zero, faller, change, risk, care, be bold, human rights, fear of change, patriots, heroes, rights, let's not forget freedom. Yesterday I heard many claims, suggestions and direct actions in this House. Today I want to wish each of you, on February 5<sup>th</sup>, Happy 27<sup>th</sup> anniversary of the signing of the bipartisan Family Medical Leave Act, FMLA, 1993. In 1993 elected officials said we needed to put America forward. We needed to put Americans forward. We needed to acknowledge that life happens, and people get ill. So, let's do some homework together and collaboratively, where we can place West Virginia first. This act acknowledged working people are care givers and care givers are working people. This act provided for an unpaid leave, but only for employers of 50 or more employees. Which means nationally, 40% of workers are ineligible. So, you may not care about that number. But what is the percentage here in West Virginia? Sixty-one percent of our workers are ineligible. Sixty-one percent parents can't leave to take care of their children, their elders, their brothers. Family members fighting addiction, 61% can't afford it.

In West Virginia there's a 9% pay gap between men and women because the U.S. lacks family friendly policy. President Trump understands the importance of family paid leave as he mentioned it in his State of the Union last night. We need to get this right, West Virginia. The effort has been made with two House bills, 4189, 4385. We need to introduce those. So, we can build to ensure that all workers have access to paid

family leave regardless of their income, regardless of their employers.

Now it's time for action from both sides of the aisle. Now is the time that we do our job as we were elected to do by our constituents back home, by those that didn't even vote for you because you represent all West Virginians. You represent all mountaineers, those that are 18 of age and hold a voter's registration card, those that have even gotten revoked from voting. These are our people, and we leave no one behind.

So, do your job for employee retention. Do your job to improve morale. Do your job to improve productivity. Let's do our job by assisting small employers who need a hand up to provide for the workers of West Virginia. Let's do our job by placing all West Virginians first. Thank you, Mr. Speaker.

DELEGATE C. THOMPSON. Thank you, Mr. Speaker. Friends and colleagues, I come to you today with some good news. Last evening Athens, West Virginia became the 13<sup>th</sup> municipality in West Virginia to adopt a non-discrimination ordinance, and it was pretty monumental. It was unanimous. Unanimous, and not one member of the public spoke against it. Athens is now joining several other cities, Wheeling, Morgantown, Martinsburg, Shepherdstown, Harper's Ferry, Charleston, Thurmond, Lewisburg, Charles Town, Beckley, Huntington, and Sutton. Roughly 200,000 West Virginians are now living in cities and towns with non-discrimination ordinances. Sadly, that leaves 1.6 million of us without that protection. Also, the cities of Elkins, Buckhannon, and Fairmont have also passed resolutions in support.

Now, I want to go out on a limb here and I'm probably going to say I'm one of the few people in this body who have ever been discriminated against because of your orientation. I can be fired. I can be fired from my job just because of who I am and who I love and who I've chosen to spend my life with. Let me make that clear. I can be fired just because I'm an LGBTQ West Virginian. I can be fired even if I do my job well. It doesn't matter. They may not even know I'm an openly gay man. They could still fire me just if they think I am. I can be evicted and that was a very major concern of mine when

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my partner and I were younger when we rented apartments before we bought our home. It was a concern that we dealt with every day.

Another thing I want to bring to everyone's attention is in West Virginia we don't protect the LGBTQ population when it comes to hate crimes. I literally could walk out this building and be stabbed and have someone yelling homophobic slurs at me and it would not be considered a hate crime. If they targeted me specifically because of who I am as a gay man, it would not be a hate crime. We protect everyone based on your religion or lack of religion, your race, disability, not me. So, as we go through this session, I want you to think about the Golden Rule. How do you want to be treated? I treat people the way I want to be treated. How do you want your children to be treated? How do you want your grandchildren to be treated? Don't you want them treated fairly?

So, as we progress through this session, I want us to all be cognizant of that, and as we move forward, and hopefully we can pass this bill, The Fairness Act. Thank you, Mr. Speaker.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. I first want to applaud everyone in here. We all collectively put on a wonderful, wonderful show last night for the American Cancer Society and the legislator game. It was wonderful. Got a good chance to see some really good competition. I've always, always admired ... I believe, my good friend from the 35<sup>th</sup> over there, he's a great baller. We've got some other ones in the building today. It's a back-and-forth game, a back and forth game. It started out ... I think the gentleman from the 3<sup>rd</sup> hit a three. We had a lot of good ball movement on our side, attacking the rim, rebounding. It went really well.

There were two competitions last night and before I go off on the basketball, most importantly, we raised over \$2000, but it's not done. It is not done, and over the course of this week we're going to try to get us about \$3000 to \$3500, and it's really, really important that we do that. But, just like last night, I think the Dems are winning in the donations. So, I would encourage the other side to write a bigger check.

As the game waned down, again, it was back and forth. It was tight, but it's a sign of things to come. It's a sign of things to come. Because you know, we all had fun. It was, you know, a little bit, you know, aggressive in the middle. I had my good buddy from Logan, and he was getting sort of scrappy. He's a good baller. But in the end, we were all together. Which is important. But the good guys won, but the good guys won. If you're wondering who that is out there in T.V. Land, that is the Democrats. It was 49 to 5, and I guess in closing I'd like to say ... and sometimes we do the theater, and we say ... but I really do mean this. Because these are folks that I either have or would hang out with all the time outside of the Capitol. That's the gentleman from the 18<sup>th</sup>, the gentleman from the 48<sup>th</sup>, the 22<sup>nd</sup>, and last but not least, my majority leader. In the great words of Ricky Bobby; If you're not first, you're last. Thank you.

### COM. SUB. FOR H. B. 4352

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#### REMARKS

of

**HON. GEOFF FOSTER**

*February 5, 2020*

DELEGATE FOSTER. Thank you, Mr. Speaker. On this amendment, basically it's relating to fire sprinkler hours and licensure. So, the licensure changes the number from what it came out of committee as, as being 5,000. The amendment changes it to 3,000, and I will remind the body that it passed the Fire and EMS Committee at 1,000. So, what I'm doing is changing it to 3,000 hours for multiple reasons. Only 21 states even license this at all. We're trying to remove barriers in this state for people to work in the state, and this is a, I believe, holding this hour ... these hours so high is a mistake. But when I look at from the perspective of different states, I mean, what I want to do is basically take it to 3,000. Because I figure that's a very reasonable amount of time, a year and a half. Also equal to the amount of time that is required to operate a commercial airliner, so, amount of experience involved there. I believe that the sprinklers, I actually believe this number should be zero, but I'm being reasonable here and asking that the number be 3,000 hours. Which would be equivalent to a year and a half of full-time work. I would urge passage.

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### REGARDING DEATH OF MOTHER

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REMARKS  
of  
**HON. JOHN MANDT**  
*February 5, 2020*

DELEGATE MANDT. Thank you, Mr. Speaker. Good morning. I have a little bit of a different introduction to make today. I'd like to welcome my mom from Heaven's gallery today. She passed yesterday at 1:45 while we were in session, and I, again want to thank everybody here for your kind words, your hugs, your prayers, and your texts, and just all of your encouragement, and the opportunity that we had. My family is so grateful, and I as well. I know my mom is too, that I got to spend some last time with her, and you know, it was important to her ... I wanted to stay, and she said, "No, you need to get back. You ... I'm good and I'm comfortable, and you need to get back and do your job." And she knew ... knows that it means a lot to me, and to us, as our families do. But if you all could do one thing today in honor of my mother, it would be to take a minute and think of those people that have had an impact on your life. That have made you who you are today and that are a fabric of you and what you do, and again, I just can't thank you all enough. You're my friends. You're my colleagues, and I'm very blessed and honored to be here in Charleston serving my district and our state and thank you all for everything.

**H. B. 4356**

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REMARKS  
of  
**HON. S. MARSHALL WILSON**  
*February 5, 2020*

DELEGATE WILSON. Thank you, Mr. Speaker. I really appreciate your recognizing me again. I will try to make it quick. I know that you all received emails from one of the most intelligent people I've ever known in my life, Captain Julie Barr, U. S. Navy, who full disclosure, happens to be my wife. I also got an email from her as her delegate, and it was addressed to Delegate Wilson, and she was very specific and very professional in her statements here.

Now the important point is, that what we're talking about here, is someone who has served both as a military CRNA, working on our soldiers and our airmen and our sailors who have been injured in the absolute worst possible ways you can imagine. It's coming from that perspective, as well as a CRNA who currently practices in West Virginia and is restricted in the practice that she does, and here is her statement, with your indulgence:

"I really appreciate the consideration for H. B. 4356 as I'm a certified registered nurse anesthetist with 17 years of experience as a CRNA."

And before that 17 years of experience, she was a nurse, a registered nurse who worked in emergency rooms, who did psych ward, who did a bunch of other things.

"I am also in Navy Reserve as CRNA with over 30 years of military experience and three deployments. My last two deployments I served as a CRNA in Germany at Landstuhl Army Hospital, providing anesthesia to wounded U. S. and allied troops. I currently work full time as a CRNA at the medical center in the West Virginia eastern panhandle. Please consider the following comments: I can attest to the intensive education and skill training requirement to become a CRNA. The most of any advanced practice nurse program. In the military I'm a senior nurse corps officer, often outranking many of the staff, the anesthesiologists, and the surgeons. However, in the surgical critical care and trauma settings, I don't pull rank. Rank is not the primary function in a highly skilled team of professionals respectfully working together for the same goal, to provide the very best care for the patient, the soldier, the sailor, the airman, marine or retiree, or their dependents.

In the military with proper respect, we are viewed as peers and colleagues. When CRNAs and anesthesiologists work together, it is a collaborative and cooperative effort as is often with the civilian sector. Our military leadership recognizes the value of the CRNA as an essential component of military medicine. CRNAs are at the forefront and are battle tested. The CRNA fulfills the role of anesthesia provider. That's a critical term.

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There is much autonomy like in many areas in the U. S. When an anesthesia provider is called for, there is no distinction, a CRNA or an anesthesiologist is needed, rigorously trained from the books, tested on the same subject matter, and we are anesthesia providers, period. Our mission is the same, to provide safe, effective anesthesia. In the civilian sector CRNAs are given little recognition because some people do not realize that a large majority of anesthesia care is provided by CRNAs and not by the anesthesiologist physicians. At the medical center where I work, like many hospitals, CRNAs provide a preponderance of the anesthetics. Because of this CRNAs are more seasoned, with more hands-on experience, that comes from providing anesthesia every day while on the job.

Thank you very much for your time and consideration of H. B. 4356. It's an important step in realizing and utilizing the value of CRNAs as anesthesia providers across the State of West Virginia and throughout the military. Please feel free to contact me with any questions.

Very Respectfully,  
Julie Barr, CRNA,  
Advanced Practiced  
Registered Nurse,  
Master of Science  
and Nursing, Captain,  
U. S. Navy."

Thank you, sir.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS of MEMBERS *February 6, 2020*

DELEGATE PACK. Thank you, Mr. Speaker. Good morning. Today is Veterans Visibility Day here at the Capitol. As many of you know West Virginia has among the highest rate of veterans per capita among its citizens. Nationwide, roughly 7% of citizens are veterans of the armed forces. In West Virginia, that number exceeds 10%. In fact, many of our colleagues here in the House are veterans.

When I was a boy, I can remember my grandfather and many of the older men I knew were all World War II veterans. These members of what we call "The Greatest Generation" risked everything in pursuit of liberating Europe and the Pacific. Today this generation is quickly fading into history. As I stand here, I cannot think of a World War II veteran that I know personally. I'm sure I know some, but none come immediately to mind. We celebrate this generation for their grit and sacrifice, and rightly so. They saved the world, returned to a grateful nation with ticker tape parades and set about rebuilding this nation.

Our current segment of aging veterans didn't receive such treatment. The World War II veterans I remember as a child are now the veterans of the Vietnam War. These folks didn't return to a grateful nation. They didn't return to ticker tape parades. They returned to scorn, hatred and neglect. No one who has ever worn the uniform of this great nation should have or should ever be treated with such disrespect. I wish I could say that those times have changed. While it's true that those veterans who served in the jungles of Vietnam and Cambodia and elsewhere in the South Pacific are not now reviled and mistreated, there does remain a great injustice in West Virginia.

Mr. Speaker, in 2014 this Legislature passed S. B. 523 which authorized the Secretary of the Department of Veteran's Assistance and the Commissioner of Agriculture to transfer property at Pinecrest, the site of Jackie Withrow Hospital, to veterans' assistance for the purpose of constructing a veteran skilled nursing facility in Beckley. This bill passed the House on March 7, 2014, by a vote of 95 to 0. Twenty-six current members of this House voted in the affirmative. Last night on my way home, I drove past Jackie Withrow. There remains no nursing home. There is no nursing home under construction. In fact, ground has not been broken. There have been six budgets proposed since 2014, by two different governors. Not one dime, not one dime has been appropriated in any of the Governor's budgets to my knowledge.

Mr. Speaker, this needs to change. I humbly request that each of you, my colleagues, join me in asking the Governor to

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rectify this injustice. Our nation's heroes deserve better. Thank you, Mr. Speaker.

DELEGATE BATES. Thank you, Mr. Speaker and before I proceed, I just ask unanimous consent that the remarks of my colleague from Raleigh be printed in the Appendix of the Journal.

Well, here we are at the half-way mark and its day 30 and that went quick. Mr. Speaker, it's been a glass is half full and a glass is half empty for discharge motions this past week, and where I come from you just don't worry about that. You just ask for another glass.

Two weeks ago I addressed this body in an attempt to get action on the decriminalization regulation and taxation of cannabis and it's clear on day 30 that despite what I believe to be the support of the majority of the members of this body and of the people that we represent, that this bill, not appearing on an agenda, and being triple referenced to three major committees, that opportunity for cannabis is dead for this year, and I think that's something we will come to regret. Nevertheless, this body has the opportunity to act on a related matter that has even greater support from our constituents and I believe in this chamber, for adult use and that is medical cannabis. In 2017, three years ago, we passed the Medical Cannabis Act and I remind the body that it was a discharge motion that enabled that bill to eventually come to the floor. Without that motion the Medical Cannabis Act would have not become law.

Mr. Speaker, yet again in the words of our Governor, it is unbelievable that 1000 days have passed, and we still do not have a functioning medical cannabis program. It is a disgrace that it will be over another year before patients can receive medicine to ease their pain and suffering. That being said, that delay has provided for the opportunity to address some of the flaws that existed with the original language in the Medical Cannabis Bill. Mostly through the legislative rule making process. Regrettably, a few flaws remain. H. B. 4368 attempts to correct those flaws. H. B. 63 ... I'm sorry, 4368 is not my bill. H. B. 4368 is not a democratic bill. H. B. 4368 is a bill offered by my Republican colleague from across the aisle, the

gentleman from Putnam, Mason, and Jackson, the Delegate from the 13<sup>th</sup> and I thank him for his leadership on this issue.

The gentleman's bill does three simple things. It expands by two, the number of serious conditions for which cannabis can be prescribed. It provides for rule-making authority to the Medical Cannabis Board to allow the use of a medicine in its preferred and most effective form, inhalation and ingestion. And finally, it allows and provides protections to those individuals that visit our state, with a valid medical cannabis card from arrest for the possession of medicine. Three things I think the majority of us in here would support if given the opportunity to do so. Three things that are needed for a functional medical cannabis program and that over 80% of the filled prescriptions are for in our neighboring State of Ohio. Without these three things our medical cannabis program, when it does come online, over a year from now, will fail, and we'll have to answer to our constituents for that.

In closing, Mr. Speaker, in my second year here, I sat back there and there was a delegate that sat down here. He and I were on different committees and belonged to different parties and we didn't have a whole lot to do with each other. He had been appointed to his seat and had missed the first two weeks of the session, and I didn't have any reason to ask or to know why. To that point, the only thing I really knew about him was that he wore his hair in a fashion similar to the gentleman from Putnam or Raleigh. For those of you that weren't here that day, it was just another day. But for those that were here, I have no doubt you remember it now. It will be with me forever.

That year we passed a bunch of drug crime bills and we were hearing an explanation about a bill that dealt with penalties for transporting drugs across state lines, and the delegate was recognized and stood there to answer some questions ... to ask some questions, and kind of random stuff. Frankly, I wasn't paying much attention and most people weren't either. But then something happened, and it's not something I've seen since. The gentleman stopped talking and just stood there, and the chamber got quieter and quieter to listen and to hear, and in this great big room there was silence. The gentleman said he could not

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support the bill, that he would not support the bill, and the reason that he could not and would not, is that he was recovering from cancer, and the reason he hadn't been here was because he was undergoing chemotherapy. That he could not support the bill because it would have locked his wife up for ten years or more for bringing him medicine from another state to help him control his pain and complications from chemotherapy without opioids, and to be on the floor that day. That medicine was a cookie, a brownie with cannabis.

Mr. Speaker, someone in Clay County is dying today. Someone in Clay County is suffering today. Ladies and gentlemen, someone in your county, your district, your town, maybe even your family. Someone who could be a veteran. We can't and should not let that happen when we have the power right here, right now to help, and as such, Mr. Speaker, on behalf of these people, and my friend who I spoke with this morning, Delegate Bill Flanigan, I move to take off the table my motion to discharge H. B. 4368 relating to the Medical Cannabis Act from the Committee of Health and Human Resources, and I ask for the yeas and nays. Thank you, Mr. Speaker.

DELEGATE ANGELOCCI. Thank you, Mr. Speaker. Good morning everyone. I will be brief. Today is EMS Day at the Capitol, and I want to take a moment to thank my friend and colleague from the 51<sup>st</sup>, Delegate Hanson, for introducing some of my EMS colleagues from Mon EMS that are up in the south gallery. But I want to take a moment and just let you all know what EMS providers do. They are heroes. They are life savers, and they deal with tragedies on a regular basis, and the mental anguish and the pain that sometimes they go through is incredible. And so, I sit and I look around the chamber and I realize how many of us here actually have some doings as a first responder. Our Majority Leader was a field personnel, a lifesaver. Delegate Maynard, Dr. Stagers is a medical director for West Virginia's largest EMS agency. Delegate Jennings is a paramedic saving lives in Preston County.

So, I want to take a moment and just highlight what these heroes do for us. These three guys in the south gallery, when you go to Milan Puskar Stadium, they've prepared

for 60,000 people in case someone gets injured or sick. But I also want to take a moment to talk about the flooding that's happening in southern West Virginia right now. Just looking on the computer here, they've gotten over three inches of rain and it's still raining, and I was talking to members from Jan Care's Ambulance Service this morning and he was telling me we've got crews established all over southern West Virginia and, in some cases, they've gotten stuck in islands because of the massive flooding.

But these are men and women that put themselves in harm's way. So, today I just ask for you to please keep our EMS responders in your thoughts and your prayers. Be thinking of them in Southern West Virginia, that's putting themselves, putting their lives on the line to save others. But this is what these guys do every single day. So, I'd just like to take a moment to honor them and honor all of our EMS personnel across the state and thank them for what they do to saving lives. Thank you, Mr. Speaker.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. A lot of talk about respecting veterans today. You know, I come from a military background and my family is no stranger to sacrifice, and our state, by in large, is no stranger to the sacrifice that so many of our citizens have given in the line of duty. But I see this time and time again, because there is a general tendency for the garden variety politician to go out and give platitudes about how we should respect our veterans. How we should honor our veterans. You know, go in front of Fourth of July parades and at Memorial Day. They'll show up and speak about, you know, praising our veterans over and over again. But I tell you one thing, one thing that needs to be done, that also simultaneously shows the utmost respect for our veterans, is to simply follow the Constitution and not send our men and women in uniform overseas into undeclared, unconstitutional, unnecessary foreign wars over and over again. That is the best way to show respect to the men and women in uniform, serving our great country. So, when the rubber meets the road, and I present you with an option to do that, show some courage and some respect just like our veterans have.

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DELEGATE CAPUTO. Thank you, Mr. Speaker. I promise I'll try to be brief. I want to share a story with my colleagues. Some of you may have heard this a few years ago when we were able to move to discharge a bill relating with medical cannabis in this state. There's a young lady in my neighborhood that ... I was around since she was born. Her and my daughter went all through grade school and all through high school together. She's a cancer survivor. She had rectal cancer at a very young age and Lisa was going through treatment after treatment after treatment, much chemo, much radiation. She was on 26, 26 different drugs when someone suggested to her cannabis. Of course, cannabis was illegal in the State of West Virginia. But her parents, watching her suffer, watching their little girl be nauseous every day, to not be able to eat, not be able to sleep. When she did eat or drink something, she couldn't hold it down. You do what you got to do for your children. So, somehow, they acquired cannabis for her illegally. The cannabis worked so well, she went from 26 different drugs, down to two. Now that little girl was in my office yesterday with Delegates Longstreth and Angelucci, and we talked about that story, and we cried together about that story. She's doing really well now. But she got through those very very difficult times with cannabis, and we're not putting West Virginians first when we can't get a bill that passed three years ago up and running, and when we try to perfect that bill on the floor, we get shut down every time. It's not about gamesmanship, it's about helping people. We all come down here to try to help people. I got a voicemail on my phone right now that I let Delegate Pushkin listen to two days ago. Come listen to it. Come listen to this veteran who is under hospice care and is dying and he's buying illegal weed so he don't have to suffer every day. Come listen to that. Then I want to see your vote the next time we try to move some cannabis. Lisa's dad, his name is Fred. He was a director of the Marion County Rescue Squad. He's given so much back to the community in his life. Fred and I grew up together in the same coal camp. We played together. We ran the streets together. We worked in the mine together for 20 years and I'll bet you Fred never had a parking ticket in his life. I'll bet you Fred never had a speeding ticket in his life, and he was forced to go out on the street and buy illegal weed, so his daughter didn't have to suffer. There's something wrong with that picture, ladies and gentlemen. There's something extremely wrong with that and there's not a one of us, I don't believe, in this

chamber, would ever allow our children to suffer. Fred did the right thing. Fred and Mary did the right thing. They brought relief to Lisa. She got through that. She is down here with the American Cancer Society yesterday, giving back because she fought so hard to get where she's at today, and she wants to spend her life helping others. And she has a real story to tell. This is real life people with real life experiences. I just don't get it. I'm sorry, I know a lot of you guys disagree with me on a lot of things. But I think we all should come together to help Lisa, to help that veteran who left that voicemail on my phone, to help the many people who are suffering today, and we could give relief by processing and moving and getting medical cannabis up and running in this state. We all ... that should be something that should be a top priority for every one of us. That's one thing, I guess, I will never understand. When we can come together in a bipartisan way, when we can help our veterans that's suffering from PTSD, and we can help the Lisa Johnsons of the world, I just never figure out why we don't. I'll just never figure out why we don't.

We're at day 30. We've got time to do this. I would rather it be done with the blessings of the current leadership. Let's pull ourselves together. Let's get this done. We don't want to keep making these discharge motions, but we don't have any other vehicle to try to bring such an important issue to the forefront and put West Virginians first. Thank you all for listening.

DELEGATE D. KELLY. Thank you, Mr. Speaker. I wonder if it would be appropriate for me to pray for the situation in southern West Virginia that my friend from McDowell County was talking about just a few minutes ago. Would that be appropriate, sir?

I'd ask that the House rise. Let us pray. Father, we come to you today with a heavy, heavy heart. We know how destructive our weather can be. We know what happens when we get this type of rain, and Father we pray that you would be with first responders that are having to go there. That are having to respond to these emergencies. Lord, we pray for the families. We pray, Lord, for property. We know, God, that you are a God who can intervene and Lord, today, as a body, we can be in unity and ask you to keep these folks safe in Jesus' name, and everybody said, "Amen."

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### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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REMARKS  
of  
MEMBERS  
*February 7, 2020*

DELEGATE EVANS. Thank you, Mr. Speaker. Just a really quick update on our problems down south. First of all, I want to recognize the fact that McDowell County wasn't the only county flooded. Raleigh, Wyoming, Mingo, Summers to some degree, had their issues. But our water for the most part has gone down. We still have a lot of debris that has to be cleaned up. Major roads are open. Some of the secondary roads are still down. The first responder community has just been incredible, and I would just like to publicly make a few thanks, Mr. Speaker, with your indulgence there.

First of all, the 911 officials in McDowell County and the statewide, you know they have a conference call a couple times a day and I participated in those, and they just dispatch people where they need them to be. Just incredible, incredible response by our state and I thank all of the officials. There's more to come. We still need a lot of clean-up help and they ... I've been given many promises from the state and I certainly hope that they will honor those promises.

The sheriff and his deputies did an incredible job down our way. The city police forces and the city volunteer fire departments, especially those in Welch that worked so diligently to keep Route 52 open and accessed to Welch Community Hospital for, I don't know, a period of time, maybe 12 hours. We did not have access from one side of town to the hospital and that's when the ambulance departments kicked in and they made sure that they had ambulances strategically placed so that they could get people to the Bluefield and Princeton area if that need arose. So, I want to thank all of those people.

Finally, the State Police, the National Guard, and then, Mr. Speaker, those private citizens that stepped up. You know, they're not a member of a volunteer fire department. They're not trained to do something but, you know, out of the goodness of their hearts, they stepped up and they did what had to be done.

We're not out of this, we have a lot of clean-up to do. We've unfortunately are expecting a couple of inches of rain starting on Monday. So, hopefully the saturated ground will drain quite a bit before that happens. Thank you to my dear friend, Delegate Kelly, for your prayers. You literally calmed the waters and we do so much thank you for that. Mr. Speaker, thank you very much.

DELEGATE COOPER. Thank you, Mr. Speaker. As my friend from McDowell County expresses, water became a big deal yesterday. The destructive nature of water permeates this entire state. However, when I came to work this morning, as all of you noticed, the wonderful Kanawha River was not about to come out of its banks, and there's a reason for that, and that reason is up in my home county. It's called the Bluestone Dam. After the flood of 1916, we decided, or our President decided to commission the building of the Bluestone Dam which held back or holds back 10 miles of water, so this valley does not flood.

We have two other dams that also do a similar function. Although they don't hold back quite as much water, and that's the dam at Sutton and Summersville. However, we can faithfully say that when we come to work here in Charleston, we're not going to be flooded by the Kanawha anymore. Unless there's a catastrophic event like we've never never anticipated. But that did not come free. Nothing is free. The county I represent gave up 50% of its farmland so that could happen. Fifty percent of our best farmland is under water so Kanawha County and so the Kanawha Valley can live without fear of a giant or a massive flood rushing through in the middle of the night, and so when I stand up here and talk up and speak up and maybe even get a little bit emotional about something coming back to Summers County, I want you to all know that Summers County has already give half of all they have. They have given half of their farmland so that this valley does not flood. So, if I become emotional and a little bit pushy for Summers County, that's where it's coming from. Thank you, Mr. Speaker.

DELEGATE WORRELL. Thank you, Mr. Speaker. Today, Friday, February 7<sup>th</sup> is Wear Red for Women Day. Now, I do not have ... I'm not fashionable enough to have a red suit to wear. So, I just wore a red tie. But I did



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want to bring some awareness that heart disease is the actual number one killer of all women, more than all forms of cancer in the U.S. As a matter of fact, three years ago over 300,000 women in the United States died from cardiovascular disease. And so, from somebody who has a mother-in-law who has battled with this disease for over 20 years, obviously a wife, three daughters, I wanted to just bring awareness to this body. Over 80% of the cardiovascular disease is preventable, and so I would just like to bring some awareness to you all to take care of yourselves and to inform your mothers, your spouses, your children, about this day. Thank you, Mr. Speaker.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS

of

**HON. JASON BARRETT**

*February 10, 2020*

DELEGATE BARRETT. Thank you, Mr. Speaker. Thirteen years ago, Fred and Karen Schaufeld purchased the Hilltop House in historic Harpers Ferry. Built by Thomas Lovett in 1888 because it was the place of John Brown's courageous stand against slavery. Guests included Mark Twain, Alexander Graham Bell and numerous U.S. Presidents. The Schaufelds were frequent guests of the hotel, often spending date night there, where they fell in love with the property.

After purchasing in 2007, the property was deemed structurally unsound in 2009. They planned a complete renovation with 180 rooms. Not long after that they scaled back the size of the project to meet the demands of the town. The current plan is \$139 million investment with 130 rooms designed to emulate the early 1900s, paying respect to the historic nature of Harper's Ferry, and the Hilltop House.

The resort will also feature a spa, infinity pool, chef's garden, bowling lanes, conference rooms, among other luxurious amenities. The owners envision the Hilltop House serving as a venue for the world's top leaders to gather. An economic analysis was prepared by Ernst and Young indicated the project would produce more than 200 jobs and more than \$40 million in annual economic impact.

Unfortunately, as the project gets closer to the goal, the Mayor and council move the goal post. On one occasion, the town took over six months to reply to written requests by the owners. The town has required the owners to hire consultants to conduct multiple studies and surveys, provide reports. Reports which were ignored and not acted upon. The owners have paid an engineering firm to attend over 300 meetings with the town council and various town commissions. Those meetings have yielded no results and no regulatory certainty. They are simply stall tactics lead by the current mayor.

The good news is there is a bipartisan solution. S. B. 657 is coming to the House later this week. It is a companion bill to H. B. 4641. The bill creates the potential for five tourism development districts. All of which would be in class four cities, all of which tourism projects, all of which in excess of \$25 million dollars. The State Development Office will provide the regulatory certainty that Harpers Ferry clearly cannot. This bill in no way changes or reduces taxes due to local government.

This past weekend I watched the Harpers Ferry Town Council meeting with no structure, no order. It turned into an embarrassing free-for-all and a shouting match full of false claims. The most interesting of these false claims has been discussed over the past week to ten days, claiming that there is a hidden agenda, that this project will turn into a casino, and I'm here to tell you that that is absolutely false. The hotel will never meet the 500-room requirement, as outlined in State Code to become a historic hotel with a casino. The Schaufelds are also part owners of the Washington Capitals, Nationals and Wizards. The respective leagues prevent casino ownership by a team owner.

This Harpers Ferry Town Council meeting did provide clear evidence that the current mayor and town council are not equipped to handle a project of this magnitude. Mr. Speaker, if we do not pass S. B. 657, the Hilltop House and a piece of West Virginia history will be left to rot. Thank you, Mr. Speaker.

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### REGARDING DEATH OF RAAMIE BARKER

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#### REMARKS

of

**HON. ZACK MAYNARD**

*February 10, 2020*

DELEGATE MAYNARD. Thank you, Mr. Speaker. I come today ... West Virginia lost a great man last night in Raamie Barker, Mayor Raamie Barker. Raamie spent over 19 years working for the Senate President's office under former Governor Earl Ray Tomblin. He worked for two governors, spent over 30 years in the state government. Then after that he became the Mayor of Chapmanville. He also even helped President Kennedy in Southern West Virginia when he came to the Mountain State.

When it came to Chapmanville in the State of West Virginia, Raamie was their number one fan, helping hundreds of families in need and was a true public servant. Raamie left behind Ashlee, Courtenay and Josh, four grandchildren and a wife of 49 years, Lillian Barker. One thing I can say about Raamie, especially when I got into politics. He always made sense of what he was saying, and he always used ... He always told me that when giving a speech, the number one thing that I needed to remember was not to use the word "I", and to use the word we, and that was Raamie. He was for everybody; the Town of Chapmanville will miss him dearly. His family will miss him dearly and this State House will miss Raamie dearly. Mr. Speaker, I'd ask for a moment of silence.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS

of

**MEMBERS**

*February 11, 2020*

DELEGATE CAPUTO. Thank you very much, Mr. Speaker and I promise I'll be brief. I rise today because this morning Delegates Longstreth, Angelucci and myself received word that there was a major rockslide on a road in Marion County. I don't know if you guys can see this picture, but there is a rock about the size of a school bus

that fell on a major route in Fairmont today, Route 250. If you ever come through there and you get off at Exit 132, it's a major route into our downtown. Now, I don't rise today because this is the first time that this has happened. This has been a problem in our county for year and years and years and we receive complaints pretty much weekly, at least monthly on this road. People who live in Marion County and know this road, purposely avoid Route 250. Because they're afraid that a rock the size of a school bus is going to wind up on top of their car. Now, we've called on the Department of Highways numerous times to address this situation. They clean up the slide and then it's forgotten about until the next time. I mean, I just thank God that no one was driving by that section of road today when that rock fell. I get the same response from them every time we call. Well, that's private land and you know, we don't own the land and what are we going to do with it? Well, I don't know. I'm a simple kind of guy. Send the owners a bill. I don't know how much taxpayer money is spent to clean up that rockslide, but I guarantee you it's a lot of money that the state shouldn't be responsible for and the owners, who I'm told are out-of-state land companies, should take some responsibility here. So, I today on behalf of the Marion County delegation, Mr. Speaker, I'm calling on the Department of Highways to address this situation. We had a rock fall in Morgantown, and we have a woman in critical condition right now because of that rock fall. I don't know if that's a problem area in that district or not. But I do know that this is a problem area in Marion County that for years and years has created hazards and very dangerous conditions. So, today, Mr. Speaker, once again, I appreciate the body listening to me. But this is a call on the Department of Highways to put together a plan to address this situation and I look forward to meeting with them and the Marion County delegation to hear what their plan of action is. Thank you, so much.

DELEGATE WILLIAMS. Thank you, Mr. Speaker. I'd like to supplement and expand a little bit on what my colleague from the 50<sup>th</sup> talked about. We had a rockfall down yesterday on the Mon. Boulevard. If any of you have left the coliseum and gone to Gene's or gone downtown after a basketball game, Mon. Boulevard is the big four-way that takes you downtown from there. You

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have school busses that travel on that every day. You have thousands of vehicles that travel on that every day and we have a boulder a little bit larger than the size of a small car that fell down that hill from 500 to 600 feet up above. Now unfortunately, this isn't an isolated incident. Incidentally, my grandfather, his car was hit by one of these boulders early in the 1980s. So, this is something that has been going on and I would reiterate the call from my friend from the 50<sup>th</sup> that the DOH look into these before someone is seriously injured again. Because unfortunately, someone has already been seriously injured in Morgantown yesterday. Thank you, Mr. Speaker.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. Fix and fully fund PEIA. Now, we've been down here now for five, six years talking about that, over and over and over, the history of that program. It caused a major strike in the State of West Virginia, here two year ago. Because we didn't fix it and we didn't fund it. All we've done is froze it. I bring that up because yesterday, day 34 of a 60-day legislative session, one hour before the Banking and Insurance Committee was supposed to meet, a bill pops up, House Bill 4043. The title of that bill, Preventing State, County and Municipal Agencies from Covering Portions of Public Employee Insurance Act Premiums for Spouse, go to the Banking and Insurance Committee that day, yesterday. Sure enough, the bill kicks spouses off PEIA. It's going to save the state millions and millions and millions of dollars by kicking that money ... premiums down to our public employees to the tune of three to seven thousand dollars more a year, and apparently, Mr. Speaker, it must have been a leadership bill because the Majority Leader was in the committee the entire time sulking around whipping votes. Now, I don't know what exactly we're trying to do down here. That bill died on 11/11 vote, and they voiced a motion to reconsider it? There was a motion to discharge it. If you want to bring the fight out here on the floor, we'll be more than happy to do that. Fixing PEIA does not mean kicking the cost down to our public employees, and if that's the agenda that the Majority wants to shove down this throat, we're going to have that fight, and we're going to fight it over and over and over again, we gave our public employees a 10% pay raise over the last two years. What are you trying to do, suck it all back up? Kick it to

PEIA? I don't get it. We've just gone through two strikes. Are you trying to put them out again? I don't get it. But I can assure you we're going to fight that effort if you all continue down that road. So, we'll be more than happy to have that fight. So, Mr. Speaker, I hope going forward we can get serious about a plan to fund PEIA, not do an amendment to the bill to kick it after the 2020 election and then jack the premiums up. Let's get serious on this. Let's fix this, and if you all want to have the go to war down here on the floor, we'll be more than happy to do that fight any day you want to. Thank you, Mr. Speaker.

DELEGATE PORTERFIELD. Thank you, Mr. Speaker. I rise concerning this bill yesterday that was in Banking and Insurance as well. The lead sponsor of this bill, last night when it was time to go home, not liking I guess my position or the fact that I had a meeting or whatever my business was, aggressively tried to intimidate me after intimidating another member of this House. Now I think this bill can be hashed out. I think any legislation can be hashed out. We can agree to disagree. Whether it's in my own ranks or it's on the other side of the aisle, this is not the way that we need to be doing things down here. It's not the way. I've been in constant communication with leadership about this. I've been in constant communication and had to even meet with the Capitol Police today because of my safety. Now let me say something to everyone in this House. If you haven't recognized this, I cannot see. Now I want you to think about if that was your son, your daughter, your husband, your wife, voted in by their people, coming to Charleston to do their work, and through miscommunication or whatever happened, not only myself, but another member of this House was aggressively, and seeming in an intoxicated state, attacked for our position on this bill. (Point of order)

Sure, no problem and thank you very much, I appreciate the Delegate from the 28<sup>th</sup>. If it's outside of the rules of the House, I don't want to do that. Lawful is what I want to be. We're here to make laws. We're here to do things the right way, and I had someone ask me in the course of this and said, treat someone on this the way you would have them treated. If I had treated someone with a disability, a member of this House with a disability, the way I was treated last night, I

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would want someone to take action against me. I think there needs to be further action taken on this. There may or may not be. There may be lights coming on to provide cover for this. But I would like to see the same members in my own caucus that were so active to try to censure me last year over comments made, to have enough integrity to look at that option here these things cannot be tolerated here. We can speak freely, we can disagree adamantly, and I will be in protest of this. I intend to have a lot of long days here in this House. I may suffer some consequences in my own party. As we heard the other day from the gentleman from the 35<sup>th</sup>, we need to have courage whether it's going to keep us here or not. I think of John F. Kennedy writing profiles in courage and I want to stand up for what I believe to be right. I want to stand up for the Lord. I want to stand up for the Bible. I want to stand up for my constituents. I want to stand up for those that disagree with me, and I want to stand up for those that have disabilities, the most vulnerable people in our society, from having this type of behavior happen to them. Not only at the parking lot of the Capitol, but everywhere in the State of West Virginia and the United States of America. Thank you, Mr. Speaker.

DELEGATE S. BROWN. Thank you, Mr. Speaker. Initially I had hit my button so that we could have the remarks from my colleague from the 55<sup>th</sup> printed in the Appendix of the Journal. So, that would be my first line of business. Thank you, Mr. Speaker. I'm pretty blown away that we're having the kind of dialogue that we are right now on the House floor and to the gentleman that spoke prior, while I deeply respect that you feel unsafe, that I deeply respect that you had a moment where you didn't want to have an uncivil discourse as a result of your job here, there are a few of us that have been experiencing ... Thank you, Mr. Speaker. The reality is there's been a few members of this body that for the past year, maybe even two years that have been experiencing volatile comments. They've experienced death threats. They've experienced all sorts of vitriol as a result of their work here. I want it to be acknowledged, I want it to be lifted up. I want it to be ... I want us as a body to be cognisant of what we have done as far as our dialogue here on the House floor, and to direct to you, Mr. Speaker, I remember last year that you gave a speech and you had said

very poignantly, how did we get here? And I want to caution this body, because this is exactly how we got here. When we won't acknowledge that there's bigotry. When we won't acknowledge that there's hate or violence, or disgusting rhetoric, that we're lifting up mistruths and making them into law. That's how we got here and while we do have a colleague that now feels slighted, unsafe, insecure, some of us have had to do this over and over and over again, coming in day after day, with that same vitriol in our faces. I can't understand this. Because if you want that common courtesy, if you want that respect, then surely, we should be giving it to one another prior. We should not be lifting up hyper partisanship, petty antics should not be happening in the House floor, or any place in the people's House. But it does, and that's how we got here. It's time for a gut check, ladies and gentlemen. If you want that respect, if you want to be sure that we are a body of dignity, then do not continue to justify and validate these types of actions any longer. Thank you, Mr. Speaker.

DELEGATE WALKER. Thank you, Mr. Speaker. How did we get here? Where are we now? Where will we go? 2020, a new decade, a new day, new faces, new places, new truths, and we don't even want them printed. We don't even want to hear them, but it's mighty funny that we can always speak them. It's mighty funny that our actions can show them, good, bad, indifferent. It's mighty funny that we're proud to say we're from West Virginia and we sit here as a body, Mr. Speaker, all 100 of us. It's mighty funny that I know when I became a freshman delegate, I had to sit through ethics. But oh my, my, it's funny how some of those things are not acknowledged, not principle, not discipline. I can ask for a leave of committee and be ignored. I can wear my natural hair and it gets tugged, but it's mine down to the roots. I can sit in a committee where another delegate throws out a campaign shout out for another delegate, but I guess that's all part of the first amendment. But we lack home training. We lack respect for each other. We lack the ability to see someone's disability. We make assumptions, presumptions and accusations. You are repealed by just the color of my skin, which is my blessed year-round tan. You get upset because of the natural hair I have, whether it is in twists, locks, braids, extensions or weave. You get repeal because I speak truths of the people of West Virginia

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who are not as privileged as you are, and some of you even forget where you came from, or don't know that part of your history, or choose not to respect it or acknowledge it. So, because this is Black History Month, and it's been a couple of days and I've allowed some of my colleagues to take this on because sometimes I don't know if my privilege and my pain can be stewed as being that angry black woman, as many of you have called me. But what you don't understand is when you're speaking of folks, you don't know who are my allies, and so being the angry black woman, as you claim me to be, I stand here proud because if I'm not making someone upset, then I'm not doing my job for the people of West Virginia. I'm not doing my job for the people who don't have a livable wage. I'm not doing my job for the people whose fighting PEIA. I'm not doing my job for the people who are fighting addiction. I'm not doing my job for the people who is homeless. I'm not doing my job for the people who have Medicaid coverage. I'm not doing my job for the people who are retired and still have no pensions to take care of their basic needs. I'm not doing my job for the people who have lost their right to vote. I'm not doing my job as the people as their name is being taken off voter registration. See, I am here to do my job whether you agree or disagree. Whether you like the idea of me or not. I am not here to be liked, I am here to represent the voices by putting West Virginians first, and I would think in 2020 we can move on these things, like moving on medical cannabis, like moving on finding funding for PEIA, like moving for something as simple as a hair discrimination bill. That's what this body should be working on, making sure that all West Virginians, all mountaineers can truly live, work and play without any exceptions. Thank you, Mr. Speaker.

### REGARDING WOUNDED CHARLESTON POLICE OFFICER

REMARKS  
of  
MEMBERS  
*February 11, 2020*

DELEGATE PUSHKIN. Thank you, Mr. Speaker. I meant to hit my button during Remarks, and this is not an introduction, but

while we've been here today a Charleston police officer was seriously injured in the line of work while investigating a homicide call and I just ask that the body stand and observe a moment of silence for the police officer here in Charleston.

DELEGATE D. KELLY. Please join with me in prayer. Father we reach out to you right now because one of Charleston's heroes has been injured and we pray right now that you would surround him, that you would give the doctors wisdom and that you would continue to work there and cause this gentleman, this officer, to recover. We pray for the safety of all police officers throughout this state, but particularly right now we remember this officer and we thank you that you are able. In Jesus' name, amen.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS  
of  
MEMBERS  
*February 12, 2020*

DELEGATE FLUHARTY. Thank you, Mr. Speaker. I rise today because our Governor has shown to be an embarrassment to the State of West Virginia. Last night, as I'm sure you've heard, and I'm sure the nation will hear soon, our Governor made some statements following a basketball game. Now, yesterday we were here working in the Legislature, didn't see the Governor. He was working on the basketball court, his primary job, coaching high school girls' basketball, and during the course of the game a fight broke out against the school Woodrow Wilson, and when he was asked about the fight following the game, he described these high school girls as thugs. Thugs. Woodrow Wilson High School girls' basketball team. It should be noted, the coach is as well, were called thugs. A team and coaches comprised of African Americans, he called them thugs. It is clear, that Jim Justice is an embarrassment on and off the court.

Now, that's not the first time he has said something like this. It was just last year he made the statement that there was not a Chinaman's chance that he was going to use severance taxes to help pay for teacher

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salaries when we had the teacher strike, not a Chinaman's chance. Now he'll tell you, "Aw, it's just ... I'm just talking, and I care for everyone." In fact, he had a statement released just this afternoon. Did he apologize? Of course not. He didn't apologize. He doubled down on his statement that these children are thugs as if what he says doesn't matter. Because it's only how it matters to Jim. How it is interpreted by Jim. Not how it was interpreted by the young girls on that basketball team, but how he interprets it, and I started thinking about his course of conduct. It's not just when he talks, and we know he loves to talk. The man has not met a camera he doesn't love, but it's also when he doesn't talk, that he can still resonate. Because I didn't hear Jim come in and defend anybody last year during session, when we had bigotry and racism roaming the halls of this body. When a legitimate hate group had their paraphernalia set up in the halls of this body. He was silent after that. When we've been trying to push the Fairness Act, to have true equality for all West Virginians, he has been silent on that and that resonates for all West Virginians.

So, I'm sorry that I had to stand today, Mr. Speaker, because I think when we run for office, we try to get rid of stereotypes that plague the State of West Virginia, the stereotypes that we fight against, that we're a state that supports bigotry, a state that supports racism. It's something all of us, I believe we can agree on. So, I take offense when the Governor of our state, the Governor of our state refuses to acknowledge, refuses to simply say I'm sorry when he makes statements like he did last night. Because that's what West Virginians do, we own up to our mistakes. But our Governor is unwilling to own up to his.

So, I hope, Mr. Governor, that you own up to your mistakes. Just simply say you're sorry, that the words you're stating on the record, in the public, have meaning. Those young girls who you called thugs last night, they should be able to look up to our governor. They should be able to be proud to say that you're our governor and that you fight to end these stereotypes and not become one yourself. Thank you, Mr. Speaker.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. I agree with part of what my colleague from the 3<sup>rd</sup> said. I think the

Governor certainly should probably dedicate more time here at the State House, especially when we're in session. There is a certain call of duty, I guess you could call it, when we're in session, to do the business of government that the Chief Executive should abide by, and that, I'm sure, in my mind, supersedes coaching high school basketball. But I would caveat my agreement with my friend from the 3<sup>rd</sup> with a couple of things. When my little girl, she's 15, and she's involved in cross country and track and field, I get pretty excited, and I get pretty competitive, and I get pretty amped up at times too, and I can see when I listen to the transcript or the recording from the Governor's interview, which I believe it was a local sports reporter after the game, that he was obviously excited and amped up, maybe a little bit too much, with the reporter. So, I just close with, I think the Governor does obviously need to show up here more often and do the business he was elected to do. But I want to caution us here in this body from possibly making ... jumping to conclusions or possibly making illogical fallacies. We're throwing around the term racism too much. Because when we do that, and we jump to these conclusions, and we level the term racism at our political opponents especially. Especially someone who might be an easy target, it debases the real meaning of the term, I think. Especially in this polarized environment that we now live in, in this era. I would say I would caution the use of that term and other terms like that, and so, in context, I think, I'm not willing to go so far as to definitely call the Governor a racist. I don't believe that's the case at all. I think he cares way too much about high school basketball, and he should definitely be here more often, full-time especially when we're here full-time. But I don't think we should ... and you ... many people in here should probably know that I'm not exactly the biggest defender of other politicians, but I want to make this point clear, I think in this polarized environment, it doesn't do us much good to label our opponents and those we disagree with, with such highly charged adjectives and words. Because when you start doing that, you're essentially labeling your opponent as evil, and when you label your opponent as evil, you have no fundamental common ground anymore, and there's no sense of ... there's no rational debate to be had. Reason has left the building so to speak. I do, though, agree with my colleague from the 3<sup>rd</sup> on many

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points he had, and my remarks here in no way suggest that my friend from the 3<sup>rd</sup> is coming from a place of good intentions and goodness of heart.

DELEGATE PACK. Thank you, Mr. Speaker. I would just like to say briefly that I agree. You know, often times we get worked up and we get in situations where we're agitated, and we're aggravated, and we often say things we don't mean. I've done it, I'm certain everybody in here has done it. That's not to say that that's an excuse. I couldn't agree more with my colleague from the 3<sup>rd</sup>. When we mess up, we apologize. We own it. We say look, "I boo-booed, my bad. I apologize. I ask your forgiveness," sincerely, genuinely, from your heart. I concur.

I think the other thing that we need to consider is when we do that. When we genuinely recognize that we have wronged another, and we go, and we sincerely apologize, and we attempt to make amends. Those of us in the Christian faith, we're commanded to forgive. We're commanded to forgive. It's not an option. I might forgive you; I'll think about it. We forgive. I do hope the Governor ... I hope the Governor apologizes publicly, I hope the Governor apologizes privately to those whom he has offended, and I hope, from the bottom of my heart that they find it in their hearts to forgive as we have been forgiven. Thank you, Mr. Speaker.

### COM. SUB. FOR H. B. 4615

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REMARKS  
of  
**HON. MIKE CAPUTO**  
*February 13, 2020*

DELEGATE CAPUTO. Thank you, Mr. Speaker. I can't articulate any better than what my friend from the 37<sup>th</sup> just did and talked about the history of this state. And I was looking through some of the provisions that would be conceived as critical infrastructure and one of them is railroads and railroad terminals, and railroad passages. And I got to thinking about those coal miners that due to a bankruptcy that was no control of their own, just simply didn't get paid. Lived from paycheck to paycheck and didn't have any money, so they got together, and

they decided that we're gonna to stop that shipment of coal coming out of that mine until they get paid. I guess cause they got together that can now be a conspiracy punishable by hefty fines and jail time just cause a group of people didn't get paid, seen that the company they worked for was gonna make a lot of money shipping that coal out of that mine. They just didn't think it was fair that the company got theirs, but they didn't get the payday that they worked for.

Now, they were headed down a very, very slippery slope, Mr. Speaker, I truly do. I've been engaged in lots of acts of nonviolent civil disobedience throughout my career. I've been arrested and handcuffed so many times I lost count. I'm not ashamed of that. It was always for a cause. When Peabody Coal and Patriot Coal and Arch Coal tried to take the healthcare promise away from coal miners and we blocked the entrances to their buildings, we were arrested, we were processed, we were taken to jail. And we went back the next week and we did it again. And we went back the next week and we did it again, and again, and again. Hell, I had scars around my wrists I had so many handcuffs on me at one time. But you know what, at the end of the day we were on the side of right and those coal miners and those widows who were promised lifetime healthcare, we won the day because we had to show the world, in a very peaceful way, that we were being wronged. And I ... I will not be ashamed of that. I will never be ashamed of being on the side of right in a nonviolent demonstration of civil disobedience.

So, I think the gentleman from the 37<sup>th</sup> was so on point, if it weren't for folks like Mother Jones, Bill Blizzard, those that were not afraid to stand up to the coal and iron police and when the coal companies owned these towns in southern West Virginia and northern West Virginia and they took a stand because they believed so strongly in something, I just can't believe that we're going down this slope that could be conceived as taking the right of protest away. Because let me tell you what's gonna happen, this ... this will be picked apart.

In 1993, when I was on strike, we were charged with federal charges under the RICO Act. I don't even know if you know what that is, it's organized crime. Because we got

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together, and we decided to picket a coal mine they called it organized crime. So, don't think this won't come back to peaceful protest, and maybe with all due respect, Mr. Chairman, you believe we're outside the scope of this bill, but it will be challenged in court. It will cost people and organizations a lot of money and a lot of time and that's just the way it's gonna be. I think it's a bad idea. I think it's a extremely horrible idea given the history of this state and working class folks all across this country. I'm a no and I would encourage my friends and colleagues on both sides of the aisle to think long and hard, and hopefully you'll be a no, as well. Thank you, Mr. Speaker.

### H. B. 4158

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#### REMARKS

of  
**HON. LARRY KUMP**  
*February 13, 2020*

DELEGATE KUMP. Like many of you I have received hundreds, what I would deem frenzied phone calls and emails about this bill. Now, I've been a student of our Constitution ever since I was in high school. I believe it is divinely inspired. I believe it is a source of our American excellence. I also believe that our First Amendment Rights are very, very sacred. What I don't understand, I can't wrap my head around, how anyone would claim that the act of trespassing, vandalism, or damage to a property would violate their First Amendment Rights. It just boggles my mind. I think we oughta vote in favor of this bill, it just makes good sense.

#### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS

of  
**MEMBERS**  
*February 13, 2020*

DELEGATE MILEY. Thank you, Mr. Speaker. I know we've been here for a long time, but I just wanted to take a few minutes to address something that has happened in our state over the past 24 to 48 hours, and that has to do with our conduct, the conduct by our Governor.

I ... I don't know the facts. Obviously, I get the facts through the media like most of us get them and I have learned a little bit about what has happened and what hasn't happened. And while we don't know exactly happened on that night, we do know that the Governor had an opportunity to either bring water or gasoline to a fire that was started and is growing bigger by the day until he decides to do the right thing, in my opinion.

And Mr. Speaker, I stand here as the leader of the Democratic Caucus and I think I can speak on behalf of most of the people in this room, that we need the Governor to show true leadership and showing true leadership means projecting humility, maybe if you don't know why you ... what you said caused harm or offense to others. Maybe you didn't mean to cause the offense that's been received and taken by others. But it's time you stand up, apologize for offending others, expressing what your intentions were if you haven't already, but making sure it doesn't happen again, and making sure that you bring water to the situation not gasoline. We have enough problems in our state than to have our Governor engaging in what most perceive as a petty dispute over a basketball game.

And I say it's petty because when you have the Governor of our state, Mr. Speaker, calling high school athlete's thugs, that's unacceptable conduct, unacceptable behavior in my ... again, in my opinion. Whatever connotation he intended the word thugs to take, let's start with the base principle of these are high school females playing athletics in our school system. To call them ... to be the Governor and call them thugs is unprofessional and it's immature.

Now, many people think the word thugs has a racist connotation to it. I think there's some validity in that. I think if they were all white kids, they would have been called punks. But because there was some African Americans involved, they were called thugs. I don't know that to be a fact and I'll be honest with ya, that would ... what I just repeated and stated was my belief and ... and thought until I heard the gentleman behind me talk about union thugs. So, I do know that union members have been referred to as thugs either and I'm not sure what race they are. But the point is, when you use that kind phraseology it has consequences whether you



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intend them to have them or not. And so, Mr. Speaker, I call upon the Governor, not as a Democrat but as a West Virginian to stand up, show some humility, show some true leadership and apologize not just to the state but to those kids and the coaches. When he had an opportunity to ... to squelch the situation he just doubled down and put more gasoline on an already burning fire. It's inappropriate, it's unacceptable and very unfortunate. Thank you, Mr. Speaker.

DELEGATE PACK. Thank you, Mr. Speaker. And to my colleagues, I, I do offer my apologies, I do know we've been here for quite a long time. But I am in fact a person who believes in showing gratitude and when you're grateful for something you ought to acknowledge that.

I also think it's important right now to take a moment and remind you and all of the press, and the public watching about something really, really wonderful that we have accomplished together in the past year.

Last night our Finance Committee unanimously passed out a Committee Substitute for House Bill 4092, that critical third bill that will address several of the problems plaguing our state's foster care system. This is something so many of us on both sides of the aisle have devoted a significant amount of time to, for more than a ... a year. We've met with families, we've talked to judges, spoken with experts in the field. We've heard immensely personal stories. We've looked into the eyes of some of our state's most vulnerable children and their families. We've felt their pain. We've promised to make a positive change for them. I am so proud of the work that we've all put in on these bills. I thank every member of this body, every agency representative who has provided input and every family who has spoken out on the need for reform.

Sadly, because of the fallout from a petty kerfuffle the other day, this story is being drowned out. We passed that bill last night from committee, probably one of the most significant pieces of legislation that we'll work on to improve the lives of families across this state and there was hardly any media attention.

Instead, most of the coverage of this body has centered on drama that had nothing to do with actual governing. Our friend from Metro News, Brad McElhinny, even sang a new song this morning, titled *Dysfunction Junction*, on statewide radio in portraying the behavior of this House.

I'm not here to throw the media under the bus. In fact, I've occupied that territory myself a time or two. It's not comfortable and I understand that they're merely doing their job. Governing can unfortunately be boring and its conflict that makes the greatest news stories. But I do not want to let the actions of a few to define what we are doing here in this House.

While people are tuning into us for other reasons, I want to take this opportunity to remind everyone watching that the vast majority of us here are doing what you sent us here to do. To work hard to make West Virginia the best place to live, work and to raise a family. Coming into today it's 37, day 37 of this session, we have passed 103 bills already to try and achieve that goal. And despite the dubious shenanigans of late, almost all of us are working hard to pass more. This foster care bill is a shining example of how we in this body can come together, rise above our differences and pass a bill that will truly make a positive impact of the lives of some of the most vulnerable in this state. And I don't want us to lose sight of that, Mr. Speaker. I don't want this year of intense labor and good work to get lost due to the public self-inflicted petty squabbling that does not characterize the true work going on behind the scenes on the issues that matter most in this state.

So regardless of what ever more nonsense we must endure I'm ... I want to remind the public, the media and more importantly this body, that the overwhelming majority of members of this House have continued to rise to the occasion. We've tried to do our best to accomplish the peoples work. We are so close now to passing landmark legislation that I for one, will die happy knowing that we've passed. So, to my colleagues on both sides please know that you have my deepest thanks and I'll look forward to continuing to work with you to make this state great. Thank you, Mr. Speaker.

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DELEGATE CADLE. Thank you, Mr. Speaker. I'd just like to make it known that I really appreciate the coal industry today and the power plants, and all the river workers and everybody that is involved in the coal industry. Our union miners, our nonunion miners, I want to thank them all today because our solar plants aren't working very good today and they haven't worked for about 10 days. Thank you, Mr. Speaker.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. Earlier today a motion was made and rejected to discharge from the committee, The Fairness Act. A committee, Industry and Labor, which will not meet again, per our Chairman yesterday, and that motion was rejected. And some may wonder what prompted the motion, which we've done in years past and you repeatedly reject and reject and reject.

We were prompted by members of our own body for making the news because we love to make the news lately. Not for the bills we pass, not for our accomplishments, but for our conduct. So, I'd like to read an excerpt from The Bluefield Daily Telegraph, which I'm sure many pick up and read every morning. "I suspected that you may be coming out of the closet. But he assured me that you were not gay even though you walked, talked and act like it. LOL. LOL because you walk and talk like one."

Do you still wonder why we need the Fairness Act? You want to get fired from your job because of who you love? LOL, that's what we say. Want to get kicked out of your home because of who you love? LOL.

You know whose laughing at us, Mr. Speaker? The entire country is laughing at us because we continue to promote bigotry. We give a voice to people who say things like this and a stage, but we don't act. We just sit here and kill every bill, reject every procedural motion. In 2020 the entire country is laughing at the State of West Virginia. So, I want to give us one final opportunity, Mr. Speaker, to do the right thing, to speak for all West Virginians, to put us in the press for the things we actually accomplish, something good. So, I will move Mr. Speaker, to remove from the table House Bill 2741.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. And also, thank you to my great leader from the 48<sup>th</sup> on... on your remarks and taking true leadership. Yesterday, as we all know, it was ... it was a very long day for numerous reasons, and there were a lot of comments that were made about our state's leader, and what had transpired the night before. And I truly took into account what my colleague from the 1<sup>st</sup> said. He was talking about not always, you know, rushing to judgement and to think a little bit. So much so, that I actually sat here after session with my mic pulled out and I was just thinking. I was just thinking cause I didn't want to say anything that was incorrect or get misconstrued. I wanted to sleep on it. And so, the first thing I have to say is, apologize to my brother from the 3<sup>rd</sup> cause I was wanting to take his back publicly yesterday, cause I know the gentleman from the 1<sup>st</sup> said he would agree with half of what he said. And, I will tell you all that, this guy from the 3<sup>rd</sup>, early Wednesday morning, was very concerned, so much that he called me while I was at my work office in Huntington, or texted me rather, and was asking about how I felt about what the Governor said and how we should approach it. He asked me that and then we talked about it for a little bit. So, I will tell you with 100% assurity, he was in no way saying that our Governor was racist. It's not what he was saying at all. He just wanted to bring out the fact that a lot of times we don't, as you say, think before we speak. He wanted to make sure that he articulated that very well.

Also, to the gentleman from the 1<sup>st</sup>, again I would agree with you, again sometimes people we just ... we just say things. And a lot of times even when it comes to this whole race deal, we speak very soon. Sometimes there are folks that, in my opinion, they might feel that way but they say something so quick cause they want to hide the fact that they feel that way. Sometimes there's people that don't even have a clue and they'll just say it just to talk or hear themselves talk. We've got some people who are just sensitive to the issue and they want to reach out and say it. We've even got some people and it's crazy that, they want to say it for their own political gain. Not to really speak up and protect folks, social justice warriors, that's not their intent at all, which is sad. They just want to say it for their own political gain so they can get another issue moving. That's very disturbing

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to me. Very disturbing. Sometimes people that also say it, they're just calling a duck a duck. It is what it is.

I would also tell you when we're talking about these issues it is ... it is no secret in here that I've got myself, the Delegate from the 51<sup>st</sup>, 65<sup>th</sup> and the 44<sup>th</sup>, I think it's safe to say we're probably the only minorities in here and anybody can have an opinion, everybody should have an opinion, but I would implore you sometimes to talk to those folks. They would probably have the most arcuate barometer on these issues that we're speaking of. But also, we're not going to leave out anybody, this is not a political statement, at all. Please do not get this confused. This is not about Republicans or Democrats because I will tell ya, it's not everybody, but heck back home, I've got ... I've got a super eclectic group of friends, super, let me tell ya. And some of my closest buddies that happen to live on the right side of the aisle, those are folks back home that we talk about making big money together. Some of those folks talk about they want that little beautiful Hornbuckle boy to make them some beautiful little black grandbabies. Kid you not. I've got other folks, on the other side of the aisle, D's, I wouldn't let them walk my pet lizard if I had one. Wouldn't do it to save the world. Would not do it. And ... and ... and I say that I'm being honest cause we ... sometimes we get in this bubble and I've always governed from the prospective that you know, I am a proud Democrat, I love it. I've always said that not all D's are good and not all R's are bad, so just get that out of your head right now. I want people to understand that cause we also got these people again that are trying to hijack these narratives and use it for self-serving political reasons, and I ... and I don't like that. We've gotta get away from that to start helping all people.

So, I wanna recap on, you know, what the Governor said and he's talking about the word thug and also to know that aside from how he governs, I like Jim. I liked him the first time he was a Republican, alright, and then again, we're not going to talk about how he governs. But I think he is an alright guy, and I would never say that he is racist. But he probably needs to think before he speaks and be educated on these things. You know the word thug it talks about a violent person, especially a criminal. Conversely, we've got the word mobster. The only difference is ...

is technically it's ... means you're a member of a group that's violent. But even from way back when we always try to use these certain words for certain folks. It's very, very interesting how society works.

Ya got folks like, we'll just say, John Gotti, Al Capone, the Genovese family, they get annointed with the word mobsters cause it sounds of you know, importance, those things. Then you've got folks like Bumpy Johnson or Paul Escobar, they're drug dealers. They're not mobsters, they're drug dealers. We use different terms for different folks. We've got to start educating ourselves on ... on these types of things.

We have to start thinking about what we're saying and the issue at hand here is again, people are racist. A lot of times, people just fear what they don't know, they're uncomfortable. But I find it very odd that we use very selective language for certain folks. Very selective language for certain folks.

Just this past year we had an incident in Wyoming East High School, alright, and there was I believe, a stick figure drawn in a visitor's locker room with a noose around its neck with a black players name on it. And I'm not saying that we should have said anything about this kid that's not what I'm saying, but I do know the Governor did not call them thugs. I ... I do know that, okay.

I know there was an incident with some troopers a couple years ago in Martinsburg, I believe, and I think the Governor, our Governor, my Governor, he used the word ridiculous and inexcusable, but he didn't call them thugs, just ... just get that understood. The West Virginia Cadet situation, alright. There was an incident with the Mayor, I believe the Director of Development in Clay County several years ago, they were ... they were, they were never called thugs.

Also, when our Governor ran when he was in the middle of a party affiliation as a Democrat, the Republicans, I think, or whoever it would have been, they were running this ... they were running this commercial ... they were running this commercial with our Governor, my Governor when he was berating police. It was caught on film, that was a part of a campaign strategy, nobody called him a thug. They

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might have called him crazy Jim or that's bad, but nobody called him a thug and that's thug behavior to berate the police. But he ... but he got a pass from most folks.

Ladies and gentlemen, the issue we have right here, right now is that we're not talking, we're not communicating, we're not listening. And this is ... this is no ... this is no disrespect to healthcare, foster bill, taxes, we all like to talk about taxes whether we're raising them or cutting them, alright, but I would tell you that in my opinion, all of us in here are able bodied. And the biggest issue that we have going forward, not just in this state but in the America, is along the racial issue and it's hard. I understand that, we've talked about this before. It's ... it's ... it's at times ... it's really uncomfortable to speak about this issue, I get it. Some people just don't know where to start, where to begin, but I think we owe it to our daughters, our sons, of the future to get it right. To get it right. I know a lot of times, I've got a good friend in here from the 17<sup>th</sup>, we probably agree on 80 to 85 to 90% of the things, but sometimes when things break down, I kid with him a little bit, but we talk about it.

My good friend from the 23<sup>rd</sup>, former Sheriff, awesome, amazing man. We've had many talks about law enforcement and communities of color, poor white folks too and he's very open. It's a tough ... a tough conversation because it comes from that background but he's open and he's honest, as am I. It's important that we have those tough conversations.

There's another issue in here and I won't say this Delegate's name, he's on the other side of the aisle, and I can guarantee you that 80 to 85 to 90% of the things that we vote on in here we're on opposite ends of the spectrum, we do not agree. But that man earned my respect last week. He pulled me aside, went into his office and we were talking about an issue, and the issue was Cannabis, so he swore me to secrecy so I'm not gonna say the name, but we talked about where he was coming from with it and where I was coming from with it. And he was genuine. And he was genuine. It was a tough conversation but ... but we have to have those things, it's ... it's important that we do. And again, I acknowledge that they're very tough, but we have to get through these things people.

In closing, what I would like to do is a ... is a ... and I can't ... I can't do it justice cause he, the guy from the 3<sup>rd</sup>, unfortunately society, no from the 3<sup>rd</sup>, has got a little more privilege than me so I can't scream at you all like he does sometimes cause I might get into trouble for that. But last year, you know, he did this thing where he was quoting his favorite musicians and it's something I did when I was student body president at Marshall University. And ... and I was thinking about it today and I think it is very applicable here to ... to want to talk about ... I'm actually going to ... going to quote one of my favorite musicians, his name is Shawn Carter, his stage name is Jay-Z. He's ... he came from the Marcy projects in Brooklyn and dirt poor and did some things in his life. And then he went into music and investment firms and consulting firms, and to clothes and all types of things and is now a self-made billionaire, and I look to him a lot of times for inspiration. And there's this one song I ... I kept thinking about it, and again I'm ... I'm ... I'm not going to ... I'm not going to curse; I also don't have the privilege of the oval office so we're not going to do that thing. So, what we're going to do here, it was about ... it was in reference to the Rutgers situation, it was about Don Imus, radio host personality, I believe. And the ... and the ... and the line from the song goes "I miss the part when it stopped being about Imus. What do my lyrics got to do with this expletive. Scarface the movie did more than Scarface the rapper to me, so that ain't to blame for all expletive that's happened to me. Are you saying what I'm spitting is worse than these celebutant's showin' they kitten, you kidding? Let's stop the expletive til we all without sin. Let's quit the pulpitin." Thank you, Mr. Speaker.

DELEGATE HILL. Thank you, Mr. Speaker. I know the hour is late and they're no longer in the gallery, but I want to recognize today is Hospital Day at the Legislature. We have visiting, we did have visiting with us hospital representatives and healthcare workers from across the state. If you have hospital representatives visiting then ... from your local community, please take a moment to thank them for the service they provide to care for the health of our citizens.

Hospitals play a critical role in improving the health of our citizens. Last year, West Virginia hospitals treated over seven million people in their outpatient departments,

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provided emergency care to over 1.2 million patients, delivered nearly 19,000 babies and cared for over 20 ... 227,000 people, as inpatients. Hospitals also played an important role in our economy employing nearly 46,000 people and contribute \$10.5 billion dollars annually to the state's economy.

Hospitals are also an important part of our educational system with instructional programs that provide for a wide range of services and technic ... and technical and professional positions. Please join me for a round of applause for these fine compassionate caregivers from around the state. Thank you.

### H. B. 4790

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#### REMARKS of MEMBERS

*February 13, 2020*

DELEGATE ZUKOFF. Thank you, Mr. Speaker. I'd like to speak in favor of this bill. It does expand the current legislation just a little bit, I will agree with my colleague on that. But I also think it sets a precedent that this body thinks that CTE in middle school is important. We're very fortunate in Marshall County to already have a middle school CTE program. We have three middle schools; they all have a CTE program, and we have 75% participation across the board in CTE in those schools. It also leads to students being ... being better ready to move into trades or certificate programs, nursing school because they have access at the lower ... lower grade levels to understand what's going to be available to them in the community and through the CTE programs. We've seen that this program has expanded our students getting ready for the workforce. As a matter of fact, some of our high school students are all ready to go and they're hired as soon as they graduate.

So, I see this as an added benefit for the students in West Virginia and I will be voting for this bill and I urge others to do the same. Thank you, Mr. Speaker.

DELEGATE HANNA. Thank you, Mr. Speaker. I just wanted to stand and follow the

comments of the ... the gentlelady from ... I think it's from Marshall, perhaps, the 4<sup>th</sup>. The gentlelady from the 4<sup>th</sup>. I think she stated her points very well. The sooner that we can introduce children to different career aspects, the better. And I ... I stated in committee that whether you're in first grade and you decide you want to be an NBA player or an astronaut, it doesn't matter as long as we have kids thinking about these ideas, it gives them motivation and it gives them inspiration to do better and to strive for goals. So, to implement these things in ... in middle school, it's gonna give those kids an extra option and let them know that the only pathway to success is not through a four-year degree. Because I think that's something that we often stress in West Virginia is that for success, that you have to go to college, but that's simply not true. There are thousands of skills jobs in West Virginia that go unfilled every year because people don't have the right training. And the language in this bill, I believe it does serve a purpose. It leaves the counties the flexibility to ... to develop their own curriculum high need. And flexibility, by the way, is the ability to easily be modified. And I believe that the language is also quite permissive to let them do what they believe, which is allowing or characterized by greater excessive freedom of behavior. I made sure to verse myself in those definitions yesterday.

But Mr. Speaker, this bill's a great bill. I don't see why anybody could possibly oppose giving our middle school students a ... a jump or a head start on ... on career and technical education especially on counties that don't have vocational centers or ... or these curriculums that are already offered to start with. So, I would be in favor of the bill, Mr. Speaker, and I would hope that the rest of my colleagues would ... would be as well. Thank you.

### COM. SUB. FOR H. B. 4092

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#### REMARKS of

**HON. JASON BARRETT**  
*February 18, 2020*

DELEGATE BARRETT. Thank you, Mr. Speaker. House Bill 4092 comes to us today on the floor out of the Finance Committee

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fully intact, just the way it came out of the Health Committee and the Judiciary Committee, and it's fully intact because foster families have flooded our emails and our voicemails and even took the time to come here and meet with Legislators. As I've said before, our foster families in West Virginia are truly angels among us.

The bill is also intact because employees of child placement agencies have taken the time to advocate and educate here at the Capitol. These folks work tirelessly and often times thanklessly for the wellbeing of the children of our state. They respond to crisis situations at all hours of the day and night. They carry the heavy emotional burden of witnessing horrendous conditions that most of us cannot fathom.

House Bill 4092 will establish a bill of rights for foster children and a bill of rights for foster and kinship parents. This will give children and parents within our foster system a voice in decision making and legal proceedings, ensuring that they are respected, considered, and included throughout the foster process.

House Bill 4092 will also provide an increase to the daily rate paid to foster agencies and families. This will allow our agencies to expand their recruitment, training and support services while providing foster families a much-needed financial boost. Great emphasis has been placed on the projected cost of this bill. But we must acknowledge that this is an investment, an investment in West Virginia children. With these necessary increases, agencies will be able to recruit and retain more foster families leading to less children placed out of state or in higher levels of care than necessary. These improvements over time will save hundreds of thousands of dollars a month.

With more than 7,000 children in our foster care system, and more than 2,800 of them without a home placement, we simply cannot afford to not act on this crisis. This bill, House Bill 4092 puts West Virginians first. More specifically, it puts West Virginia children first. Mr. Speaker, I urge passage.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS of MEMBERS *February 18, 2020*

DELEGATE CAPUTO. Thank you, Mr. Speaker. This morning Marion County delegation received some really bad news. Fairmont Regional Medical Center, Mr. Speaker, locally known as Fairmont General Hospital, received notice this morning that the employees were issued a 60-day warn notice. That, that facility is about to close. There's approximately 600 people that work at that facility in Fairmont, Mr. Speaker, and they provide excellent health care for our region and quite frankly have been providing excellent health care for our region for 117 years. That facility first opened in 1903 and continued to grow for the last 117 years. But unfortunately, Mr. Speaker, a company bought them out a while back, a company that you all may recognize, a company called Alecto. For my friends in the northern panhandle, they know all too well about Alecto. It seems as though they like to go into a community, purchase their health care systems, drain the resources, and take the money and run. Now, we've been hearing these rumors for the last several weeks, and Delegate Angelucci and Delegate Longstreth and myself have met with Alecto, who assured us they were just reorganizing and had no intention of closing that facility. We've met with the Governor when the rumors got stronger. We've even met with WVU and Mon. Health, trying to find a solution, and everybody assured us they were working together. That Marion County would continue to have the health care that it truly needs and in our opinion, Mr. Speaker, truly deserves.

Everyone told us they wanted to save the facility, and then this morning we wake up to a warn notice. Six hundred jobs, 600 families, don't know what tomorrow is going to bring. Not only is it devastation to their way of life and the way they earn a living, it's devastation to the healthcare of our region. I just don't get it, Mr. Speaker. I'm sorry. These folks are bad actors obviously. It's not the first time they've done it. You know, we continue to do all we can to provide a good

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business climate for West Virginia and it's frustrating when you wake up to things like this. We're not ready to quit. We met this morning. We've been on the phone with the business leaders of Marion County, the Chamber of Commerce. We're meeting with the reps from their Union and we're willing to meet with WVU and Mon General, and I called the Governor again personally this morning and said, "You've got to get involved. We cannot lose this facility in Marion County."

But how long can we continue to allow people to take advantage of West Virginia without taking a stand? I understand this is a private company. I get all that, and I've been through a lot of bankruptcies in the industry that I've had the privilege to work in for the last 43 years. But this is a little different. You know, we're strong and West Virginians will survive, and they'll find other employment at the end of the day if this place gets shuttered. But the healthcare that it's ... that's going to be nonexistent in Marion County, it's going to be bad. It's going to be real bad for our community and the people in it.

It's just not right, Mr. Speaker. It's just absolutely not right. One hundred and seventeen years of healthcare in Marion County, 600 jobs, been there since 1903 and it gets a 60-day notice? It's just not right. We need to send a message. We need to send a very clear message. We're here to support growing West Virginia, but we're not going to give away the farm and we're not going to stand idly by when bad actors come into our state and take advantage of our people. Thank you, Mr. Speaker.

DELEGATE LONGSTRETH. Thank you, Mr. Speaker. This is devastating news for Marion County. We've had a lot of conversations. We've had conversations in purpose ... in person with Alecto promising it would never happen like Wheeling and we know what happened in Wheeling. They were going to use the resources to build Fairmont General, Fairmont Regional. The ongoing conversations from the Governor, through Alecto, through Mon. General, through WVU has been going on and on, saying they were going to save our hospital. No one was going to lose their job. We just need to reorganize a little bit so that we have the funding to keep the hospital open. No one knew this was coming. This is devastating to

everyone. The employees just now, hear through the news and through a letter from the CEO they're going to be laid off and the hospital is going to close in 60 days. Mon. General has offered to come to the table with WVU. There's no reason for this to happen. We need to call them back to the table and as Delegate Caputo says, we need to get the Governor involved, get him back to the table, keep this hospital open. It's an emergency hospital. We have an emergency room there. This isn't Urgent Care. This is an emergency room, and if you've been to Marion County, we've got little small towns, and we all do. One way in. One way out. And for them to get there and to get to another hospital in Morgantown, Clarksburg, could mean their lives. This hospital has been around a long time. I was born there. Most of my family has been born there, my nieces and nephew. It's been there a long time, it's a good hospital. We need an emergency hospital where we can save lives in our county and not have to go to another county and send them someplace else because a company in California decides they're not making a profit, and that's what this was all about. They're not making a profit, so they're going to dump them. Well, we can't allow that to happen, and so we're asking the Governor, Mr. Speaker, we're asking them all to come back to the table. You know, I know that Mon General was willing to come to the table and to help out, and I say that we get them back and let's put this back on the table, let's keep these people employed. This is very, very serious for our county and for the other counties surrounding us who do come to Fairmont General. So, we're just disheartened by this. We know our employees are just devastated, their families. What are they going to do? In 60 days, what are they going to do about taking care of their families and getting a paycheck? So, Mr. Speaker, I hope that we can take care of this. We can bring everyone to the table. Because, my colleagues, this isn't something that we can just take for granted and just laugh it off and say, they'll find another job. This is something that we need to save lives in Marion County and the surrounding areas. Thank you, Mr. Speaker.

DELEGATE ANGELUCCI. Thank you, Mr. Speaker. I want to piggyback on what Delegate Caputo and what Delegate Longstreth said. But I want to add to that. Several, several months ago, Tina Shaw, who

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is the president of our Chamber of Commerce, got together elected officials, community members, leaders. Delegate Storch came to Fairmont. Delegate Fluharty participated in our conference because they dealt with the same issue from this same southern California hospital system that shut down Eastern Ohio Valley, and Ohio Valley Medical Center that my two friends had to deal with and see their constituents lose their jobs.

Look around here today. There's 100 of us in here. Times it by six. That's the number of jobs that's getting lost. That's the number of families that's getting affected because a southern California hospital system came in here and let me add to this a little bit. The City of Fairmont owned the land that the hospital sat on, gave it to Alecto for free, to save our hospital from filing bankruptcy. They got the land for free and now they're shutting it down and taking 600 jobs with them. My great friend, the Majority Leader, she worked at Fairmont Regional Medical Center for 15 years. That's how I met her. I have a lot of memories with her arguing politics in emergency department. But she's dedicated herself to this hospital, and so have 600 other employees. My phone has been nonstop all day from people begging me; please help, please help. We have met with the Governor, Delegates Caputo and Longstreth and I. We've met with the CEO of WVU Medicine. We've met with the CEO of Mon. Health. Alecto is a bad actor, point blank. They did the same thing in Wheeling. WVU tried to help them, and they pulled the rug out, and they're doing the same thing here. Mon. Health and WVU is trying to be a good partner to save our hospital. This is all Alecto. We have a certificate of need that we have to have to add new health care services. Well, we need to have that same oversight for hospitals that are trying to close, and as an administrator to the EMS system in Marion County, I've got rural areas of my county that, when this hospital closes within 60 days, and it's not going to be 60 days, it's going to be much sooner than that. Ask Delegate Storch. But when this happens, people with life threatening emergencies, it's going to be up to an hour to get them to the nearest hospital. People are going to die. This is serious, and so I'm going to ask our Governor to please keep working hard, and I'm going to ask each and every one of you to please help us. Because we need to keep this hospital

open and I can assure you Delegates Caputo, Longstreth and I are going to do everything in our power to do so. But we need your help. Because this is a travesty. An out-of-state corporation that's coming in and literally just taking us for granted, and it's killing our citizens. It's going to kill our citizens; I assure you of that. I see it firsthand. We've got to stop this. So, thank you Mr. Speaker for the opportunity.

DELEGATE SUMMERS. Thank you, Mr. Speaker, and I just want to add to what they said. This is truly a sad day for the people of Fairmont and all of us that are a part of that Fairmont General Hospital family. My mother went to nursing school there and earned her diploma degree in nursing. I've had children there. I've worked in all kinds of departments there and that is one hospital I'll say that you're loved by everybody when you're there and they all work together to take care of people. I've reached out to the CEO and the emergency room director at my hospital that I work at now, United Hospital Center, and talked to them about how are we going to absorb the 50 or 60 people they see a day in the emergency room there, and they have reassured me that they are working to make sure that we're staffed for that, and if we're not we'll work double time to accommodate those people. But it does also bring those EMS workers completely out of their community and out of service. So, it's not just if they're traveling from Mannington, where it'll be so far to get to us, but then they're not even in the community to take care them. So, this is definitely a crisis that we're experiencing in West Virginia and I would just like all of you to think about the people there, the 600 jobs and how it's impacting all of them. Thank you.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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REMARKS  
of  
MEMBERS  
*February 19, 2020*

DELEGATE ANGELUCCI. Thank you, Mr. Speaker. I wanted to follow up on my comments from yesterday about Fairmont Regional Medical Center. Delegates Caputo, Longstreth and I were dealing with this in real time. This caught us completely out of



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the blue. Let me tell you why. During our meetings with management from Alecto, our last meeting, they gave us a booklet of different options that they were working on to keep our hospital open. One option was they were going to create a new board of directors and they could transform the hospital from a for-profit to a non-profit and allow community leaders to operate the hospital through the board of directors. The same structure that they had in 2012, before Alecto purchased Fairmont Regional. They assured us in that meeting they were not going to close our hospital. These were the options. They were not going to close.

Out of the middle of nowhere, they decide they're going to close. The same thing they did in Wheeling. Six hundred people are worried about their health insurance for their kids, for their spouses, for themselves. But let me tell you why I'm angry. Let's talk about Alecto Health Care. They were formed in 2012 and in eight years, they've now closed three hospitals. Let me give you a little insight. Antelope Valley Hospital, a 420 bed hospital in Lancaster, California has filed a lawsuit against Irvine, California based Alecto Healthcare Services alleging Alecto engaged in egregious maleficence in an outright fraud in its management of Antelope Valley Hospital. Alecto managed Antelope Valley Hospital from November 2015 to December 2016 when the hospital board of directors voted to terminate the management agreement with Alecto. The hospital alleges that soon after the management agreement was signed, Alecto made changes that caused financial troubles for the hospital. Antelope Valley Hospital claims Alecto slashed the hospital's nursing staff, mismanaged the hospital's IT process, and botched the management of essential hospital equipment all in the name of cutting cost. While making these moves, Alecto was "funneling hundreds of thousands of dollars from the hospital to a closely associated advisor for a line of credit the hospital did not actually need." Antelope Valley Hospital claims Alecto's actions caused the hospital to lose more than \$30 million.

So, we've seen what their motive is. They buy hospitals, they funnel the money, and they close them down. We've seen it at East Ohio Regional, we saw it at Ohio Valley Medical Center. Now we're seeing it at Fairmont. That's why today Delegates

Caputo, Longstreath and I, who have been working around the clock, have drafted a letter to our Attorney General asking him to open a full investigation to the business practices of Alecto Healthcare. Our people, our employees and the people the citizens of Fairmont and Marion County deserve that. A private company from California is coming in here and putting the healthcare of the citizens of Marion County in jeopardy, our economic future and also the 600 people that's going to be losing their jobs. So, we hope the Attorney General opens this investigation and we hope that we can hold the people of Alecto, their management team, responsible. Thank you, Mr. Speaker.

DELEGATE STORCH. Thank you, Mr. Speaker. Yesterday we heard from all the Legislators that represent the 50<sup>th</sup>, the impact that they're seeing, the closure of Fairmont Regional Medical having on their districts. I just wanted to stand up and bring to all of my colleague's attention some things that weren't mentioned yesterday. As everyone in here knows Alecto, the parent company that owned Fairmont also owned East Ohio Regional which was located in Martins Ferry, Ohio. But I assure you Delegate Fluharty and myself, Delegate Canestraro and Zukoff also had several constituents that were employed at that location, as well as Ohio Valley Medical Center. Which was in the south end of Wheeling. What I think is not really taken into consideration is the impact that this closure will have on any and all of our county sheriffs. Our sheriff's departments are required by the code for mental hygiene transports. So, if you were a resident that was ... or a person or whatever, that was in Ohio County just by virtue of whatever led you to be there. Maybe you were going to OV seeking service and you didn't realize they closed. Maybe you were homeless, and you were just on the streets and you knew that we had a great support team in the Ohio County area. Well, Ohio County sheriff's deputies are now responsible for transporting you, and now Ohio County has lost one transport, one receiving opportunity in Fairmont. Our deputies are telling us that they may be given a gentleman or a lady that has a two-hour colostomy bag with instruction that in two hours they're going to have to pull over and change that bag. Our sheriff's deputies don't have this training to know how to properly handle that type of situation. Our sheriff's deputy's budgets are blown because now

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with the removal of Fairmont, the transports will go to Beckley, Charleston, Huntington and those are a lot further than two hours. The two hours they could get to Fairmont. So, I just want all my colleagues to think. It's a lot larger problem. My heart breaks for my colleagues in the 50<sup>th</sup>. My heart really does because while we have had a great influx of people, various health providers in the region, have hired on many of the staff. Some of them were commuting to WVU to work at the Ruby in Morgantown. Which is wonderful that they're able to be picked up, to have their livelihood still sustained. But beyond that there are people that have lost their seniority. You know, I was speaking with one of my firefighters who said, "Yeah, my wife got a job at Trinity," which is just across the border in Jefferson County, Ohio in the Steubenville area. He was very glad for his wife to have employment because she spent a lot of her educational career in securing that knowledge, so that she could be gainfully employed in the medical industry. But he said, "But we lost her seniority. She lost all her vacation time. She's starting over. We have a new issue with childcare." I mean, there are so many ripple effects that are going to impact so many of our communities and I would encourage everyone of my colleagues that may have ... border or whatever, Marion County, to just have a conversation with your sheriff's deputies to find out the impact that this will have on them. Thank you.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS of MEMBERS *February 20, 2020*

DELEGATE ROBINSON. Thank you, Mr. Speaker. Over the last couple years, those of you that have been here with us, have heard me discuss my friend, Ryan Brown. Ryan Brown and I, we met when we were about three years old. His mother was my babysitter. She had the rough ... the rough job of trying to keep me in line at a young age, and you all can see how that worked out.

Ryan and I went to elementary school, just right across the river at Chamberlain Elementary School and then we went on to Horace Mann. We went on to Capital High

School, and we went on to West Virginia University. Somewhere along that line, Ryan fell into addiction. He fell into the same thing we've seen a lot of our community fall into and during our drug crisis, in 2014 Ryan passed away. He was found in the Kanawha ... in the Charleston Town Center and had overdosed and had passed away. And those of you know that the further part of Ryan's story is that his mother has come around and has advocated for a number of prevention issues, and recovery issues and things of that sort.

In 2017, we named a prevention and recovery fund after Ryan Brown. Now, the sad part of this is Ryan Brown isn't a unique story. He just happened to have a very aggressive and very diligent mother who followed up after he passed away, which is why we have the Ryan Brown Addiction Recovery Fund. Now the Ryan Brown Addiction Recovery Fund was ... had money placed in it that came from settlement funds. Settlement funds that were a tribute to the scourge that drug manufactures put on West Virginia, and they were won in that settlement. Now, at the time, those funds were placed in the Attorney General's accounts and we in 2017, as a body, the Legislature, went and removed those funds and created this account.

At this point in time, we've seen multiple other settlements come through and some of those settlements have been ... have provided funds to DHHR, to Department of Military Affairs and there's also one-third of the most recent settlement funds that are sitting in the Attorney General's account, right now. Now, if you speak to the Attorney General, if you go down and discuss it with him, he'll explain to you that there are administrative fees and other items that he has to pay for in his office. However, I will tell you that across the country different states are trying to figure out what to do with these moneys.

Now, when we received the funds from the tobacco settlement years ago, those moneys were wasted. They were put in various different accounts. There was limited accountability and what we didn't do with tobacco settlement funds that were supposed to replenish the counties and state governments, that had to expend the moneys to get people to recover, and people's healthcare, we spent it on other items. We

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wasted that money and now what I'd ask you to do is concentrate on today's settlement funds, on the opioid settlement funds.

Now, I had passed out to you an article from the West Virginia Gazette-Mail from yesterday evening. The Attorney Generals from across the county that are involved have turned down \$18 billion dollars. Now, this is in discussion and formation of that settlement and what I would tell you, and what is important about this article is there will be other settlement funds that come to West Virginia, and what we cannot let happen is to let those funds sit in an account in the Attorney General's office instead of attacking the drug crisis that we have at our feet.

Now, I'll also tell you about a comment from our Congressman McKinley. Congressman McKinley introduced legislation at the federal level that would force all states to account for this money and to make it go towards prevention and recovery that it was designed to help. Now, Congressman McKinley makes a statement that in the past, the same statement I've made, that the tobacco settlement moneys were wasted, and we don't want to create the same problem and fall under the same issue that we came from before.

So, earlier today, you heard me make a motion for a discharge of this bill. I wanted to take the time and explain to you what that issue was and why we would discharge it. Now, with this explanation, the bill would cause all moneys from opioid settlements, or drug manufacturers settlements to go to the Ryan Brown fund. The Ryan Brown fund would attack these prevention measures, these recovery measures. So, with that, I would move that we take my motion to discharge House Bill 4418 off the table, and I would ask for the yeas and the nays, Mr. Speaker.

DELEGATE ZUKOFF. Thank you, Mr. Speaker. As we're coming to the end of our time that we can make remarks by members, I've been thinking about this and actually not feeling very well, so bear with me. But I wanted to talk about roads in our state. We have significant issues I know around the state. But in District 6, in the Northern Panhandle where the majority of the gas and

oil business is at this time, we still have tremendous problems up there. I want to say that we appreciate everything that's been done by the Department of Highways workers. They work their tails off to get things done. They're very responsive when we ... we've put in requests for repairs, but this is an ongoing matter that we have to deal with. I've been dealing this week with two slips caused by a lot of rain and the heavy truck traffic that we have in the oil and gas industry and I'm all for the oil and gas industry. I often times get accused, because of my stance of taking care of the roads that I'm against oil and gas. That could not be ... that couldn't be further from the truth. I appreciate the money that it brings into the state. I appreciate the good jobs that it provides to the people in my district, and we're very appreciative of that. But we really pay a large price with the way that our secondary roads, the conditions of our secondary roads.

District 6 comes in number ninth, out of tenth, in the district funding in this state. We have a bill before us that's been parked in Finance Committee, 4120, that would really ask for the Department of Highways who has agreed that they follow a formula when they come up with the funding for these roads, that they take a look at that, and take a look at the number of heavy trucks that are on the roads.

I have two roads that are closed in our county right now, because of the slips that have been caused by the heavy traffic. One of those roads has students on them with some families who don't have reliable vehicles and the children are now being bussed ... being driven by their parents to the school bus. The children on that lane that don't have reliable transportation are missing a great amount of school, and I know we all care about that. So, I think that it's time we know that ... and just to give you some examples, in the Department of Highways budget request this year, they have estimated there are 1,600 slips left in West Virginia that need fixed. They fixed 300 of those slips last year. This isn't an exaggeration, we have 600 road slips in Marshall County, and if you don't think that's part of the oil and gas industry issue, you're sadly mistaken.

We need some teeth in our laws, with Department of ... some regulations that the Department of Highways can have when

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these roads aren't being fixed, that there's something they can do about it. Now in this case, I just did talk to the Department of Highways and two of the companies are stepping up because the roads have been closed, they can't get to their wells to continue the work. They're gonna be fixing these two roads that I spoke of this week. But, it's an ongoing battle. We have roads closed all the time. It's a ... it's a real inconvenience and it's a safety issue. The main calls that I get regarding these road slips are from school bus drivers. We have slips sometimes that the only way the Department of Highways can keep these roads open and safe for the busses is to take an excavator out and get some of the hillside out and put heavy gravel down so that the busses have enough clearance to get through. These are not safe conditions.

And I would just ask all of you to keep this in consideration as we discuss ... as we determine what bills are going to be driven the rest of this session, because we don't have very many days left. And to consider that we hold Department of Highways accountable for coming up with some additional regulations that help keep this from happening and changing some of those requirements. I thank you, Mr. Speaker, for the time.

DELEGATE C. THOMPSON. Thank you, Mr. Speaker. Clayton Stanley, Jr., is a bright, energetic and happy six-year-old boy. He started school ... in a new school this year and was so excited, as were his parents. However, before Clayton could walk into school and learn, that excitement was squashed, sadly by an administrator who demanded that he cut his hair. Clayton is a young man of color. He has grown his locks since he was four years old, and he was very proud of them. He was proud of his ... he was proud of his hair and his heritage and he wanted to make sure that ... he wanted to be ... he looked up to his godfather who just happened to be an player, and he wanted to look like him.

Mr. Speaker, Clayton is not alone and students of color, across the country and right here in West Virginia, are being discriminated against because of their natural hair. In fact, right here in West Virginia we have students like Matthew Moore who were told if they want to play basketball, they had to cut their hair. Older folks of color are also

being denied jobs, opportunities to work, to apply for jobs unless they cut their hair. We need to stop this discrimination right now, right now in this state. We have a bill, House Bill 4508 to do just that. You'll see this on your desk. I'm happy to sponsor this. We should not be denying somebody access to play a sport, to go to school or for a job, simply because of their natural curls, dreadlocks, twists, braids, that does not have any place in West Virginia.

To my friends of color with their natural hair, I want to say to you in the words of Bruno Mars, "You're amazing just the way you are." Thank you, Mr. Speaker.

DELEGATE HANSEN. Thank you, Mr. Speaker. Forever is a long time and there are a class of chemicals, called forever chemicals, that don't degrade in the environment and that unfortunately, are probably in every one of our blood streams and these chemicals are toxic. We had an opportunity to address these chemicals with the Clean Drinking Water Act of 2020, but I'm afraid that the time may be short this session. Now we have addressed many infrastructure issues that are important, including high speed internet and roads. But I would submit to you that clean drinking water is also a very important infrastructure issue for the people of West Virginia. These forever chemicals have fancy names and acronyms, they're called PFAS, and they have other names, and they gained some notoriety due to the *Dark Waters* movie that came out recently. People in and around Wood County know all too well about the impacts of some of these chemicals, and the chemicals have also been detected in one of the springs that supplies water to the City of Martinsburg. And clean drinking water is an issue across the state, just ask the people in Paden City who are dealing with access to clean drinking water today; and the people of Newburg in Preston County who are also facing issues with clean drinking water. It's an infrastructure issue. It's one of the most important infrastructure issues we're dealing with, and unfortunately, with these forever chemicals, the federal government is dragging their feet and that's why multiple states are taking it upon themselves to do the science and collect the information that's needed so that they can be properly addressed.

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As state by state collects information about these chemicals, what they're finding is they're more toxic than previously thought, these manmade chemicals that are not regulated at the current time. So, it's my hope that West Virginia can be on the leading edge of this issue, even if we have missed the opportunity to address it this session, that we can address it as soon as possible, so that we can identify where across West Virginia these chemicals have been used and are being discharged, and we can do whatever science is necessary so that we could protect the people of West Virginia. I think we owe it to the people of West Virginia who have already been sickened, and to the family members of those people in West Virginia who have already been killed by these chemicals to properly address these forever chemicals. Thank you, Mr. Speaker.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. Today, I want to briefly revisit some comments that were made last week. I was talking about a certain issue in here and I ventured to talk about the importance of communication; talking with one another, being inviting, making sure that we all have to at sometimes, be uncomfortable to get comfortable. That's very, very important. Well yesterday, I had the privilege and the honor to be amongst the stars, the privilege and the honor to be amongst the stars. So, we had a wonder event down in Huntington, West Virginia. A wonderful event that featured three topflight CEOs in the world. One of them which is currently ranked the number sixth top present CEO. That included Brad Smith from Huntington, West Virginia, alright, with Intuit. But it also had Shantanu Narayen, from Adobe. Daniel Schulman, alright, from PayPal and the Nike CEO was unable to make it. But it was a packed house, it was wonderful. It was so important that it had my good buddy's mother there, Senator Capito. Absolutely, our families go way back with basketball, you know that. We had Senator Manchin there. We had the Dr. Gee in the house from West Virginia University. We had two special folks from up here. We had the President of the Senate and we had our guy, the Speaker, Mr. Roger Hanshaw. So, it was a star-studded event. And it was about business and how do we move our state forward; very, very interesting, and it had some key takeaways from that; that these billionaires, for the most part, echoed some of the things that I talked about last week.

One of Brad's favorite books is *Team of Rivals* and it talks about Abraham Lincoln, probably the best Republican ever. How he invited folks into his cabinet that were his rivals, for the soul purpose of getting the better product for everybody. Because when you have people from opposing viewpoints, you can put a better product out there. I felt that very, very key from this distinct billionaire. One of the things that they stressed, and there was a group of college students in there, and looking for employment and being an entrepreneur and doing these great things, the number one thing that they all talked about was critical thinking, critical thinking skills. Brad also talked about the three things that he looks for when he's traveling the world and he's trying to bring more business back here and he's trying to groom the young leaders of tomorrow, three things; they are perseverance, humility, intellectual curiosity; very, very important.

Dan, Dan Schulman, from PayPal, he talked about before you work for him at PayPal, anybody, because his whole thing was making financial transactions easier. No matter who you are, whether you're the janitor or a senior level management, you have to live one day as a homeless person to be able to actually see what it's like to be able to feel that. And ... and I rise to you all today, not trying to discharge a fairness bill, not trying to discharge another bill that has to do with discrimination. But we need to think about these things because I think all the stars that we're talking about they were all there for a reason, to figure out how do we put West Virginia back on the map as the best state in the nation. And the common things amongst all these billionaires and world leaders was critical thinking. It was also, as Dan says, he helps his company by having the best healthcare out there, making sure they have stock in the company, making sure they have ownership and then he ended talking about being very diverse, being very diverse on all viewpoints; black, white, republican, democrat, it doesn't matter. Everybody can get together; you hash out your differences and you get the best product. And I also will leave you all with this, Brad said, one of the best things that he got from his father is you have two ears and one mouth for a reason. Thank you, Mr. Speaker.

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## COM. SUB. FOR H. B. 2321

## REMARKS

of

**HON. CHAD LOVEJOY***February 21, 2020*

DELEGATE LOVEJOY. The goal of this bill, as our Chairman said, is to establish mental health parity in workers comp, for our first responders. You know for years we've had this difference in workers comp where without a occupying physical injury, the mental conditions are not covered. But you know, there's something unique and different when we talk about our first responders. I think myself; it has to do with the nature of the job. Running into conditions and seeing things on a frequent basis that most of us, besides many of our heroes that serve here who are also first responders, could imagine.

I like to give the example of you're driving down the road and you hit a dog in your car, and you come outside and you hold the dog, you cradle the dog while the dog suffers and dies. That's a pretty memorable experience for any of us, and I bet you would remember that 20 years later. Now imagine instead of a dog, it's a person and it happens over and over and over. How do you ever get that out of your mind? Well, the problem is we cope and we cope in ways that maybe aren't the most healthy. Maybe we self-medicate, maybe its drugs, maybe its alcohol, maybe it's adultery, maybe its violence in ... in the house. Our men and women suffer, and their families suffer.

In the Judiciary Committee we heard testimony from a guy from my hometown named Bobby Coleman. Bobby Coleman talked about his son, Chris. Chris was a member of the Huntington Fire Department. Chris struggled with some demons. Chris was ordered off work for a number of weeks, problem is you get no paid time off for this condition. So, he used his sick time, he used his vacation time and though he still wasn't ready to go back he had to make a choice, do I continue to stay off work and get better, or do I feed Leanna? That's a choice he shouldn't have had to make. He went back to work. He went back to work too soon and two weeks later, the hero that wore this helmet hung himself in his garage. His dad had the courage to come up to our committee and

relay that story and I'm telling you, it broke all of our hearts. It showed very clearly, the need for paid time off, which is what this bill gives.

Now my friends, this bill's been through a long journey, it's been three years, we've been through seven committees in those three years. And I want to take a moment to thank those committee chairs because we wouldn't be here today without them. The gentleman from the 22<sup>nd</sup> with Fire and EMS, the gentlelady from the 4<sup>th</sup> with Political Subdivisions and the gentleman from the 27<sup>th</sup>, our Judiciary Chair. He not only allowed the bill to run, he appointed a study committee in 2019 that has worked almost a year on the bill, and without him we wouldn't be here today. Now he said something earlier this week that ... that I ... that really hit me. He said, "You know, we run a lot of bills in this place and some of them will save some lives." Well, my friends, I submit to you, we have one of those here today. You have a choice before you today. I know there are some concerns about costs. I know there are some concerns about how this unique thing will work out. And I pledge, as I know most of you will, to work with our friends in the Senate to work on every one of those issues until we can make this happen. In that way you have this choice today on how you vote.

Now, my friend Nick, he had no choice. When duty called him to respond to that apartment fire back 10 years ago, he did what duty required him to do, and he and his family live with it today. My friend Daniel back home had no choice when he was called to go to those accident scenes and drug houses. He simply did what duty required and he and his family live with it today.

My friend Jerry had no choice when duty called him to that hillside, in November of 1970 when that plane crashed. He did what duty required, and he lives with it today. And finally, our friend Chris, he had no choice when duty called him into those scenes, those drug houses and fires. He did what duty required, and his family lives with it today. I submit we didn't give him a real choice back in November of '18 when he ran out of that sick and vacation time, so let's do it now. Let's do ... do what duty requires of us, and let's help those people that help us every day.

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### COM. SUB. FOR H. B. 4780

#### DEBATE

of

#### MEMBERS

*February 25, 2020*

DELEGATE DOYLE. Thank you, Mr. Speaker. Sadly, I suggest that we should defeat this bill for two reasons; it is a clear violation of the West Virginia Constitution. If you will read the provision in the Constitution on free speech that the gentleman from the 37<sup>th</sup> read to the floor yesterday, it ... it is obvious that this bill violates the Constitution.

The other reason is really more the signal it sends to the rest of the country. Now, I ... as I mentioned yesterday, when we were on an amendment, I voted for this bill to come out of the Education Committee. I did so hoping it could be broadened when it got out here. It ... it was not. The ... If we pass this bill, we will be saying to the rest of the country ... Now, first of all, I do not think this is the intent of the sponsor of the bill. I know that he is serious, that he wants real history taught in our schools in an unbiased way, but that is not the message that will be heard around the country. The message that will be heard is, only Christians are welcome in West Virginia. We must not send that message and I suggest that we should vote against the bill.

DELEGATE HANSEN. Thank you, Mr. Speaker. I think it's unfortunate that we did not pass that amendment yesterday. I would have supported that ... this bill if the amendment had passed. But I do have some concerns about the bill, and like the gentleman just mentioned, I don't think there's any bad intentions behind this bill. I think there are only good intentions behind this bill.

But it makes me uncomfortable, and I wanted to just speak from my heart that the ... the Delegate from the 37<sup>th</sup>, in discussing the amendment yesterday, mentioned that he was one of two people in the Legislature who were from a religious minority, and I'm the other. I'm also Jewish and I ... I believe this has an impact on Jewish kids, and kids of other faiths, or will have an impact ... would have an impact.

There was a child, a third grader, who was here yesterday, to provide his feeling about this bill, and what he said, this third grader was that "My little brother and I are the only Jewish kids in our school. One day last year at my after-school program, the teachers taught us about Jesus and made us pledge allegiance to the Bible. It made me feel very worried and confused, it felt like I was doing something wrong."

And I understand that this bill is not written to force anybody to pledge allegiance to the Bible, but these things happen and kids like Malcom are made to feel like they don't belong.

The Legislature heard from the Vice President of the Islamic Association of West Virginia who felt similarly, that teaching just the Bible automatically discriminates against children of other faiths, or children of no faith and I think she was right about that.

The Legislature also heard from a rabi, from Charleston who spoke up, he said he can't stand by when our sacred texts are used, even with the best of intentions, like they are here. When our sacred texts are used in a way that would marginalize students of different faiths and say that one text is more important, or sacred than another. And unfortunately, I think that what this does.

Now, there was an amendment that passed in a Senate committee, the same amendment that we failed to pass yesterday. It was offered by a Christian pastor and we had an opportunity to pass that amendment but we ... we did not take that opportunity. For better or worse, West Virginia is a less diverse state than many others, than most others. It does not have as much religious diversity as many states. And ... and I think for that reason we need to be particularly careful about passing bills that would make our kids who are from religious minorities feel unwelcome in the public schools. The public-school systems are for all of us, no matter what religion we're from. So, for those reasons I would urge that we defeat this bill. Thank you, Mr. Speaker.

DELEGATE FAST. Thank you, Mr. Speaker. I heard that the only message will be heard is that only Christians are welcome here. You know, I disagree with that. The

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message is, we're going to teach history and we're going to teach it correctly, and based upon true history, not any type of revisionist history.

There's been a mention that some people are Jewish and that this could be somehow discriminatory against them. Well, you know, it doesn't matter if students are Jewish or non-Jewish. We are Americans. Our history is our history. It does ... if ... if ... the Bible, it was the Bible that has influenced our country more than any other book. That is our influence. That is our history. And I will say that, that influence has done a really good job as it has greatly lend itself toward the development of this great country that we all enjoy.

So, I would urge us to consider the fact that we are allowing the Bible to be taught in its historical and literary value. The bill specifically says that it's not to be a theological teaching. I can understand that. I think all of us can understand that. But our history ... if we don't understand and we don't pass on to the next generation where we came from, where did we get our criminal code? Where did we get the jurisdiction of the church? Where did we get the jurisdiction of civil government? Where did we get the jurisdiction of the individual? Well, I can tell you where all of that came from. It came from the Bible.

And so, if we're just going to ignore that and throw it out, and say no we don't want that, we're teaching a revisionist history, we're not teaching true history. For those reasons, ladies and gentlemen, I would urge passage of this bill.

DELEGATE BARTLETT. Thank you, Mr. Speaker. Certainly, I urge passage of this bill and I respect and understand the basis of some fears concerning the bill. But, the language, a careful reading of the language can lay those fears that this bill is, as has been said, but I want to reemphasize the point, is a permissive bill, no school board is mandated to do anything. And the bill is offering an elective course so two choice thresholds have to be made.

The bill provides a statement, if we're concerned about how West Virginia is looked, it provides a statement that the Bible

is not unwelcome here. The Bible is not inappropriate here, but there is an appropriate way, in a public-school setting to look at the Bible in an academic way. If theology were part of this, I would be the first one against it. It is specifically because theology is not part of this that I am for it. When I learned about the possibility of this bill, read the language that came from some other states ... or before I read the language of other states, but I heard about the bill, my first question was well, who's going to teach that and from what perspective are they going to teach it?

Well then to understand that it was not theology, I'm happy to do that. I pastor a church and I'm trained in Bible studies. I'm happy to teach the theology of the Bible, in the setting of my church. But, to simply offer a class that is an elective class, that would let students have an overview of the panorama of the Bible and how it has had ... how it has impacted culture, art, music, literature, ... we're still teaching Shakespeare in public schools, and Shakespeare has 1300 references to the Bible. You can't study Shakespeare well if you don't have a working knowledge of the language of the Bible.

Even in our common vernacular, if I were to say that's a David and Goliath story, if I were to say something about the Good Samaritan, if I were to say something about the Golden Rule, these things all come from the Bible. The Bible has impacted our culture, impacted our society, impacted our history like no other book. And that's why it stands apart, and that's why it worthy of some additional study to be offered as an elective class.

Now, again, the bill is not bringing the matter of faith into the classroom, but I'm bringing faith here this morning. Well, now it's the afternoon, excuse me. I have faith that the members of this body understand that you can look at a Bible and see the significance of it, apart from the theological implications. I have faith that our elective school boards can implement a policy to make it so that it is appropriate according to the language of the bill. I have faith in our teachers to understand what the intent of the bill is, what the intent there then, school board policy is, and to ... to teach the class not crossing the line, not crossing the threshold, not bringing their theology into the class.



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When anyone breaks the ... breaks the law, or moves outside the policy, there's consequences to be had and those should be had. But doing it according to what is in front of you does not violate any civil rights, it does not violate any freedoms, in fact, it is a protected freedom.

The Supreme Court of the United States, *Abington v. Schempp* 1963 is the precedent that says that the Bible can be taught in a secular setting, in an academic way, including a public school. I urge passage of this bill. Thank you very much, Mr. Speaker.

DELEGATE PUSHKIN. I can understand why the gentleman chose to sit down because this is exactly, this ... this exchange we had right here, this is exactly ... I think this is something, why I think, that is extremely personal when you're talking about one's religion and how one learns about it. And ... and ... and ... and I think that's exactly why it should be kept on in churches and in synagogues, in mosques and at home for parents to teach their children about their religion. I lost my place here ... because it could always be interpreted differently and depending on the interpre ... I don't think you could teach this book without some sort of your own interpretation or an interpretation that you've ... that you've been taught yourself, to pass along to people. That's how this ... this book has been taught. And we all have, depending on what sect or denomination we come from, we've all had different teaching of this. And ... and I just don't know how anybody could say with a straight face that you could separate theology from the Bible. This ... this ... this ... this is religious teaching. And ... and ... and ... I'm gonna read a little bit from this book that ... that I received from the gentleman's church years before we even knew each other. Might have been years before he actually preaching at that church. And this is from the Book of Acts. And its Chapter 4 and its verses 30 ... starting with verse 32 ... and only thinking about this verse here ... and ... and ... and we'll talk about how it can be different interpretations that you could get from this ... It says, "Now the multitude of those who believed were of one heart and one soul. Neither did anyone say that any of the things he possessed was his own, but they had all things in common. And with great power the apostles gave witness to the resurrection of the Lord Jesus and great grace was upon them

all. Nor was there anyone among them who lacked for all who were poss ... for all who were possessors of lands or houses sold them and brought the proceeds of the things that were sold and laid them at the apostles' feet, and they distributed them to each as anyone had need."

Now in the hands of a left-winged professor that verse right there ... those verses right there could ... could ... could be pushing socialism. They gave up all their possessions. They sold them. They put them in one pot, and they laid them at the apostles' feet. They gave up all their possessions and everybody had an equal amount. What does that sound like? In the right hand ... in the wrong hands what could that be taught right there cause it's all a matter of perception. And it's all a matter of ... of interpretation and it has to be a matter of interpretation when it wasn't written ... I mean this was interpreted from the Greek. This, the book that I swore in on, this is in Hebrew. It has to be interpreted when you translate it from the original languages into English. In one's own ... one's own slant on this would on this would have to come into play when this was being taught. I do not think that you can separate theology from these books.

And it says quite clear, in our own state Constitution, Article III, Chapter 15 that the Legislature shall not confer peculiar privileges or advantages on any sect or denomination. The way that this bill is written right now, with ... without the amendment that ... that was not adopted yesterday, it ... it ... it makes a statement to the Old Testament or ... or New Testament. I stated yesterday, simply by referring to the first five books and the other books before the new ... what is called the New Testament, as Old Testament, it is, it's ... it ... it discredits the religion that I was brought up in. That is conferring a peculiar privilege or advantage on a sect or denomination. On its face, it is unconstitutional. It discriminates against my religion. I'm Jewish.

You know, and like a lot of people in here, you know, I woke up one day when the news came out when a class of correctional officers in West Virginia decided to pose doing a Nazi salute for their class photo, I was disgusted! I was appalled. I was upset, yet I was very comforted when some members of this body were very quick to take action and

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condemn that. I ... I appreciate those who did. I really do. And also, I appreciate that this year, there was a bill introduced to teach Holocaust education in schools, however, that bill, that bill never made it on a committee agenda, and what we got was this bill, this bill that will allow the Legislature to confer a peculiar privilege or advantage on any sect or denomination. That's what we got.

And, to the gentleman from the 39<sup>th</sup>, yesterday, as he was so eloquently defending this bill against the ... the amendment that would have made it constitutional, to say that someone could possibly interpret a ... a sacret text as even being as extreme as even being the writings of Hitler, are you serious? Maybe if we'd have passed the other bill and had Holocaust education in our schools, we wouldn't hear stuff like that. Or even think stuff like that. We really think that somebody would take it that far? All the oth ... the bill ... the bill is coming from the Senate. It simply makes it a ... a ... a Social Studies class, like basically what you described earlier. Basically, what was described earlier.

Look, when I was elected to this body and every year since then, that I have been elected to this body, this is ... I ... I don't refer to this as the Old Testament, this is a Hebrew Bible. Ok, this is what I was brought up learning about and believing. This is what we learned in Sunday school, Sunday school. And, when I was sworn in, I put my hand on this Hebrew Bible and I swore to uphold the Constitution. And I would sincerely hope that the rest of you would ... would follow that oath, uphold that oath and uphold the Constitution, and vote against this bill that clearly violates the religious freedom guaranteed in own state Constitution and in the establishment clause of the U. S. Constitution. Vote against it, or ... or you could follow the biblical proverb in Chapter 26, Verse 11, and vote for it. Look it up.

DELEGATE STEELE. Thank you, Mr. Speaker. I ... I have ... I know some of us, at times, get a little frustrated when debate goes on, but I think today deb ... debate's been a very good thing. And, listening to the gentleman from the 37<sup>th</sup>, I understand where he's coming from. I understand the where the gentleman from the 39<sup>th</sup> is coming from, and the others in here who have spoken. One of the reasons that I ... I ... that I would urge

support for the bill today, is because of the tenacity displayed by both of them. I think that the gentleman from the 37<sup>th</sup> is well reasoned in his opinion. He knows his facts and he know why he believes the way he believes. I would say the same thing from the gentleman from the 39<sup>th</sup>. And I think one of the problems that we're experiencing in our society today, is we're raising a generation of children that cannot put on that same kind of display, because they're never challenged about their beliefs. They're never challenged to ... to examine them, and to determine why it is that they hold something true.

It can be difficult to examine one's religion. It can be difficult to examine the religious scriptures of another that you don't believe the same way with. But learning and adapting, and being able to defend your position, as well as hear the position of another without anger or malice coming up is a central ... central issue in to growing into a mature adult.

I firmly believe that this bill, and there are many like it, this bill isn't the be all, end all of that issue, but I firmly, firmly believe that we've got to start challenging our children to examine these tough topics. Too, too often we'll shy away from it and we'll say we've gotta protect them from having to learn about that. We've gotta protect them from having to talk about that. And then we wind up with a generation that at times, I've heard many, many adults be discouraged about their ineptitude to address these issues. I think everything the gentleman from the 37<sup>th</sup> is absolutely right. That there is no way of separating theology from scripture that theology comes from, but I don't think that's a bad thing. I think that helps our young people grow and examine why they believe what they believe. And I firmly believe that if ... if you're a Christian and you believe in the Bible and you believe in everything that it says that truth will stand on its own. I believe in the truth of the ... the Hebrew scriptures, in the Torah, I believe in all of that. And in that is this, Psalms 107:20, "He sent his word, and healed them, and delivered them from their destructions."

I do not think any harm can come from examining these scriptures. They were sent to us to heal us. They were sent to us to be a beacon of light and a beacon of hope. They were sent to us to show us what a good life

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led is, and they will save us from our destructions. I firmly support this bill for the exact reasons that the gentleman from the 37<sup>th</sup> does not, and that's ok. And part of that is teaching our kids that that's ok. Thank you, Mr. Speaker.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. And I will be very brief. The reason I'm going to be very brief is because I believe the gentleman from the 29<sup>th</sup> is 1000% right. One thousand percent right. But I ... I find it very odd that we missed an opportunity to include other texts in this teaching of history. Because without that other text we're actually denying our kids for that same very reason to look at other things, to examine everything else, to be able to learn and see what they think and enrich themselves. So again, I will not belabor the point, but the gentleman from the 29<sup>th</sup> is exactly right, and for that reason I will have to vote no.

DELEGATE WILSON. Thank you, Mr. Speaker. I actually reached out to the Board of Education General Counsel and ask about these issues. The response I got was that the U. S. Board of Education has recently changed their guidelines and if ... if you will allow me to, I'd like to read a short version ... a short message from that: Teaching about religion, this is from the U. S. Board of Education, it's also the guideline that our State Board of Education uses.

Public schools may not provide religious instruction. I ask for clarification on that, that means faith and practice. Faith and practice, in other words, how to be a member of that religion. How to claim the benefits of that religion. Public schools may not teach that. I think that's a good thing. I don't want the public schools teaching my kids what to believe, or how.

But they may teach about religion, for example, Philosophical questions concerning religion, the history of religion, comparative religion, the Bible or other religious teachings as Literature, and the role of religion in the history of the United States ... bear with me for just a moment please ... I'm gonna refer to the bill ... Page 1, line 6, the purpose of a course under this section is to; teach students knowledge of biblical content, characters, poetry and narratives that are prerequisites to understanding the development of American society and culture.

That's what we're doing here. This is not a course on faith and knowledge. This is not a religion course, it's not even a biblical course. It's a course ... this is actually the way that I ... I vision ... envision it, it's simply permission to within the bounds of a course on American development, where America comes from, learn about the influence the Bible had on it.

Now, in ... in my studies and I've had an eclectic set of studies, in my studies I've learned that there are three legs to the stool that upholds Western civilization. And they're generally referred to as Jerusalem, Rome and Athens. Jerusalem, Rome and Athens, well what does that mean? First of all, Jerusalem is the basis for Judeo-Christian ethic, that's what we're talking about when we use the term Jerusalem in this context. The Judeo-Christian ethic, not the Christian ethic, the Jews came first. The Jews taught it to the Christians. It comes from the Jews. The Judeo-Christian ethic. That ethic is the foundation ... let me ... let me cover Athens and Rome really quick. Rome is administrative, basically this building we're sitting in, this method that we use to make decisions is based on Ancient Roman administrative procedures. Now, there's been a lot of changes but basically that's where it comes from. When we talk about Athens, what we're talking about Greek philosophy which is the foundation for how we seek justice and happiness. Justice and happiness. For the Greeks these two were bound up in each other. Justice and happiness. You can't be happy if you're not living a just life.

So, let's go back to Jerusalem. The Judeo-Christian ethic teaches that man is created in God's image. The U. S. Constitution says, "That man is endowed by his creator, with the rights to life, liberty and the pursuit of happiness." That is the foundation of the U. S. Constitution natural rights, which are derived from your creator.

Now, whether you believe in that creator or not, whether you worship that creator or not, whether you agree with what he might say, or what he might not say, or what has been said about him, that is a fact that these concepts were derived from this system. From Jerusalem, from Rome, from Athens. That's what this bill is about. It's about teaching those facts where these ideas come from. Whether you agree with the ideas or

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not, this teaches where the United States of America comes from. Why we value each as individuals and why we have built a system that protects the individual natural rights of each human being. It's because its human being is infinitely valuable, far above the state, far above any desires that anyone that ... that this ... that this government might have. Each individual is infinitely valuable, and that idea can be traced through the ideas that I just went through, specifically the Judeo-Christian ethic. That's what this bill is about. Thank you, Mr. Speaker.

DELEGATE ELLINGTON. Yes, thank you, Mr. Speaker. Ladies and gentlemen, the bill allows county boards to develop electives in Social Studies, for ... for Hebrew studies on scriptures and other Hebrew text in the New Testament. The bill does not preclude either sacred text or comparative religious courses and currently some of the schools already have comparative religious courses. The bill does not preclude the format of the course either. Now, one of the questions earlier was about the certification of the staff.

Now, availability of certified staff for a formal course may limit a county from implementing a variety of courses. However, for more in-depth courses, virtual courses could suffice. This bill does not preclude that possibly that could be on a virtual site. Now, if our purpose is to educate the public, then we shouldn't be deterred from the subject just because religion is the topic. I'm sure the perception by the schools will be that lawsuits will follow which discourages certain topics. This bill helps alleviate some of these fears by allowing county schools to backing these elective courses with the backing of the Legislature and the state board.

Now, I think everyone would agree that ignorance breeds discriminatory practices. I believe the best way to dispel ignorance is by educating our students. It doesn't make much sense for students to wait until their adult years when they are college age, to learn about the influence of various religions have had on our culture. If our society expects our youth to predominantly attend public schools for their education, then there should be no reason that these topics shouldn't be taught in our public schools as long as they are elective, respectful and not disparaging, or favoring one religion over another.

Now, as long as the school provides this instruction as an elective, with a variety of choices the student may choose from, then I believe the student will have their First Amendment Rights protected in order to enhance their education with respect to any course work dealing with historic, and secret, and religious text. Mr. Speaker, I wish we would go ahead and adopt this, and I would urge a green vote. Thank you.

## COM. SUB. FOR H. B. 4497

## REMARKS

of

## MEMBERS

*February 26, 2020*

DELEGATE MANDT. Thank you, Mr. Speaker. Good morning everybody. I ... I ... sponsored this bill and I ... I entered it because having children of my own as most of us do, and you know they played sports and so forth, you know I just couldn't imagine when I heard this happened. Being 13 to 18 years old, middle school, high school, you're playing football, you're playing basketball and all of a sudden you have a teammate hit the ground, possible cardiac arrest and never gets up again. You're a cheerleader and one of your ... one of your cheer mates hits the ground to never get up again. You're playing a game, and, in the stands, you have a fellow student, a parent, a grandparent, a band member that's in the band, something, and they hit the ground and don't have the opportunity to get up again.

You know we've ... we've talked about PTSD and the importance of ... of that, and the unfortunate effects that has on our first responders. Young children aren't first responders. They're beginning life, they're living life to its fullest. They're enjoying athletics. They're enjoying their school and jobs and whatnot and learning, learning and growing. This is an opportunity for us to prevent and be preventative, and proactive, and hopefully and possibly, preventing somebody from having that flashback all the time from a friend or teammate that has suddenly passed away.

So, those things being said I ... I would really like for y'all to consider and put yourself in that situation and think back what

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that would have done to you? What will that do to somebody else? We can't put a cost on a life, not of our young people. Not on the next person that ... that is going to be successful and have an impact and make a difference in our communities, and in our world. So, with that being said I'd really like for you all to consider in voting and passing this bill. Thank you very much.

DELEGATE MILLER. Thank you, Mr. Speaker. As we all know, from time to time, legislation comes to us because of, well let's just say, emotional instances that have taken place. We see it fairly frequently, as a matter of fact. But, House Bill 4497 may have been initiated and brought to us because of a horrible event that took the life of a young man. But rest assured, rest assured, this addresses a very, very serious issue.

As a high school coach of an athletic team who doesn't have access to an athletic trainer that's on staff, not having one present at games or practices, nor having access to an ambulance on site, I'm normally the guy that goes on the field to do what I can for our student athletes that are injured.

And, without going into graphic detail, of what I've seen through the years, I can't fathom, I can't believe ... I can't ... I can't even begin to realize what that must be like to ... to have an athlete to experience sudden cardiac arrest and to be in a position where I am useless.

Coaching a sport that has a high propensity of sudden cardiac arrests, we train annually on how to deal with this, how to try to prevent it. And that's all prescribed by the WVSSAC and the National Federation of High School Sports, who both take the topic very, very seriously. Both groups recognize the importance of recognizing and being prepared to respond to sudden cardiac arrest. This bill does that for the entire State of West Virginia. It creates what we could all characterize as a commonsense approach, or a response, to a trag ... tragic event, that we may have been able to save a life.

As the Judiciary Chairman has stated, I believe twice so far on this floor this session, this is a bill that we can actually save a life. I'm proud to have had the opportunity to cosponsor of this bill. When approached by

the gentleman from the 16<sup>th</sup>, and I appreciate that, it was an instant yes for me, it's a no brainer. Because we may actually be able to save a life with provisions outlined in this legislation. I wholeheartedly urge passage of House Bill 4497 for those athletes like Alex, that we may be able to change the narrative. That we may be able to save a life. Thank you all for coming. I urge passage, Mr. Speaker.

DELEGATE LINVILLE. I don't like unfunded mandates, but for \$725 dollars to save a life, figure it out! Thank you, Mr. Speaker.

DELEGATE EVANS. Thank you, Mr. Speaker. I'd like to speak with my hat that I wore for about 18 years as an athletic trainer, at Mountainview High School in McDowell County. I assure you that these things happen, we know they do. I had two referees, consecutive back-to-back football games, have heart attacks during the game. No AED. Fortunately, we didn't have to do any CPR or anything like that, but they ended up ... both of them, having triple bypasses and never ... never refereed again, so it does happen.

I have also, unfortunately, done CPR on a basketball court on a basketball player, from Roanoke West ... Roanoke, Virginia, as we were playing during the game. The athlete fortunately survived. We also had to do it again in the ambulance as we were in route to the hospital. So, we need these things, we need them badly.

As an athletic director, change hats, I'm ... I'm scared to death that ... that there will be multiple games going on and not having enough of the AEDs. You know, if a tennis match is going on across town, and I've got baseball going on across town, I'm gonna have to have a couple of them. And I'm ... I'm ... I don't care where the money comes from, we need them. We've made great strides in the State of West Virginia in athletics to protect our athletes. We require athletic directors ... athletic trainers at all football games on the high school level. We require ambulances to be present before they kick off. We need to take that a little further, maybe have it for all the middle schools too.

I recall we had an athlete at Yeager Middle School, they were twins, a young man died on the basketball court about 12

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years ago. I think ... I think it was related to him drinking a bunch of energy drinks prior to the game, and then being on the court at that time. But it happens, and it has happened in West Virginia, and I ... I fear it will happen again one day. So, let's do our best to limit any ... any of these terrible accidents from happening again. And ... and to the parents of Alex, thank you for being here.

DELEGATE ROHRBACH. Thank you, Mr. Speaker. I'm gonna rise in strong support of this, but I'm gonna elaborate a bit on what some of our friends and colleagues have said.

You've heard several incidences already. These events occur ladies and gentlemen. You don't know when. I've had to preform CPR in the field three times in my life, as a doctor. Numerous times in the hospital, but three times out in the field. These events occur. All we're asking is let's do the same thing for our school age children, at events, as we do in this chamber. A lot of you may not know, but right back there under the Doorkeeper's desk, we have an AED. I'm sure a lot of you may not have known that. I hope we never have to use it, but guess what, we have it for ourselves. Why, why on earth would we not do that for our school children? Thank you, Mr. Speaker.

### H. B. 4958

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#### REMARKS

of

**HON. DIANNA GRAVES**

*February 26, 2020*

DELEGATE GRAVES. Thank you, Mr. Speaker. I just wanted to say, I think this bill is important in several ways. It's workforce development but it's also bridging a gap between those who have and those who have not.

If we're serious about encouraging more of our population to become citizens with jobs, citizens who pay taxes, I have mixed feelings about that last part, but if we're going to assess taxes they need to be able to pay them. Then we need to pass this bill. An estimated 40 to 80,000 people may be affected by the bill and that number is conservative. I've heard it may be upwards from there but that's the number I've

confirmed. So that's maybe 80,000 people who can be lawful citizens as they drive to work or drive to pick up their kids from school, or drive to the courthouse, or drive to the grocery store.

So, as many of you may not know, I guess, as I don't talk about my ... my private personal life very much, I grew up without a lot of money. So, I've had situations in which I couldn't pay a fine. So, I understand the fear of seeing lights in the rearview mirror and having your throat climb up into ... of having your heart climb up into your throat, in sudden panic. So, for people affected like this, there will be no more fear like that.

And, keep in mind, this is not a handout, as I've heard it being called, because every single penny that these people owe will end up being paid. So, this isn't a get out of trouble for free card, but it is a ... a help you get a job card. And I'll give you a quote from someone who ... he's actually not in my district, he's in my friend from the 39<sup>th</sup> district, but he called me asking for my help with this bill. He ... his name is Charles Kenny Saul, and he owns A. J. Allegheny Systems, and he said, and this is a quote from ... from him, he emailed the Speaker as well, "My company is a sales and service operation and I need employees able to travel throughout West Virginia in the Mid-Atlantic region. I cannot keep my driver roster full, as much as I have tried, because so many who have applied do not have a driver's license in good standing. This bill will be the difference in the first time in decades I will be able to fill my employee roster. So, why states got into the mindset of revoking licenses for nonoperational infractions, I don't know. But I do know that states which enacted this legislation saw their rate of collection of fines go up by huge amounts. I believe it will also address the unfairness inherent in revoking licenses simply because someone doesn't have enough money. Those with money can incur fines, it ... it doesn't matter, it takes a couple of seconds to write a check. For those with less, it means a terrible choice. Drive unlawfully and keep working or looking for work or stop driving and lose even more. We're not a huge metropolis with public transportation on every single corner, so if you believe in workforce development, if you believe in addressing the gap in those who have and those who have not, but also encouraging people to take full responsibility

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for their own actions, and to ... and to pay everything that they owe, and drive lawfully at the same time, then I would encourage you to please vote green."

### H. B. 4524

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#### REMARKS

of

#### MEMBERS

*February 26, 2020*

DELEGATE KUMP. Thank you, Mr. Speaker. I'm still a little bit of shell-shocked voting for that nanny state bill before, but thank you Delegate, but I do stand in opposition of this bill, not on the basis of wet and dry. As previously disclos ... disclosed to this House, there's reasons that I don't drink. Others that chose to drink, that's their business. I really don't care as long as they don't harm somebody else when they are doing so, they can drink till they get goofy. However, there is a presumption of this bill which disturbs me, and it has to do with local control.

Currently, counties that are dry can change to wet at the vote of the county commissioners. What's driving this bill, I believe, is evidenced by a copy that was on my desk and others, on February 14<sup>th</sup> from Snowshoe, that are upset from customers out-of-state going to the grocery store buy a bottle of wine, they can't do that. For some reason they either haven't, or the county commissioners have not responded their concerns about this issue. So, instead of that, they have come to the Legislature and ask them to take ... to have the Legislature take that away from them.

Now, the bill before us does have a presumption that counties will stay wet, unless otherwise indicated. I think that is a backdoor approach, taking away local control. I think the counties should continue to have jurisdiction in this matter, and not be metaled with by the Legislature. Therefore, I invite everybody to vote no.

DELEGATE BARTLETT. So, we have a clear-cut way for a dry county to become wet. They've got to get this high threshold of 5% of the registered voters on a petition and then that forces the referendum. That seems like a

very reasonable amount if there is a clamor for a dry county to become wet. So, what we have here is a case of legislative bullying, that they couldn't get the 5% in this particular municipality, or this particular county, or this particular city and so they've come to the Legislature, even though they've got 54 counties where liquor is available, there's still one hold out, and then some cities within 11 others, that has just said we like things the way they are. We know we can become wet if we want to. We get our petition up, we submit it, get to the referendum and the people have a ... have a say. Well, the people have had a say in that they had just let things be. All the other counties that wanted liquor have gone through the process, since probation, as was explained to us. I ask is ... is there not enough? As I'm learning, Mr. Speaker, my experience here in the Legislature, you know, here we go again with another booze bill, I'm struggling with this body's apparent obsession with booze and gaming, and I have to ask the questions, is this the high ideals that we want to bring to the capitol? Are these the noble aspirations that we want to reach for? Do we honestly believe that more booze and more gambling will make West ... West Virginia a better place to live, work and raise a family?

Campaign season is about to begin and we'll all head out to our districts and use lotable words like, leadership, new ideas and integrity. And we'll tout our priorities of jobs, economic development and better schools. And then we're gonna reassemble here next session and return to our desks and push our little green buttons for booze and for gaming.

This bill in particular, is a scary case of legislative bulling. These folks can be wet if they want to become wet, they have determined they don't want to be that, so let's not push it upon them. There's plenty of access to liquor in this state, if you want to get beer, wine and whiskey. The alcohol spicket has been open for some time. Do we not have enough? Do we not have enough people struggling with addiction to alcohol? Do we not have enough families that are being torn apart by drunkenness? Do we not have enough women and children suffering from violent epp ... abusive episodes fueled by booze? Do we not have enough deaths on our highways caused by drunk drivers? I say we have more than enough.

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Mr. Speaker, in our daily practice of prayer we begin our sessions routinely, with an ask of the Almighty for wisdom, and we certainly do need wisdom and the Lord will give us wisdom. There's a promise of that that he'll give us wisdom if we ask for it. If anyone asks of God ... if anyone lacks wisdom, let him ask of God and he'll give it liberally and upbraideth not. That's James, Chapter 1.

I appreciate a couple of gentlemen bringing the Bible to the discussion, yesterday. So, let me close with some wisdom from the Bible. Proverbs 20, Verse 1. "Wine is a mocker. Strong drink is raging and whosoever is deceived thereby is not wise." Ladies and gentlemen let's not be deceived by mockery and the rage that is inherent with strong drink to pursue wisdom. And let's not bully these few communities that have said we're happy to be dry. Thank you, Mr. Speaker.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. Just briefly, I've listened to some of this debate, and I have, you know, some fairly strong opinions on it. You know, I was really inspired by something that was said earlier this session from my friend from the 59<sup>th</sup>. And believe it or not we have a lot of things in common, one is the love of freedom, and the other is that we both don't drink, and probably for the very same reason. I don't like alcohol. I think it's poison. It kills brain cells. It's bad for you. It causes a lot of problems. It has caused me problems, so I don't touch it. But I also believe in a phrase that I've learned; it's called live and let live. And I personally don't really care what you do as long as it doesn't interfere with my freedom. I think prohibition was a very, very bad idea, and it didn't work. I think the current probation we have now is also a very, very bad idea, and it doesn't work. I think right now, if you visit any of these dry areas in West Virginia you'll ... you can find somebody who is drunk. And the difference is, when they run out, they're going to have to drive further to buy more.

I support this bill. It still allows counties and ... and other municipalities the option of opting out and then they can face the voters on that, and the people will have their say so. But prohibition didn't work. It's ... it's time we fix this and ... and support this bill so people visiting a tourist area at Snowshoe can buy a bottle of wine.

H. B. 4969

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REMARKS  
of  
HON. TERRI SYPOLT  
*February 26, 2020*

DELEGATE SYPOLT. We have labeled a few bills that we have passed out of this House as lifesaving bills, and I would rate this bill among them. My mother always told me that God helps those that help themselves and this bill does exactly that. The bill would facilitate the purchase, get this, the purchase of reliable and affordable vehicles to low income working West Virginia men and women to expand access to employment opportunities. One of the most important features of the program will be how it works with the peop ... low-income individuals to assist them in making wise financial decisions. They should see increases in their credit scores over the next couple years allowing them to purchase another vehicle or even a home, something without this bill, they may never be able to obtain.

This is the next step in getting the substance abuse disorder turned around. We have addressed the statewide drug crisis with employment opportunities by providing career training and allowing them to obtain a clean record of their nonviolent criminal offences.

I was fortunate enough to attend one of the graduating classes down at Camp Dawson, with one of the retraining programs. I believe they had eight graduating students from a heavy equipment course, of which six of them already had job offers. I heard from the participants, along with the agency, that transportation was the number one barrier of them obtaining the job offers. This bill would provide them to be able to get and retain a job that could very well turn them into productive tax paying citizens of this great State of West Virginia. The benefits to the state, after five years, this program could enable 750 West Virginians to get to work generating more than \$13.5 million in wages for these workers. And what is it, the cost to the state? The bill will mean a reduction revenues to the state of \$300,000 each year, minus the taxes paid by the newly employed workers.



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I believe that this is one of the ... the impact of this bill is just enormous. I deem that a lot of families finding themselves in financial trouble, which they don't see the light at the end of the tunnel, is families that find themselves in divorce court and parents that has turned to alcohol and drugs. Needless to say, this leads to children living in a home environment that is not desirable or even children which may end up in our foster care. Thinking about the children is why I would call it a lifesaving bill. Now, now is the time to vote green and let us be that light at the end of the tunnel. Thank you, Mr. Speaker.

### DEATH OF THE MAYOR OF MADISON

H. H. "SONNY" Howell, Jr.

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#### REMARKS

of

HON. RODNEY MILLER

*February 29, 2020*

DELEGATE MILLER. Thank you, Mr. Speaker. By way of introduction on behalf of myself, the gentleman from the 22<sup>nd</sup>, as well as the 24<sup>th</sup>, it's my sad duty to announce that Boone County and the City of Madison has lost one of the longest serving and dedicated public servants in its history.

Shortly before 5:00 a.m. this morning, Harold H. Howell, Jr., better known as Sonny Howell, left his earthly home after recently suffering a cardiac arrest at his home.

A plain-spoken man, if you knew him, Sonny was, let's say seldom at a loss for words and would quickly be able to explicitly give you his thoughts on pretty much any topic. At the same time this strong-willed man cared for people and performed many acts of kindness for people that he never wanted noticed.

A lifelong Boone Countian and a resident of Madison, Mayor Howell served the town he loved for the last 13 years as Mayor. Prior to that he served approximately 30 years as a Circuit Clerk of Boone County, even prior to that he served as a Justice of the Peace in Boone County.

I would ask that we keep his wife Onia, son Kip, wife Deanna and grandchildren Harry and Meredith in our prayers during this time.

Mr. Speaker, I would seek unanimous consent for the House to observe a moment of silence in his honor and memory.

### INTRODUCTION OF GUESTS

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#### REMARKS

of

HON. NATHAN BROWN

*March 4, 2020*

DELEGATE N. BROWN. Thank you, Mr. Speaker. Colleagues and members in the gallery, I've got some special guests here today and I'll try to get through this without being too emotional. But, in the west gallery, if they stand when I announce them, there's Kim Metser, Allia Williamson, Elijah Williamson and Rhonda Williamson.

The baby that you see up there, earlier this year, was scheduled to be aborted. And, Ms. Williamson, in the green, stood outside that abortion clinic for over two months holding a sign, begging people not to abort their babies, she would adopt them. So, in April of this year, a mother heeded that call and contacted Ms. Williamson. And, as a result of that and the Lord's intervention, we have that beautiful baby here today. So, fast forward later last year in 2019, as the Lord would have it, he intervened and placed them in the path of our law office. This is how I got to know them. They were looking for someone to do this adoption and my law office agreed to do it, and after we heard this story, we did it for free. And I'm not here to promote my law office, I'm here to share their story. I wanted the House to know that me being a prolife proponent, there are avenues out there for those thinking about abortion. And Williamsons, I really appreciate you and thank you for allowing me to share your story here today.

### FLEISCHAUER'S AMENDMENT TO COM. SUB. FOR S. B. 175

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#### REMARKS

of

MEMBERS

*March 4, 2020*

DELEGATE WALKER. Thank you, Mr. Speaker. I support this amendment wholeheartedly, and you guys already know

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why. He's usually here, every other week, sitting right up there in that south gallery. But what you do not know with a special need's child, you can't always tell that there is a need there. You can talk to them and it can seem like it's normal. There's so many barriers when it comes to West Virginians who don't function the same way as you and I do. We have it right here in this chamber. We don't have a signer here all the time. I had a guest here Saturday, good thing his wife was here to sign for him.

Do we have officers that do the same thing? It's more than just a diagnosis, it's a lifestyle. It's that person's safety and anyone who comes into contact with them. Zero dollars for a green vote. Zero dollars for a child not to have a fit and not be scared every time they see the lights come on in back of a vehicle. Zero dollars for that parent or that grandparent, or that foster parent not to fret because it may be the first time that this child has seen the lights go on. Zero dollars, a green vote is to make sure that all West Virginians can live, work and raise a family. A green vote is to make sure that we're bringing awareness.

I don't think my child is a poison pill, just like I don't think the children on the IDD waiver are poison pills. Just like I don't think that my colleagues that sit in this chamber are poison pills. But what I will call in is this, we have a way to make sure that everyone can be protected. We say safety first. We promote and we applauded that beautiful baby that sat in that gallery today. We don't know what those development delays can bring. Delegate Brown did something very amazing, him and his law firm. Let's keep on doing amazing things and pass this amendment. Thank you, Mr. Speaker.

DELEGATE EVANS. As I just let you all know, my son is autistic, he is very autistic. That being said, he goes to Concord University, does the best he can. We don't let him drive there, but he does drive around town and I will tell you he's not a poison pill. He spent his whole life being bullied because he has autism, and I am very offended by someone saying that we might have a poison pill here. I can count his friends on one hand, on my fingers. Of course, I'd need all of y'all's fingers to count the number of people that's bullied him. I think this is an awesome thing.

If he sees an ambulance while he drives or a blue light while he drives, it freaks him out. He has to pull over to the side of the street because he knows instinctively that's what you do, whether it's for him or not. I would love to know that the officer who runs that license plate when he approaches my son knows in fact that he does have autism and he will react differently than me and you. Poison pill, so offensive, so offensive. We've got to do something about those words, especially when it comes to West Virginia citizens and my son. I enthusiastically ask for a green vote.

I've spent half of my life ... or my son's whole life supporting it, I don't know how long I've done it, supporting autism speaks, and I'm speaking real loud for autism right now. And for the other myriad of disorders that our people have. My goodness what's wrong with this, nothing. It's amazing. They say when autism speaks, people listen. Well, I hope you're listening cause I'm certainly speaking up for people like my son who can't do it for themselves. He would be absolutely terrified if a police officer comes up to his window, he's ... I'm telling you; he's going to be terrified. And how he reacts might trigger something in that policeman to react in a certain way. I see the sheriff back here shaking his head.

Brandon is not like me and you. When we had him retested for college, he had to have a new psychological eval, and they told us straight up, that Brandon will react entirely different to situations that may ... could make ... be detrimental to his health. So please, please, please, please, a green vote. Thank you, Mr. Speaker.

### COM. SUB. FOR S. B. 692

#### REMARKS of

**HON. BRANDON STEELE**  
*March 5, 2020*

DELEGATE STEELE. Thank you, Mr. Speaker. I appreciate this bill coming forward and I'd ... I'd like to start by saying I'd like to thank the gentleman from the 4<sup>th</sup> for offering this amendment. I know that this was a very tight vote coming out of the Judiciary Committee, but the gentleman from

## APPENDIX

the 4<sup>th</sup> offering this amendment really did a lot to help the bill. And I will say that I will miss him next year because he is someone that always you can talk to across the aisle to try to make something right and get something done. So, I really do appreciate that.

This bill is actually very, very important to me. A long time ago, I shouldn't say that long ago, but back in February 2015, I was appointed to represent a young man named Kevin Goodman who was charged with first degree robbery, burglary, grand larceny and conspiracy to commit a felony. He was accused along with three other individuals of coming from South Carolina to West Virginia to break into a home and basically rob a drug dealer and take their ... take the safe, put it in the car and drive back down to South Carolina.

Kevin was charged with those two other men and we tried very, very hard under Rule 14B to get the case set to where the indiv ... they were tried individually, not collectively. If you look at the evidence in that case, there was no direct physical evidence that my client was even there. There was no direct physical evidence that my client ... and ... and I should go back to say that one of the locations was the home in South Carolina of one of the other defendants where the safe was recovered, several firearms were recovered and some bullet casings and things like that where the safe had been shot open. There was no evidence that my client had been there.

There was another location that was the home of one of the other accused that ended up pleading guilty, where certain items that were taken from the home were located. A pair of shoes, a crossbow and some other things. Again, there was no indication that my client was ever in that place. Along with that, when we ... we got to the trial, or even before the trial, one of the victims, two days, two days after the incident, one of the victims was given a photo lineup and that victim picked out the other two co-defendants but did not pick my client out of the photo lineup, but picked his father out of the photo lineup who clearly didn't look anything like him.

Not only that, but my client had an alibi witness that testified at the trial. One of the things that we argued very heavily in that

trial, was that it was patently unfair to have my client sitting there with all of this evidence being introduced but none of it being able tied to him. I objected to 89 different introductions of evidence in that trial over three days. I was overruled on each one of those and I would go back to say that none of that evidence could be physically tied to my client.

One of the things that happened in that criminal trial ... and I should say that we really addressed this at the pretrial hearing, was there's something fundamentally unfair about taking three young black men from South Carolina and putting them on trial in southern West Virginia sitting together. It wasn't right.

Now, I know that racism can be a difficult topic in here but on that day we all knew at our core, that there is something embedded in our society that if you take three young black men and put them on trial you're already at a severe disadvantage. Severe disadvantage, and I was. None-the-less the judge overruled us, and the judge moved on because 14B makes it completely permissive on the judge. What this bill does is it would have given my client the ability to make that argument and say no, I want my own trial. And I believe it would have been granted had this law been put into place.

Now today, as we have ... as I have advocate for this bill, I'm wearing a tie. Now I wear this tie once a week, it's a pretty normal tie, and it's the tie that Kevin Goodman, Jr. wore at that trial. I wear it once a week. I wear this tie once a week to remind myself to keep fighting, no matter what, because there's somebody out there that doesn't have the ability to fight no more.

He, over that entire time period, maintained his innocence to me and I believe him. Right now, he's represented by Lonnie Simmons of Tim DiPiero and they're doing their best to try to get his conviction overturned. And I just think about him and I think about this law that we have in front of us, if it had been there that day, he might possibly be out and about. And I'm not going to say Kevin's perfect, but I truly believe he wasn't there. I truly believe that. One of the things about Kevin, he's six foot four, 215 pounds. I asked one of the victims at the trial, "Was any of the people in your home six foot

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four?" She said, "Lord no, not a one of them over six foot." At six foot four, I mean he really stands out.

Part of the thing with that, I had to buy him a suit. A lot of our public defender offices, they have clothes for guys that go on trial. And none of the clothes would have fit him so I went down to Koh's and bought him a suit, and by the way, public defender services never reimbursed me for that, oh well, and one of the things I bought him with that was this tie and Kevin was so proud to wear that suit, because he looked better than any other defendant in there. And it was his first suit and his first tie. And when he ... when he was convicted, he gave all the clothes back to me and I kept the tie and I wear the tie, like I said, about once a week to remind me ... and Kevin was convicted, I think ya'll figured that out by now. He was 23 years old, and he was sentenced to 52 years in prison. Fifty-two years. One day, I hope one day, when Kevin gets out, I'm gonna give him the tie back. But today, I hope you'll all join me in voting for this bill so that the other Kevin's out there can get a fair trial. Thank you.

### REGARDING FOSTER CARE LEGISLATION

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#### REMARKS

of

**HON. JOHN HARDY**

*March 7, 2020*

DELEGATE HARDY. Thank you, Mr. Speaker. I want to rise and talk a little bit about this bill. I haven't said a lot about this bill because I didn't have a lot to do with it in the upfront, you know, getting it introduced and didn't do a lot with it. But I've been watching it, we worked it in Finance and I'm very proud of this House and the work that this body has done on this hal ... on this bill.

I want to tell you guys a little about my story. I don't know if a lot of you in here have ever really heard my story. But I was born in 1973, September 14<sup>th</sup> and I was adopted so I was adopted by a family. Appar ... you know ... the person who gave birth to me ... I've never researched my birth parents. I don't have any interest in researching my birth

parents. I was adopted into a very loving family and people that took very good care of me. But I was adopted in 1973 and someone made that choice that they knew that they could not raise me. They didn't have the means. I'm not sure really what the situation was but they made that choice to say I cannot take care of this child. Let's see what we can do. We'll put him up for adoption. I was adopted by a very loving family. Got a very good work ethic. I'm a productive part of society. Look at me I'm ... I'm standing here in the West Virginia Legislature. I'm one of 100. I'm one of 100.

I'm so proud of that. I'm proud to be a part of this body. I'm ... I'm ... Every day when I turn that corner and see this Capitol even though she's wrapped in plastic right now, I'm so proud to be a part of this. And I want all these children to understand that you can be a part of something bigger than yourself, okay? I'm married to the love of my life. I have two beautiful children who are wonderful participants in society who are giving back. And I don't know by the glory of God, of what those children may do, or their children's children may do, cause that's all-God's plan.

And all's I can say is, we may be throwing money at this problem but like the gentleman said, if we can save one child, one child that moves forward, who receives the help that they need from this money, they may one day stand in this body as we do and make decisions that affect other people's lives down the road. So, I thank this body. I thank for the bipartisan support that this bill had. Everyone's hard work and please push the green button. Thank you all very much.

### FAREWELL SPEECHES

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#### REMARKS

of

**MEMBERS**

*March 7, 2020*

DELEGATE BIBBY. Thank you, Mr. Chairman. Those of you ... most of you know I will not be seeking reelection next year. Those of ... I've told my wife had some serious medical complications after surg ... eye surgery last ... last ... last summer so I made the decision not to seek re-election to

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spend more time to help her get over the medical issues. With that, I'd like to say that I've enjoyed my ... two years with the ... with the Legislature. I've saw a lot of things that I didn't know how the Legislature worked before and it was ... it was nice to do that. I also worked with some very wonderful people and got to see on both sides and how the issues sometimes got heated, sometimes last year. But I think we all look at, when we look at issues, we ... we tend to want to look at the issue only, not the person behind it and consider ... consider how we ... how we look at it when we vote. There are issues we don't agree on and some we do agree on, but I think it's ... it's refreshing to see folks, especially my time in the Judiciary Committee this year, I really enjoyed the ... the comradery and the back and forth. There weren't a lot of issues that we ... we agreed on in ... in both ... both sides. But there were ... there were some good ... good, heated discussions and I enjoyed that, and I appreciate everyone's respect for what I have to say and I hope I showed respect for what others had to say. And with that Mr. Speaker, I'd like to say thank you for this opportunity to express my ... my sincere thanks for allowing me to serve here in the House with you and help my constituents back home. Thank you.

DELEGATE R. THOMPSON. Thank you, Mr. Speaker. As my time in the Legislature comes to ... comes to an end today, of course I'm sure we'll be back for some other fun events this summer, maybe next fall, but my last regular session comes to an end. I just want to take some ... a few minutes to reflect on the last four years and recognize the fact that you all have been very good to me since I've been here. We've had, obviously we've all had a lot of fights and a lot of laughs but that's ... that's part of the process, so that's wonderful. I'm proud of my legislative record but most importantly I ... I love this state. And it's been wonderful to meet people from every corner of it. From the panhandles, the coal fields, the river valleys, it's been a true pleasure to meet everyone here.

In fact, that's been the best part of my time here. I'm truly thankful for all the friends I've met on ... on both sides of the aisle and also with the staff. The people that work here everyday even when we're not here, when the Delegates are not here. So, just to conclude, I just want to say that I will miss everybody here and I invite you to come visit me in Wayne County. So, thank you all.

DELEGATE HICKS. Thank you, Mr. Speaker. It's been an honor and a privilege to serve Wayne County in this House for the last six years. I leave, I'm gonna miss a lot of fine people. A lot of fine friends. We haven't always disagreed. We've agreed on a lot of important issues and I'm proud of that. I've told people many times that everybody in the House comes here to work hard and spend part of their year trying to make West Virginia, their county and their district a better place to live. I've sot to do that and I've just had an enjoyable time. I know that in six years we've made West Virginia a better place to live and I'm proud of that. I'm gonna miss you guys. Thank you.

DELEGATE SWARTZMILLER. Thank you, Mr. Speaker. Ladies and gentlemen. I've been here a number of years and I'm gonna be running for the state Senate next year, so I'll be leaving this body. I've ... I've had the opportunity to serve under a lot of really great people, four Governors, four Speakers, many members of this body right here. And it's ... it's truly been an honor. It's ... we've seen a lot ... seen and heard a lot of passionate speeches over the years and I'm sure when I'm gone, I'm sure the passion ... passion ... passionate speeches will continue and that's a good thing. That's a good thing to be engaged and represent your respective communities. Mine being Chester, home of the world's largest teapot, if you're ever up that way.

But the thing to always remember is we need to be friends when it's all said and done. Because we really are. We spend a lot of time together down here and a lot of evenings out and we just need to respect each other. Because when we respect each other, and we work together West Virginias gonna be a much better place because we'll be focused on what's important, and that's making sure that the greatest state, I believe, in the country, West Virginia, continues to do better.

You know it's been said, politics is like a merry-go-round, the horses stay but the riders change. And there's a lot of truth to that. But I believe sometimes it's a good thing for the riders to change. To bring in fresh blood, to bring fresh new ideas. And I've held a lot of positions in this body over the years and I've been honored by each and every one of them. But just always remember this, you don't

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need to have a title to be a leader. You can lead from the back row and be very effective at it. And it's an honor to serve among so many great leaders. And I appreciate you all. I wish you all the very best. And also, just before I finish I'd just like to take this opportunity, I've also had a great experience and been very honored to have great staff over the years. We have a lot of them right up here tonight. I've had a lot of folks over the years on ... when I've chaired committees and they are really the ... the workforces behind the scenes. They're here late hours at night that ... a lot of us don't realize how late and how many hours they put in. So, I want to thank each and every one of you. Mr. Speaker, I want to thank you and I also want to thank our staff. And thank West Virginia. I'm thanking everybody and my constituents for the honor of being able to serve you'll. Thank you so much.

DELEGATE WILSON. Thank you, Mr. Speaker. It has been a profound honor to have been allowed to server the Constitution and the people of the State of West Virginia for these four years. I've learned a great deal that has made me wiser. Much of it I didn't anticipate and most of it I wish I didn't know. I do not possess the words or the skill to express my abiding disappointment in the failures that I've witnessed here in the people's house. Having studied those disappointments in the failures that I have witnessed here in the peo ... Having studied those failures in the knowledge, wisdom and skill available to me, I've come to understand that all of the failures which so disappoint me flow from one distinct source. That source is the lack of a compellingly communicated overarching vision for this stunning gorgeous and rich land and for her precious people.

As you know sir, where there is no vision the people perish or simply move away. But I chose to move to the Mountain State. I have a compellingly beautiful vision for my adoptive home. I envision her as a bastion of liberty, justice, prosperity, and security founded on the individual natural rights recognized in the Declaration of Independence and ascribed to our creator.

I see her as the land of promise of hope in the future for anyone who's willing to dig in, work hard and build a life. It was this vision that compelled me to pursue the opportunity to serve the Constitution and the people of West by God and this house. And it is this

vision that leads me to lay aside those responsibilities which were laid upon me by the good people of District 60 so that I might continue to serve the Constitution and the people of our state, to build here a home that embodies our hopes and the nacist prophecy of Almost Heaven.

Lies are told about us. Jokes are made about us; others point at us and sneer at our misfortunes. They've done so for so long now that their derision seems to be founded on truth. But it isn't. It isn't. The truth is that our wild and wonderful home is the frontier. We the people hold the promise of liberty reborn. West Virginia is the birthplace of the restored republic. And I assure you that I have no intent of surrendering to the malaise that I've witnessed here in the Capitol. I am not withdrawing from the field. I'm creating maneuver space. I will not back down. I will not let up. I will not succumb to the sneers that fall hopeless at the feet of the liars and jokers. I will stand and where I stand, I will restore the republic. Because my children will raise their children in a free, just prosperous and secure land. I will spend my life to ensure it. Thank you for this opportunity.

DELEGATE AZINGER. Thank you, Mr. Speaker. Farewell, farewell but this I tell thy fellow Delegates. I ... I appreciate the courtesy that everybody has extended me. You know you're getting old when the girls start opening the doors for ya. Some of them ... I ... I, which I appreciated.

One thing I've noticed civili ... civility has deteriorated a little bit since I've been gone and hopefully it will improve in the future. You know I even disagree with my first wife even though she's right all the time. And I disagree with the guy across the hall there with the same last name as I, even though it might be two or three days before we speak to each other, eventually we ... we do speak to each other.

I ... One thing I'd like to bequeath to the gray-haired Delegate from Randolph the distinction of being the oldest male in the Legislature. There's an older female but, and don't ask me who she is. Never ask a woman how old she is and never revel it. That's advice from my grandmother who used to lie about her age.

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Again, I appreciate all the courtesy's extended to me from this side of the aisle and that side of the aisle. May God Bless you all.

DELEGATE HILL. Thank you, Mr. Speaker. Mr. Speaker and colleagues, I rise today to say farewell. Farewell to not just colleagues, but friends. I will cherish the memories made over these last six historic years. Some events over those years were good and some not so good but historic none-the-less. I can sit down one day, God willing, with my kids and grandkids to share the stories of how I had the opportunity to be elected and serve in the 82<sup>nd</sup> Legislature. The first time Republicans held the majority in over 80 years. I was part of that historic shift in leadership. A historic Supreme Court Impeachment. I served with the youngest person to ever be elected to the House seat ... to a House seat in West Virginia and I served with one of the oldest members to ever serve in this House, the late Frank Deem, who many of us miss. He never missed an opportunity to tell the distinguished Minority leader and his team to "put that in your pipe and smoke it."

There are some things I've learned while here that I'd like to share, a little top 10 list:

1. If you do not plan to speak you should definitely go ahead and speak.
2. Being brief means taking as long as humanly possible to make your point.
3. No matter how young you are being ... being a legislator can cause hair loss. Just ask the gentleman from the 46<sup>th</sup>.
4. You gauge how contentious the debate is by how red the gentleman from the 29<sup>th</sup> face gets.
5. It is dangerous to ask the Majority Whip to yield because he is in fact genetically incapable of giving a short answer to a question.
6. There's only so much cocktail shrimp and crab cake one can eat in a lifetime.
7. It is entirely appropriate to not yield to the gentleman from the 36<sup>th</sup>.

8. If the 101<sup>st</sup> Delegate would spend as much time campaigning as he did in the gallery he would win by a landslide.

9. I was of the opinion that the Speaker was the smartest person in the room until the gentleman from the 16<sup>th</sup> was appointed.

10. If you are going to serve as a member of this body, you can count on the gentelady from the 51<sup>st</sup> to remind you to "Do your job."

On a serious note, I want to thank you, Mr. Speaker, for allowing me to ... allowing me the honor of chairing the Committee on Health and Human Resources in my last term. It has been an honor to serve with you. I wanted to thank the gentleman from the 28<sup>th</sup> for his friendship and all his hard work in our time serving as leadership on the committee this year. Especially those times when we had to present bills that were controversial, and I was in need of someone funnier than me to inject some levity into the presentation. The gentleman from the 28<sup>th</sup> never disappoints in that area.

Thank you to my awesome top ... top, excuse me, topnotch staff. I could not have asked for a better staff. Thank you to the people of the 41<sup>st</sup> District who put their trust in a 23-year-old young man six years ago and sent me to Charleston to represent their interest. While I realize that not every constituent has agreed with every vote I have cast, which is a ... an impossibility, I have tried to represent you to the best of my ability and do so honorably.

I want to thank my amazing kids and my beautiful wife who are in the gallery, for sacrificing and allow me to do what I love and serve the people of my district for three terms. I thank God for blessing me with this opportunity and the ability to serve. His word says "Delight yourself in the Lord and he will give you the desires of your heart" and he certainly did in this case. I'll miss being a part of this process and I'll miss all of you all. Thank you and God Bless.

DELEGATE BUTLER. Thank you, Mr. Speaker. First thing, unfortunately, I need to do is correct you once again. I'm not leaving the Legislature; I'm just moving over there.

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Seriously, that's gonna be a tough job so I don't want to take that for granted but I just ... that's my intentions to move over there, certainly.

Before I get to far into this, I really want to say how much it's ... it's been an honor for me to serve with all of you here in the Legislature. This is the most aggravating, frustrating thing I've ever done in my life. But it has ... it has been a real learning process. The staff certainly has been great. Everyone's ... everyone's been really great.

It's difficult for me to speak like this and not talk about policy but I'm going to try to avoid that, so I don't get us into another debate. I want to talk a little bit about how I got here, and Delegate Cadle had something to do with that, he ... he's there. I got involved in national politics cause we all can watch the national news, it's easy to follow things. But we really got involved with local politics when they were trying to put a toll road up Route 35 into Mason County. So, if I don't come back make sure that doesn't happen cause I will definitely be back here. Delegate Cadle, you might find this hard to believe but we came down here when that was the plan, and we just drove everybody crazy. We went to all the Parkways Authority meetings and met Greg Barr there, Parkways Authority, and ... and learned a lot about the process and came here and met the Delegates and all that. And we thought they were doing an auction here and wondered how in the world are they doing things here. And it's ... it's just been incredible to learn how this process works. But glad to have ha ... got elected in 2012. First session was 2013. I'm really glad that I got to be here when Republicans was in the minority.

And ... and for those who haven't served on the Republican side, in the minority, it ... it was different and same thing for the guys on this side that ... on this side of the room. It was much ... it was much different, but the same in a lot of ways as well. One thing that has really puzzled me since I got elected though and the Speakers have always known I've always been real conservative, especially when we got in the majority, is Republican Speakers kept me on this side of the room mostly. And I wondered why. And I don't know if they were trying to put me over here so that I would get moderated by the liberals that are over here, or if they were

trying to moderate ... to get them to moderate me to come a little bit more to come to the middle myself. And ... and I don't know if we've been successful at either one of those things. But I ... But I have really enjoyed getting to know my colleagues over here that may be philosophically or politically I don't agree with. But just ... just great people, great hearts. And for my delegate here from the 51<sup>st</sup>, he was in a tough situation sometimes on some of these debates this year. So anyway, I really appreciate everybody there.

I've ... I've lived an interesting life. You know we've done foster care legislation this year and I've never been an official foster child but because I've told everybody last year a little bit ... little bit about my childhood. You know I had parents who had problems with addiction. That type of thing. I had a couple of houses burn down and mom shot herself, and all that kind of stuff. So, I've been through a lot of the stuff that kids in West Virginia are going through now, too often. And I think sometimes my votes and what I say here probably seem like I'm heartless and I can understand how somebody can see that. But my heart is for people who are ... my heart is to allow people to ... to make a life for themselves and to ... and to go to work even if it's a menial ... menial job. And I've done a lot of menial jobs in my lifetime. Sweeping sawdust and shoveling crap and ... and all kinds of stuff. But you know what at the end of the day I could look back, and I was making maybe \$4 an hour or something, as an adult at sometimes, looking back at the end of the day and saying, "I accomplished something here and I'm gonna build on that tomorrow." And I think that's something that we rob our constituents of when we give free things. Yep, I'm getting into policy again. I'm gonna try to get off of that.

But I guess my ... my point there is, please ... please just consider as you go forward the legislation, does it encourage people to work and to accomplish and to have a sense of ... of self-respect? Or do we encourage people to stay home and run to the mailbox? So sorry to get off onto that.

Now, why I served, I served in the military because I love my country. I served here in West Virginia because I really love this state. I still live on the farm where my mom was raised. Bought it from my



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grandparents, their ... their deceased now. Every time my mom would hear the song, "Country Roads" she would cry, and I still do myself, sometimes. And of course, she died when I was 18 years old, and my sister was only 12 back then. But I really love this state and I love the people here and what I love about it is that we are rugged people who ... who are free. I think sometimes we think we're more free than what we are, and I think that's sad thing. But I've traveled all across the state of West Virginia when I got involved in politics. It was a good excuse to go on motorcycle rides. I'd go to tea party meetings all over ... all over the state and got to meet people everywhere.

But going down to ... I think it was McDowell County is was where it really hit me. Where you see a river running through the town and steep mountains on both sides. The sun hardly can get in there. And buildings, brick buildings and ... and others wooden buildings just cantilevered out over top of the river and just how innovative people had to be. And how tough they had to be to make a lif ... to make a living, to make a life in a ... in a country ... or in a state like we have here. I think our people have grit and I think if we give them the freedom to succeed, they will do it.

I think that's where I'm probably gonna stop. And hopefully, as I say, I'll be over on that side helping so you don't have so much nonsense to deal with next year. Thank you, Mr. Speaker.

DELEGATE CANESTRARO. Thank you, Mr. Speaker. First, it's a great night to be a Mountaineer, wherever you may be.

What an honor and a privilege it has been to serve the citizens of the 4<sup>th</sup> District, the last four years in the people's house. In the West Virginia House of Delegates. For a person that grew up in a small town of Benwood, West Virginia, who as a young child survived cancer, struggled with his grades early in college and worked and battled to be accepted into law school, I am very grateful, beyond belief, to have had this opportunity.

I'm proud of the accomplishments I have made as a Delegate. I'm proud of the efforts we've made to help all West Virginians and for moving this state forward. Although I

love politics and have enjoyed my time serving with everyone here, my dreams are elsewhere. For I believe my calling is to seek justice for my friends and neighbors back in Marshall County.

The opportunity to live that dream, the dream that at times seemed out of reach, as the Prosecuting Attorney for Marshall County takes me away from here. I wish to thank my parents. Dad, I know you're watching down from Heaven in awe of what I've ... I've accomplished and are proud. Mom, thank you from the time you slept on a hospital floor and in hospital chairs as your son went through health problems, to now. Thank you for always being there for me and believing in me.

The most important lessons in life I learned from my parents, work hard at all you do. Tell the truth and never look down on anyone. I hope that I have conducted myself in my time here in a manner that complies with these values that my parents instilled in me. For the rest of my life, I will cherish this experience. What I'll cherish the most is the friends I have made here. I don't have time to mention all of them. Lifelong friends, brothers who have built a bond so strong that it can never be broken. Jeff Campbell, who I share a love of the Mountaineers with and who ate ... who ate seven helpings of ice cream at dinner last night. Andrew Robinson who keeps me laughing and is always up to something, mostly no good. Rodney Miller who comes from the world of law enforcement like me and shares the same values for seeking justice. Thank you for your Boone County hospitality. John Williams the younger brother I never had. There's times I'd like to kick your butt for picking on me, but I'm sure I've picked on you too, probably more. I'm proud of you John. Chad Lovejoy, my best friend. The smartest man in the outfit. Richard Winters, my Lewis Nixon, we've shared an office since day one the last four years. Thank you for always being there during the ups and downs, the wins and the losses. You're a true friend, Chad.

We few, we happy few, we band of brothers, this is not goodbye for I am not going away forever. I am merely moving on to go chase my dreams. So, until we met again, farewell, goodbye and Amen.

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DELEGATE SPONAUGLE. Alright so ... so first off here, I'm just gonna wing this. I have no ... no written remarks and I was talking to Tim and Caputo over here and we're sitting here like, "what are ya'll gonna say?" No one really knows so won't we just ... I was sitting here brainstorming before I hopped up here when Joe was sitting there talking.

I came in 2013 and I sat back there prob ... either where John Paul Hott sat or Delegate Mandt, one of those seats, I'm not exactly sure, in 2013 we were in the majority. And since that time ... and I'm going to go through some things that I think is going to go down in the West Virginia history books throughout, cause this has been an interesting past decade, I've served eight years.

So, we went thro ... we had a water crisis and we came over here in minority and this has been my seat ever since. This is a great ... best seat in the House by the way, ya'll should be lining up for this over here. We've had ... we had a water crisis. We've had two budget crises', we've had two teacher strikes, we've had to impeach an entire branch of government. I mean all this has occurred in the past eight years. I ... And over the course of eight years, I have ... I have served with four speakers. Now, that's pretty rare. Once upon a time, Speakers would sit down here and stay here for a full decade and I've had four in eight years. Now, I know Roger's up there speaking, and no offense to him but, Tim's still my favorite Speaker, Roger.

And, and I will say this, and so I ... I've had the good fortune of representing the good people of Hardy and Pendleton County here for ... for almost a decade, for eight years and I'm very proud of that. We have one of the best bodies of government, I believe around. And it is the people's house. It's always called the people's house. Part of that is because the people will throw you out of here real quick if they don't like ya. Now I learned that bout ever 15 months. But we have some of the best staff. Bo, Steve, you guys rock. Joe Altizer, up there, I mean just a mount of institutional knowledge in this place, this makes this just goldmine to come work for. It really does.

So, we've had our legislative battles. I like to get out there and ruff it up with ever one of ya in here when it comes time to knock it

down and drag it out. But then after five o'clock we're all done and we're all friends. And I've always tried to hold that when we're off the ... off the battlefield down here. So, the biggest thing I'm gonna miss is just my friends on both sides of the aisle. That's what makes this place great in my mind. I've learned so many ... about everybody going obviously from Mike and Tim, Mick, everybody from down through here, to even when I'm sitting on the floor and picking on F. D. Householder over there. And I ... he got that name cause we talk FDR handing out money, your Finance ... your finance chairman is F. D. Householder. I will text him over there, periodically, "when's the next freedom bill coming out." So ... or, Vice Chair, anybody on down through. I ... I really have enjoyed my time and service in the Legislature, and it's because of the people here. So, don't forget that. everybody here has different perspectives. I expect you all to come down here and knock it out and fight and then you're done. Then your friends. So, it's been an honor. Mr. Speaker, it's been an honor to serve with all other 99 members of this body. Thank you.

DELEGATE NELSON. Thank you, Mr. Speaker. Well, my wife and daughter were here but their ... they'll hopefully be back.

You know it was 10 years ago that I stepped into this body. As a matter of fact, sitting ... first sat over in the chair where the Delegate Boggs is, you know out of the 34<sup>th</sup>, which was the same seat that my father was in 50 years ago. You know it was a great honor to do that, not many of us have that opportunity.

And I had no interest in politics until right before I ran in 2010, really. My good friend here from the 35<sup>th</sup>, Delegate Skaff, was very much of a mentor. You know over those 10 years ... and we ... when I came in, I guess, we were in the minority, I learned many things during that timeframe. Matter of fact there were 12 of us came in in our freshman class, five of us are still here. Three are committee chairs. But we really, really got a long close on both sides of the fence. And it really wasn't about R's and D's, it was about being here to serve the people and we're still all doing that.

## APPENDIX

The friendships that we make as we go up and down the halls, as we're in a committee room even when it gets heated ... and boy did I really find out about heated debates this year, Chairman Shott. That Judiciary Committee is something else. But I'm not sure it beats some of times on the floor when I happened to sit in the other seat down here as Finance Chair and we had some difficult times. But you know what, through those difficult times I think we all became stronger. I became much stronger and I'm thankful for all of you all.

You know my father ... and I really ... boy he's missed, so's mom. You know, I think we all look at our parents and some of us fortunate enough to have them maybe longer than others. But they all always give us some base from which to go off of, and some of that basis for me was get along and be friendly with everyone. You don't know what's coming down the road tomorrow and where you'll be, what situation. Biggest thing is listen and learn and I think I've tried to do that here. I could get up many more times and speak but you know I have learned from everyone of you all ... and I appreciate that. Thank you very much.

Most of all, like I've said, be true to your word. Be true to your word. I've always been a person of my word. You know we'll all look around at all the fun times that we've have and again, as I mentioned, the hallways outside of here, our days on the basketball court, I've lost a few steps from 10 years ago when we ... when we did that first. But I'm very honored to have been here and I thank you all.

And now that my wife and daughter are up here, anyway ... anyway, please welcome my wife Pam of 35 years, a Greenbrier County native, and my daughter Heather.

You know I'll finish again I've been honored to serve with each of you. Great friends, who'll always be friends. We all have big opportunities in front of us. We're here to serve the people and we all do that well. But I'm very proud and thank you all very much. I'll miss ya, see ya.

**NOTE:** A few blank pages and the numbers of those pages were skipped in the Index sections.