

# JOURNAL of THE SENATE State of West Virginia

## EIGHTY-THIRD LEGISLATURE

Regular Sixty-Day (and Extended) Session, 2017

First Extraordinary Session, 2017

Second Extraordinary Session, 2017

Third Extraordinary Session, 2017

## VOLUME III



NOTE: The third volume continues with Journal proceedings proper (page 2721) of April 7 through April 9, the date of final adjournment; followed by the Appendix consisting of remarks of members during the Regular and Extended Session, 2017; History of Bills and Resolutions of both houses considered by the Senate; a Topical Index of all Senate bills introduced; and the Index of the Official Journal.

The remainder of this volume begins with the Journal proceedings of the First Extraordinary Session (May 4-June 26).



~~(19)~~ (18) Have a bow and gun, or have a gun and any arrow, in the fields or woods at the same time;

~~(20)~~ (19) Have a crossbow in the woods or fields, or use a crossbow to hunt for, take or attempt to take any wildlife except as otherwise provided in sections five-g and forty-two-w of this article;

~~(21)~~ (20) Take or attempt to take turkey, bear, elk or deer with any arrow unless the arrow is equipped with a point having at least two sharp cutting edges measuring in excess of three fourths of an inch wide;

~~(22)~~ (21) Take or attempt to take any wildlife with an arrow having an explosive head or shaft, a poisoned arrow or an arrow which would affect wildlife by any chemical action;

~~(23)~~ (22) Shoot an arrow across any public highway;

~~(24)~~ (23) Permit any dog owned or under his or her control to chase, pursue or follow the tracks of any wild animal or wild bird, day or night, between May 1 and August 15: *Provided*, That dogs may be trained on wild animals and wild birds, except deer and wild turkeys, and field trials may be held or conducted on the grounds or lands of the owner, or by his or her bona fide tenant, or upon the grounds or lands of another person with his or her written permission, or on public lands at any time. Nonresidents may not train dogs in this state at any time except during the legal small game hunting season. A person training dogs may not have firearms or other implements in his or her possession during the closed season on wild animals and wild birds;

~~(25)~~ (24) Conduct or participate in a trial, including a field trial, shoot-to-retrieve field trial, water race or wild hunt: *Provided*, That any person, group of persons, club or organization may hold a trial upon obtaining a permit pursuant to section fifty-six of this article. The person responsible for obtaining the permit shall prepare and keep an accurate record of the names and addresses of all persons participating in the trial and make the records readily available for inspection by any natural resources police officer upon request;

~~(26)~~ (25) Hunt, catch, take, kill or attempt to hunt, catch, take or kill any wild animal, wild bird or wild fowl except during open seasons;

~~(27) Hunting~~ (26) Hunt on public lands on Sunday after five o'clock ante meridian is ~~prohibited~~; and

~~(28) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement which wildlife can be taken, on private lands on Sunday after the hour of five o'clock ante meridian: *Provided*, That the provisions of this subdivision do not apply in any county until the county commission of the county holds an election on the question of whether the provisions of this subdivision prohibiting hunting on Sunday shall apply within the county and the voters approve the allowance of hunting on Sunday in the county. The election is determined by a vote of the resident voters of the county in which the hunting on Sunday is proposed to be authorized. The county commission of the county in which Sunday hunting is proposed shall give notice to the public of the election by publication of the notice as a Class II-0 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 in which the election is to be held. The date of the last publication of the notice shall fall on a date within the period of the fourteen consecutive days next preceding the election.~~

~~On the local option election ballot shall be printed the following:~~

~~Shall hunting on Sunday be authorized on private lands only with the consent of the land owner in \_\_\_\_\_ County?~~

~~Yes~~

~~No~~

~~(Place a cross mark in the square opposite your choice.)~~

~~Any local option election to approve or disapprove of the proposed authorization of Sunday hunting within a county shall be in accordance with procedures adopted by the commission. The~~

~~local option election may be held in conjunction with a primary or general election or at a special election. Approval shall be by a majority of the voters casting votes on the question of approval or disapproval of Sunday hunting at the election.~~

~~If a majority votes against allowing Sunday hunting, an election on the issue may not be held for a period of one hundred four weeks. If a majority votes "yes", an election reconsidering the action may not be held for a period of five years. A local option election may thereafter be held if a written petition of qualified voters residing within the county equal to at least five percent of the number of persons who were registered to vote in the next preceding general election is received by the county commission of the county in which Sunday hunting is authorized. The petition may be in any number of counterparts. The election shall take place at the next primary or general election scheduled more than ninety days following receipt by the county commission of the petition required by this subsection: *Provided*, That the issue may not be placed on the ballot until all statutory notice requirements have been met. No local law or regulation providing any penalty, disability, restriction, regulation or prohibition of Sunday hunting may be enacted and the provisions of this article preempt all regulations, rules, ordinances and laws of any county or municipality in conflict with this subdivision.~~

~~Amendments to this subdivision promulgated during the 2015 regular session of the Legislature shall have no effect upon the results of elections held prior to their enactment; and~~

~~(29) (27) Hunt or conduct hunts for a fee when the person is not physically present in the same location as the wildlife being hunted within West Virginia.~~

(b) Notwithstanding any ballot measure relating to Sunday hunting, it is lawful to hunt throughout the State of West Virginia on private lands on Sundays after the hour of five o'clock ante meridian with the written consent of the private landowner pursuant to section seven, article two of this chapter.

**§20-2-42g. Class H nonresident small game hunting license.**

A Class H license is a nonresident small game hunting license and entitles the licensee to hunt small game in all counties of the state, except as prohibited by rules of the director or Natural Resources Commission and except when additional licenses, stamps or permits are required, for a period of six consecutive hunting days chosen by the licensee, ~~excluding Sunday in counties closed to Sunday hunting~~. The fee for the license is \$25. This is a base license and does not require the purchase of a prerequisite license to participate in the activities specified in this section, except as noted.

**§20-2-42h. Class J nonresident small game shooting preserve license.**

A Class J license is a nonresident small game shooting preserve license and entitles the licensee to hunt small game on designated shooting preserves, except as prohibited by rules of the director or Natural Resources Commission and except when additional licenses, stamps or permits are required, for a period of six consecutive hunting days chosen by the licensee, ~~excluding Sunday in counties closed to Sunday hunting~~. The fee for the license is \$10. This is a base license and does not require the purchase of a prerequisite license to participate in the activities specified in this section, except as noted.;

And,

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill 345**—A Bill to repeal §20-2-19a of the Code of West Virginia, 1931, as amended; to amend and reenact §20-2-5, §20-2-42g and §20-2-42h of said code; all relating to hunting; repealing limitations on trappers on Sundays; eliminating local option election regarding hunting on Sunday on private land; permitting hunting on Sunday on private land; clarifying hunting on Sunday on public lands is unlawful; and superseding ballot measures relating to Sunday

hunting that have passed or failed prior to the effective date of the amendments.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 345, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: Azinger, Karnes, Palumbo and Sypolt—4.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 345) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill 360**, Creating Legislative Coalition on Diabetes Management.

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

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

On page three, section three, after line eight, by inserting a new subdivision, designated subdivision (2), to read as follows:

“(2) Consult with a quality improvement organization;”;

And by renumbering the remaining subdivisions;

On page four, by striking out all of section five;

And by renumbering the remaining section;

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-5Z-1, §16-5Z-2, §16-5Z-3, §16-5Z-4 and §16-5Z-5, all to read as follows;

And,

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill 360**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5Z-1, §16-5Z-2, §16-5Z-3, §16-5Z-4 and §16-5Z-5, all relating to creating the Legislative Coalition on Diabetes Management; setting forth findings and purpose; providing for administrative functions of the coalition to be performed by legislative staff; setting forth membership of the coalition; providing for appointments to be made by the President of the Senate and the Speaker of the House of Delegates; setting forth powers and duties of the coalition; setting forth required reporting; setting forth reporting data elements; requiring state entities to cooperate with the coalition in its duties; and providing a sunset date.



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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 360, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: Azinger—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 360) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for Senate Bill 386**, Creating WV Medical Cannabis Act.

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

**Eng. Com. Sub. for Senate Bill 402**, Relating to covenants not to compete between physicians and hospitals.

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

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

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §47-11E-1, §47-11E-2, §47-11E-3, §47-11E-4 and §47-11E-5, all to read as follows:

**ARTICLE 11E. PHYSICIANS FREEDOM OF PRACTICE ACT.**

**§47-11E-1. Definitions.**

As used in this article:

“Contract” means a written agreement between a physician and an employer.

“Covenant not to compete” means any contract that restricts the right of a physician to practice medicine in any geographic area of the state for any period of time following the expiration of the physician’s contract with his or her employer, or upon the termination of the physician’s contract by the physician’s employer.

“Employer” means any person employing at least one individual in the state or any agent of an employer employing at least one individual in the state.

“Person” means any individual, proprietorship, partnership, firm, association, corporation, labor organization, limited liability corporation or any other legal entity.

“Physician” means a doctor of allopathic or osteopathic medicine who is fully licensed to practice medicine and surgery

pursuant to the provisions of either article three or fourteen of chapter thirty.

**§47-11E-2. Limitation on contractual provisions in physician employment contract.**

(a) A covenant not to compete contained in a contract between a physician and an employer shall be limited to not more than:

(1) One year in duration; and

(2) Thirty road miles from the physician's primary place of practice with the employer.

(b) A covenant not to compete shall be void and unenforceable upon the termination of the physician's employment by the employer.

**§47-11E-3. Enforceability of other provisions.**

Provided that the contract does not state otherwise, nothing in this article limits the enforceability of:

(1) Provisions prohibiting a physician from taking any property, patient lists or records of the employer with him or her upon the termination or expiration of the contract;

(2) Provisions requiring a physician to repay an employer all or a portion of:

(A) A loan;

(B) Relocation expenses;

(C) A signing bonus;

(D) Remuneration to induce the physician to relocate or establish a physician practice in a specific geographic area; or

(E) Recruiting, education and training expenses;

(3) A nondisclosure provision relating to confidential information and trade secrets;

(4) A nonsolicitation provision with respect to patients and employees of the employer;

(5) A provision for liquidated damages; or

(6) Any other provision of a contract that is not in violation of law.

**§47-11E-4. Exemptions to limitations.**

The limitations set forth in this article do not apply to any of the following unless the contract terms provide otherwise:

(1) In the case where the physician has sold his or her business or practice in the form of a sale of assets, stock, membership interests or otherwise to his or her employer; or

(2) To contracts between physicians who are shareholders, owners, partners, members or directors of a health care practice.

**§47-11E-5. Applicability.**

This article applies to any contract between a physician and his or her employer entered into, modified, renewed or extended on or after July 1, 2017: *Provided*, That the provisions of this article do not otherwise apply to or abrogate any contract in effect on or before June 30, 2017.

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

Engrossed Committee Substitute for Senate Bill 402, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel and Carmichael (Mr. President)—31.

The nays were: Facemire, Ferns and Weld—3.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 402) passed with its title.

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

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

**Eng. Com. Sub. for Senate Bill 454**, Providing more efficient collection and submission of state moneys received from court transactions or court services.

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill 461**, Exempting WV State Police from state purchasing requirements.

A message from The Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, to take effect July 1, 2017, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Com. Sub. for Com. Sub. for Senate Bill 486**, Relating to health care provider taxes.

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

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill 486**—A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to health care provider taxes; making conforming amendments consistent with federal law; changing the rate of tax on eligible acute care hospitals for fiscal year 2018;

modifying eligibility criteria for “eligible acute care hospital;” removing conditions precedent for taxation; changing condition precedent for the automatic suspension of taxation; specifying purposes for which funds may be collected; providing for distribution of remaining funds at the end of fiscal year; providing for an effective date; and extending the expiration date for the tax.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 486, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 486) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect July 1, 2017.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 486) takes effect July 1, 2017.

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

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

**Eng. Senate Bill 490**, Clarifying standard of liability for officers of corporation.

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

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

**Eng. Senate Bill 490**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31D-8-842a, relating to the standard of liability for officers of a corporation; establishing standards of liability for officers of a corporation; providing an officer is not liable to the corporation or its shareholders for any decision to take or not to take action or any failure to take any action as an officer except in specified circumstances; providing standards a party seeking to hold an officer liable must establish when seeking money damages; providing standards a party seeking to hold an officer liable must establish when seeking other legal remedies; and clarifying that certain actions under different code sections or the United States code are unaffected.

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

Engrossed Senate Bill 490, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 490) passed with its House of Delegates amended title.

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

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

**Eng. Senate Bill 578**, Relating generally to copies of health care records furnished to patients.

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

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

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

That §16-29-1 and §16-29-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:



**ARTICLE 29. HEALTH CARE RECORDS.****§16-29-1. Copies of health care records to be furnished to patients.**

(a) Any licensed, certified or registered health care provider so licensed, certified or registered under the laws of this state shall, upon the written request of a patient, his or her personal representative, as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, and any rules promulgated pursuant to the act, and his or her authorized agent or authorized representative, within a reasonable time no more than thirty days from the receipt of the request, furnish a copy, in the form of a paper copy or, if requested and if the provider routinely stores records electronically and has the ability to so provide, a copy in an electronic format including, but not limited to, a downloadable format through a secure web portal, a copy saved upon a computer disc, an electronically mailed copy or a copy saved upon a portable memory device of all or a portion of the patient's record to the patient, his or her personal representative, or authorized agent or authorized representative subject to the following exceptions:

(1) In the case of a patient receiving treatment for psychiatric or psychological problems, a summary of the record shall be made available to the patient, personal representative, or his or her authorized agent or authorized representative following termination of the treatment program.

(2) The furnishing of a copy, as requested, of the reports of X-ray examinations, electrocardiograms and other diagnostic procedures shall be deemed to comply with the provisions of this article.

(b) Nothing in this article shall be construed to require a health care provider responsible for diagnosis, treatment or administering health care services in the case of minors for birth control, prenatal care, drug rehabilitation or related services or venereal disease according to any provision of this code, to release patient records of such diagnosis, treatment or provision of health care as aforesaid

to a parent or guardian, without prior written consent therefor from the patient, nor shall anything in this article be construed to apply to persons regulated under the provisions of chapter eighteen of this code or the rules and regulations established thereunder.

(c) This article does not apply to records subpoenaed or otherwise requested through court process, except for the fee provisions in section two of this article, which do apply to subpoenaed records.

(d) The provisions of this article may be enforced by a patient, personal representative, authorized agent or authorized representative and any health care provider found to be in violation of this article shall pay any attorney fees and costs, including court costs incurred in the course of such enforcement.

(e) Nothing in this article shall be construed to apply to health care records maintained by health care providers governed by the AIDS-related Medical Testing and Records Confidentiality Act under the provisions of article three-c of this chapter.

#### **§16-29-2. Reasonable expenses to be reimbursed.**

(a) A provider may charge a patient or the patient's personal representative a fee consistent with HIPAA, as amended, and any rules promulgated pursuant to HIPAA, plus any applicable taxes.

~~(a)~~ (b) A person other than a patient or patient's personal representative requesting records from a health care provider shall place submit the request and HIPAA compliant authorization in writing and pay a reasonable, cost-based fee, at the time of delivery. Notwithstanding any other section of the code or rule, the fees shall be not exceed: based on the provider's cost of: (1) A search and handling fee of \$20 Labor for copying the requested records if in paper, or for placing the records in electronic media; (2) a per page fee of 40 cents for paper copies; supplies for creating the paper copy or electronic media and (3) postage, if the person requested that the records be mailed, plus any applicable taxes.

(c) If the requested record is stored by the health care provider in an electronic form, unless the person requesting the record

specifically requests a paper copy, the records will be delivered in electronic or digital form and the per page fee for providing an electronic copy shall not exceed 20 cents per page but shall in no event exceed \$150 inclusive of all fees, including a search and handling fee, except for applicable taxes.

(d) Any person requesting a record be certified by affidavit pursuant to section four-e, article five, chapter fifty-seven of this code shall pay a fee of \$10 for such certification.

(e) If a person requests or agrees to an explanation or summary of the records, the provider may charge a reasonable cost-based fee for the labor cost if preparing the explanation or the summary; for the supplies for creating the explanation or summary; and for the cost of postage, if the person requested that the records be mailed, plus any applicable taxes. If the records are stored with a third party or a third party responds to the request for records in paper or electronic media, the provider may charge additionally for the actual charges incurred from the third party.

~~(b) (f) The labor per page fee for copying under this section shall not exceed twenty five dollars per hour and shall be adjusted to reflect the consumer price index for medical care services such that the base amount shall be increased or decreased by the proportional consumer price index in effect as published of every October 1 starting October 1, 2017. of the calendar year in which the request was made, rounded to the nearest dollar~~

(e) (g) Notwithstanding the provisions of subsection (a) of this section, a provider shall not impose a charge on an indigent person or his or her authorized representative if the medical records are necessary for the purpose of supporting a claim or appeal under any provisions of the Social Security Act, 42 U. S. C. §301, *et seq.*

For purposes of this section, a person is considered indigent if he or she:

(1) Is represented by an organization or affiliated pro bono program that provides legal assistance to indigents; or

(2) Verifies on a medical records request and release form that the records are requested for purposes of supporting a Social Security claim or appeal and submits with the release form reasonable proof that the person is financially unable to pay full copying charges by reason of unemployment, disability, income below the federal poverty level or receipt of state or federal income assistance.

~~(d)~~ (h) Any person requesting free copies of written medical records pursuant to the provisions of subsection ~~(e)~~ (g) of this section is limited to one set of copies per provider. Any additional requests for the same records from the same provider shall be subject to the fee provisions of ~~subsection~~ subsections (a), (b) and (c);

And,

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

**Eng. Senate Bill 578**—A Bill to amend and reenact §16-29-1 and §16-29-2 of the Code of West Virginia, 1931, as amended, all relating generally to copies of health care records; providing that health care records must be furnished no more than thirty days from the receipt of the request from a patient, his or her representative, authorized agent, or authorized representative; stating that electronic copies of health records may be provided in a downloadable format through a secure web portal; permitting a personal representative to act in lieu of a patient in certain circumstances; clarifying that fees shall apply to subpoenaed records; establishing fees for providing copies of health care records; and providing that the per page fee shall be adjusted annually according to the consumer price index.

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

Engrossed Senate Bill 578, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 578) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for Senate Bill 602**, Creating uniform system of recording and indexing fictitious names used by sole proprietors.

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

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

**Eng. Com. Sub. for Senate Bill 602**—A Bill to amend and reenact §47-8-2 and §47-8-3 of the Code of West Virginia, 1931, as amended, all relating to registering and indexing of fictitious names used by sole proprietors, individuals, or general partnerships; striking exemptions; and providing that the Secretary of State shall keep a searchable database for all persons filing forms to register and index fictitious names.

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

Engrossed Committee Substitute for Senate Bill 602, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 602) passed with its House of Delegates amended title.

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

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

**Eng. Senate Bill 608**, Clarifying lawful business structures are unaffected by enactment of prohibitory legislation.

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

**Eng. Com. Sub. for Senate Bill 631**, Prosecuting violations of municipal building code.

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

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

**Eng. Com. Sub. for Senate Bill 631**—A Bill to amend and reenact §8-12-13 and §8-12-16 of the Code of West Virginia, 1931, as amended, all relating generally to municipal ordinances and procedures; creating a procedure for misdemeanor prosecutions of violations of municipal ordinances; defining terms; providing for the designation of enforcement agencies; providing a procedure for code enforcement agency officials to enter premises for investigation or inspection of a structure, dwelling or building; granting plenary power to the governing body of every municipality to adopt an ordinance providing for the vacating, closing, removal or demolition of specific dwellings, structures or buildings by a municipality in the absence of owner agreement or court order with specific requirements; providing for notice to the owner of the right to apply to the circuit court for a temporary injunction or other similar relief; requiring a hearing to be held within twenty days if the owner makes such application to the circuit court; requiring an owner to pay a bond into court if the owner seeks a continuance of the hearing seeking a temporary injunction or other similar relief; allowing for the disbursement of moneys paid into court by an owner if a court finds that the property is unsafe, unsanitary, dangerous or detrimental to the public safety or welfare; permitting a governing body of a municipality to file a lien against the real property for an amount that reflects all costs incurred by a municipality for repairing, altering or improving, or of vacating and closing, removing or demolishing any dwelling or building; permitting a municipality to institute a civil action in circuit court against a landowner or other responsible party to obtain an order 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 permitting a municipality 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; providing for service of notices of violations; and providing for a procedure to prosecute ordinances adopted under the section pertaining to regulating the repair,

alteration, improvement, closing, demolition, etc., of structures, dwelling or buildings that are unsafe, unsanitary, dangerous or detrimental to the public safety or welfare.

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

Engrossed Committee Substitute for Senate Bill 631, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 631) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for Senate Bill 636**, Authorizing State Fire Commission establish program to address problems facing VFDs.

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

**Eng. Senate Bill 658**, Establishing procedure for retitling mobile and manufactured homes.



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

**Eng. Senate Bill 667**, Limiting authority of Attorney General to disclose certain information provided by Tax Commissioner.

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

**Eng. Senate Bill 690**, Authorizing WV State Police impose and collect fees for agencies and entities using their facilities.

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

**Senate Concurrent Resolution 8**, Donnie Adkins Memorial Bridge.

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

**Senate Concurrent Resolution 11**, USMC Lance Corporal Edwin Russell ‘Snook’ Danehart Memorial Bridge.

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

**Senate Concurrent Resolution 13**, US Army CPL James Russell Carter Memorial Road.

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

**Senate Concurrent Resolution 14**, US Army PVT Oren J. “Junior” Johnson Memorial Bridge.

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

**Com. Sub. for Senate Concurrent Resolution 15**, US Army CPL Herbert “Herb” Linkous Memorial Bridge.

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

**Senate Concurrent Resolution 18**, US Marine CPL Walter Vincent Filipek Memorial Bridge.

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

**Senate Concurrent Resolution 21**, US Army CPL Daniel Frederick Mehringer Memorial Bridge.

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

**Com. Sub. for Senate Concurrent Resolution 23**, Johnny O’Dell Linville Memorial Bridge.

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

**Senate Concurrent Resolution 24**, US Army PFC Joe Messe, Sr., Memorial Bridge.

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

**Com. Sub. for Senate Concurrent Resolution 26**, US Marine Corps SSG Beecher J Rhoades Memorial Bridge.

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

**Senate Concurrent Resolution 28**, US Army SPC4 Randall W. Arbogast Memorial Road.

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

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

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

Whereas, Randall W. Arbogast was born at Valley Head, West Virginia, on February 12, 1945, the eldest son of the late Warren Everett Arbogast and Arizona Ware Arbogast. He was a graduate of Tygarts Valley High School Class of 1964 and was employed by Pioneer Lumber Company until entering the U. S. Army on September 29, 1965, and was one of 4,000 soldiers assigned to the elements of the 196th Light Infantry Brigade, the first "light" infantry brigade in U. S. military history; and

Whereas, U. S. Army SPC 4 Randall W. Arbogast was the only casualty of the Vietnam War from the southern Randolph County communities of Valley Head, Mingo and Monterville, West Virginia and was also the only graduate of Tygarts Valley High School to lose his life in the Vietnam War; and

Whereas, Randall served with B Company 4th Battalion 31 Infantry from September 29, 1965 thru February 11, 1967; on his 22nd birthday, February 12, 1967, he was transferred to B Company 1st Battalion Mechanized 5th Infantry 25th Infantry Division where he was assigned as an 11C10 Indirect Fire Infantryman M-60 Machine Gunner; and

Whereas, On May 3, 1967, Randall's squad was engaged in hostile action with the enemy in Hau Nghia Province when he was hit with a blast from a white phosphorous grenade and suffered sixty-eight percent total body burns with forty-seven percent being third degree burns; Randall was evacuated from the field and on May 8, 1967, arrived at Brook General Hospital, Fort Sam Houston, Texas, for treatment of his injuries; and

Whereas, U. S. Army SPC 4 Randall W. Arbogast died on May 31, 1967, of septicemia due to burns received in combat in Hau

Nghia Province, Vietnam; he was awarded the Purple Heart, Bronze Star, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal, the National Defense Medal and the Combat Infantry Badge; his name is listed on the Vietnam Memorial Wall in Washington, D. C.; and

Whereas, Randall was survived by two brothers, Stanley and Steve Arbogast, and six sisters, Lou Arbogast Burkhardt, Leanne Arbogast, Jean Arbogast Hesson, Janice Arbogast Hadley, Kayleen Arbogast Dunsmoor and Carol Arbogast; and

Whereas, The death of this brave American soldier and his sacrifice to his country, state and community should not go unnoticed and the naming of a section of U. S. Route 219, from its intersection with WV State Route 15 at Valley Head, West Virginia, south to the Pocahontas County line, the “U. S. Army SPC 4 Randall W. Arbogast Memorial Road” in Randolph County would be an appropriate tribute; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a section of U. S. Route 219 from its intersection with WV State Route 15 at Valley Head, West Virginia, south to the Pocahontas County line in Randolph County, the “U. S. Army SPC 4 Randall W. Arbogast Memorial Road”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “U. S. Army SPC 4 Randall W. Arbogast Memorial Road”; and, be it

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

And,

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

**Senate Concurrent Resolution 28**—Requesting the Division of Highways to name a section of U. S. Route 219 from its Intersection with WV State Route 15 at Valley Head, West Virginia, south to the Pocahontas County line in Randolph County, the “U. S. Army SPC 4 Randall W. Arbogast Memorial Road.

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

The question being on the adoption of the resolution, as amended by the House of Delegates, the same was put and prevailed.

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

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

**Senate Concurrent Resolution 31**, US Navy BT2 Mark Edward Hutchison Memorial Bridge.

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

**Senate Concurrent Resolution 39**, US Army PFC Kelva H. Justice Memorial Road.

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

**Senate Concurrent Resolution 41**, US Army PV2 Mandvial S. “Bunker” Bias Memorial Bridge.

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

**Senate Concurrent Resolution 43**, Eugene Lee “Gene” Burner Memorial Bridge.

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

**Senate Concurrent Resolution 45**, Home of Anna Lindquist, 1996 NHSPA Hall of Fame Inductee highway sign.

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

**Eng. Com. Sub. for House Bill 2319**, Relating to candidates or candidate committees for legislative office disclosing contributions.

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

**Eng. Com. Sub. for House Bill 2364**, Prohibiting electioneering within or near early voting locations during early voting periods.

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

**Eng. Com. Sub. for House Bill 2373**, Authorizing school bus drivers trained in administration of epinephrine auto-injectors to administer auto-injectors.

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

**Eng. House Bill 2404**, Barring persons who are convicted of certain criminal offenses from acquiring property from their victims.

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

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

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

**Eng. Com. Sub. for House Bill 2494**, Providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, to take effect January 1, 2018, and requested the concurrence of the Senate in the changed effective date, as to

**Eng. Com. Sub. for House Bill 2619**, Risk Management and Own Risk and Solvency Assessment Act.

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

On further motion of Senator Ferns, the Senate concurred in the changed effective date of the bill, that being to take effect January 1, 2018, instead of ninety days from passage.

Senator Ferns moved that the bill take effect January 1, 2018.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2619) takes effect January 1, 2018.

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

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

**Eng. Com. Sub. for House Bill 2721**, Removing the cost limitation on projects completed by the Division of Highways.

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

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

Senators Boso, Swope and Jeffries.

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

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

**Eng. Com. Sub. for House Bill 2722**, Eliminating the financial limitations on utilizing the design-build program for highway construction.

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



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

Senators Boso, Swope and Jeffries.

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

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

**Eng. Com. Sub. for House Bill 2734**, Authorizing a method for the collection and remittance of property taxes related to dealers' heavy equipment inventory.

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

**Eng. Com. Sub. for House Bill 2948**, Establishing timelines for taking final action on certain permits.

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

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

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

**Eng. Com. Sub. for House Bill 2948**—A Bill to amend and reenact §17C-17A-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1A-3a of said code; to amend and reenact §19-2A-4 of said code; to amend and reenact §19-9A-3 of said code; to amend and reenact §19-12D-7 of said code; to amend and reenact §19-15-2 of said code; to amend and reenact §19-34-6 of said code; to amend and reenact §19-35-3 of said code;

to amend and reenact §20-3-5 of said code; to amend and reenact §20-7A-5 of said code; to amend and reenact §21-10-7 of said code; to amend and reenact §21-12-7 of said code; to amend and reenact §21-15-10 of said code; to amend and reenact §24A-3-3 of said code; to amend and reenact §29-3-12 of said code; to amend and reenact §29-29-4 of said code; to amend and reenact §47-1A-10 of said code, all relating generally to the issuance of permits; establishing timelines for taking final action on certain permits; modifying procedures for the issuance of permits by the Public Service Commission for activities related to the commercial transportation of coal; modifying procedures for the issuance of permits by the Division of Forestry for activities related to growing or dealing ginseng; modifying procedures for the issuance of permits by the Commissioner of Agriculture to operate a public market; modifying procedures for the issuance of permits by the Commissioner of Agriculture to feed garbage to swine; modifying procedures for the issuance of permits by the Commissioner of Agriculture for activities related to noxious weeds; modifying procedures for the issuance of permits by the Commissioner of Agriculture for activities related to the manufacture or distribution of fertilizer; modifying procedures for the issuance of permits by the Dangerous Wild Animals Board; modifying procedures for the issuance of uniform farmers market vendor permits by local health departments; modifying procedures for the issuance of burning permits by the Director of the Division of Forestry; modifying procedures for the issuance of permits by the Director of the Division of Natural Resources for the excavation or removal of archaeological, paleontological, prehistoric and historic features; modifying procedures for the issuance of permits by the Division of Labor to operate an amusement ride or attraction, a commercial bungee jumping site, or a zipline or canopy tour; modifying procedures for the issuance of permits by the Public Service Commission to operate as a contract carrier by motor vehicle; modifying procedures for the issuance of permits by the State Fire Marshal; modifying procedures for the issuance of permits by a nonprofit youth organization; and modifying permit fees and procedures for the issuance of permits by the Commissioner of the Division of Labor for activities related to the regulation and control of bedding and upholstery businesses.

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

Engrossed Committee Substitute for House Bill 2948, as amended, was then put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2948) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for House Bill 2961**, Relating generally to charitable bingo games and charitable raffles.

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

**Eng. House Bill 3037**, Removing the Division of Energy as an independent agency.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 47**—Requesting the Division of Highways to name the road from the beginning of Sand Creek Road on County Route 10/15 at the bend of the Guyandotte River and State Route 10 running one-half mile on Sand Creek Road in Lincoln County, the “U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**Com. Sub. for House Concurrent Resolution 53**—Requesting the Division of Highways to name bridge number 04-5/6-7.33 (O4A193), (latitude 38.75026, longitude -80.74277), locally known as the Riffle Box Beam Bridge, carrying County Route 5/6 over Perkins Fork of Cedar Creek in Braxton County, as the “US Army CPL Jerry Lee Noble Memorial Bridge.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**Com. Sub. for House Concurrent Resolution 64**—Requesting the Division of Highways to name bridge number 17-50-14.25 (17A195) (39.28950, -80.35136), locally known as the Adamston Bridge, carrying U.S. 50 over the West Fork River in Harrison County, the “Gill Brothers World War II Veterans’ Memorial Bridge.”

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**Com. Sub. for House Concurrent Resolution 65**—Requesting the Division of Highways to name Bridge No. 20-77-106.11 NB & SB (20A444, 20A445) (38.41306, -81.63047), locally known as I-77 Edens Fork Interchange Bridge, carrying Interstate 77 NB and SB over Kanawha Two-mile Creek and County Route 27 in Kanawha County, the “U.S. Army Hobert G. ‘Hobie’ Underwood Memorial Bridge.”

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**Com. Sub. for House Concurrent Resolution 84**—Requesting the Division of Highways to name Bridge Number 17-9-5.09 (17A350) (39.3443, -80.4013) locally known as Gregory Run Bridge carrying County Route 9 over Ten Mile Creek, in Harrison County, the “U.S. Army Air Force S/SGT Harold ‘Dean’ Baker Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**Com. Sub. for House Concurrent Resolution 93**—Urging the Division of Highways to extend WV Route 93 from its current terminus at US Route 50 near Claysville, West Virginia through the junction of WV Route 927 and US Route 50 to create a new terminus at the junction of WV Route 972 and US Route 220, and to erect signs reflecting this change.

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**Com. Sub. for House Concurrent Resolution 98**—Requesting the Division of Highways to name Bridge Number 20-77-83.31 (20A612) (38.19472, -81.47715), carrying I-77 (West Virginia Turnpike) over the CSX Railroad in Kanawha County, the “John H. Reed, Jr. Memorial Bridge.”

Referred to the Committee on Transportation and Infrastructure.

A message from The Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 118**—Requesting the Division of Highways name bridge number 07-33-5.34 (07A057) (38.79415, -81.14055), locally known as the Arnoldsburg Bridge, carrying US 33 over the West Fork of Little Kanawha River in Calhoun County, the “Craddock Brothers Bridge”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 4**, US Navy MM2 Carl E. Keeny and US Army PFC Carl M. Nicholas Memorial Bridge.

**Senate Concurrent Resolution 52**, US Army PFC Glenn S. Perdue, US Army Tec 5 Charley H. Perdue and US Army Air Corps SGT Carl Perdue Memorial Road.

**House Concurrent Resolution 19**, U.S. Army PFC Freeman Ray Meade Memorial Road.

**House Concurrent Resolution 23**, U.S. Army SSG Styish R. Morris Memorial Road.

**House Concurrent Resolution 30**, U.S. Army PFC Cornelious Wiley Memorial Bridge.

**House Concurrent Resolution 41**, Major Martin Robison Delany Memorial Bridge.

**House Concurrent Resolution 48**, U.S. Army SPC David H. Stamper Memorial Bridge.

**Com. Sub. for House Concurrent Resolution 50**, Lowe Mountain Memorial Highway.

And,

**House Concurrent Resolution 92**, U.S. Army SGT Eugene Dawson Memorial Highway.

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

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the resolutions (S. C. R. 4 and 52, H. C. R. 19, 23, 30, 41, 48 and 92, and Com. Sub. for H. C. R. 50) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

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

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 25**, Jeffrey Alan Clovis Memorial Bridge.

And reports back a committee substitute for same as follows:

**Com. Sub. for Senate Concurrent Resolution 25** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name bridge number 31-7-7.58 (31A311) (39.70251, -80.30017), locally known as Wana Bridge, carrying WV 7 over West Virginia Fork of Dunkard Creek in Monongalia County, the “Jeffrey Alan Clovis Memorial Bridge”.

Whereas, Jeffrey Alan Clovis was born January 29, 1968, and was the first child of Donald Charles Clovis and Linda Kay Tucker of Morgantown, West Virginia, and stepson to Donna Clovis and Darrell Tucker; and

Whereas, Jeffrey Alan Clovis was a 1986 graduate of Clay-Battelle High School, a member of the Loyal Order of Moose in Waynesburg, PA, and member of the Kingdom Evangelical Church of Westover, West Virginia; and

Whereas, Jeffrey Alan Clovis was 27-year veteran towing operator, receiving a certification of achievement from Towing Recovery Association of America and was certified as a Nationally Certified Master Tower; and



Whereas, Jeffrey Alan Clovis was known for his good nature and quiet sacrifices in order to make others feel comfortable in whatever ordeal they may be enduring, all the while remaining vigilant in his professional responsibilities; and

Whereas, Jeffery Alan Clovis of Wadestown, West Virginia, tragically lost his life while responding to a service call along Interstate 79 on August 9, 2016; and

Whereas, Jeffrey Alan Clovis shall be remembered on the Wall of Fallen Heroes at the International Towing and Recovery Hall of Fame in Chattanooga, Tennessee; and

Whereas, Jeffrey Alan Clovis is survived by his wife, Sheila Clovis; daughter, Jennifer Clovis; step-daughter, Skyler Johnson; brother, Brent Clovis; and step-sister, Michelle Yost; and

Whereas, It is most fitting that the West Virginia State Senate pay tribute to the sacrifices and accomplishments of Jeffrey Alan Clovis by naming this bridge in his honor; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 31-7-7.58 (31A311) (39.70251, -80.30017), locally known as Wana Bridge, carrying WV 7 over West Virginia Fork of Dunkard Creek in Monongalia County, the “Jeffrey Alan Clovis Memorial Bridge”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Jeffrey Alan Clovis 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.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the resolution (Com. Sub. for S. C. R. 25) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The question being on the adoption of the resolution, the same was put and prevailed.

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

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**House Concurrent Resolution 21**, 1SG Carl J. Crabtree Memorial Road.

And has amended same.

**House Concurrent Resolution 35**, Arnold Miller Memorial Bridge.

And has amended same.

**House Concurrent Resolution 58**, William C. Campbell Memorial Highway.

And has amended same.

And,

**House Concurrent Resolution 73**, U S Army Air Corps PVT William James Irwin, Memorial Bridge.

And has amended same.

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

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

Senator Hall, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Eng. Com. Sub. for House Bill 2887**, Relating to retirement and separation incentives.

With an amendment from the Committee on Education pending;

And has also amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on April 5, 2017;

And reports the same back with the recommendation that it do pass as last amended by the Committee on Finance.

Respectfully submitted,

Mike Hall,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2887) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

The following amendments to the bill, from the Committee on Finance, were reported by the Clerk, considered simultaneously, and adopted:

On page one, section one-d, line ten, by striking out the words “at least sixty days prior to the effective date of the policy” and inserting in lieu thereof the words “and approved before such policies are adopted”;

And,

On page three, section one-d, line fifty-seven, after the words “presented to” by inserting the words “and approved by”.

The bill (Eng. Com. Sub. for H. B. 2887), as amended, was then ordered to third reading.

The Senate proceeded to the sixth order of business.

Senators Sypolt, Plymale and Beach offered the following resolution:

**Senate Concurrent Resolution 64**—Requesting the Joint Committee on Government and Finance study the West Virginia Division of Purchasing, including the evolving demands of government agencies for the division’s services, the division’s current fitness for its intended purposes and the efficiency of current statutory and regulatory procedures for purchasing of goods and services.

Whereas, During the 2017 regular session of the Legislature, at least eighteen bills have been introduced to modify, restrict or create an exemption from, the powers and responsibilities of the Division of Purchasing and year by year requests to create more exemptions are a perennial demand upon the Legislature; and

Whereas, Current law regarding the process of bidding, solicitation of vendors and contracting for goods and services is already subject to numerous exemptions and exclusions, such as the exemption for the substantial procurements of the State Board of Education; and

Whereas, Perceived delays in the procurement process and complex contract procedures have prompted demand for more exemptions and exclusions from current purchasing laws; and

Whereas, Current statutes and regulations originate in older, paper-based systems for oversight and tracking; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance study the West Virginia Division of Purchasing, including the evolving demands of government agencies for the division's services, the division's current fitness for its intended purposes and the efficiency and benefit of current statutory and regulatory procedures for purchasing of goods and services; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 63,** Requesting study on options for financing construction and completion of Coalfields Expressway.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 476,** Expiring funds from Revenue Shortfall Reserve Fund to General Revenue.

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

On motion of Senator Ferns, the bill was committed to the Committee on Rules.

**Eng. Com. Sub. for House Bill 2366**, Relating to selling Jackie Withrow Hospital.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Miller, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Facemire, Jeffries, Maynard, Mullins, Romano and Smith—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2366) passed.

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

**Eng. Com. Sub. for House Bill No. 2366**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to the selling of a certain state owned health care facility and appurtenances by the Secretary of the Department of Health and Human Resources; ensuring the transfer of existing patients; providing for construction of a replacement facility; requiring new facility to have ninety beds; providing that other licensed bed of the existing hospital be decertified and delicensed; exempting certain laws; creating a fund; implementing a benefits package for employees; providing for an accounting; and providing statutory construction.

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

**Eng. Com. Sub. for House Bill 2428**, Establishing additional substance abuse treatment facilities.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2428) passed.

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

**Eng. Com. Sub. for House Bill 2428**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-53-1, §16-53-2, and §16-53-3, all relating to ensuring additional beds for purposes of providing substance abuse treatment; requiring these beds are made available in locations throughout the state; providing duties of the Secretary of the Department of Health and Human Resources; providing for requirements of facilities accepting funds; requiring facilities be appropriately licensed; creating the Ryan Brown Addiction Prevention and Recovery Fund; providing for administration of fund by the Secretary of the Department of Health and Human Resources; providing what moneys the fund shall consist of ; directing the transfer of money recovered on behalf of the state

arising out of the settlement of a certain civil action to the fund; and providing for rulemaking.

Senator Ferns moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2428) takes effect from passage.

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

**Eng. Com. Sub. for House Bill 2546**, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending and with the right having been granted on yesterday, Thursday, April 6, 2017, for amendments to be received on third reading, was reported by the Clerk.

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

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

**ARTICLE 5. WAGE PAYMENT AND COLLECTION.**



**§21-5-1. Definitions.**

As used in this article:

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

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

(c) The term “wages” means compensation for labor or services rendered by an employee, whether the amount is determined on a time, task, piece, commission or other basis of calculation. As used in sections four, five, eight-a, ten and twelve of this article, the term “wages” shall also include then accrued fringe benefits capable of calculation and payable directly to an employee: *Provided*, That nothing herein contained shall require fringe benefits to be calculated contrary to any agreement between an employer and his or her employees which does not contradict the provisions of this article.

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

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

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

(g) The term “deductions” includes only those amounts required by law or Court order to be withheld, and those amounts

~~authorized for union or club dues, pension plans, payroll savings plans, credit unions, charities and hospitalization and medical insurance~~ required by the terms of an employer-sponsored or employer-provided plan or program providing fringe benefits in which the employee is a participant.

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

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

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

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

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

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

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

(o) The term “employer provided property” means all property provided by an employer to an employee for use in the employer’s business, including but not limited to, equipment, phone, computer, supplies or uniforms.

(p) The term “actual cash value” means the lesser of fair market value of the employer provided property or the cost to replace employer provided property, minus depreciation taken or allowed.

**§21-5-4. Cash orders; employees separated from payroll before paydays; employer provided property.**

(a) In lieu of lawful money of the United States, any person, firm or corporation may compensate employees for services by cash order which may include checks, direct deposits or money orders on banks convenient to the place of employment where suitable arrangements have been made for the cashing of the checks by employees or deposit of funds for employees for the full amount of wages.

(b) Whenever a person, firm or corporation discharges an employee, or whenever an employee quits or resigns from employment, the person, firm or corporation shall pay the employee’s wages due for work that the employee performed prior to the separation of employment on or before the next regular payday on which the wages would otherwise be due and payable: *Provided*, That fringe benefits, as defined in section one of this article, that are provided an employee pursuant to an agreement between the employee and employer and that are due, but pursuant to the terms of the agreement, are to be paid at a future date or upon additional conditions which are ascertainable are not subject to this subsection and are not payable on or before the next regular payday, but shall be paid according to the terms of the agreement.

For purposes of this section, “business day” means any day other than Saturday, Sunday or any legal holiday as set forth in section one, article two, chapter two of this code.

(c) Payment under this section may be made in person in any manner permissible under section three of this article, through the regular pay channels or, if requested by the employee, by mail. If the employee requests that payment under this section be made by mail, that payment shall be considered to have been made on the date the mailed payment is postmarked.

(d) When work of any employee is suspended as a result of a labor dispute, or when an employee for any reason whatsoever is laid off, the person, firm or corporation shall pay in full to the employee not later than the next regular payday, either through the regular pay channels or by mail if requested by the employee, wages earned at the time of suspension or layoff.

(e) If a person, firm or corporation fails to pay an employee wages as required under this section, the person, firm or corporation, in addition to the amount which was unpaid when due, is liable to the employee for two times that unpaid amount as liquidated damages. This section regulates the timing of wage payments upon separation from employment and not whether overtime pay is due. Liquidated damages that can be awarded under this section are not available to employees claiming they were misclassified as exempt from overtime under state and federal wage and hour laws. Every employee shall have a lien and all other rights and remedies for the protection and enforcement of his or her salary or wages, as he or she would have been entitled to had he or she rendered service therefor in the manner as last employed; except that, for the purpose of liquidated damages, the failure shall not be deemed to continue after the date of the filing of a petition in bankruptcy with respect to the employer if he or she is adjudicated bankrupt upon the petition.

(f)(1) Notwithstanding any provision in this article, including but not limited to section three-e of this article, to the contrary, if an employee fails to return employer provided property at the time of discharge, resignation or separation from employment under any

circumstances, the employer may withhold, deduct or divert any portion of an employee's final wages up to an amount equal to but not to exceed the actual cash value of employer provided property, subject to the following:

(A) The employer provided property had been provided to the employee in the course of, and for use in, the employer's business;

(B) The employee had signed a written agreement with the employer contemporaneous with the obtaining of the employer provided property, or signed and ratified an agreement if property had been provided prior to the effective date of this provision; and such agreement contained, at a minimum, the following information:

(i) Specific itemization of the employer provided property, including the cost to the employer;

(ii) Clear statement that such items are to be returned immediately upon discharge, resignation or separation from employment under any circumstances; and

(iii) Clear statement, coupled with the employee's acknowledgement and agreement, that should the employee fail to timely return the specified item or items upon separation from employment, the actual cash value of such item or items may be deducted and recovered by the employer from the employee's final wages;

(C) The employer shall notify the employee in writing at the time of discharge, resignation or separation from employment under any circumstances by personal service, or as soon thereafter as practicable, by personal service or via certified mail with return receipt requested, as to the actual cash value of the items, make a demand for return of such employer provided property by a certain date, not to exceed ten business days from the notification, and advise the employee of his or her option under subdivision three of this subsection to object to the actual cash value amount to be deducted; and

(D) The employer shall relinquish any wages withheld, deducted or diverted under this section to the employee if the employee returns the employer's property, equipment, supplies and uniforms in a condition suitable for the age and usage of the items within the deadline specified in paragraph (C), subdivision (1) of this subsection.

(2) Nothing herein precludes an employee from voluntarily consenting in writing to an employer's withholding, deduction or diversion of a certain amount from the employee's final wages in satisfaction of subdivision (1) of this subsection.

(3) If an employee objects to the actual cash value amount to be deducted by an employer, and provides such written objection within the deadline specified in paragraph (C), subdivision (1) of this subsection, then the employer shall provide the wages owed under this section to the employee less the claimed actual cash value amount, and shall place the controverted amount in an interest bearing escrow account: *Provided*, That if the employee does not commence a civil action in the appropriate court within three months of the date the written objection is made, the employee shall forfeit the amount in escrow and such money shall revert to the employer.

(4) Nothing in this subsection is intended, nor shall it be construed, to abolish or limit any other remedies available to an employer to recover employer provided property, damages related to employer provided property or any other damages or relief, equitable or otherwise, available under any applicable law.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2546), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2546) passed.

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

**Eng. Com. Sub. for House Bill 2546**—A Bill to amend and reenact §21-5-1 and §21-5-4 of the Code of West Virginia, 1931, as amended, all relating to the Wage Payment and Collection Act; relating to allowing actual cash value of employer provided property to be deducted from an employee's final paycheck if the property is not returned; defining terms under the Wage Payment and Collection Act; clarifying and defining the terms "deductions", "fringe benefits", "employer provided property" and "actual cash value" under the Wage Payment and Collection Act; setting forth conditions upon which an employer may withhold, deduct or divert the actual cash value of employer provided property that has not been timely returned; requiring written agreements before withholding or deductions for the actual cash value of employer provided property may be made; specifying certain contents of such written agreements; authorizing withholding, deduction or diversion of actual cash value of employer provided property with consent of employee; requiring employer to provide notice of intent to withhold, deduct or divert actual cash value of employer provided property; specifying contents of that notice; requiring employer to relinquish withheld wages if the employee provides the employer provided property by the deadline contained in the notice; providing option to employee to object to actual cash value of employer provided property to be withheld, deducted or diverted; providing that employer place contested amounts in interest bearing escrow account; requiring employee to file civil

action to recoup contested amounts within three months or contested amount in escrow account reverts to employer; and providing that new subsection does not abolish or limit any other remedies available to employers under law.

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

**Eng. Com. Sub. for House Bill 2552**, Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund.

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

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Eng. Com. Sub. for House Bill 2561**, Relating to public school support.

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

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

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

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2561) passed.

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



**Eng. Com. Sub. for House Bill 2561**—A Bill to repeal §11-6A-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §11-8-6f and §11-8-12 of said code; to amend and reenact §18-9A-2, §18-9A-4, §18-9A-5, §18-9A-6a, §18-9A-7, §18-9A-9, §18-9A-10 and §18-9A-11 of said code; to amend said code by adding thereto a new section, designated §18-9A-25; to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4c and §18-9D-16 of said code; and to amend said code by adding thereto two new sections, designated §18-9D-4d and §18-9D-22, all relating to public school support; repealing code section pertaining to tax treatment of wind power projects; removing limit on increase in total property tax revenues if the current regular levy rates of the county boards of education were to be imposed; requiring each county board of education to establish its regular levy rates each year up to the statutory maximum levy rates; allowing a county board to change its proposed regular levy rates from the original proposed levy rates in its required statement to the Auditor; deleting required periodic legislative review of definition of “net enrollment”; changing term “levies for general current expense purposes” to “maximum levies for general current expense purposes” and modifying the definition to mean ninety percent of the maximum levy rates for county boards of education; determining allowance for fundable professional educators at set ratio, rather than the number employed subject to a limit; providing for determination of allowance for fundable positions in excess of number employed; deleting expired provisions; basing minimum professional instructional personnel required on percent of fundable professional educators or the number employed, whichever is less; providing for prorating professional instructional personnel among participating counties in joint school or program or service; removing penalty for not meeting applicable professional instructional personnel ratio for 2017-2018 school year; deleting expired provisions; deleting required periodic legislative review of density category ratios; determining allowance for fundable service personnel at set ratio, rather than number employed subject to a limit; providing for determination of allowance for fundable positions in excess of number employed; providing for proration of number and allowance of personnel employed in part by state and county funds; adding professional

student support personnel allowance to calculation of Teachers Retirement Fund allowance; basing Teachers Retirement Fund allowance on average retirement contribution rate of each county and defining "average rate"; allowing limited portion of funds for bus purchases to be used for facility and equipment repair maintenance and improvement or replacement or other current expense priorities if requested and approved by state superintendent following verification; changing calculation of allowance for current expense from percent allowances for professional and service personnel to county's state average costs per square footage per student for operations and maintenance; basing the allowance to improve instructional programs and instructional technology on the portion of the increase in local share amount for the next school year that is due to an increase in assessed values only; removing authorization for use of instructional improvement funds for implementation and maintenance of the uniform integrated regional computer information system; increasing percentage of allocation for the improvement of instructional programs that can be used to employ school personnel; removing requirement for fully utilizing applicable provisions of allowances for professional and service personnel before using instructional improvement funds for employment; removing restriction limiting use of new instructional improvement funds for employment except for technology system specialists until certain determination made by state superintendent; authorizing use of instructional technology improvement funds for employment of technology system specialists and requiring amount used to be included and justified in strategic technology plan; specifying when certain debt service payments are to be made into School Building Capital Improvement Fund; authorizing use of percentages of allocations for improving instructional programs and improving instructional technology for facility and equipment repair, maintenance and improvement or replacement and other current expense priorities and for emergency purposes; requiring amounts used to be included and justified in respective strategic plans; basing the computation of local share on the maximum levies for general current expense purposes; making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding

administered or distributed by the West Virginia School Building Authority; and requiring the School Building Authority to maintain a reserve fund for the purpose of making emergency grants to financially distressed county boards for certain purposes.

Senator Ferns moved that the bill take effect July 1, 2017.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Maroney, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Weld and Carmichael (Mr. President)—20.

The nays were: Beach, Facemire, Jeffries, Mann, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Trump, Unger and Woelfel—14.

Absent: None.

So, less than two thirds of all the members elected to the Senate having voted in the affirmative, the President declared Senator Ferns' aforesated motion had not prevailed.

Senator Trump moved that the bill take effect from passage.

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

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

Absent: None.

So, less than two thirds of all the members elected to the Senate having voted in the affirmative, the President declared Senator Trump's aforesated motion had not prevailed.

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

**Eng. Com. Sub. for House Bill 2601**, Relating to municipal policemen's or municipal firemen's pension and relief funds.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2601) passed.

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

**Eng. Com. Sub. for House Bill 2601**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §8-22-27a and §8-22-27b, all relating to administration of municipal pensions; establishing procedures to correct errors in the administration of municipal pensions; making the act of fraud in relation to a record of a municipal pension a misdemeanor; and providing for criminal penalties.

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

On motion of Senator Ferns, the Senate recessed until 2 p.m. today.

Upon expiration of the recess, the Senate reconvened and, without objection, returned to the third order of business.

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

**Eng. Com. Sub. for House Bill 2868**, Relating generally to Uniform Unclaimed Property Act.

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

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

Senators Smith, Cline and Romano.

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

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

**Eng. Com. Sub. for House Bill 2702**, Relating to excused absences for personal illness from school.

Having been read a third time on yesterday, Thursday, April 6, 2017, and now coming up in regular order, was reported by the Clerk.

At the request of Senator Mann, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Mann, the following amendment to the bill was reported by the Clerk and adopted:

On page two, section four, line forty, by striking out the word “may” and inserting in lieu thereof the word “will”.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2702), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Gaunch, Karnes and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2702) passed.

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

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

**Eng. Com. Sub. for House Bill 2702**—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to documentation of unexcused absences from compulsory school attendance; limiting the excused absences for personal illness or injury in the family to those of student's parent, guardian or custodian; requiring all documentation related to absences be provided to school no later than three days of occurrence; authorizing schools to have discretion whether to give notice in the case of three unexcused absences; giving schools the discretion whether to give said notice by written or other means to a parent after three absences; giving discretion for attendance director or assistant to make a complaint against parent after ten total unexcused absences; and clarifying responsibility of administrative head or other chief administrator of school for meeting; and making other technical clarifications.

Senator Ferns moved that the bill take effect July 1, 2017.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Gaunch, Karnes and Smith—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2702) takes effect July 1, 2017.

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

**Eng. Com. Sub. for House Bill 2708**, Relating to a lawful method for a developmentally disabled person to purchase a base hunting license.

On third reading, coming up in regular order, with the unreported Natural Resources committee amendment pending and with the right having been granted on yesterday, Thursday, April 6, 2017, for amendments to be received on third reading, was reported by the Clerk.

The following amendment to the bill, from the Committee on Natural Resources, was reported by the Clerk and adopted:

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

That §20-2-27, §20-2-30a, §20-2-42a, §20-2-42q, §20-2-42s and §20-2-42v of the Code of West Virginia, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §20-3-3a, to read as follows:

**ARTICLE 2. WILDLIFE RESOURCES.****PART II.****LICENSES AND PERMITS.****§20-2-27. Necessity for license; contact information exempted.**

~~Except as otherwise provided by law, no resident who has reached his or her fifteenth birthday and who has not reached his or her sixty fifth birthday before January 1, 2012, and no nonresident shall at any time take, hunt, pursue, trap for, kill or chase any wild animals, wild birds, or fish for, take, kill or catch any fish, amphibians or aquatic life of any kind whatsoever in this state without first having secured a license or permit and then only during the respective open seasons, except that a nonresident who has not reached his or her fifteenth birthday may fish for, take, kill or catch any fish, amphibians or aquatic life of any kind whatsoever in this state without first having secured a license or permit. A person under the age of fifteen years shall not hunt or chase any wild animals or wild birds upon lands of another unless accompanied by a licensed adult.~~

(a) Except as otherwise provided by law, a resident between the ages of fifteen and sixty-five, and all nonresidents, may not hunt or take wildlife of any kind in this state without the requisite license, stamp or permit, and then only during the respective open seasons. A resident who is fourteen or younger may hunt and take wildlife without a license if accompanied by a licensed adult. A resident and nonresident who is fourteen or younger may fish for and take fish, amphibians or aquatic life without a license.

(b) Except as otherwise provided by law, A a resident or nonresident member of any club, organization or association, or persons owning or leasing a game preserve, or fish preserve, ~~plant~~ or pond in this state shall may not hunt or fish therein without first securing a the requisite license, stamp or permit as ~~required by law~~: *Provided*, That resident landowners or their resident children, or bona fide resident tenants of land, may, without a ~~permit or license,~~ stamp or permit, hunt and fish on their own land during the



~~respective open seasons in accordance with laws and rules applying to such hunting and fishing unless the lands have been designated as a wildlife refuge or preserve.~~

~~(c) Licenses, stamps and permits shall be of the kinds and classes are set forth in this article and shall be conditioned upon the require payment of the requisite fees established for the licenses and permits.~~

~~(d) The list of names, addresses and other contact information of all licensees compiled and maintained by the division as a result of the sale and issuance of any resident or nonresident license, stamp or permit, as well as any electronic game information or other personal information obtained pursuant to this chapter, is exempt from disclosure by the division under the Freedom of Information Act, chapter twenty-nine-b of this code, and for any other purpose: *Provided*, That the records specified in this section shall be available to all law-enforcement agencies, courts or other governmental entities authorized to request or receive the records.~~

**§20-2-30a. Certificate of training; falsifying, altering, forging, counterfeiting or uttering training certificate; modified certificate of training; penalties.**

(a) Notwithstanding any other provisions of this article, ~~no~~ a base hunting license may not be issued to any person who was born on or after January 1, 1975, unless the person submits to ~~the person authorized to issue hunting licenses~~ a certificate of training as provided in this section or proof of completion of any course ~~which that~~ promotes as a major objective safety in the handling of firearms and of bow and arrows and which course is approved by the hunter education association or the director, ~~or provides a State of West Virginia~~ A resident or nonresident may show a hunting license from the previous hunting season that displays a certification of training, or ~~attests~~ they may attest that a hunter training course has been completed when purchasing a license or stamp online. ~~;~~ *Provided*, ~~That after January 1, 2013,~~ However, a person may be issued a Class AH, Class AHJ, Class AAH and Class AAHJ apprentice hunting and trapping license pursuant to the provisions of section forty-two-y of this article ~~and is exempt~~

~~from~~ without completing the hunter training requirements set forth herein.

(b)(1) The director shall establish a course in the safe handling of firearms and of bows and arrows, such as the course approved by the Hunter Education Association. This course shall be given at least once per year in each county in this state and shall be taught by instructors certified by the director. In establishing and conducting this course, the director may cooperate with any reputable association or organization which promotes as a major objective safety in the handling of firearms and of bows and arrows. ~~Provided, That any~~

(2) A person holding a Class A-L or AB-L lifetime resident license obtained prior to his or her fifteenth birthday shall be required to obtain a certificate of training as provided in this section before hunting or trapping pursuant to said license. This course of instruction shall be offered without charge, except for materials or ammunition consumed. Upon satisfactory completion of the course, each person instructed in the course shall be issued a certificate of training for the purposes of complying with the requirements of subsection (a) of this section. The certificate shall be in the form prescribed by the director and shall be valid for hunting license application purposes.

(c) (1) Upon satisfactory completion of this course, any person whose hunting license has been revoked for a violation of the provisions of this chapter may petition the director for a reduction of his or her revocation time. However, under no circumstances may the time be reduced to less than one year.

(2) Successful completion of this course shall be required to consider the reinstatement of a hunting license of any person whose license has been revoked due to a conviction for negligent shooting of a human being or of livestock under the provisions of section fifty-seven of this article, and who petitions the director for an early reinstatement of his or her hunting privileges. Such a petitioner shall also comply with the other requirements for consideration of reinstatement contained in section thirty-eight of this article.

(d) It is unlawful for any person to falsify, alter, forge, counterfeit or utter a certificate of training. Any person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or confined in jail for a period not to exceed one year, or both fined and imprisoned.

(e) ~~Nothing herein contained shall~~ This section does not mandate that any a county school district in the state be is responsible for implementing hunter safety education programs.

(f) (1) Notwithstanding the provisions of this section, a base hunting license may be issued to any person who has a developmental disability whose disability affects his or her ability to undertake a written test. The developmentally disabled person must attend an on-site hunter training course and must successfully complete all non-written aspects of the course to receive a modified certificate of training to purchase a base hunting license. For purposes of this section, "developmentally disabled" has the same meaning as prescribed in subsection (j), section twenty-eight of this article.

(2) As part of the application process for a license purchased under a modified certificate of training, a person with a developmental disability shall present to the division a written application form furnished by the director and signed by a licensed physician indicating that the person is:

(A) Unable to successfully complete a standard written test administered as part of the hunter training course;

(B) At all times capable of understanding and following directions given by another person; and

(C) Not a danger to himself or herself or others while engaged in hunting with a firearm.

(3) A person with a license purchased under a modified certificate of training may not hunt or trap unless he or she is in possession of all other required documentation and stamps and is accompanied and directly supervised by an adult eighteen years of

age or older who either possesses a valid West Virginia hunting license or has the lawful privilege to hunt pursuant to the provisions of this chapter. For purposes of this subsection, “accompanied and directly supervised” means that a person maintains a close visual and verbal contact with, provides adequate direction to and can assume control of the firearm from the developmentally disabled person.

(4) Any person violating the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, is subject to the punishment and penalties prescribed in section nine, article seven of this chapter.

**§20-2-42a. Class A resident hunting and trapping license.**

A Class A license is a resident hunting and trapping license and entitles the licensee to hunt and trap all legal species of wild animals and wild birds in all counties of the state, except that the licensee may not hunt deer during the deer archery, crossbow and muzzleloader seasons, or black bear, wild turkey or wild boar during the respective seasons, and except as prohibited by rules of the director or Natural Resources Commission and when additional licenses, stamps or permits are required. It shall be issued only to residents or aliens lawfully residing in the United States who have been domiciled residents of West Virginia for a period of thirty consecutive days or more immediately prior to the date of their application for a license. The fee for the license is \$18. This is a base license and does not require the purchase of a prerequisite license to participate in the activities specified in this section, except as noted.

**§20-2-42q. Class RB resident and Class RRB nonresident archery deer hunting stamp for an additional deer.**

The director has the authority to issue a Class RB resident and a Class RRB nonresident archery deer hunting stamp when deemed essential for the proper management of the wildlife resources. This stamp allows the licensee to hunt and take an additional deer during the deer archery or crossbow seasons as designated by the director. The fee for a Class RB stamp is \$20 and the fee for a Class RRB

stamp is \$35. The director may promulgate rules in accordance with article three, chapter twenty-nine-a of this code governing the issuance and use of these stamps. These stamps require that the licensee purchase the appropriate base license before participating in the activities specified in this section, except as noted.

**§20-2-42s. Class UU nonresident archery deer hunting stamp.**

A Class UU stamp is a nonresident archery deer hunting stamp and entitles the licensee to hunt and take deer with a bow during the archery deer season or with a crossbow in the crossbow deer season in all counties of the state, except as prohibited by the rules of the director or Natural Resources Commission. The fee for a Class UU stamp is \$30. The stamp, issued in a form prescribed by the director, shall be in addition to a Class E license. This stamp requires that the licensee purchase the appropriate base license before participating in the activities specified in this section, except as noted.

**§20-2-42v. Class BG resident big game stamp.**

A Class BG stamp is a resident big game stamp and entitles the Class A licensee to hunt deer during the deer archery, crossbow and muzzleloader seasons, and bear, wild turkey and wild boar during the respective seasons, except as prohibited by rules of the director or Natural Resources Commission: *Provided*, That the licensee possesses all other required permits and/or stamps. The fee for the stamp is \$10. The stamp, issued in a form prescribed by the director, shall be in addition to a Class A license. This stamp requires that the licensee purchase the appropriate base license before participating in the activities specified in this section, except as noted.

**ARTICLE 3. FORESTS AND WILDLIFE AREAS.**

**§20-3-3a. Cabwaylingo Pilot Project and Special Permit.**

(a) The director shall establish a two-year pilot project permitting all-terrain vehicles (ATVs) and off-highway recreational vehicles (ORVs) to drive on roads and trails in Cabwaylingo State Forest, as designated and approved by the

director. The director may establish special seasons and designate certain campgrounds and tent sites for ATV and ORV users in the forest.

(b) The director may establish a special permit for purchase by the ATV and ORV users for road and trail access, and may close any areas, or parts thereof, to public use. It is unlawful at any time to operate an ATV or ORV on any roads and trails in Cabwaylingo State Forest without the special permit.

(c) The provisions of article fifteen of this chapter shall apply to the division, participants, outfitters and licensees of the Cabwaylingo pilot project, though ORVs may be permitted.

(d) At the conclusion of the two-year pilot project, the Legislative Auditor shall review the pilot project and file a report with the Joint Committee on Government and Finance

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2708), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Gaunch and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub for H. B. 2708) passed.

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

**Eng. Com. Sub. for House Bill 2708**—A Bill to amend §20-2-27, §20-2-30a, §20-2-42a, §20-2-42q, §20-2-42s and §20-2-42v the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-3-3a, all relating to licenses and permits generally; exempting certain contact information for hunting and fishing license holders from public disclosure with certain exceptions; clarifying use of crossbows with certain licenses and stamps clarifying license requirements for disabled person; modifying certificate of training requirements for disabled person; providing criminal penalties for violations; creating a special permit for certain vehicles on certain roads and trails in Cabwaylingo State Forest; permitting the director discretion to establish special season and other aspects of two-year pilot project; applying the ATV, UTV and Motorcycle Responsibility Act to the project; requiring Legislative Auditor to review project and file report; and making technical corrections.

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

**Eng. Com. Sub. for House Bill 2720**, Allowing the School Building Authority to transfer funds allocated into the School Construction Fund.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Gaunch and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2720) passed.

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

**Eng. Com. Sub. for House Bill 2720**—A Bill to amend and reenact §18-9D-3 and §18-9D-8 of the Code of West Virginia, 1931, as amended, all relating to the funding of School Building Authority operational costs; and continuing a special revenue account known as the School Building Authority Fund.

Senator Ferns moved that the bill take effect July 1, 2017.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Gaunch and Karnes—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2720) takes effect July 1, 2017.

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

**Eng. Com. Sub. for House Bill 2724**, Relating to creating a pilot program under the Herbert Henderson Office of Minority Affairs.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Hall, Jeffries,



Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Gaunch and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2724) passed with its title.

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

**Eng. Com. Sub. for House Bill 2804**, Removing chiropractors from the list of medical professions required to obtain continuing education on mental health conditions common to veterans and family members.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Prezioso—1.

Absent: Gaunch and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2804) passed with its title.

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

**Eng. Com. Sub. for House Bill 2850**, Relating to product liability actions.

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

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Hall, Mann, Maroney, Maynard, Mullins, Palumbo, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—23.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Plymale, Prezioso, Romano and Unger—9.

Absent: Gaunch and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2850) passed with its title.

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

**Eng. Com. Sub. for House Bill 2857**, West Virginia Safer Workplaces Act.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2857 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Hall, Mann, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—19.

The nays were: Beach, Facemire, Jeffries, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—13.

Absent: Gaunch and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2857) passed.

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

**Eng. Com. Sub. for House Bill 2857**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3E-1, §21-3E-2, §21-3E-3, §21-3E-4, §21-3E-5, §21-3E-6, §21-3E-7, §21-3E-8, §21-3E-9, §21-3E-10, §21-3E-11, §21-3E-12, §21-3E-13, §21-3E-14, §21-3E-15 and §21-3E-16, all relating to creating West Virginia Safer Workplaces Act; permitting employers to test employees and prospective employees for drugs and alcohol under certain circumstances; providing a short title; defining terms; declaring public policy; providing for exceptions to the applicability of the West Virginia Safer Workplaces Act for employers covered by other drug and alcohol testing statutes; clarifying the right of privacy as defined by the West Virginia Supreme Court is outweighed by the public policy set forth in the West Virginia Safer Workplaces Act if an employer complies with the act; providing for the collection of samples, scheduling of tests and testing procedures; requiring employers to adhere to the accuracy and fairness safeguards of the West Virginia Safer Workplaces Act to qualify for the bar from being subjected to legal claims for acting in good faith on the results of a drug or alcohol test; providing for an employee's ability to request split sample be tested to challenge a positive test result; requiring employers to pay for certain drug or alcohol tests and transportation expenses, if any; requiring employer to conduct tests during or immediately before or after a regular work period; providing that testing by an employer is worked time for purposes of compensation and benefits for current employees; establishing responsibility for cost of split sample testing; setting forth testing

policy requirements; requiring confirmatory tests before disciplinary action may be taken under the West Virginia Safer Workplaces Act; establishing requirements for confirmatory drug tests; providing for disciplinary procedures; addressing disciplinary action for sensitive employees; describing sensitive employees; providing employers who are obligated to perform drug testing under a federal or state mandated drug testing statute will be required to follow whatever additional requirements are mandated by those statutes; providing protection from liability for certain legal claims under certain circumstances; clarifying that no causes of action for certain acts exists under the West Virginia Safer Workplaces Act; addressing potential causes of action related to false positive test results; addressing claims for defamation arising from circumstances covered by the West Virginia Safer Workplaces Act; clarifying employers are not required to adopt a drug and alcohol testing policy or to conduct drug or alcohol tests of employees or prospective employees; providing for confidentiality and exceptions to confidentiality requirement; addressing discipline for positive drug or alcohol tests including but not limited to termination of employment; providing for forfeiture of certain benefits under certain circumstances including unemployment compensation and workers' compensation benefits; clarifying that the drug and alcohol testing provisions of the West Virginia Safer Workplace Act cannot be used to show intoxication pursuant to section two, article four, chapter twenty-three of this code; requiring employers to provide notice to employees of the potential forfeiture of certain benefits; providing employers waive the right to assert eligibility for benefits is forfeited if notice is not provided; and requiring employers to have written drug and alcohol testing policies and procedures when implementing drug and alcohol testing.

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

**Eng. Com. Sub. for House Bill 2916,** Authorizing certain first responders to carry firearms.

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

Pending discussion,

On motion of Senator Ferns, the bill was committed to the Committee on Rules.

**Eng. House Bill 3018**, Adding definition of correctional employee to the list of persons against whom an assault is a felony.

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

Pending discussion,

The question being “Shall Engrossed House Bill 3018 pass?”

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Azinger—1.

Absent: Gaunch and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3018) passed.

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

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

**Eng. House Bill 3018**—A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to crimes against the person; defining correctional employee; including correctional employees as persons to whom the criminal penalties for malicious assault, unlawful assault, battery and

assault in this section apply; establishing penalties; and prohibiting certain persons so convicted from receiving concurrent sentences under certain circumstances.

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

**Eng. Com. Sub. for House Bill 3020**, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person.

On third reading, coming up in regular order, with the unreported Natural Resources committee amendment pending, and with the right having been granted on yesterday, Thursday, April 6, 2017, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Ferns, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's second reading calendar.

**Eng. Com. Sub. for House Bill 3030**, Relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Gaunch and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3030) passed.

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

**Eng. Com. Sub. for House Bill 3030**—A Bill to amend and reenact §17C-5A-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §58-5-1 of said code, all relating to appeals as a matter of right; providing that parties to decisions of the Office of Administrative Hearings shall be entitled to appeal such decisions as a matter of right; setting time frame for requesting such appeal; specifying court to which appeal is to be made; requiring appeal before circuit court to be trial de novo; specifying that Office of Administrative Hearings is not to be made party to appeal; providing for stay of driver's license revocation or suspension pending appeal; and providing that all appeals in the West Virginia Supreme Court of Appeals shall be afforded a full and meaningful review and a written decision on the merits.

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

**Eng. Com. Sub. for House Bill 3064**, Allowing vehicles of a size and weight exceeding certain specifications to operate over specified routes.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Gaunch and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3064) passed with its title.

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

**Eng. Com. Sub. for House Bill 3093**, Establishing Broadband Enhancement and Expansion Policies.

On third reading, coming up in regular order, with the unreported Government Organization committee amendment pending and with the right having been granted on yesterday, Thursday, April 6, 2017, for amendments to be received on third reading, was reported by the Clerk.

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

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

That §31-15C-1, §31-15C-2, §31-15C-3, §31-15C-4, §31-15C-5, §31-15C-6, §31-15C-7, §31-15C-8, §31-15C-9, §31-15C-12 and §31-15C-13 of the Code of West Virginia, 1931, as amended, be repealed; that §12-6C-11 of said code be amended and reenacted; that §31-15-8 of said code be amended and reenacted; and that said code be amended by adding thereto a new chapter, designated §31G-1-1, §31G-1-2, §31G-1-3, §31G-1-4, §31G-1-5, §31G-1-6, §31G-1-7, §31G-1-8, §31G-1-9, §31G-1-10, §31G-1-11, §31G-1-12, §31G-1-13; §31G-1-14, §31G-2-1, §31G-2-2, §31G-2-3, §31G-2-4, §31G-2-5, §31G-2-6, §31G-2-7, §31G-2-8, §31G-2-9, §31G-2-10, §31G-2-11, §31G-2-12, §31G-2-13; §31G-2-14, §31G-2-15, §31G-2-16, §31G-2-17, §31G-2-18, §31G-2-19, §31G-2-20, §31G-2-21, §31G-2-22, §31G-2-23, §31G-2-24, §31G-2-25, §31G-2-26, §31G-2-27, §31G-3-1, §31G-3-2, §31G-4-1, §31G-4-2 and §31G-4-3, all to read as follows:

## **CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**



**ARTICLE 6C. WEST VIRGINIA BOARD OF TREASURY INVESTMENTS.****§12-6C-11. Legislative findings; loans for industrial development; availability of funds and interest rates.**

(a) The Legislature finds and declares that the citizens of the state benefit from the creation of jobs and businesses within the state; that business and industrial development loan programs provide for economic growth and stimulation within the state; that loans from pools established in the Consolidated Fund will assist in providing the needed capital to assist business and industrial development; and that time constraints relating to business and industrial development projects prohibit duplicative review by both the Board and West Virginia Economic Development Authority Board. The Legislature further finds and declares that an investment in the West Virginia Enterprise Capital Fund, LLC, of moneys in the Consolidated Fund as hereinafter provided will assist in creating jobs and businesses within the state and provide the needed risk capital to assist business and industrial development. This section is enacted in view of these findings.

(b) The West Virginia Board of Treasury Investments shall make available, subject to a liquidity determination, in the form of a revolving loan, up to \$175 million from the Consolidated Fund to loan the West Virginia Economic Development Authority for business or industrial development projects authorized by section seven, article fifteen, chapter thirty-one of this code and to consolidate existing loans authorized to be made to the West Virginia Economic Development Authority pursuant to this section and pursuant to section twenty, article fifteen, chapter thirty-one of this code which authorizes a \$175 million revolving loan and article eighteen-b of said chapter which authorizes a \$50 million investment pool: *Provided*, That the West Virginia Economic Development Authority may not loan more than \$15 million for any one business or industrial development project. The revolving loan authorized by this subsection shall be secured by one note at a variable interest rate equal to the twelve-month average of the board's yield on its cash liquidity pool. The rate shall be set on ~~the first day of July 1~~ and adjusted annually on the same date. The

maximum annual adjustment may not exceed one percent. Monthly payments made by the West Virginia Economic Development Authority to the board shall be calculated on a 120-month amortization. The revolving loan is secured by a security interest that pledges and assigns the cash proceeds of collateral from all loans under this revolving loan pool. The West Virginia Economic Development Authority may also pledge as collateral certain revenue streams from other revolving loan pools which source of funds does not originate from federal sources or from the board.

(c) The outstanding principal balance of the revolving loan from the board to the West Virginia Economic Development Authority may at no time exceed one hundred three percent of the aggregate outstanding principal balance of the business and industrial loans from the West Virginia Economic Development Authority to economic development projects funded from this revolving loan pool. The independent audit of the West Virginia Economic Development Authority financial records shall annually certify that one hundred three percent requirement.

(d) The interest rates and maturity dates on the loans made by the West Virginia Economic Development Authority for business and industrial development projects authorized by section seven, article fifteen, chapter thirty-one of this code shall be at competitive rates and maturities as determined by the West Virginia Economic Development Authority Board.

(e) Any and all outstanding loans made by the West Virginia Board of Treasury Investments, or any predecessor entity, to the West Virginia Economic Development Authority are refundable by proceeds of the revolving loan contained in this section and the board shall make no loans to the West Virginia Economic Development Authority pursuant to section twenty, article fifteen, chapter thirty-one of this code or article eighteen-b of said chapter.

(f) The directors of the board shall bear no fiduciary responsibility with regard to any of the loans contemplated in this section.

(g) Subject to cash availability, the board shall make available to the West Virginia Economic Development Authority, from the Consolidated Fund, a ~~nonresource~~ nonrecourse loan in an amount up to \$25 million, for the purpose of the West Virginia Economic Development Authority making a loan or loans from time to time to the West Virginia Enterprise Advancement Corporation, an affiliated nonprofit corporation of the West Virginia Economic Development Authority. The respective loans authorized by this ~~subsection~~ subsection by the board to the West Virginia Economic Development Authority to the West Virginia Enterprise Advancement Corporation shall each be evidenced by one note and shall each bear interest at the rate of three percent per annum. The proceeds of any and all loans made by the West Virginia Economic Development Authority to the West Virginia Enterprise Advancement Corporation pursuant to this subsection shall be invested by the West Virginia Enterprise Corporation in the West Virginia Enterprise Capital Fund, LLC, the manager of which is the West Virginia Enterprise Advancement Corporation. The loan to West Virginia Economic Development Authority authorized by this subsection shall be nonrevolving, and advances under the loan shall be made at times and in amounts requested or directed by the West Virginia Economic Development Authority, upon reasonable notice to the board. The loan authorized by this subsection is not subject to or included in the limitations set forth in subsection (b) of this section with respect to the \$15 million limitation for any one business or industrial development project and limitation of one hundred three percent of outstanding loans, and may not be included in the revolving fund loan principal balance for purposes of calculating the loan amortization in subsection (b) of this section. The loan authorized by this subsection to the West Virginia Economic Development Authority shall be classified by the board as a long-term fixed income investment, shall bear interest on the outstanding principal balance of the loan at the rate of three percent per annum payable annually on or before June 30 of each year, and the principal of which shall be repaid no later than June 30, 2022, in annual installments due on or before June 30 of each year. The annual installments, which need not be equal shall commence no later than June 30, 2005, in annual principal amounts agreed upon between the board and the West Virginia Economic Development

Authority. The loan authorized by this subsection shall be nonrecourse and shall be payable by the West Virginia Economic Development Authority solely from amounts or returns received by the West Virginia Economic Development Authority in respect of the loan authorized by this subsection to the West Virginia Enterprise Advancement Corporation, whether in the form of interest, dividends, realized capital gains, return of capital or otherwise, in all of which the board shall have a security interest to secure repayment of the loan to the West Virginia Economic Development Authority authorized by this subsection. Any and all loans from the West Virginia Enterprise Advancement Corporation made pursuant to this subsection shall also bear interest on the outstanding principal balance of the loan at the rate of three percent per annum payable annually on or before June 30 of each year, shall be nonrecourse and shall be payable by the West Virginia Enterprise Advancement Corporation solely from amounts of returns received by the West Virginia Enterprise Advancement Corporation in respect to its investment in the West Virginia Enterprise Capital Fund, LLC, whether in the form of interest, dividends, realized capital gains, return of capital or otherwise, in all of which that board shall have a security interest to secure repayment of the loan to the West Virginia Economic Development Authority authorized by this subsection. In the event the amounts or returns received by the West Virginia Enterprise Corporation in respect to its investment in the West Virginia Enterprise Capital Fund, LLC, are not adequate to pay when due the principal or interest installments, or both, with respect to the loan authorized by this subsection by the board to the West Virginia Economic Development Authority, the principal or interest, or both, as the case may be, due on the loan made to the West Virginia Economic Development Authority pursuant to this subsection shall be deferred and any and all past due principal and interest payments shall promptly be paid to the fullest extent possible upon receipt by the West Virginia Enterprise Advancement Corporation of moneys in respect to its investments in the West Virginia Enterprise Capital Fund, LLC. The directors or the board shall bear no fiduciary responsibility as provided in section thirteen of this article with regard to the loan authorized by this subsection.

(h) Notwithstanding any provision in this code to the contrary, subject to a liquidity determination and cash availability, the board shall make available to the West Virginia Economic Development Authority, from the Consolidated Fund, in the form of a nonrecourse revolving loan, \$50 million, for the purpose of insuring the payment or repayment of all or any part of the principal, the redemption or prepayment premiums or penalties on, and interest on any form of debt instrument entered into by an enterprise, public body or authority of the state with a financial institution, including, but not limited to, banks, insurance companies and other institutions in the business of lending money, as authorized and as set forth in section eight, article fifteen, chapter thirty-one of this code, but only for the purpose of providing insurance on such debt instruments relating solely to the deployment of broadband under said section: *Provided*, That the West Virginia Economic Development Authority may not insure more than \$10 million for any one enterprise, public body or authority of the state in any single calendar year. The loan authorized by this subsection may not be included in the revolving fund loan principal balance for purposes of calculating the loan amortization in subsection (b) of this section. The loan authorized by this subsection shall be classified by the board as a long-term fixed income investment, and shall bear interest on the outstanding principal balance of the loan at a variable interest rate equal to the twelve-month average of the board's yield on its cash liquidity pool. The rate shall be set on July 1, 2017, and adjusted quarterly during each year thereafter. The maximum annual adjustment may not exceed one percent. Quarterly, the West Virginia Economic Development Authority shall make a payment sufficient to pay in full all accrued interests on the loan for the prior quarter. The loan authorized by this subsection is nonrecourse and is payable by the West Virginia Economic Development Authority solely from moneys received by the West Virginia Economic Development Authority in respect to insured debt instruments relating to providing broadband service under section eight, article fifteen, chapter thirty-one of this code. Upon payment in full of any said insured debt instruments, the West Virginia Economic Development Authority shall reduce the outstanding balance of the loan by a like amount. Additionally, quarterly, the West Virginia

Economic Development Authority shall determine the outstanding balance of all such insured debt instruments and shall accordingly adjust the outstanding balance of the loan to equal the outstanding obligations of the West Virginia Economic Development Authority for all said insured debt instruments. The loan is hereby secured by a security interest that pledges and assigns the cash proceeds of all collateral securing all insurance agreements entered into by the authority respecting debt instruments relating to the deployment of broadband under said section. In the event moneys received by the West Virginia Economic Development Authority respecting any individual insured debt instrument relating to providing broadband service under said section is insufficient to pay when due the principal or interest installments, or both, with respect to the loan authorized by this subsection by the board to the authority, the principal or interest, or both, as the case may be, due on the loan made to the authority pursuant to this subsection shall be deferred and any and all past-due principal and interest payments shall promptly be paid to the fullest extent possible upon receipt by the authority of all moneys respecting said debt instruments. The directors of the board bear no fiduciary responsibility as provided in section thirteen of this article with regard to the loan authorized by this subsection.

## CHAPTER 31. CORPORATIONS.

### ARTICLE 15. WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY.

#### §31-15-8. Insurance fund.

(a) There is hereby created an insurance fund which shall be a continuing, nonlapsing, revolving fund that consists of:

- (1) Moneys appropriated by the state to the insurance fund;
- (2) Premiums, fees and any other amounts received by the authority with respect to financial assistance provided by the authority from the insurance fund;
- (3) Upon the satisfaction of any indebtedness or other obligation owed on any property held or acquired by the authority,

such proceeds as designated by the authority from the sale, lease or other disposition of such property;

(4) Income from investments made from moneys in the insurance fund; and

(5) Any other moneys transferred to the insurance fund or made available to it for the purposes described under this section, under this article or pursuant to any other provisions of this code.

Subject to the provisions of any outstanding insurance agreements entered into by the authority under this section, the authority may enter into covenants or agreements with respect to the insurance fund, and establish accounts within the insurance fund which may be used to implement the purposes of this article. If the authority elects to establish separate accounts within the insurance fund, the authority may allocate its revenues and receipts among the respective accounts in any manner the authority considers appropriate.

If the authority at any time finds that more money is needed to keep the reserves of the insurance fund at an adequate level, the authority, with the consent of the chairman, shall send a written request to the Legislature for additional funds.

(b) The insurance fund shall be used for the following purposes by the authority to financially assist projects so long as such financial assistance will, as determined by the authority, fulfill the public purposes of this article:

(1) To insure the payment or repayment of all or any part of the principal of, redemption or prepayment premiums or penalties on, and interest on bonds or notes whether issued under ~~the provisions of~~ this article or under the Industrial Development and Commercial Development Bond Act, the West Virginia Hospital Finance Authority Act or, with respect to health care facilities only, article thirty-three, chapter eight of this code;

(2) To insure the payment or repayment of all or any part of the principal of, redemption or prepayment premiums or penalties on, and interest on any instrument executed, obtained or delivered in

connection with the issuance and sale of bonds or notes whether under ~~the provisions of~~ this article or under the Industrial Development and Commercial Development Bond Act, the West Virginia Hospital Finance Authority Act or, with respect to health care facilities only, article thirty-three, chapter eight of this code;

(3) To insure the payment or repayment of all or any part of the principal of, prepayment premiums or penalties on, and interest on any form of debt instrument entered into by an enterprise, public body or authority of the state with a financial institution, including, but not limited to, banks, insurance companies and other institutions in the business of lending money, which debt instruments shall include, but not be limited to, instruments relating to loans for working capital and to the refinancing of existing debt: *Provided*, That nothing contained in this subsection or any other provision of this article shall be construed as permitting the authority to insure the refinancing of existing debt except when such insurance will result in the expansion of the enterprise whose debt is to be refinanced or in the creation of new jobs;

(4) To pay or insure the payment of any fees or premiums necessary to obtain insurance, guarantees, letters of credit or other credit support from any person or financial institution in connection with financial assistance provided by the authority under this section; ~~and~~

(5) To pay any and all expenses of the authority, including, but not limited to:

(i) Any and all expenses for administrative, legal, actuarial, and other services related to the operation of the insurance fund; and

(ii) All costs, charges, fees and expenses of the authority related to the authorizing, preparing, printing, selling, issuing and insuring of bonds or notes (including, by way of example, bonds or notes, the proceeds of which are used to refund outstanding bonds or notes) and the funding of reserves; and

(6) To insure, for up to twenty years, the payment or repayment of all or any part of the principal of and interest on any form of debt



instrument entered into by an enterprise, public body or authority of the state with a financial institution, including, but not limited to, banks, insurance companies and other institutions in the business of lending money, which debt instruments are to be solely for capital costs relating to:

(i) Providing broadband service, as defined in section two, article fifteen-c, chapter thirty-one of this code, to a household or business located in an unserved area, as defined in section one of said article, or in an area with access to Internet service, by wireline or fixed wireless technology, but that fifteen percent or more of households and businesses in the area are served by Internet service with an actual downstream data rate less than ten megabits per second and an upstream data rate less than one megabit per second, and no part of the area has three or more wireline or fixed wireless broadband service providers; or

(ii) Building a segment of a telecommunications network that links a network operator's core network to a local network plant that serves either an unserved area, as defined in section one, article fifteen-c, chapter thirty-one of this code, or an area in which no more than two wireline providers are operating.

The authority may not insure the payment or repayment of any part of the principal of and interest on any form of debt instrument under this subdivision, unless the participating financial institution provides written certification to the authority that, but for the authority's insuring the debt instrument, the financial institution would not otherwise make the loan based solely on the creditworthiness of the loan applicant: *Provided*, That nothing contained in this subsection or any other provision of this article may be construed as permitting the authority to insure the refinancing of existing debt.

Upon the filing of an application for loan insurance under this subsection, the broadband provider shall cause to be published as a Class II legal advertisement in compliance with article three, chapter fifty-nine of this code, notice of the filing of the application and that the authority may approve the same unless within ten business days after completion of publication a written objection is

received by the authority from a person or persons challenging that the proposed broadband project does not satisfy the provisions of this subsection. The publication area for such notice is to be the county or counties in which any portion of the proposed broadband project is to be constructed. The notice shall be in such form as the authority shall direct, and shall include a map of the area or areas to be served by the proposed broadband project. The applicant shall also cause to be mailed by first class, on or before the first day of publication of the notice, a copy of the notice to all known current providers of broadband service within the area proposed to be served. If a challenge under this paragraph is timely received by the authority, the authority shall advise the Broadband Enhancement Council, established in article fifteen-c of chapter thirty-one of this code, in writing within five business days. The council shall set the matter for hearing on a date within thirty days of receipt of notice from the authority. The Broadband Enhancement Council shall issue a decision on whether the proposed project satisfies the requirements of this subsection or not within thirty days of completion of such hearing. Any party participating in said hearing may appeal the council's decision within thirty days of the issuance of said decision to the Circuit Court of Kanawha County. This provision shall apply to all applicants except to those broadband providers that plan on providing a downstream data rate of at least one gigabyte per second to the end user.

(c) The Except as relating to insured portions of debt instruments under subdivision (6), subsection (b) of this section, the total aggregate amount of insurance from the insurance fund with respect to the insured portions of principal of bonds or notes or other instruments may not exceed at any time an amount equal to five times the balance in the insurance fund.

(d) The authority may, in its sole and absolute discretion, set the premiums and fees to be paid to it for providing financial assistance under this section. The premiums and fees set by the authority shall be payable in the amounts, at the time, and in the manner that the authority, in its sole and absolute discretion, requires. The premiums and fees need not be uniform among

transactions, and may vary in amount: (1) Among transactions; and (2) at different stages during the terms of transactions.

(e) The authority may, in its sole and absolute discretion, require the security it believes sufficient in connection with its insuring of the payment or repayment of any bonds, notes, debt or other instruments described in subdivisions (1), (2), (3) and (4), subsection (b) of this section.

(f) The authority may itself approve the form of any insurance agreement entered into under this section or may authorize the chairman or his or her designee to approve the form of any such agreement. Any payment by the authority under an agreement entered into by the authority under this section shall be made at the time and in the manner that the authority, in its sole and absolute discretion, determines.

(g) The obligations of the authority under any insurance agreement entered into pursuant to this article shall not constitute a debt or a pledge of the faith and credit or taxing powers of this state or of any county, municipality or any political subdivision of this state for the payment of any amount due thereunder or pursuant thereto, but the obligations evidenced by such insurance agreement shall be payable solely from the funds pledged for their payment. All such insurance agreements shall contain on the face thereof a statement to the effect that such agreements and the obligations evidenced thereby are not debts of the state or any county, municipality or political subdivision thereof but are payable solely from funds pledged for their payment.

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

### **ARTICLE 1. BROADBAND ENHANCEMENT COUNCIL.**

#### **§31G-1-1. Legislative findings and purpose.**

The Legislature finds as follows:

(1) That it is a primary goal of the Governor, the Legislature and the citizens of this state, by the year 2020, to make every

municipality, community, and rural area in this state, border to border, accessible to Internet communications through the expansion, extension and general availability of broadband services and technology.

(2) That although broadband access has been extended to many of West Virginia's cities, towns, and other concentrated population areas, some areas of the state, mostly rural, remain unserved.

(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 fair and equitable access to twenty-first century technology is essential to maximize the functionality of educational resources and educational facilities that enable our children to receive the best of future teaching and learning is essential to the future development of this state. A quality educational system of the twenty-first century should have access to the best technology tools and processes. Administrators should have the electronic resources to monitor student performance, to manage data, and to communicate effectively. In the classroom, every teacher in every school should be provided with online access to and the ability to deliver the best available educational technology resources to the students of West Virginia. Schools of the twenty-first century require facilities that accommodate changing technologies.

(5) Accordingly, it is the purpose of the Legislature to provide for the development of policies, plans, processes and procedures to be employed and dedicated to extending broadband access to West Virginians, and to their families, by removing restraint on the development of those services and for encouraging and facilitating the construction of the necessary infrastructure to meet their needs and demands.

### **§31G-1-2. Definitions.**

For the purposes of this article:

(1) “Broadband” or “broadband service” means any service providing advanced telecommunications capability with the same downstream data rate and upstream data rate as is specified by the Federal Communications Commission and that does not require the end-user to dial up a connection, that has the capacity to always be on, and for which the transmission speeds are based on regular available bandwidth rates, not sporadic or burstable rates, with latency suitable for real-time applications and services such as voice-over Internet protocol and video conferencing, and with monthly usage capacity reasonably comparable to that of residential terrestrial fixed broadband offerings in urban areas: *Provided*, That as the Federal Communications Commission updates the downstream data rate and the upstream data rate the council will publish the revised data rates in the State Register within sixty days of the federal update.

(2) “Council” means the Broadband Enhancement Council.

(3) “Downstream data rate” means the transmission speed from the service provider source to the end-user.

(4) “Internet protocol address” or “IP address” means a unique string of numbers separated by periods that identifies each computer using the Internet Protocol to communicate over a network.

(5) “Upstream data rate” means the transmission speed from the end-user to the service provider source.

(6) “Unserved area” means a community that has no access to broadband service.

**§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 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 three year terms from the date of their appointment and are appointed by 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.

(6) In addition to the thirteen voting members of the council, 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 member 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. 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 section five, article two, chapter six-b of this code and is not subject to prosecution for violation of said 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 section five, article two, chapter six-b 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.

#### **§31G-1-4. Powers and duties of the council generally.**

(a) The council shall:

(1) Explore any and all ways to expand access to broadband services, including, but not limited to, middle mile, last mile and wireless applications;

(2) Gather data regarding the various speeds provided to consumers in comparison to what is advertised. The council may request the assistance of the Legislative Auditor in gathering this data;

(3) Explore the potential for increased use of broadband service for the purposes of education, career readiness, workforce preparation and alternative career training;

(4) Explore ways for encouraging state and municipal agencies to expand the development and use of broadband services for the purpose of better serving the public, including audio and video



streaming, voice-over Internet protocol, teleconferencing and wireless networking; and

(5) Cooperate and assist in the expansion of electronic instruction and distance education services.

(b) In addition to the powers set forth elsewhere in this article, the council is hereby granted, has and may exercise the powers necessary or appropriate to carry out and effectuate the purpose and intent of this article, as enumerated herein. The council shall have the power and capacity to:

(1) Provide consultation services to project sponsors in connection with the planning, acquisition, improvement, construction or development of any broadband deployment project;

(2) Promote awareness of public facilities that have community broadband access that can be used for distance education and workforce development;

(3) Advise on deployment of e-government portals such that all public bodies and political subdivisions have homepages, encourage one-stop government access and that all public entities stream audio and video of all public meetings;

(4) Make and execute contracts, commitments and other agreements necessary or convenient for the exercise of its powers, including, but not limited to, the hiring of consultants to assist in the mapping of the state and categorization of areas within the state;

(5) Acquire by gift or purchase, hold or dispose of real property and personal property in the exercise of its powers and performance of its duties as set forth in this article;

(6) Receive and dispense funds appropriated for its use by the Legislature or other funding sources or solicit, apply for and receive any funds, property or services from any person, governmental agency or organization to carry out its statutory duties;

(7) to oversee the use of conduit installed pursuant to section two of article three of this chapter; and to

(8) Perform any and all other activities in furtherance of its purpose.

(c) The council shall exercise its powers and authority to advise and make recommendations to the Legislature on bringing broadband service to unserved and underserved areas, as well as to propose statutory changes that may enhance and expand broadband in the state.

(d) The council shall report to the Joint Committee on Government and Finance on or before January 1 of each year. The report shall include the action that was taken by the council during the previous year in carrying out the provisions of this article. The council shall also make any other reports as may be required by the Legislature or the Governor.

#### **§31G-1-5. Creation of the Broadband Enhancement Fund.**

All moneys collected by the council, which may, in addition to appropriations, include gifts, bequests or donations, shall be deposited in a special revenue account in the State Treasury known as the Broadband Enhancement Fund. The fund shall be administered by and under the control of the Secretary of the Department of Commerce. Expenditures from the fund shall be for the purposes set forth in this article and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article two, chapter eleven-b of this code.

#### **§31G-1-6. Mapping of areas within state.**

(a) Based on its analysis of data, broadband demand, and other relevant information, the council shall establish a mapping of broadband services in the state. The council shall publish an annual assessment and map of the status of broadband, including specifically designations of unserved and underserved areas of the state.

(b) To the extent possible, and subject to limitations contained in subsection (f) of this section, the council may additionally establish an interactive public map reflecting estimated downstream data rate and upstream data rate in a particular region, area, community, street or location. Any such mapping may only specify data rates at a particular street address or physical location, and shall not make public the IP address or the name of the specific individual at such location. Such mapping may also contain data concerning capacity, based upon fiber count.

(c) The mapping provided for in this section may be based on information collected or received by the council, including but not limited to, data collected from (1) state and federal agencies or entities that collect data on broadband services; (2) industry provided information; and (3) consumer data provided to the council pursuant to section nine of this article.

(d) Any entity that has received or hereinafter receives state or Federal moneys, and which has used those moneys to install infrastructure used for broadband services, shall furnish detailed information concerning the location, type, and extent of such infrastructure to the council for use in mapping.

(e) The mapping and designations provided for under this section may be revised on a continuing basis by the council as warranted by the data and information provided.

(f) In addition to the provisions of section thirteen of this article, the mapping of broadband services may exclude from public accessibility and availability: (1) The location or identity of any critical infrastructure used by public or private entities in furtherance of their internet services; (2) personal name and personal IP addresses connected with particular data rates; and (3) information designated as confidential for public security reasons by either state or federal homeland security agencies: *Provided*, That it shall be duty of the public and private entities to make the council aware of such confidential designation: *Provided, however*, That unless the council determines good cause exists, the actual or estimated upstream and downstream data rates of an area or region of the state shall not be excluded from public or private availability.

**§31G-1-7. Retention of outside expert consultant.**

(a) In order to assist the council with the highly technical task of categorizing the areas of the state, the council may retain outside expert consultants to assist in the purposes of this article. The experts may assist the Council to map the state on the basis of broadband availability, to evaluate and categorize data, to assist in public outreach and education in order to stimulate demand and to provide other support and assistance as necessary to accomplish the purposes of this article.

(b) The retention and contracting of all expert consultants shall be transparent, including specifically, making publicly available any contracts, retention agreements, payments and invoicing for services.

**§31G-1-8. Public awareness and education.**

In order to implement and carry out the intent of this article, the council may take such actions as it deems necessary or advisable in order to increase awareness of issues concerning broadband services and to educate and inform the public.

**§31G-1-9. Collection of data.**

(a) In order to ascertain, categorize, analyze, map, and update the status of broadband in the state, as well as to enable the council to make informed policy and legislative recommendations, the council may establish a voluntary data collection program. The program may include voluntarily submitted data from internet service providers, including any home or region data rate meters utilized by the provider. The program may also utilize and collect voluntarily submitted data rate information submitted by any person reflecting the person's personal data rate at a particular IP address. This personal data rate may be based upon a web-based test or analysis program.

(b) Any and all data collected by the Council shall not be deemed public information and is not subject to public release or availability pursuant to chapter twenty-nine-b of this code.

(c) Any data collection program established by the council shall:

(1) Make clear to those providers or persons submitting information that the data rate speed may become public, including specific reference to the person's physical address;

(2) Make clear this is a voluntary data collection program and that submission of information shall be deemed consent to use and make public such data rate information; and

(3) Not include any person's personal web history or search information, or otherwise publicly identify the person's name in connection with an IP address or physical address.

(d) The council may establish guidelines and additional rules governing a data collection program through the legislative rulemaking process, pursuant to the provisions of article three, chapter twenty-nine-a of this code.

**§31G-1-10. Pilot Project for cooperatives by political subdivisions.**

(a) Notwithstanding any provision in the code to the contrary, the council may create guidelines and recommend to the legislature a pilot project for no more than three municipalities or counties, either individually or in conjunction with one another, to establish non-profit cooperative associations to provide high-speed internet and broadband services.

(b) Nothing herein shall preclude or prohibit the establishment of a cooperative association by non-political subdivisions outside the purview or authority of the council. It is not a requirement that a cooperative association established under article two of this chapter seek approval or guidance from the council, and such cooperative associations established under article two of this chapter shall not be under the authority of, nor subject to, the council.

**§31G-1-11. Voluntary donation and easement programs.**

(a) The council shall create guidelines for, and recommend to the Legislature a means of implementing a voluntary donation

program to allow for pipeline, railroad, and other similar structures and rights-of-way in the state to be donated to the state for use by public or private entities to facilitate broadband service and availability through placement of fiber.

(b) The council shall create guidelines for, and recommend to the Legislature a means of implementing a program to allow for an easement program to be established to allow public or private entities to facilitate broadband service and availability through placement of fiber.

### **§31G-1-12. Grants.**

In furtherance of the purposes of this article, the council is permitted to seek non-state funding and grants. The council may utilize funding and grants to support the responsibilities, initiatives and projects set forth this article. The council may additionally disburse such monies to fund projects and initiatives in furtherance of the enhancement and expansion of broadband services in this state, and the other purposes of this article.

### **§31G-1-13. Protection of proprietary business information.**

(a) Broadband deployment information provided to the council or its consultants and other agents, including, but not limited to, physical plant locations, subscriber levels, and market penetration data, constitutes proprietary business information and, along with any other information that constitutes trade secrets, shall be exempt from disclosure under the provisions of chapter twenty-nine-b of this code: *Provided*, That the information is identified as confidential information when submitted to the council.

(b) Trade secrets or proprietary business information obtained by the council from broadband providers and other persons or entities shall be secured and safeguarded by the state. Such information or data shall not be disclosed to the public or to any firm, individual or agency other than officials or authorized employees of the state. Any person who makes any unauthorized disclosure of such confidential information or data is guilty of a misdemeanor and, upon conviction thereof, may be fined not more

than \$5,000 or confined in a correctional facility for not more than one year, or both.

(c) The official charged with securing and safeguarding trade secrets and proprietary data for the council is the Secretary of Administration, who is authorized to establish and administer appropriate security measures. The council chair shall designate two additional persons to share the responsibility of securing trade secrets or proprietary information. No person will be allowed access to trade secrets or proprietary information without written approval of a minimum of two of the three authorized persons specified above.

#### **§31G-1-14. Legislative rule-making authority.**

In order to implement and carry out the intent of this article, the Secretary of the Department of Commerce, at the direction and recommendation of the council, may propose rules for legislative approval, pursuant to the provisions of article three, chapter twenty-nine-a of this code.

### **ARTICLE 2. COOPERATIVE ASSOCIATIONS.**

#### **§31G-2-1. Definitions.**

As used in this article:

(1) “Cooperative association” or “association” means any corporation organized under this article. Each association shall also comply with the requisite business corporation provisions of chapter thirty-one-d or thirty-one-f of this code, or the nonprofit corporation provisions of chapter thirty-one-e of this code.

(2) “Internet services” means providing access to, and presence on, the internet and other services. Data may be transmitted using several technologies, including dial-up, DSL, cable modem, wireless, or dedicated high-speed interconnects.

(3) “Member” means a member of an association without capital stock and a holder of common stock in an association organized with capital stock.

(4) “Qualified person” means a person who is engaged in the use of internet services, either in an individual capacity or as a business.

(5) “Qualified activity” means using internet services.

### **§31G-2-2. Who may organize.**

Notwithstanding any provision of this code to the contrary, twenty or more qualified persons engaged in the use of internet services may form a cooperative association, with or without capital stock, under this article.

### **§31G-2-3. Legislative findings and purposes.**

(a) It is the finding of the Legislature that:

(1) West Virginia’s cities, towns, and other concentrated population areas, areas of the state, mostly rural, remain unserved or underserved by broadband access; and

(2) The lack of affordable, accessible broadband service in the underserved and unserved areas in this state necessitates consideration of alternative means and methods of providing internet services.

(b) It is the purpose of this article that individuals and businesses be able to form cooperative associations for the purpose of obtaining internet services within their respective regions and communities.

### **§31G-2-4. Powers.**

(a) A cooperative association shall have the following powers:

(1) To engage in any qualified activity in connection with any internet service; or any activity in connection with the purchase, providing or use by its members of internet services; or in the financing, directly, through the association of any qualified activities. All transactions with nonmembers shall be on terms fixed by the association and nonmembers shall not otherwise participate in any benefits derived from such transactions;



(2) To borrow money without limitation as to amount of corporate indebtedness or liability, and to make advance payments and advances to members; to execute, issue, draw, make, accept, endorse and guarantee, without limitation, promissory notes, bills of exchange, drafts, warrants, certificates, mortgages, and any other form of obligation or negotiable or transferable bills of any kind; to become the surety, guarantor, maker, and/or endorser for accommodation or otherwise of bills, notes, securities and other evidences of debt of any association or person, anything in any other statutes or law of this state to the contrary notwithstanding;

(3) To act as the agent or representative of any member or members in any of the above-mentioned activities;

(4) To purchase or otherwise acquire, and to hold, own and exercise all rights of ownership in, and to sell, transfer or pledge, or guarantee the payment of dividends or interest on, or the retirement or redemption of, shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the providing and marketing of any of the products handled by the association;

(5) To establish reserves and to invest the funds thereof in bonds or in such other property as may be provided in the bylaws;

(6) To buy, hold and exercise all privileges of ownership over real or personal property as may be necessary or convenient for the conduct and operation of any of the business of the association, or incidental thereto;

(7) To establish, secure, own and develop patents, trademarks and copyrights; and

(8) To do each and every thing necessary, suitable, or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the subjects herein enumerated, or conducive to or not contrary to the interest or benefit of the association; and to contract accordingly; and, in addition, to exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or

to the activities in which it is engaged, and any other rights, powers, and privileges granted by the laws of this state to ordinary corporations, except such as are inconsistent with the purposes of this article.

### **§31G-2-5. Members.**

(a) Under the terms and conditions prescribed in the bylaws adopted by it, a cooperative association may admit as members, or issue common stock to, only qualified persons.

(b) If a member of a nonstock association be other than a natural person, the member may be represented by an individual, associate, officer or manager or member thereof, duly authorized in writing.

(c) One association organized hereunder may become a member or stockholder of any other association or associations organized under this article or similar laws of any state.

### **§31G-2-6. Articles of incorporation.**

Each association formed under this article shall prepare and file articles of incorporation, setting forth:

(1) The name of the association, which shall include the words “cooperative,” “co-operative,” or “co-op,” and words or abbreviations designating a corporation;

(2) The purposes for which it is formed;

(3) The place where its principal business will be transacted;

(4) The period, if any prescribed, for the duration of the corporation;

(5) The number of incorporators which is not less than twenty, the number of directors which is not less than twenty and any number in excess of those minimums, or it may be set forth that the number of directors will be fixed by the bylaws;

(6) If organized without capital stock, whether the property rights and interest of each member are equal or unequal; and if unequal, the general rules applicable to the classes of members whose property rights and interest are determined and fixed; and provision for the admission of new members who may be entitled to share in the property of the association with the old members, in accordance with the general rules. This provision of the articles of incorporation may not be altered, amended or repealed except by the written consent or vote of three fourths of the members;

(7) If organized with capital stock and authorized to issue only one class of stock, the total number of shares of stock which the association has authority to issue, including: (A) The par value of each of the shares; or (B) a statement that all the shares are to be without par value;

(8) If the association is authorized to issue more than one class of stock, the total number of shares of all classes of stock which the association may issue, including: (A) The number of shares of each class that have a par value and the par value of each share by class; (B) the number of shares that are to be without par value; and (C) a statement of the powers, preferences, rights, qualifications, limitations or restrictions that are permitted by section thirteen of this article in respect to a class of stock fixed by the articles of incorporation or by resolution of the board of directors;

(9) The articles shall be signed and filed in accordance with the provisions of the business or nonprofit corporation laws of this state; and

(10) The articles may also contain any provisions managing, defining, limiting or regulating the powers and affairs of the association, the directors, the stockholders or members of the association.

### **§31G-2-7. Amendments to articles of incorporation.**

The articles of incorporation may be altered or amended at any regular meeting or any special meeting called for that purpose. An amendment must first be approved by two thirds of the directors

and then adopted by a vote representing a majority of all the members of the association. Amendments to the articles of incorporation, when so adopted, shall be filed in accordance with the provisions of the general corporation laws of this state.

**§31G-2-8. Bylaws.**

Each association incorporated under this article, must, within thirty days after its incorporation, adopt for its government and management a code of bylaws, not inconsistent with the powers granted by this article. A majority vote of the members or stockholders, or their written assent, is necessary to adopt such bylaws. Each association, under its bylaws, may provide for any or all of the following matters:

(1) The time, place and manner of calling and conducting its meetings;

(2) The number of stockholders or members constituting a quorum;

(3) The right of members or stockholders to vote by proxy or by mail or both; and the conditions, manner, form, and effect of such votes;

(4) The number of directors constituting a quorum; and, if authority therefor is given in the articles of incorporation, the total number of directors;

(5) The qualifications, compensation, duties and term of office of directors and officers; time of their election and the mode and manner of giving notice thereof;

(6) Penalties for violation of the bylaws;

(7) The amount of entrance, organization and membership fees, if any; the manner and method of collecting the same; and the purposes for which they may be used;

(8) The amount which each member or stockholder shall be required to pay annually or from time to time, if at all, to carry on

the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to him or her and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign; and

(9) The number and qualifications of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members and of the shares of common stock; the conditions upon which and time when membership of any member shall cease; the automatic suspension of the rights of a member when he or she ceases to be eligible to membership in the association; the mode, manner and effect of the expulsion of a member; the manner of determining the value of a member's interest, and provision for its purchase by the association, at its option, upon the death or withdrawal of a member or stockholder, or upon the expulsion of a member or forfeiture of his or her membership, or, at the option of the association, the purchase at a price fixed by conclusive appraisal by the board of directors, or at the election of the board, such property interests may be sold at public auction to the association itself, or to any person eligible to membership in such association and the proceeds of such sale paid over to the personal representative of such deceased member, or to the member withdrawing or expelled, as the case may be.

### **§31G-2-9. General and special meetings.**

In its bylaws, each association shall provide for one or more regular meetings annually. The board of directors shall have the right to call a special meeting at any time; and ten percent of the members or stockholders may file a petition stating the specific business to be brought before the association and demand a special meeting at any time. Such meeting must thereupon be called by the directors. Notice of all meetings, together with a statement of the purposes thereof, shall be mailed to each member at least ten days prior to the meeting: *Provided*, That the bylaws may require instead

that such notice may be given as provided by this section, namely, 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 county in which the principal place of business of the association is located.

**§31G-2-10. Directors.**

(a) The affairs of the association shall be managed by a board of not less than three directors, elected by the members or stockholders.

(b) The bylaws may provide that the territory in which the association has members shall be divided into districts and that the directors be elected either directly or by district delegates elected by the members in that district. The bylaws shall specify the number of directors to be elected by each district, the manner of reapportioning the directors and the method of redistricting the territory covered by the association. The bylaws may provide that primary elections shall be held in each district to elect the directors apportioned to the districts and that the results of all the primary elections may be ratified during the next regular meeting of the association or may be considered final.

(c) The bylaws may provide that one or more directors may be appointed by a public official, commission or by the other directors. These public directors shall represent the interest of the general public in the associations. The public directors need not be members or stockholders of the association, but shall have the same powers and rights as other directors. The directors shall not number more than one fifth of the entire number of directors.

(d) An association may provide a fair remuneration for the time actually spent by its officers and directors in its service and for the service of the members of its executive committee. No director, during the term of his or her office, shall be a party to a contract for profit with the association differing from the contractual terms accorded regular members or holders of common stock of the association.

(e) The bylaws may provide that no director, except the president and secretary, shall occupy a position in the association on regular salary or substantially full-time pay.

(f) The bylaws may provide for an executive committee and may allot to the committee all the functions and powers of the board of directors, subject to the general direction and control of the board.

(g) When a vacancy on the board of directors occurs other than by expiration of term, the remaining members of the board, by a majority vote, shall fill the vacancy, unless the bylaws provide for an election of directors by district. In that case the board of directors shall immediately call a special meeting of the members or stockholders in that district to fill the vacancy.

#### **§31G-2-11. Officers.**

The directors shall elect from their number a president and one or more vice presidents. They shall also elect a secretary and a treasurer, who need not be directors or members of the association; and they may combine the two latter offices and designate the combined office as secretary-treasurer; or unite both functions and titles in one person. The treasurer may be a bank or any depository, and, as such, shall not be considered an officer, but as a function of the board of directors. In such case, the secretary shall perform the usual accounting duties of the treasurer, except that the funds shall be deposited only as and where authorized by the board of directors.

#### **§31G-2-12. Officers, employees and agents to be bonded.**

Every officer, employee and agent handling funds or negotiable instruments or property of or for any association created hereunder shall be required to execute and deliver adequate bonds for the faithful performance of his or her duties and obligations.

#### **§31G-2-13. Stock; membership certificate; voting; liability; limitations on transfer and ownership.**

(a) When a member of an association established without capital stock has paid his or her membership fee in full, he or she

shall receive a certificate of membership. An association shall have power to issue one or more classes of stock, or one or more series of stock within any class thereof, any or all of which classes may be of stock with par value or stock without par value, with such voting powers, full or limited, or without voting powers and in such series, and with such designations, preferences and relative, participating, optional or other special rights, and qualifications, limitations or restrictions thereof, as shall be stated and expressed in the articles of incorporation, or in any amendment thereto, or in the resolution or resolutions providing for the issue of such stock adopted by the board of directors pursuant to authority expressly vested in it by the provisions of the articles of incorporation or of any amendment thereto.

(b) No association shall issue stock to a member until it has been fully paid for. The promissory notes of the members may be accepted by the association as full or partial payment. The association shall hold the stock as security for the payment of the note; but such retention as security shall not affect the member's right to vote.

(c) No member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his or her membership fee or his or her subscription to the capital stock, including any unpaid balance on any promissory notes given in payment thereof.

(d) An association in its bylaws may limit the amount of common stock which one member may own. No member or stockholder shall be entitled to more than one vote, regardless of the number of shares of common stock owned by him or her.

(e) Any association organized with stock under this article may issue preferred stock, with or without the right to vote. Such stock may be sold to any person, member or nonmember, and may be redeemable or retireable by the association on such terms and conditions as may be provided for by the articles of incorporation and printed on the face of the certificate. The bylaws shall prohibit the transfer of the common stock of the association to persons who are not qualified persons, or organizations that are not engaged in



qualified activities handled by the association, or to persons or organizations that are not members of credit associations financing such products; and such restrictions shall be printed upon every certificate of stock subject thereto.

(f) Other kinds and classes of stock may be issued in compliance with the provisions of the articles of incorporation, the terms of the bylaws, or special resolutions of the board of directors.

(g) The association may, at any time, as specified in the bylaws, except when the debts of the association exceed fifty percent of the assets thereof, buy in or purchase its common stock at the book value thereof, as conclusively determined by the board of directors, and pay for it in cash within one year thereafter.

#### **§31G-2-14. Removal of officer or director.**

(a) Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by five percent of the members, requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association and, by a vote of a majority of the members, the association may remove the officer or director and fill the vacancy. The director or officer against whom such charges have been brought shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses; and the person or persons bringing the charges against him or her shall have the same opportunity.

(b) In case the bylaws provide for election of directors by districts with primary elections in each district, then the petition for removal of a director must be signed by twenty percent of the members residing in the district from which he or she was elected. The board of directors must call a special meeting of the members residing in that district to consider the removal of the director; and by a vote of the majority of the members of that district the director in question shall be removed from office.

**§31G-2-15. Referendum.**

Upon demand of one third of the entire board of directors, made immediately and so recorded, at the same meeting at which the original motion was passed, any matter of policy that has been approved or passed by the board must be referred to the entire membership or the stockholders for decision at the next special or regular meeting; and a special meeting may be called for the purpose.

**§31G-2-16. Marketing contract.**

The association and its members may take and execute marketing contracts, requiring the members, for any period of time not over five years, to use, receive or provide all or any specified part of an internet service exclusively to or through the association, or any facilities to be created by the association. If they contract a sale to the association, it shall be conclusively held that title to the products, goods and services passes absolutely and unreservedly, except for recorded liens, to the association upon delivery, or at any other specified time if expressly and definitely agreed in such contract. The contract may provide, among other things, that the association may sell or resell the products, goods and services delivered by its members, with or without taking title thereto, and pay over to its members the resale price, after deducting all necessary selling, overhead and other costs and expenses, including interest or dividends on stock, not exceeding eight percent per annum, and reserves for retiring the stock, if any; and any other proper reserves; or any other deductions.

**§31G-2-17. Remedies for breach of contract.**

The bylaws or the marketing contract may fix, as liquidated damages, specific sums to be paid by the member or stockholder to the association upon the breach by him or her of any provision of the marketing contract regarding the sale or delivery or withholding of internet services, and may further provide that the member will pay all costs, premiums for bonds, expenses and fees, in case the association shall prevail in any action brought by it upon the contract; and any such provisions shall be valid and enforceable

in the courts of this state; and such clauses providing for liquidated damages shall be enforceable as such and shall not be regarded as penalties.

In the event of any such breach or threatened breach of such marketing contract by a member, the association shall be entitled to an injunction to prevent the further breach of the contract and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the breach or threatened breach, and upon filing a sufficient bond, the association may be entitled to a temporary restraining order and preliminary injunction against the member.

In any action upon such marketing agreement, it shall be presumed as between the parties that the landowner, landlord or lessor claiming therein so to be is able to control the delivery of internet services produced on his or her land by tenants or others, whose tenancy or possession or work on such land or the terms of whose tenancy or possession or labor thereon were created or changed after execution by the landowner, landlord or lessor of such marketing agreement; and in such actions the foregoing remedies for nondelivery or breach shall lie and be enforceable against such landowner, landlord or lessor.

**§31G-2-18. Purchasing property of other associations, persons, firms or corporations.**

Whenever an association, organized under this article with preferred capital stock, shall purchase the stock of any property, or any interest in any property, or any person, firm or corporation or association, it may discharge the obligations so incurred, wholly or in part, by exchanging for the acquired interest shares of its preferred capital stock to an amount which at par value would equal the fair market value of the stock or interest so purchased, as determined by the board of directors. In that case the transfer to the association of the stock or interest purchased shall be equivalent to payment in cash for the shares of stock issued.

**§31G-2-19. Annual reports.**

Each association formed under this article shall prepare an annual report on forms provided by and filed with the Secretary of State pursuant to the requirements of section two-a, article one, chapter fifty-nine of this code.

**§31G-2-20. Conflicting laws not to apply.**

Any provisions of law which are in conflict with this article shall be construed as not applying to the association herein provided for.

**§31G-2-21. Interest in other corporations or associations.**

An association may organize, form, operate, own, control, have an interest in, own stock of, or be a member of any other corporation or corporations, with or without capital stock, and engaged in qualified activities regarding internet services.

**§31G-2-22. Contracts and agreements with other associations.**

Any association may, upon resolution adopted by its board of directors, enter into all necessary and proper contracts and agreements and make all necessary and proper stipulations, agreements and contracts and arrangements with any other cooperative corporation, association or associations, formed in this or in any other state, for the cooperative and more economical carrying on of its business or any part or parts thereof. Any two or more associations may, by agreement between them, unite in employing and using, or may separately employ and use, the same personnel, methods, means and agencies for carrying on and conducting their respective business.

**§31G-2-23. Rights and remedies apply to similar associations of other states.**

Any corporation or association heretofore or hereafter organized under generally similar laws of another state shall be allowed to carry on any proper activities, operations and functions in this state upon compliance with the general regulations

applicable to foreign corporations desiring to do business in this state, and all contracts made by or with such associations, which could be made by any association incorporated hereunder, shall be legal and valid and enforceable in this state with all of the remedies set forth in this article.

**§31G-2-24. Associations heretofore organized may adopt provisions of article.**

Any corporation or association organized in this state under previously existing statutes may, by a majority vote of its stockholders or members, be brought under the provisions of this article by limiting its membership and adopting the other restrictions as provided herein. It shall make out in duplicate a statement signed and sworn to by its directors to the effect that the corporation or association has, by a majority vote of the stockholders or members, decided to accept the benefits and be bound by the provisions of this article and has authorized all changes accordingly. Articles of incorporation shall be filed as required in section six of this article, except that they shall be signed by the members of the then board of directors. The filing fee shall be the same as for filing an amendment to articles of incorporation.

Where any association may be incorporated under this article, all contracts made prior to the date of incorporation, by or on behalf of such association by the promoters thereof in anticipation of its becoming incorporated under the laws of this state, whether or not such contracts be made by or in the name of some corporation organized elsewhere, and when they would have been valid if entered into subsequent to such date, shall be held valid as if made after such date.

**§31G-2-25. Liability as to delivery of products in violation of marketing agreements.**

Any person who solicits, persuades or permits any member of any association organized hereunder to breach his or her marketing contract with the association or one association with another, by accepting or receiving such member's products for sale or for auction or for display for sale, contrary to the terms of any

marketing agreement of which such person has knowledge or notice, shall be liable to the association aggrieved in a civil suit for damages therefor. Courts of equity shall have jurisdiction to enjoin further breaches of such contract.

**§31G-2-26. Associations to be deemed not in restraint of trade.**

No association organized under this article and complying with the terms thereof shall be deemed to be a conspiracy or a combination in restraint of trade or an illegal monopoly or an attempt to lessen competition or to fix prices arbitrarily; nor shall the marketing contract and agreements between the association and its members or any agreements authorized in this article be considered illegal as such or in unlawful restraint of trade or as part of a conspiracy or combination to accomplish an improper or illegal purpose.

**§31G-2-27. Application of business corporation laws; nonprofit corporation laws.**

The provisions of the business corporation laws in chapter thirty-one-d or the nonprofit corporation laws in chapter thirty-one-e of this code and all powers and rights thereunder shall apply to the associations organized under this article and may be used by them, except when the provisions are in conflict with or inconsistent with the express provisions of this article.

**ARTICLE 3. CONDUIT INSTALLATION; MICROTRENCHING.**

**§31G-3-1. Definitions.**

“Microtrenching” means a technique of deploying cables, including specifically for broadband networks, using a cutting wheel to cut a trench with smaller dimensions than can be achieved with conventional trench digging equipment; with the trench dimensions being no greater than three inches in width, and a depth between one and two feet.

**§31G-3-2. Microtrenching permitted; notification.**

(a) A person may perform microtrenching, where such is feasible, to the extent allowed by a permit issued by the appropriate

municipality, county or state agency. All microtrenching work performed must be in accordance with the National Electrical Safety Code and other generally accepted safety codes.

(b) A person must install conduit in a way that will readily permit another owner to add length to the microtrenching by connecting its own conduit to the first owner's conduit. Where an owner connects its own conduit to another owner's previously installed conduit, the owner must install conduit that has the same number of pathways or pipes as the previous owner's conduit.

(c) A person must install a vacant conduit of the same size as its own conduit when performing microtrenching operations. Other persons desiring use of conduit in the same area may make use of this vacant conduit upon application to the Broadband Enhancement Council.

(d) When applying for a permit a person must notify the appropriate permitting entity of the intended dates of the start and completion of microtrenching construction. Notification must be made on a form and in a format prescribed by the appropriate permitting entity. No fee shall be charged for such application, as the installation of additional vacant conduit under the provisions of this section shall function in lieu of a fee. The person shall submit the following documents to the appropriate permitting entity:

(1) Proof of insurance; or

(2) An indemnification agreement.

(e) Promptly after completion of microtrenching construction, but no longer than forty calendar days after issuance of the permit for microtrenching, the entity must file a document with the appropriate permitting entity containing the following information:

(1) An "as-built" drawing of the conduit installed. The "as-built" drawing will be treated as proprietary and confidential, to the extent permitted by law.

(2) A map showing the street location of the conduit including the side of the street the conduit is on, the beginning and ending

points of the conduit, the number of ducts in the conduit, and the number of ducts of excess capacity in the conduit. The map must accurately reflect the addresses of buildings that are passed by the conduit.

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

##### **§31G-4-1. Definitions.**

As used in this article, the following terms are defined as follows:

(1) “Attacher” means any person, corporation, or other entity, or the agents or contractors of such seeking to permanently or temporarily fasten or affix any type of equipment, antenna, line or facility of any kind to a utility pole in the right of way or its adjacent ground space.

(2) “Attachment Application” means the application made by an Attacher to a Pole Owner for attachment of equipment, antenna, line or facility of any kind to a utility pole. It shall include

(A) Proof of insurance; or

(B) An indemnification agreement prepared by the Pole Owner.

(3) “Make Ready Costs” means the costs incurred by an Attacher associated with the transfer of the facilities, antenna, lines or equipment of a Pre-Existing Third Party User, undertaken by an Attacher to enable attachment to the utility pole or similar structure. Make-Ready Costs that are to be paid by an Attacher include, without limitation, all costs and expenses to relocate or alter the attachments or facilities of any Pre-Existing Third Party User as may be necessary to accommodate an Attacher’s attachment.

(4) “Pole Owner” means a person, corporation or entity having ownership of a pole or similar structure in the right of way to which utilities, including without limitation, electric and communications



facilities, are located or may be located whether such ownership is in fee simple or by franchise.

(5) “Pre-Existing Third Party User” means the owner of any currently operating facilities, antenna, lines or equipment on a pole or its adjacent ground space in the right of way.

**§31G-4-2. Attachment to third party facilities.**

(a) Upon approval of an Attachment Application, an Attacher may relocate or alter the attachments or facilities of any Pre-Existing Third Party User as may be necessary to accommodate an Attacher’s attachment using Pole Owner approved contractors; provided, however, that an Attacher will not effectuate a relocation or alteration of a Pre-Existing Third Party User’s facilities that causes or would reasonably be expected to cause a customer outage without first providing forty-five days prior written notice to the Pre-Existing Third Party User, in order to permit the Pre-Existing Third Party User to relocate its facilities on its own.

(b) In the event the Pre-Existing Third Party Users of such other facilities fail to transfer or rearrange their facilities within forty-five days from receipt of notice of relocation or alteration of a Pre-Existing Third Party User’s facilities that causes or would reasonably be expected to cause a customer outage, an Attacher may undertake such work.

(c) Within thirty days of the completion of any relocation or alteration, an Attacher shall send notice of the move and as-built reports to the Pre-Existing Third Party User and the owner of all poles or other structures on which such relocations or alterations were made. The as-built reports shall include a unique field label identifier, and an address or coordinates.

(d) Upon receipt of the as-built reports, the Pre-Existing Third Party User and pole or structure owner(s) may conduct an inspection within fourteen days at an Attacher’s expense. An Attacher shall pay the actual, reasonable, and documented expenses incurred by the Pre-Existing Third Party User and pole or structure owner for the inspection. If any such relocation or

alteration results in the facilities of the Pre-Existing Third Party User on the pole or other structure failing to conform with the applicable safety Pole Owner's standards, the Pre-Existing Third Party User shall, within seven days of the inspection, notify an Attacher of such failure to conform.

(e) In a notice, the Pre-Existing Third Party User may elect to either:

(1) Perform the correction itself and bill the Attacher for the actual, reasonable and documented costs of the correction, or

(2) Instruct the Attacher to correct such conditions at Attacher's expense. Any post-inspection corrections performed by the Attacher must be completed within thirty days of such notification.

(f) As a condition of exercising the ability to relocate, rearrange, or alter a Pre-Existing Third Party User's facilities pursuant to this section, an Attacher shall indemnify, defend and hold harmless the owner or owners of all poles or other structures on which such relocation, rearrangement or alteration takes place, the affiliates of such owner or owners, and the officers, directors and employees of such owner or owners and their affiliates, each being deemed an Indemnitee, from and against all third party damage, loss, claim, demand, suit, liability, penalty or forfeiture of every kind and nature, including, but not limited to, costs and expenses of defending against the same, payment of any settlement or judgment therefor and reasonable attorney's fees, that are actually and reasonably incurred by an Indemnitee, by reason of any claim by an affected Pre-Existing Third Party User or any person or entity claiming through such Pre-Existing Third Party User arising from such relocation, rearrangement or alteration.

(g) All work performed must be in accordance with the National Electrical Safety Code and other generally accepted safety codes.

### **§31G-4-3. Exceptions.**

(a) Notwithstanding any provision of this code to the contrary, the provisions of this article shall not apply to:

(1) Facilities located above the “Communication Worker Safety Zone” as such term is defined in the National Electrical Safety Code; or

(2) Any electric supply facilities wherever located.

(b) This article does not authorize any activity requiring an electric supply outage.

(Senator Trump in the Chair.)

On motion of Senator Blair, the following amendment to the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. 3093) was reported by the Clerk:

On pages nine and ten, section eight, subsection (b), by striking out all of subdivision (6) and inserting in lieu thereof the following:

(6) To insure, for up to twenty years, the payment or repayment of all or any part of the principal of and interest on any form of debt instrument entered into by an enterprise, public body or authority of the state with a financial institution, including, but not limited to, banks, insurance companies and other institutions in the business of lending money, which debt instruments are to be solely for capital costs relating to:

(i) Providing broadband service, as defined in section one, article one, chapter thirty-one-g of this code, to a household or business located in an unserved area, as defined in section two of said article, or in an area with access to Internet service, by wireline or fixed wireless technology, but that fifteen percent or more of households and businesses in the area are served by Internet service with an actual downstream data rate less than ten megabits per second and an upstream data rate less than one megabit per second, and no part of the area has three or more wireline or fixed wireless broadband service providers; or

(ii) Building a segment of a telecommunications network that links a network operator’s core network to a local network plant that serves either an unserved area, as defined in section two, article

one, chapter thirty-one-g of this code, or an area in which no more than two wireline providers are operating.

The authority may not insure the payment or repayment of any part of the principal of and interest on any form of debt instrument under this subdivision, unless the participating financial institution provides written certification to the authority that, but for the authority's insuring the debt instrument, the financial institution would not otherwise make the loan based solely on the creditworthiness of the loan applicant: Provided, That nothing contained in this subsection or any other provision of this article may be construed as permitting the authority to insure the refinancing of existing debt.

Upon the filing of an application for loan insurance under this subsection, the broadband provider shall cause to be published as a Class II legal advertisement in compliance with article three, chapter fifty-nine of this code, notice of the filing of the application and that the authority may approve the same unless within ten business days after completion of publication a written objection is received by the authority from a person or persons challenging that the proposed broadband project does not satisfy the provisions of this subsection. The publication area for such notice is to be the county or counties in which any portion of the proposed broadband project is to be constructed. The notice shall be in such form as the authority shall direct, and shall include a map of the area or areas to be served by the proposed broadband project. The applicant shall also cause to be mailed by first class, on or before the first day of publication of the notice, a copy of the notice to all known current providers of broadband service within the area proposed to be served. If a challenge under this paragraph is timely received by the authority, the authority shall advise the Broadband Enhancement Council, established in article one of chapter thirty-one-g of this code, in writing within five business days. The council shall set the matter for hearing on a date within thirty days of receipt of notice from the authority. The Broadband Enhancement Council shall issue a decision on whether the proposed project satisfies the requirements of this subsection or not within thirty days of completion of such hearing. Any party participating in said

hearing may appeal the council's decision within thirty days of the issuance of said decision to the Circuit Court of Kanawha County. This provision shall apply to all applicants except to those broadband providers that plan on providing a downstream data rate of at least one gigabyte per second to the end user.

Senator Carmichael (Mr. President) requested a ruling from the Chair as to whether he should be excused from voting under Senate Rule 43.

The Chair replied that any impact on Senator Carmichael (Mr. President) would be as a member of a class of persons and that he would be required to vote.

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

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

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

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

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 3093), as just amended, was then read a third time and put upon its passage.

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

Pending extended discussion,

Senator Plymale moved the previous question, which motion prevailed.

The previous question having been ordered, that being on the passage of Engrossed Committee Substitute for House Bill 3093.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Romano—1.

Absent: Gaunch and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3093) passed.

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

**Eng. Com. Sub. for House Bill 3093**—A Bill to repeal §31-15C-1, §31-15C-2, §31-15C-3, §31-15C-4, §31-15C-5, §31-15C-6, §31-15C-7, §31-15C-8, §31-15C-9, §31-15C-12 and §31-15C-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §12-6C-11 of said code; to amend and reenact §31-15-8 of said code; and to amend said code by adding thereto a new chapter, designated §31G-1-1, §31G-1-2, §31G-1-3, §31G-1-4, §31G-1-5, §31G-1-6, §31G-1-7, §31G-1-8, §31G-1-9, §31G-1-10, §31G-1-11, §31G-1-12, §31G-1-13; §31G-1-14, §31G-2-1, §31G-2-2, §31G-2-3, §31G-2-4, §31G-2-5, §31G-2-6, §31G-2-7, §31G-2-8, §31G-2-9, §31G-2-10, §31G-2-11, §31G-2-12, §31G-2-13; §31G-2-14, §31G-2-15, §31G-2-16, §31G-2-17, §31G-2-18, §31G-2-19, §31G-2-20, §31G-2-21, §31G-2-22, §31G-2-23, §31G-2-24, §31G-2-25, §31G-2-26, §31G-2-27; §31G-3-1, §31G-3-2, §31G-4-1, §31G-4-2 and §31G-4-3, all relating to broadband services generally; requiring the Board of Treasury Investments make funds available to the West Virginia Economic Development Authority for the purpose of providing loan insurance for commercial loans used for the expansion of broadband service to unserved or

underserved areas; establishing limits and conditions on the insuring of loans; establishing interest rates; establishing amortization periods; providing for security interests; providing for responsibilities of the West Virginia Economic Development Authority, the West Virginia Board of Treasury Investments and the Broadband Enhancement Council; providing that the members of the West Virginia Board of Treasury Investments do not have a fiduciary responsibility with regard to the loans; providing for notice for loan insurance; providing for hearings and appeal; establishing Broadband Enhancement and Expansion Polices; re-establishing and continuing the Broadband Enhancement Council; defining terms; revising council powers and duties; directing council to publish an annual assessment and map of broadband in the state; authorizing council to create an interactive map of broadband services; revising terms for retention of expert consultants; authorizing collection of data by council; authorizing creation of guidelines and recommendations to the Legislature for pilot project for municipalities and counties to form non-profit cooperative associations for internet services; authorizing creation of guidelines and recommendations to the Legislature for voluntary pipeline donation program to facilitate broadband services; authorizing creation of guidelines and recommendations to the Legislature for easement program to facilitate broadband services; authorizing council to seek, utilize and dispense non-state funding and grants; providing for legislative rulemaking authority; authorizing formation of cooperative associations for internet services; providing for who may organize a cooperative association; defining terms; setting forth legislative findings and purpose; establishing the powers of such associations; setting forth all conditions, rights and responsibilities of such cooperative associations; declaring that cooperative association not deemed a restraint in trade; providing for the application of corporation laws; providing for microtrenching; defining terms; providing for make-ready pole access; defining terms; setting forth procedure for attaching items to third-party facilities and poles; and providing for exceptions to make-ready pole access.

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

At the request of Senator Stollings, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

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

**Eng. Com. Sub. for House Bill 3102**, Relating to selling Hopemont Hospital.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 3102 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Clements, Cline, Facemire, Ferns, Hall, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—25.

The nays were: Beach, Boso, Jeffries, Miller, Romano, Smith and Unger—7.

Absent: Gaunch and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3102) passed.

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

**Eng. Com. Sub. for House Bill 3102**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-26, relating to the selling of a certain state owned health care facility and appurtenances by the Secretary of the Department of Health and Human Resources; ensuring the



transfer of existing patients; providing for construction of a replacement facility on the land occupied by the existing hospital; requiring new facility to have sixty beds; providing that other licensed bed of the existing hospital be decertified and delicensed; exempting certain laws; creating a fund; implementing a benefits package for employees; providing for an accounting; and providing statutory construction.

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

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senator Smith regarding the passage of Engrossed Committee Substitute for House Bill 3102 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the ninth order of business.

**Eng. Com. Sub. for House Bill 2002**, Relating to parental notification of abortions performed on unemancipated minors.

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

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the unreported Health and Human Resources committee amendment pending and the right for further amendments to be considered on that reading.

**Eng. Com. Sub. for House Bill 2018**, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

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

At the request of Senator Ferns, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's second reading calendar, following consideration of Engrossed Committee Substitute for House Bill 3020, already placed in that position.

**Eng. Com. Sub. for House Bill 2109**, Relating to the West Virginia Land Reuse Agency Authorization Act.

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

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

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

That §31-18E-3 and §31-18E-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 18E. WEST VIRGINIA LAND REUSE AGENCY AUTHORIZATION ACT.**

**§31-18E-3. Definitions.**

As used in this article:

(1) “Board” means the board of directors of a land reuse agency;

(2) “Deconstruct” means to attempt to remove salvageable pieces of a housing unit prior to or as part of demolition or renovation;

(3) “Financial institution” means a bank, savings association, operating subsidiary of a bank or savings association, credit union, association licensed to originate mortgage loans or an assignee of a mortgage or note originated by such an institution;

(4) “Land reuse agency” means a public body established under this article;

(5) “Land reuse jurisdiction” means: (A) A county or municipality in this state; or (B) two or more municipalities or counties that enter into an intergovernmental cooperation agreement to establish and maintain a land reuse agency;

(6) “Municipal land bank” means a department or agency of a municipality, or an entity lawfully created by a municipality, engaged in activities designed to address issues related to vacant, abandoned and tax-delinquent real property, including but not limited to, the purchase, rehabilitation, improvement or sale of such properties for the purpose of eliminating blight and returning those properties to productive use.

~~(6)~~ (7) “Municipality” means a municipality as defined in section two, article one, chapter eight of this code; and

~~(7)~~ (8) “Real property” means all lands, including improvements and fixtures on them and property of any nature appurtenant to them or used in connection with them and every estate, interest and right, legal or equitable, in them, including terms of years and liens by way of judgment, mortgage or otherwise, and indebtedness secured by the liens.

### **§31-18E-9. Acquisition of property.**

(a) *Title to be held in its name.* – A land reuse agency or municipal land bank shall hold in its own name all real property it acquires.

(b) *Tax exemption.* – (1) Except as set forth in subdivision (2) of this subsection, the real property of a land reuse agency or municipal land bank and its income and operations are exempt from property tax.

(2) Subdivision (1) of this subsection does not apply to real property of a land reuse agency or municipal land bank after the fifth consecutive year in which the real property is continuously leased to a private third party. However, real property continues to be exempt from property taxes if it is leased to a nonprofit or governmental agency at substantially less than fair market value.

(c) *Methods of acquisition.* – A land reuse agency or municipal land bank may acquire real property or interests in real property by any means on terms and conditions and in a manner the land reuse agency considers proper: *Provided*, That a land reuse agency or

municipal land bank may not acquire any interest in oil, gas or minerals which have been severed from the realty.

(d) *Acquisitions from municipalities or counties.* – (1) A land reuse agency or municipal land bank may acquire real property by purchase contracts, lease purchase agreements, installment sales contracts and land contracts and may accept transfers from municipalities or counties upon terms and conditions as agreed to by the land reuse agency or municipal land bank and the municipality or county.

(2) A municipality or county may transfer to a land reuse agency or municipal land bank real property and interests in real property of the municipality or county on terms and conditions and according to procedures determined by the municipality or county as long as the real property is located within the jurisdiction of the land reuse agency or municipal land bank.

(3) An urban renewal authority, as defined in section four, article eighteen, chapter sixteen of this code, located within a land reuse jurisdiction established under this article may, with the consent of the local governing body and without a redevelopment contract, convey property to the land reuse agency. A conveyance under this subdivision shall be with fee simple title, free of all liens and encumbrances.

(e) *Maintenance.* – A land reuse agency or municipal land bank shall maintain all of its real property in accordance with the statutes and ordinances of the jurisdiction in which the real property is located.

(f) *Prohibition.* – (1) Subject to the provisions of subdivision (2) of this subsection, a land reuse agency or municipal land bank may not own or hold real property located outside the jurisdictional boundaries of the entities which created the land reuse agency under subsection (c), section four of this article.

(2) A land reuse agency or municipal land bank may be granted authority pursuant to an intergovernmental cooperation agreement

with a municipality or county to manage and maintain real property located within the jurisdiction of the municipality or county.

(g) *Acquisition of tax delinquent properties.* – (1) Notwithstanding any other provision of this code to the contrary, if authorized by the land reuse jurisdiction which created a land reuse agency or municipal land bank or otherwise by intergovernmental cooperation agreement, a land reuse agency or municipal land bank may acquire an interest in tax delinquent property through the provisions of chapter eleven-a of this code. Notwithstanding the provisions of section eight, article three, chapter eleven-a of this code, if no person present at the tax sale bids the amount of the taxes, interest and charges due on any unredeemed tract or lot or undivided interest in real estate offered for sale, the sheriff shall, prior to certifying the real estate to the Auditor for disposition pursuant to section forty-four, article three, chapter eleven-a of this code, provide a list of all of said real estate within a land reuse or municipal land bank jurisdiction to the land reuse agency or municipal land bank and the land reuse agency or municipal land bank shall be given an opportunity to purchase the tax lien and pay the taxes, interest and charges due for any unredeemed tract or lot or undivided interest therein as if the land reuse agency or municipal land bank were an individual who purchased the tax lien at the tax sale.

(2) Notwithstanding any other provision of this code to the contrary, if authorized by the land reuse jurisdiction which created a land reuse agency or municipal land bank or otherwise by intergovernmental cooperation agreement, the land reuse agency or municipal land bank shall have the right of first refusal to purchase any tax-delinquent property which is within municipal limits, and has an assessed value of \$25,000 or less or has been condemned: Provided, That the land reuse agency or municipal land bank satisfies the requirements of subdivision (3) of this subsection. A list of properties which meet the criteria of this subdivision shall regularly be compiled by the sheriff of the county, and a land reuse agency or municipal land bank may purchase any qualifying tax-delinquent property for an amount equal to the taxes owed and any related fees before such property is placed for public auction.

(3) When a land reuse agency or municipal land bank exercises a right of first refusal in accordance with subdivision (2) of this section, the land reuse agency or municipal land bank shall, within fifteen days, provide written notice to all owners of real property that is adjacent to the tax-delinquent property. Any such property owner shall have a period of 120 days from the receipt of notice, actual or constructive, to exercise a right to purchase the tax-delinquent property from the land reuse agency or municipal land bank for an amount equal to the amount paid for the property by the land reuse agency or municipal land bank: *Provided*, That in the event more than one adjacent land owner desires to purchase the tax-delinquent property, it shall be sold to the adjacent property owner offering the highest bid. It is the duty of the adjacent property owner to establish that he or she is the actual owner of property that is adjacent to the tax-delinquent property and all state and local taxes and all fees on his or her adjacent property are current and non-delinquent.

(3) Effective July 1, 2020, the provisions of subdivisions (2) and (3) of this subsection shall sunset and have no further force and effect.

(4) Prior to January 1, 2020, any land reuse agency or municipal land bank which exercises the authority granted by this subsection may submit to the Joint Committee on Government and Finance a report on the entity's activities related to the purchase of tax-delinquent properties and any benefits realized from the authority granted by this subsection.

The bill (Eng. Com. Sub. for H. B. 2109), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2196**, Relating to the secondary schools athletic commission.

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

At the request of Senator Trump, as a member of the Committee on Education, and by unanimous consent, the

unreported Education committee amendments to the bill were withdrawn.

On motion of Senator Mann, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page two, section twenty-five, line thirty-six, by striking out the word “extracurricular” and inserting in lieu thereof the word “interscholastic”;

On page two, section twenty-five, line thirty-eight, after the word “code” by inserting the words “along with students who are enrolled in a registered private or parochial school that does not have interscholastic programs”;

On page three, section twenty-five, line forty-six, after the word “home-schooled” by inserting a comma and the words “private or parochial”;

On page three, section twenty-five, line fifty-two, after the words “home school” by inserting a comma and the words “private or parochial”;

On page three, section twenty-five, lines fifty-four and fifty-five, by striking out the words “Reasonable fees may be charged to the student to cover the costs of participation in interscholastic programs.” and inserting in lieu thereof the following: Homeschool, private, and parochial school students participating in interscholastic programs shall be required to pay the same amount that public school students pay when participating in these programs.;

And,

On page three, section twenty-five, after line fifty-five, by inserting the following: One year following the effective date of this bill, the West Virginia State Board of Education shall determine the additional costs, on a per student basis, of non-enrolled students participating in interscholastic programs, and shall make recommendations to the legislature how the costs of these non-enrolled students have affected the school aid formula.

Following discussion,

The question being on the adoption of Senator Mann's amendments to the bill, the same was put and prevailed.

On motion of Senator Rucker, the following amendment to the bill (Eng. Com. Sub. for H. B. 2196) was next reported by the Clerk and adopted:

On page one, section twenty-five, line three, after the word "those" by inserting the word "public".

The bill (Eng. Com. Sub. for H. B. 2196), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2359**, Relating to offenses and penalties for practicing osteopathic medicine without a license.

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

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

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §30-3-18; that §30-14-12 be amended and reenacted; and that said code be amended by adding thereto a new section, designated §30-14-16, all to read as follows:

### **ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.**

#### **§30-3-18. Combining staff functions with West Virginia Board of Osteopathic Medicine.**

The West Virginia Board of Medicine may employ investigators, attorneys, clerks and administrative staff in collaboration with the West Virginia Board of Osteopathic Medicine to share duties and functions between the two boards



when it may be efficient and practical for the functioning of the boards. Any sharing of staff or staff resources shall be documented and performed pursuant to the provisions of section nineteen, article one of this chapter.

#### **ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.**

##### **§30-14-16. Combining staff functions with West Virginia Board of Medicine.**

The West Virginia Board of Osteopathic Medicine may employ investigators, attorneys, clerks and administrative staff in collaboration with the West Virginia Board of Medicine to share duties and functions between the two boards when it may be efficient and practical for the functioning of the boards. Any sharing of staff or staff resources shall be documented and performed pursuant to the provisions of section nineteen, article one of this chapter.

##### **§30-14-12. Offenses; penalties.**

(a) Each of the following acts ~~shall constitute~~ constitutes a misdemeanor, punishable upon conviction by a fine of not less than \$1,000 nor more than \$10,000:

~~(a) The practice or attempting to practice as an osteopathic physician and surgeon without a license or permit;~~

~~(b) (1) The obtaining of or an attempt to obtain a license or permit to practice in the profession for money or any other thing of value, by fraudulent misrepresentation;~~

~~(c) (2) The making of any willfully false oath or affirmation whenever an oath or affirmation is required by this article; and~~

~~(d) (3) Advertising, practicing or attempting to practice under a name other than one's own.~~

(b) Any person who practices or attempts to practice osteopathic medicine without a license or permit is guilty of a

felony and, upon conviction, shall be fined not more than \$10,000, or imprisoned in a correctional facility for not less than one year nor more than five years, or both fined and imprisoned.

The bill (Eng. Com. Sub. for H. B. 2359), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2520**, Prohibiting the use of a tanning device by a person under the age of eighteen.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 2620**, West Virginia Drug Overdose Monitoring Act.

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

On motion of Senator Plymale, the bill was referred to the Committee on Rules, with the unreported Judiciary committee amendment pending.

**Eng. Com. Sub. for House Bill 2637**, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage.

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

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

On page six, section three, lines one hundred nineteen through one hundred twenty-six, by striking out all of subdivision (5) and inserting in lieu thereof a new subdivision, designated subdivision (5), to read as follows:

(5) Regular employment status for prospective employable professional personnel may be obtained only upon recommendation by the superintendent and approval by the county board following consideration of the qualifications of the candidate in accordance

with the applicable provisions of section seven-a, article four of this chapter. Upon board approval, prospective employable professional personnel may be placed into a critical needs position if the job has been posted at least once in accordance with paragraph (B), subdivision (1) of this subsection resulting in no qualified applicants. Employment of the prospective employable professional personnel pursuant to this subsection may occur without the need for additional postings and without the need for additional faculty senate involvement other than the initial faculty senate involvement required in the case of a classroom teaching position pursuant to section seven-a, article four of this chapter.

The bill (Eng. Com. Sub. for H. B. 2637), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2648**, Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor.

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

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

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §61-8D-4b, to read as follows:

#### **ARTICLE 8D. CHILD ABUSE.**

##### **§61-8D-4b. Child neglect by voluntary intoxication; offenses; penalties.**

(a) Any person who voluntarily becomes intoxicated by the illegal use of a controlled substance, drug or other intoxicant while engaging in the care, custody and control of a minor under the age of twelve and thereby renders himself or herself incapable of

exercising a minimum degree of care to assure the minor's physical safety or health is guilty of a misdemeanor and, upon conviction thereof, shall be confined in a jail for not more than six months.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who voluntarily becomes intoxicated by the illegal use of a controlled substance, drug or other intoxicant while engaging in the care, custody and control of a minor under the age of twelve and thereby renders himself or herself incapable of exercising a minimum degree of care to assure the minor's physical safety or health and who has previously been convicted of a violation of subsection (a) of this section or a law of another state or the federal government with the same essential elements is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than one year.

(c) Any person who voluntarily becomes intoxicated by the illegal use of a controlled substance, drug or other intoxicant while engaging in the care, custody and control of a minor under the age of twelve and thereby renders himself or herself incapable of exercising a minimum degree of care to assure the minor's physical safety or health and who has two or more convictions for a violation of subsection (a) of this section or a law of another state or the federal government with the same essential elements is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate term of not more than five years.

The bill (Eng. Com. Sub. for H. B. 2648), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2651**, Relating generally to standardized testing requirements for nonpublic schools.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 2674**, Relating to access to and receipt of certain information regarding a protected person.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. House Bill 2675**, Relating to primary elections and nominating procedures.

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

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

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

That §3-1-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §3-4A-11a of said code be amended and reenacted; that §3-5-3, §3-5-13 and §3-5-13a of said code be amended and reenacted; that §3-10-1 and §3-10-8 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §3-10-8a, all to read as follows:

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

### **§3-1-17. Election of circuit judges; county and district officers; magistrates.**

(a) There shall be elected, at the time of the primary election to be held in 2016, and every eighth year thereafter, one judge of the circuit court of every judicial circuit entitled to one judge, and one judge for each numbered division of the judicial circuit in those judicial circuits entitled to two or more circuit judges; and at the time of the primary election to be held in 2016, and in every fourth year thereafter, the number of magistrates prescribed by law for the county. Beginning with the election held in the year 2016, an election for the purpose of electing judges of the circuit court, or an election for the purpose of electing magistrates, shall be upon a nonpartisan ballot printed for the purpose.

(b) There shall be elected, at the general election to be held in 1992, and every fourth year thereafter, a sheriff, prosecuting attorney, surveyor of lands and the number of assessors prescribed by law for the county; at the general election to be held in 1990, and every second year thereafter, a commissioner of the county commission for each county; and at the general election to be held in 1992, and every sixth year thereafter, a clerk of the county commission and a clerk of the circuit court for each county.

(c) Effective with the primary election of 2016, all elections for judge of the circuit courts in the respective circuits and magistrates in each county will be elected on a nonpartisan basis and by division as set forth more fully in article five of this chapter.

(d) Effective with the general election of 2020, all elections for surveyor of lands will be on a nonpartisan basis.

#### **ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.**

##### **§3-4A-11a. Ballots tabulated electronically; arrangement, quantity to be printed, ballot stub numbers.**

(a) The board of ballot commissioners in counties using ballots upon which votes may be recorded by means of marking with electronically sensible ink or pencil and which marks are tabulated electronically shall cause the ballots to be printed or displayed upon the screens of the electronic voting system for use in elections.

(b)(1) For the primary election, the heading of the ballot, the type faces, the names and arrangement of offices and the printing of names and arrangement of candidates within each office are to conform as nearly as possible to sections thirteen and thirteen-a, article five of this chapter.

(2) For the general election, the heading of the ballot, the type faces, the names and arrangement of offices and the printing of names and the arrangement of candidates within each office are to conform as nearly as possible to section two, article six of this chapter, except as otherwise provided in this article.

(3) ~~Effective with the primary election held in 2016, and thereafter, the~~ The following nonpartisan elections are to be ~~separated from the partisan ballot and~~ separately headed in display type with a title clearly identifying the purpose of the election and constituting a separate ballot wherever a separate ballot is required under this chapter:

(A) Nonpartisan elections for judicial offices, by division, of:

(i) Justice of the Supreme Court of Appeals;

(ii) Judge of the circuit court;

(iii) Family court judge; and

(iv) Magistrate;

(B) Nonpartisan elections for board of education;

(C) Nonpartisan election for county surveyor; and

~~(C)~~ (D) Any question to be voted upon;

(4) Both the face and the reverse side of the ballot may contain the names of candidates only if means to ensure the secrecy of the ballot are provided and lines for the signatures of the poll clerks on the ballot are printed on a portion of the ballot which is deposited in the ballot box and upon which marks do not interfere with the proper tabulation of the votes.

(5) The arrangement of candidates within each office is to be determined in the same manner as for other electronic voting systems, as prescribed in this chapter. On the general election ballot for all offices, and on the primary election ballot only for those offices to be filled by election, except delegate to national convention, lines for entering write-in votes are to be provided below the names of candidates for each office, and the number of lines provided for any office shall equal the number of persons to be elected, or three, whichever is fewer. The words "WRITE-IN, IF ANY" are to be printed, where applicable, directly under each

line for write-ins. The lines are to be opposite a position to mark the vote.

(c) Except for electronic voting systems that utilize screens upon which votes may be recorded by means of a stylus or by means of touch, the primary election ballots are to be printed in the color of ink specified by the Secretary of State for the various political parties, and the general election ballot is to be printed in black ink. For electronic voting systems that utilize screens upon which votes may be recorded by means of a stylus or by means of touch, the primary ballots and the general election ballot are to be printed in black ink. All ballots are to be printed, where applicable, on white paper suitable for automatic tabulation and are to contain a perforated stub at the top or bottom of the ballot, which is to be numbered sequentially in the same manner as provided in section thirteen, article five of this chapter, or are to be displayed on the screens of the electronic voting system upon which votes are recorded by means of a stylus or touch. The number of ballots printed and the packaging of ballots for the precincts are to conform to the requirements for paper ballots provided in this chapter.

(d) In addition to the official ballots, the ballot commissioners shall provide all other materials and equipment necessary to the proper conduct of the election.

## **ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

### **§3-5-3. Presidential preference.**

(a) In presidential election years, in addition to the candidates required to be nominated at the primary election, the qualified voters of each political party shall have the opportunity of voting for their choice among those aspiring to be the candidates of their respective parties for president of the United States. The names of such aspirants shall be printed on the official election ballot of their respective parties, as provided in section thirteen of this article, upon the filing with the Secretary of State of the certificate of announcement as provided in section seven of this article and the



filing fee or petition in lieu of filing fee as provided in sections eight and eight-a of this article, and the ballot shall be marked and the vote shall be counted, canvassed and returned under the same conditions as to names, certificates and other matters, as the names and certificates of the party aspirants for the party nomination for the office of Governor.

(b) Every ballot upon which appears the names of persons aspiring to be the candidates of their respective parties for president of the United States shall contain an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of those persons aspiring to be candidates of their respective parties for president of the United States. The additional line shall permit the voter to express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "None of these candidates". Only votes cast for the named candidates shall be counted in determining presidential nominations, but the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, publication, abstract and proclamation of the results of the primary election. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State, County Clerk, or board of ballot commissioners for each county shall clearly explain that the voter may mark the choice of the line "None of these candidates" only if the voter has not voted for any candidate for the office.

### **§3-5-13. Form and contents of ballots.**

The following provisions apply to the form and contents of election ballots:

(1) The face of every primary election ballot shall conform as nearly as practicable to that used at the general election.

(2) The heading of every ballot is to be printed in display type. The heading is to contain a ballot title, the name of the county, the state, the words "Primary Election" and the month, day and year of the election. The ballot title of the political party ballots is to

contain the words “Official Ballot of the (Name) Party” and the official symbol of the political party may be included in the heading.

(A) The ballot title of any ~~separate paper ballot or~~ portion of any electronic or voting machine ballot for ~~all~~ any judicial officers shall commence with the words “~~Nonpartisan Ballot of Election of Judicial Officers~~” specified in this section and each such office shall be listed in the ~~following order specified in section thirteen-a of this article:~~

(i) The ballot title of any ~~separate paper ballot or~~ portion of any electronic or voting machine ballot for ~~all~~ justices of the Supreme Court of Appeals shall contain the words “Nonpartisan Ballot of Election of Justice(s) of the Supreme Court of Appeals of West Virginia”. The names of the candidates for the Supreme Court of Appeals shall be printed by division without references to political party affiliation or registration.

(ii) The ballot title of any ~~separate paper ballot or~~ portion of any electronic or voting machine ballot for ~~all~~ circuit court judges in the respective circuits shall contain the words “Nonpartisan Ballot of Election of Circuit Court Judge(s)”. The names of the candidates for the respective circuit court judge office shall be printed by division without references to political party affiliation or registration.

(iii) The ballot title of any ~~separate paper ballot or~~ portion of any electronic or voting machine ballot for ~~all~~ family court judges in the respective circuits shall contain the words “Nonpartisan Ballot of Election of Family Court Judge(s)”. The names of the candidates for the respective family court judge office shall be printed by division without references to political party affiliation or registration.

(iv) The ballot title of any ~~separate paper ballot or~~ portion of any electronic or voting machine ballot for all magistrates in the respective circuits shall contain the words “Nonpartisan Ballot of Election of Magistrate(s)”. The names of the candidates for the

respective magistrate office shall be printed by division without references to political party affiliation or registration.

(B) The ballot title of any separate paper ballot or portion of any electronic or voting machine ballot for the Board of Education is to contain the words “Nonpartisan Ballot of Election of Members of the \_\_\_\_\_ County Board of Education”. The districts for which less than two candidates may be elected and the number of available seats are to be specified and the names of the candidates are to be printed without reference to political party affiliation and without designation as to a particular term of office.

(C) The ballot title of any portion of any electronic or voting machine ballot for county surveyor is to contain the words “Nonpartisan Ballot of Election of County Surveyor for \_\_\_\_\_ County”.

~~(C)~~ (D) Any other ballot or portion of a ballot on a question is to have a heading which clearly states the purpose of the election according to the statutory requirements for that question.

(3) (A) For paper ballots, the heading of the ballot is to be separated from the rest of the ballot by heavy lines and the offices shall be arranged in columns with the following headings, from left to right across the ballot: “National Ticket”, “State Ticket”, “County Ticket” and, in a presidential election year, “National Convention” or, in a nonpresidential election year, “District Ticket”. The columns are to be separated by heavy lines. Within the columns, the offices are to be arranged in the order prescribed in section thirteen-a of this article.

(B) For voting machines, electronic voting devices and any ballot tabulated by electronic means, the offices are to appear in the same sequence as prescribed in section thirteen-a of this article and under the same headings as prescribed in paragraph (A) of this subdivision. The number of pages, columns or rows, where applicable, may be modified to meet the limitations of ballot size and composition requirements subject to approval by the Secretary of State.

(C) The title of each office is to be separated from preceding offices or candidates by a line and is to be printed in bold type no smaller than eight point. Below the office is to be printed the number of the district, if any, the number of the division, if any, and the words "Vote for \_\_\_\_\_" with the number to be nominated or elected or "Vote For Not More Than \_\_\_\_\_" in multicandidate elections. For offices in which there are limitations relating to the number of candidates which may be nominated, elected or appointed to or hold office at one time from a political subdivision within the district or county in which they are elected, there is to be a clear explanation of the limitation, as prescribed by the Secretary of State, printed in bold type immediately preceding the names of the candidates for those offices on the ballot in every voting system. For counties in which the number of county commissioners exceeds three and the total number of members of the county commission is equal to the number of magisterial districts within the county, the office of county commission is to be listed separately for each district to be filled with the name of the magisterial district and the words "Vote for One" printed below the name of the office: *Provided*, That the office title and applicable instructions may span the width of the ballot so as it is centered among the respective columns.

(D) The location for indicating the voter's choices on the ballot is to be clearly shown. For paper ballots, other than those tabulated electronically, the official primary ballot is to contain a square formed in dark lines at the left of each name on the ballot, arranged in a perpendicular column of squares before each column of names.

(4) (A) The name of every candidate certified by the Secretary of State or the board of ballot commissioners is to be printed in capital letters in no smaller than eight point type on the ballot for the appropriate precincts. Subject to the rules promulgated by the Secretary of State, the name of each candidate is to appear in the form set out by the candidate on the certificate of announcement, but in no case may the name misrepresent the identity of the candidate nor may the name include any title, position, rank, degree or nickname implying or inferring any status as a member of a class or group or affiliation with any system of belief.

(B) The city of residence of every candidate, the state of residence of every candidate residing outside the state, the county of residence of every candidate for an office on the ballot in more than one county and the magisterial district of residence of every candidate for an office subject to magisterial district limitations are to be printed in lower case letters beneath the names of the candidates.

(C) The arrangement of names within each office must be determined as prescribed in section thirteen-a of this article.

(D) If the number of candidates for an office exceeds the space available on a column or ballot page and requires that candidates for a single office be separated, to the extent possible, the number of candidates for the office on separate columns or pages are to be nearly equal and clear instructions given the voter that the candidates for the office are continued on the following column or page.

(5) When an insufficient number of candidates has filed for a party to make the number of nominations allowed for the office or for the voters to elect sufficient members to the Board of Education or to executive committees, the vacant positions on the ballot shall be filled with the words "No Candidate Filed": *Provided*, That in paper ballot systems which allow for write-ins to be made directly on the ballot, a blank line shall be placed in any vacant position in the office of Board of Education or for election to any party executive committee. A line shall separate each candidate from every other candidate for the same office. Notwithstanding any other provision of this code, if there are multiple vacant positions on a ballot for one office, the multiple vacant positions which would otherwise be filled with the words "No Candidate Filed" may be replaced with a brief detailed description, approved by the Secretary of State, indicating that there are no candidates listed for the vacant positions.

(6) In presidential election years, the words "For election in accordance with the plan adopted by the party and filed with the Secretary of State" is to be printed following the names of all candidates for delegate to the national convention.

(7) All paper ballots are to be printed in black ink on paper sufficiently thick so that the printing or marking cannot be discernible from the back: *Provided*, That no paper ballot voted pursuant to the provisions of 42 U. S. C. §1973, *et seq.*, the Uniformed and Overseas Citizens Absentee Voting Act of 1986, or federal write-in absentee ballot may be rejected due to paper type, envelope type, or notarization requirement. Ballot cards and paper for printing ballots using electronically sensible ink are to meet minimum requirements of the tabulating systems and are to conform in size and weight to ensure ease in tabulation.

(8) Ballots are to contain perforated tabs at the top of the ballots and are to be printed with unique sequential numbers from one to the highest number representing the total number of ballots printed. On paper ballots, the ballot is to be bordered by a solid line at least one sixteenth of an inch wide and the ballot is to be trimmed to within one-half inch of that border.

(9) On the back of every official ballot or ballot card the words "Official Ballot" with the name of the county and the date of the election are to be printed. Beneath the date of the election there are to be two blank lines followed by the words "Poll Clerks".

(10) The face of sample paper ballots and sample ballot labels are to be like other official ballots or ballot labels except that the word "sample" is to be prominently printed across the front of the ballot in a manner that ensures the names of candidates are not obscured and the word "sample" may be printed in red ink. No printing may be placed on the back of the sample.

**§3-5-13a. Order of offices and candidates on the ballot; uniform drawing date.**

(a) The order of offices for state and county elections on all ballots within the state shall be as prescribed herein. When the office does not appear on the ballot in an election, then it shall be omitted from the sequence. When an unexpired term for an office appears on the ballot along with a full term, the unexpired term shall appear immediately below the full term.

NATIONAL TICKET: President (and Vice President in the general election), United States Senator, member of the United States House of Representatives

STATE TICKET: Governor, Secretary of State, Auditor, Treasurer, Commissioner of Agriculture, Attorney General, Nonpartisan Ballot of Election of Justice(s) of the Supreme Court of Appeals of West Virginia, State Senator, member of the House of Delegates, Nonpartisan Ballot of Election of Circuit Court Judge(s), Nonpartisan Ballot of Election of Family Court Judge(s), any other multicounty office, state executive committee.

COUNTY TICKET: Clerk of the circuit court, county commissioner, clerk of the county commission, prosecuting attorney, sheriff, assessor, Nonpartisan Ballot of Election of surveyor, Nonpartisan Ballot of Election of Magistrate(s), congressional district executive committee, senatorial district executive committee in multicounty districts, delegate district executive committee in multicounty districts.

NATIONAL CONVENTION: Delegate to the national convention — at-large, delegate to the national convention — congressional district

DISTRICT TICKET: County executive committee.

(b) Except for office divisions in which no more than one person has filed a certificate of announcement, the arrangement of names for all offices shall be determined by lot according to the following provisions:

(1) On the fourth Tuesday following the close of the candidate filing, beginning at nine o'clock a. m., a drawing by lot shall be conducted in the office of the clerk of the county commission in each county. Notice of the drawing shall be given on the form for the certificate of announcement and no further notice shall be required. The clerk of the county commission shall superintend and conduct the drawing and the method of conducting the drawing shall be prescribed by the Secretary of State.

(2) Except as provided herein, the position of each candidate within each office division shall be determined by the position drawn for that candidate individually: *Provided*, That if fewer candidates file for an office division than the total number to be nominated or elected, the vacant positions shall appear following the names of all candidates for the office.

(3) Candidates for delegate to national convention who have filed a commitment to a candidate for president shall be listed alphabetically within the group of candidates committed to the same candidate for president and uncommitted candidates shall be listed alphabetically in an uncommitted category. The position of each group of committed candidates and uncommitted candidates shall be determined by lot by drawing the names of the presidential candidates and for an uncommitted category.

(4) A candidate or the candidate's representative may attend the drawings.

## **ARTICLE 10. FILLING VACANCIES.**

### **§3-10-1. Elections to fill vacancies.**

(a) When a vacancy occurs in an elected office of the state or county, it shall be filled according to the processes set forth in this article. As used in this article, unless otherwise indicated by the context:

(1) "General cutoff date" means the eighty-fourth day before the general election that immediately precedes the general election where the office would be on the ballot for election if there were not a vacancy; and

(2) "Primary cutoff date" means the eighty-fourth day before the primary election that immediately precedes the general cutoff date.

(b) When this article requires an appointment to fill a vacancy in an elected office, the appointment shall be made within thirty days of the vacancy, unless this code specifically states a different time period for the specific office. The term that the appointee



holds the office shall depend on when the vacancy occurs, as follows:

(1) If the vacancy occurs after the primary cutoff date, then that appointee shall hold the office until the end of the term of office: *Provided*, That if the vacancy for any county office or United States Senate occurs during the window after the primary cutoff date, but before the general cutoff date, the process contained in sections four, six, seven, ~~and eight~~ and eight-a of this article, depending on the specific office vacated, shall be followed; or

(2) If the vacancy occurs on or before the primary cutoff date, then the office shall be filled at the following regular primary and subsequent general election pursuant to this article and the appointee shall hold the office until a qualified replacement is elected and certified at that general election. The elected replacement shall hold the office until the end of the original term of office.

(c) If an election is required to fill the vacancy by subsection (b) of this section and the other provisions of this article, the election shall proceed depending on when the vacancy occurs and in which office it occurs. Elections to fill vacancies shall be held at the same places, and superintended, conducted and returned, and the result ascertained, certified and declared, in the same manner, and by the same officers, as in general elections, unless otherwise stated in this article.

(1) For a vacancy in the Office of Governor, the times for the special elections contained in section two of this article shall control. The proclamation entered pursuant to section two of this article by the person acting as Governor shall include the dates for the special candidate filing period, if necessary, and shall follow the requirements set forth in this section. All aspects of this section, where not in conflict with section two of this article, shall also be followed. If a regularly scheduled primary or general election fits within the times for the special elections contained in section two of this article, the special elections shall be conducted in conjunction with the regularly scheduled election or elections. If a special election is required by section two of this article and it

cannot be held in conjunction with the regular election dates, then the compensation of election officers shall be reimbursed pursuant to section nine of this article.

(2) For a vacancy in the offices of United States House of Representatives or United States Senate, the times for the special election, if necessary, contained in section four of this article shall control. All aspects of this section, where not in conflict with section four of this article, shall also be followed.

(A) With regard to United States House of Representatives, the proclamation entered pursuant to section four of this article by the Governor shall include the dates for the special candidate filing period, if necessary, and shall follow the requirements set forth in this section. If a regularly scheduled primary or general election fits within the times for the special elections contained in section four of this article, the special elections shall be conducted in conjunction with the regularly scheduled election or elections. If a special election is required by section two of this article and it cannot be held in conjunction with the regular election dates, then the compensation of election officers shall be reimbursed pursuant to section nine of this article.

(B) With regard to United States Senate, if a special general election following the regular general election is required by section four of this article, and it cannot be held in conjunction with the regular election dates, then the compensation of election officers shall be reimbursed pursuant to section nine of this article.

(3) For all other offices, the Governor, or other person granted authority by this article, shall issue a proclamation stating that the office will appear on the next regular primary election and subsequent general election, in order to fill the vacancy: *Provided*, That if the vacancy for any county office occurs during the window after the primary cutoff date, but before the general cutoff date, the process contained in sections six, seven, ~~and~~ eight and eight-a of this article shall be followed. If the candidate filing period for the next regular primary election has closed or has less than one week remaining, the proclamation shall provide for a special primary candidate filing period. If there are less than eighty-four days

between the vacancy and the next regular primary election, then the proclamation shall state that the office will appear on the subsequent regular primary election and corresponding general election following the next regular primary election.

(d)(1) If a special candidate filing period is necessary, it shall begin no sooner than the day after the proclamation and shall close no earlier than close of business on the fourteenth day following the proclamation. A notarized declaration of candidacy and filing fee provided by section seven, article five of this chapter shall be filed either in person, by United States mail, electronic means or any other means authorized by the Secretary of State and received by the appropriate office before the close of the filing period. For petition in lieu of payment of filing fees, a candidate seeking nomination for the vacancy may utilize the process set forth in section eight-a, article five of this chapter: *Provided*, That the minimum number of signatures required is equivalent to one qualified signature per one whole dollar of the filing fee for that office.

(2) If a primary election is required by the provisions of this article:

(A) For all statewide, multicounty and legislative elections, drawing for the primary election ballot position will take place at the Secretary of State's office twenty-four hours after the end of the filing period. For each major political party on the ballot, a single drawing by lot shall determine the candidate ballot position for ballots statewide. This drawing shall be witnessed by four clerks of the county commission chosen by the West Virginia Association of County Clerks, with no more than two clerks representing a single political party.

(B) For county elections, drawing for the primary election ballot position will take place at the county clerk's office twenty-four hours after the end of the filing period. For each major political party on the ballot, a single drawing by lot shall determine the candidate ballot position for ballots statewide. This drawing shall be witnessed by the chairperson of the county democratic and

republican executive committees or their designee, and the president of the county commission or his or her designee.

(3) Ballot position for a general election required by this article shall be determined pursuant to subdivision (3), subsection (c), section two, article six of this chapter. If a general election required by this article occurs in conjunction with a regularly scheduled primary election, the general election shall be listed along with the nonpartisan portion of each ballot in the order of offices provided for regular ballots in this chapter.

(e) When an election is required to fill a vacancy, the date of the election and offices to be elected, as well as any other information required in the proclamation, shall be published prior to such election as a Class I-0 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 each county of the state that is eligible to vote in the election for those offices.

(f) If an election is required by this article, citizens having no party organization or affiliation may nominate candidates as provided by sections twenty-three and twenty-four, article five of this chapter: *Provided*, That when an election is required by the provisions of this article to be held at some time other than with a regularly scheduled election, all certificates nominating candidates shall be filed with the appropriate official no later than ninety days before the election.

(g) The persons elected, having first duly qualified, shall enter upon the duties of their respective offices. The elected replacement shall hold the office until the end of the original term of office.

**§3-10-8. Vacancies in offices of prosecuting attorney, sheriff and assessor ~~and surveyor~~.**

(a) Any vacancy occurring in the office of prosecuting attorney, sheriff or assessor ~~or county surveyor~~ shall be filled by the county commission within thirty days of the vacancy by appointment of a person of the same political party as the officeholder vacating the

office. The appointed person shall hold the office for the period stated by section one of this article.

(b) Notwithstanding any code provision to the contrary, a county commission may appoint a temporary successor to the office of prosecuting attorney, sheriff or assessor ~~or county surveyor~~ until the requirements of this section have been met. The temporary successor may serve no more than thirty days from the date of the vacancy.

(c) If an election is necessary under section one of this article, the county commission, or the president thereof in vacation, shall be responsible for the proper proclamation, by order, and notice required by section one of this article.

(d) Section one of this article shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in section nineteen, article five of this chapter, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission of the county, shall be placed upon the ballot to be voted at the next general election.

**§3-10-8a. Vacancies in office of county surveyor.**

(a) Any vacancy occurring in the office of county surveyor shall be filled by the county commission within thirty days of the vacancy. The appointed person shall hold the office for the period stated by section one of this article.

(b) Notwithstanding the provisions of subsection (a) of this section, a county commission may appoint a temporary successor to the office of county surveyor until the requirements of this section have been met. The temporary successor may serve no more than thirty days from the date of the vacancy.

(c) If an election is necessary under section one of this article, the county commission, or the president thereof in vacation, shall

be responsible for the proper proclamation, by order, and notice required by section one of this article.

The bill (Eng. H. B. 2675), as amended, was then ordered to third reading.

**Eng. House Bill 2684**, Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license.

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

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

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

#### **ARTICLE 4. VIOLATION OF LICENSE PROVISIONS.**

**§17B-4-3. Driving while license suspended or revoked; driving while license revoked for driving under the influence of alcohol, controlled substances or drugs, or while having alcoholic concentration in the blood of eight hundredths of one percent or more, by weight, or for refusing to take secondary chemical test of blood alcohol contents.**

(a) Except as otherwise provided in subsection (b) or (d) of this section, any person who drives a motor vehicle on any public highway of this state at a time when his or her privilege to do so has been lawfully suspended or revoked by this state or any other jurisdiction is, for the first offense, guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500; for the second offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500; for the third or any subsequent offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not less than thirty days nor more than ninety days and shall be fined not less than \$150 nor more than \$500.

(b) Any person who drives a motor vehicle on any public highway of this state at a time when his or her privilege to do so has been lawfully revoked for driving under the influence of alcohol, controlled substances or other drugs, or any combination thereof, or for driving while having an alcoholic concentration in his or her blood of eight hundredths of one percent or more, by weight, or for refusing to take a secondary chemical test of blood alcohol content, is, for the first offense, guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not less than thirty days nor more than six months and shall be fined not less than \$100 nor more than \$500; for the second offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not less than six months nor more than one year and shall be fined not less than \$1,000 nor more than \$3,000; for the third or any subsequent offense, the person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one year nor more than three years and, in addition to the mandatory prison sentence, shall be fined not less than \$3,000 nor more than \$5,000.

(c) Upon receiving a record of the first or subsequent conviction of any person under subsection (b) of this section upon a charge of driving a vehicle while the license of that person was lawfully suspended or revoked, the division shall extend the period of the suspension or revocation for an additional period of six months which may be served concurrently with any other suspension or revocation. Upon receiving a record of the second or subsequent conviction of any person under subsection (a) of this section upon a charge of driving a vehicle while the license of that person was lawfully suspended or revoked, the division shall extend the period of the suspension or revocation for an additional period of ninety days which may be served concurrently with any other suspension or revocation.

(d) Any person who drives a motor vehicle on any public highway of this state at a time when his or her privilege to do so has been lawfully suspended for driving while under the age of twenty-one years with an alcohol concentration in his or her blood

of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for twenty-four hours or shall be fined not less than \$50 nor more than \$500, or both; for the second offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not less than thirty days nor more than six months and shall be fined not less than \$100 nor more than \$500; for the third or any subsequent offense, the person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one year nor more than three years and fined not less than \$1,000 nor more than \$5,000.

Upon receiving a record of a first or subsequent conviction under this subsection for a charge of driving a vehicle while the license of that person was lawfully suspended or revoked, the division shall extend the period of the suspension or revocation for an additional period of six months which may be served concurrently with any other suspension or revocation.

(e) An order for home detention by the court pursuant to the provisions of article eleven-b, chapter sixty-two of this code may be used as an alternative sentence to any period of incarceration required by this section.

The bill (Eng. H. B. 2684), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2694**, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas.

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

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

**Eng. Com. Sub. for House Bill 2704**, Prohibiting persons convicted of sexual offenses against children with whom they hold



positions of trust from holding certification or license valid in public schools.

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

The following amendments to the bill, from the Committee on the Judiciary, were reported by the Clerk, considered simultaneously, and adopted:

On page two, section ten, line one, by striking out the words "Beginning January 1, 2002, any" and inserting in lieu thereof the word "Any";

On page three, section ten, line twenty-six, after the words "by the" by inserting the words "West Virginia";

And,

On page three, section ten, line twenty-eight, after the word "check" by inserting a period.

The bill (Eng. Com. Sub. for H. B. 2704), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2711, Abolishing regional educational service agencies and providing for the transfer of property and records.**

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

The following amendments to the bill, from the Committee on Education, were reported by the Clerk and considered simultaneously:

On page nine, after the article heading, by inserting the following:

**§18-2E-1a. Standards, Assessment assessment and accountability programs; duties of the state board.**

(a) ~~In order to further the purpose of this article, on or before the first day of January, one thousand nine hundred ninety nine, Prior to adoption or revision of academic standards in mathematics, English language arts, science and social studies, the state board shall develop and recommend to the~~ constructively engage with the legislative oversight commission on education accountability as outlined in subsection (b). Prior to adoption of a new statewide summative assessment, the state board shall constructively engage with the legislative oversight commission on education accountability on the ~~an~~ assessment program it intends to adopt to measure the progress of public school students in attaining a high quality education. ~~In addition, to further the purposes of this article, on or before the first day of January, one thousand nine hundred ninety nine, the~~ Prior to the full implementation of a new accountability system, state board shall develop and recommend to the legislative oversight commission on education accountability an accountability program to help ensure a thorough and efficient system of schools. In developing the standards, assessment program and the accountability program, the state board shall take into consideration recommendations arising from any legislative interim study undertaken at the direction of the joint committee on government and finance and also shall take into consideration any recommendations made by the legislative oversight commission on education accountability.

(b) As part of their on-going responsibility for developing and implementing a program of standards, assessments and a program of accountability, the state board ~~shall perform the following functions:~~

(1) Is prohibited from implementing the Common Core academic standards;

(2) Shall allow West Virginia educators the opportunity to participate in the development of the academic standards;

(3) Shall provide by rule for a cyclical review, by West Virginia educators, of any academic standards that are proposed by the state board;

~~(2) Review~~ (4) Shall review assessment tools, including tests of student performance and measures of school and school system performance, and determine when any improvements or additions are necessary;

~~(3) Consider~~ (5) Shall consider multiple assessments, including, but not limited to, a state testing program developed in conjunction with the state's professional educators with assistance from such knowledgeable consultants as may be necessary, which may include criterion referenced tests;

(6) Is prohibited from adopting the Smarter Balanced Assessment system or the PARCC assessment system as the statewide summative assessment;

~~(4) Review~~ (7) Shall review all accountability measures, such as the accreditation and personnel evaluation systems and consider any improvements or additions deemed necessary; and

~~(5) Ensure~~ (8) Shall ensure that all statewide assessments of student performance are secure.

(c) The state board shall not adopt any national or regional testing program tied to federal funding, or national or regional academic standards tied to federal funding, without oversight by the legislative oversight commission on education accountability.;

On page nine, section five, line nineteen, after the word "Legislature" by inserting the words "as provided in section one, article two-h of this chapter";

On page eleven, section five, line sixty-nine, by striking out the word "Curriculum" and inserting in lieu thereof the words "Academic standards";

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

On page thirteen, section five, line one hundred one, by striking out the word "ten" and inserting in lieu thereof the word "nine";

On page thirteen, section five, lines one hundred five through one hundred nine, by striking out all of subdivision (3) and inserting in lieu thereof a new subdivision, designated subdivision (3), to read as follows:

(3) In accordance with articles two and two-e, chapter eighteen of this code, the state board shall review or develop, and adopt a college and career readiness assessment to be administered in grade eleven: *Provided*, That the adopted college and career readiness assessment administered in grade eleven counts toward the statewide student assessment and must be used by a significant number of regionally accredited higher education institutions for determining college admissions.;

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

On page fourteen, section five, line one hundred twenty-five, by changing the period to a semicolon and adding the word “and”;

On page fourteen, section five, after line one hundred twenty-five, by inserting four new subdivisions, designated subdivisions (7), (8), (9) and (10), to read as follows:

(7) The comprehensive statewide student assessment adopted prior to the testing window of the 2017-2018 school year shall continue to be used for at least a total of four consecutive years;

(8) No summative assessment approved by the state board may take more than two percent of a student’s instructional time;

(9) No student may be required to complete a greater number of summative assessments than is required by the Every Student Succeeds Act except as otherwise required by this subsection; and

(10) Collection of personal data as part of the assessment process except for what is necessary for the student’s instruction, academic and college and career search needs is prohibited.;

On page twenty-nine, section five, line five hundred eight, by striking out the words “Providing or recommending to” and inserting in lieu thereof the word “Recommending”;

On page twenty-nine, section five, line five hundred thirteen, by striking out the words “Allocating funds” and inserting in lieu thereof the words “Directing educational expertise and support services”;

On pages forty through forty-six, by striking out all of section thirteen-c and inserting in lieu thereof a new section, designated section thirteen-c, to read as follows:

**§18-5-13c. Educational services cooperatives; purpose; establishment; governance; authorized functions and services.**

(a) Pursuant to subsection (q), section thirteen of this article, a county board is authorized to enter into a cooperative agreement with one or more other county boards to establish educational services cooperatives which shall serve as regional units to provide for high quality, cost effective lifelong education programs and services to students, schools, school systems, and communities in accordance with this section. Each educational services cooperative may serve as a regional public multi-service agency to develop, manage, and provide such services or programs as determined by its governing council and as provided in this section or otherwise provided in this code. All references in this code to regional education service agencies or RESA’s mean an educational services cooperative as authorized under this section.

(b) The regional education service agencies previously established by section twenty-six, article two of this chapter and W. Va. 126CSR72, filed October 15, 2015, and effective November 16, 2015, shall remain and may continue to operate in accordance with said section and rule unless and until modified by a cooperative agreement entered into by county boards within the boundaries of the agency or dissolved by said county boards: *Provided*, That on July 1, 2018, the regional education service agencies as provided under prior provisions of section twenty-six, article two of this chapter are dissolved. If a regional education

service agency is reconfigured pursuant to a cooperative agreement or is dissolved, all property, equipment and records held by the regional education service agency necessary to effectuate the purposes of this section shall be transferred or liquidated and disbursed in accordance with the following priority order: (1) To any successor educational services cooperative substantially covering the same geographical area; (2) To the county boards who were members of the regional education service agency as agreed upon by those counties; or (3) To the state board or to other appropriate entities as provided by law.

(c) An educational services cooperative shall be under the direction and control of a governing council consisting of the following members:

(1) The county superintendent of each county participating in the cooperative agreement;

(2) A member of the board of education from each county participating in the cooperative agreement selected by the county board of education as provided in the bylaws of the governing council of the educational services cooperative; and

(3) The following representatives, if any, to be selected by the educational services cooperative administrator with the consent of the governing council:

(A) Representatives of institutions of higher education and community and technical colleges serving the geographical area covered by the educational services cooperative;

(B) One non-superintendent chief instructional leader employed by a member county;

(C) One school principal employed by a member county;

(D) One teacher employed by a member county; and

(E) Additional members representing business and industry, or other appropriate entities, as the governing council determines fit to meet its responsibilities.

(d) The governing council of an educational services cooperative:

(1) Shall adopt bylaws concerning the appointment and terms of its members, including the authorization of designees by its members, the selection of officers and their terms, the filling of vacancies, the appointment of task forces and study groups, the evaluation of the executive director and staff and any other provisions necessary for the operation of the educational services cooperative. A quorum for governing council meetings shall be a simple majority of the number of members of each governing council;

(2) Shall appoint an individual to serve as the educational services cooperative administrator who shall serve at the will and pleasure of the governing council and shall implement the policies of the governing council.

(3) May employ regular full-time and part-time staff, as necessary, after a majority of the members of a governing council, by vote, verify that such employment is necessary for effective provision of services and to perform services or other projects that may require staff and support services for effective implementation. Staff who are hired into a position that requires a specified certification must maintain the certification for the duration of employment. The governing council is the sole employer of the educational services cooperative's personnel it employs and shall be responsible for any benefit and liability programs necessitated by such employment. Employees of the educational services cooperative are considered state employees for the purposes of participation in the state's public employees' insurance and retirement programs. A recipient of personnel services from the educational services cooperative is not deemed an employer because of the exercise of supervision or control over any personnel services provided;

(4) May purchase, hold, encumber and dispose of real property, in the name of the educational services cooperative, for use as its office or for any educational service provided by the educational services cooperative if a resolution to do so is adopted by a two-

thirds vote of the members of the governing council and then approved by three-fourths of the county boards in the educational services cooperative by majority vote of each county board;

(5) Shall operate as Local Educational Agencies (LEA's) for financial purposes, including grants and cooperative purchasing, and collectively as essential agencies responsible for performing service functions to the total community. An educational services cooperative is eligible as an LEA to participate in partnership with or on behalf of any county school system or school in those programs that will accomplish implementation of the strategic plan and/or state education initiative of the system or school, or to further statutory priorities consistent with educational services cooperative operations;

(6) May receive, expend and disburse funds from the state and federal governments, from member counties, or from gifts and grants and may contract with county boards of education, the West Virginia Department of Education, institutions of higher education, persons, companies, or other agencies to implement programs and services at the direction of the council. The state board, department of education, or any member county board may request implementation of programs and services by the educational services cooperative. An educational services cooperative may also receive funds from profit-generating enterprises, the funds of which will contribute to the educational services cooperative initiatives. Each educational services cooperative is encouraged to partner with member school systems, particularly those designated as low-performing, and other organizations as appropriate to attract and leverage resources available from federal programs to maximize its capacity for meeting the needs of member schools and school systems. Educational services cooperatives are recognized as eligible LEA's for the purposes of applying, on behalf of school systems, for grant funds consistent with performing regional services and functions and/or supportive of education initiatives of the educational services cooperative;

(7) Upon the request of one or more county boards of education, or by the state board as permitted or contracted, and if directed by law, an educational services cooperative may assume



responsibility for one or more functions otherwise performed by one or more county boards of education;

(8) May offer technical assistance, including targeted comprehensive staff development services, or other technical assistance to any member school or school system, and give priority to those schools and school systems that are found to be out of compliance with a state law or federal law;

(9) May serve as repositories of research-based teaching and learning practices, and shall use technology, particularly web-based technology, to ensure maximum access to such practices by public schools in the region and state; and

(10) Shall develop and/or implement any other programs or services as directed by law or the governing council, or requested by individual member counties or groups of member counties subject to available funds. The Legislature expects that the assistance and programs developed and/or implemented by the educational services cooperatives may differ among the schools, counties and educational services cooperatives.

(d) The administrator of each educational services cooperative shall submit annually a plan to the governing council that identifies the programs and services which are suggested for implementation by the educational services cooperative during the following year. The plan shall contain components of long-range planning determined by the governing council. These programs and services may include, but are not limited to, the following areas:

(1) Administrative services;

(2) Curriculum development;

(3) Data processing;

(4) Distance learning and other telecommunication services;

(5) Evaluation and research;

(6) Staff development;

(7) Media and technology centers;

(8) Publication and dissemination of materials;

(9) Pupil personnel services;

(10) Planning;

(11) Secondary, postsecondary, community, adult, and adult vocational education;

(12) Teaching and learning services, including services for students with special talents and special needs;

(13) Employee personnel and employment services;

(14) Vocational rehabilitation;

(15) Health, diagnostic, and child development services and centers;

(16) Leadership or direction in early childhood and family education;

(17) Community services;

(18) Fiscal services and risk management programs;

(19) Legal services;

(20) Technology planning, training, and support services;

(21) Health and safety services;

(22) Student academic challenges;

(23) Cooperative purchasing services; and

(24) Other programs and services as may be provided pursuant to other provisions of this Code.

(e) The educational services cooperative administrator, with advice and assistance of the governing council, may select as its

fiscal agent one of the county boards of education comprising the educational services cooperative. The county board so selected may maintain a separate bank account or accounts for the receipt and disbursement of all educational services cooperative funds and perform the accounting functions specified in the policies adopted by the state board. A county board of education serving as a fiscal agent may not initiate action, direct the programs or substitute its judgment for that of the educational services cooperative administrator as advised by the governing council. The county board of education may reject an action of the educational services cooperative administrator if sufficient funds are not available, or if it perceives a legal conflict. The educational services cooperative administrator shall make arrangements for an annual audit to be conducted in accordance with the requirements of the OMB Uniform Guidance<sup>4</sup> (2 C.F.R. 200) and the cost of the audit shall be incurred by the educational services cooperative. Prior to making those arrangements, the educational services cooperative administrator must coordinate with the respective fiscal agent to ensure the audit addresses all applicable issues.

(f) Notwithstanding any other provision of this code to the contrary, employees of educational services cooperatives shall be reimbursed for travel, meals and lodging at the same rate as state employees under the travel management office of the Department of Administration.

(g) Notwithstanding any other provision of this code to the contrary, county board members serving on governing councils of educational services cooperatives may receive compensation at a rate not to exceed \$100 per meeting attended, not to exceed fifteen meetings per year. County board members serving on governing councils may be reimbursed for travel at the same rate as state employees under the rules of the travel management office of the Department of Administration. A county board member may not be an employee of an educational services cooperative.;

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

**§18-5-45. School calendar.**

(a) As used in this section:

(1) “Instructional day” means a day within the instructional term which meets the following criteria:

(A) Instruction is offered to students for at least the minimum amount of hours provided by a state board rule;

(B) Instructional time is used for instruction and cocurricular activities; and

(C) Other criteria as the state board determines appropriate.

(2) Cocurricular activities are activities that are closely related to identifiable academic programs or areas of study that serve to complement academic curricula as further defined by the state board.

(b) *Findings.* —

(1) The primary purpose of the school system is to provide instruction for students.

(2) The school calendar, as defined in this section, is designed to define the school term both for employees and for instruction.

(3) The school calendar shall provide for one hundred eighty ~~separate~~ instructional days.

(c) The county board shall provide a school term for its schools that contains the following:

(1) An employment term that excludes Saturdays and Sundays and consists of at least two hundred days, which need not be successive. The beginning and closing dates of the employment term may not exceed forty-eight weeks;

(2) Within the employment term, an instructional term for students of no less than one hundred eighty ~~separate~~ instructional days, which includes an inclement weather and emergencies plan

designed to guarantee an instructional term for students of no less than one hundred eighty ~~separate~~ instructional days;

(3) Within the employment term, noninstructional days shall total twenty and shall be comprised of the following:

(A) Seven paid holidays;

(B) Election day as specified in section two, article five, chapter eighteen-a of this code;

(C) Six days to be designated by the county board to be used by the employees outside the school environment, with at least four outside the school environment days scheduled to occur after the one hundred thirtieth instructional day of the school calendar; ~~and~~

(D) One day to be designated by the county board to be used by the employees for preparation for opening school and one day to be designated by the county board to be used by the employees for preparation for closing school: *Provided*, That the school preparation days may be used for the purposes set forth in paragraph (E) of this subdivision at the teacher's discretion; and

~~(D)~~ (E) The remaining days to be designated by the county board for purposes to include, but not be limited to:

(i) Curriculum development;

~~(ii) Preparation for opening and closing school;~~

~~(iii)~~ (ii) Professional development;

~~(iv)~~ (iii) Teacher-pupil-parent conferences;

~~(v)~~ (iv) Professional meetings;

~~(vi)~~ (v) Making up days when instruction was scheduled but not conducted; and

~~(vii)~~ (vi) At least ~~four~~ six two-hour blocks of time for faculty senate meetings with ~~each a~~ at least one two-hour block of time scheduled in the first month of the employment term, at least one

two-hour block of time scheduled in the last month of the employment term and ~~once at least every forty five instructional days at least one two-hour block of time scheduled in each of the months of October, December, February and April;~~ and

(4) Scheduled out-of-calendar days that are to be used for instructional days in the event school is canceled for any reason.

(d) A county board of education shall develop a policy that requires additional minutes of instruction in the school day or additional days of instruction to recover time lost due to late arrivals and early dismissals first. Any remaining minutes accrued may be used for instructional minutes or days lost due to inclement weather or emergencies.

(e) If it is not possible to complete one hundred eighty ~~separate~~ instructional days with the current school calendar, the county board shall schedule instruction on any available noninstructional day, regardless of the purpose for which the day originally was scheduled, or an out-of-calendar day and the day will be used for instruction of students: *Provided*, That the provisions of this subsection do not apply to:

(A) Holidays;

(B) Election day;

(C) Saturdays and Sundays.

(f) The instructional term shall commence and terminate on a date selected by the county board.

(g) The state board may not schedule the primary statewide assessment program more than thirty days prior to the end of the instructional year unless the state board determines that the nature of the test mandates an earlier testing date.

(h) The following applies to cocurricular activities:

(1) The state board shall determine what activities may be considered cocurricular;

(2) The state board shall determine the amount of instructional time that may be consumed by cocurricular activities; and

(3) Other requirements or restrictions the state board may provide in the rule required to be promulgated by this section.

(i) Extracurricular activities may not be used for instructional time.

(j) Noninstructional interruptions to the instructional day shall be minimized to allow the classroom teacher to teach.

(k) Prior to implementing the school calendar, the county board shall secure approval of its proposed calendar from the state board or, if so designated by the state board, from the state superintendent.

(l) In formulation of a school's calendar, a county school board shall hold at least two public meetings that allow parents, teachers, teacher organizations, businesses and other interested parties within the county to discuss the school calendar. The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area as a Class II legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code.

(m) The county board may contract with all or part of the personnel for a longer term of employment.

(n) The minimum instructional term may be decreased by order of the state superintendent in any county declared a federal disaster area and where the event causing the declaration is substantially related to a reduction of instructional days.

(o) Notwithstanding any provision of this code to the contrary, the state board may grant a waiver to a county board for its noncompliance with provisions of chapter eighteen, eighteen-a, eighteen-b and eighteen-c of this code to maintain compliance in reaching the mandatory one hundred eighty ~~separate~~ instructional days established in this section.

(p) The use of reimagining student instructional days to achieve the one hundred eighty instructional day requirement is strongly encouraged in order to minimize scheduling instructional days too early or late in the school year.

~~(p)~~ (q) The state board shall promulgate a rule in accordance with the provisions of article three-b, chapter twenty-nine-a of this code for the purpose of implementing the provisions of this section.

~~(q) The amendments to this section during the 2013 regular session of the Legislature shall be effective for school years beginning on or after July 1, 2014, and the provisions of this section existing immediately prior to the 2013 regular session of the Legislature remain in effect for school years beginning prior to July 1, 2014.;~~

On page fifty-one, after line one hundred twenty-four, by inserting the following:

## **ARTICLE 5A. LOCAL SCHOOL INVOLVEMENT.**

### **§18-5A-5. Public school faculty senates established; election of officers; powers and duties.**

(a) There is established at every public school in this state a faculty senate which is comprised of all permanent, full-time professional educators employed at the school who shall all be voting members. "Professional educators", as used in this section, means "professional educators" as defined in chapter eighteen-a of this code. A quorum of more than one half of the voting members of the faculty shall be present at any meeting of the faculty senate at which official business is conducted. Prior to the beginning of the instructional term each year, but within the employment term, the principal shall convene a meeting of the faculty senate to elect a chair, vice chair and secretary and discuss matters relevant to the beginning of the school year. The vice chair shall preside at meetings when the chair is absent. Meetings of the faculty senate shall be held during the times provided in accordance with subdivision (12), subsection (b) of this section as determined by the faculty senate. Emergency meetings may be held during



noninstructional time at the call of the chair or a majority of the voting members by petition submitted to the chair and vice chair. An agenda of matters to be considered at a scheduled meeting of the faculty senate shall be available to the members at least two employment days prior to the meeting. For emergency meetings the agenda shall be available as soon as possible prior to the meeting. The chair of the faculty senate may appoint such committees as may be desirable to study and submit recommendations to the full faculty senate, but the acts of the faculty senate shall be voted upon by the full body.

(b) In addition to any other powers and duties conferred by law, or authorized by policies adopted by the state or county board or bylaws which may be adopted by the faculty senate not inconsistent with law, the powers and duties listed in this subsection are specifically reserved for the faculty senate. The intent of these provisions is neither to restrict nor to require the activities of every faculty senate to the enumerated items except as otherwise stated. Each faculty senate shall organize its activities as it considers most effective and efficient based on school size, departmental structure and other relevant factors.

(1) Each faculty senate shall control funds allocated to the school from legislative appropriations pursuant to section nine, article nine-a of this chapter. From those funds, each classroom teacher and librarian shall be allotted \$100 for expenditure during the instructional year for academic materials, supplies or equipment which, in the judgment of the teacher or librarian, will assist him or her in providing instruction in his or her assigned academic subjects or shall be returned to the faculty senate: *Provided*, That nothing contained herein prohibits the funds from being used for programs and materials that, in the opinion of the teacher, enhance student behavior, increase academic achievement, improve self-esteem and address the problems of students at risk. The remainder of funds shall be expended for academic materials, supplies or equipment in accordance with a budget approved by the faculty senate. Notwithstanding any other provisions of the law to the contrary, funds not expended in one school year are available for expenditure in the next school year: *Provided, however*, That

the amount of county funds budgeted in a fiscal year may not be reduced throughout the year as a result of the faculty appropriations in the same fiscal year for such materials, supplies and equipment. Accounts shall be maintained of the allocations and expenditures of such funds for the purpose of financial audit. Academic materials, supplies or equipment shall be interpreted broadly, but does not include materials, supplies or equipment which will be used in or connected with interscholastic athletic events.

(2) A faculty senate may establish a process for members to interview or otherwise obtain information regarding applicants for classroom teaching vacancies that will enable the faculty senate to submit recommendations regarding employment to the principal. To facilitate the establishment of a process that is timely, effective, consistent among schools and counties, and designed to avoid litigation or grievance, the state board shall promulgate a rule pursuant to article three-b, chapter twenty-nine-a of this code to implement the provisions of this subdivision. The rule may include the following:

(A) A process or alternative processes that a faculty senate may adopt;

(B) If determined necessary, a requirement and procedure for training for principals and faculty senate members or their designees who may participate in interviews and provisions that may provide for the compensation based on the appropriate daily rate of a classroom teacher who directly participates in the training for periods beyond his or her individual contract;

(C) Time lines that will assure the timely completion of the recommendation or the forfeiture of the right to make a recommendation upon the failure to complete a recommendation within a reasonable time;

(D) The authorization of the faculty senate to delegate the process for making a recommendation to a committee of no less than three members of the faculty senate; and

(E) Such other provisions as the state board determines are necessary or beneficial for the process to be established by the faculty senate.

(3) A faculty senate may nominate teachers for recognition as outstanding teachers under state and local teacher recognition programs and other personnel at the school, including parents, for recognition under other appropriate recognition programs and may establish such programs for operation at the school.

(4) A faculty senate may submit recommendations to the principal regarding the assignment scheduling of secretaries, clerks, aides and paraprofessionals at the school.

(5) A faculty senate may submit recommendations to the principal regarding establishment of the master curriculum schedule for the next ensuing school year.

(6) A faculty senate may establish a process for the review and comment on sabbatical leave requests submitted by employees at the school pursuant to section eleven, article two of this chapter.

(7) Each faculty senate shall elect three faculty representatives to the local school improvement council established pursuant to section two of this article.

(8) Each faculty senate may nominate a member for election to the county staff development council pursuant to section eight, article three, chapter eighteen-a of this code.

(9) Each faculty senate shall have an opportunity to make recommendations on the selection of faculty to serve as mentors for beginning teachers under beginning teacher internship programs at the school.

(10) A faculty senate may solicit, accept and expend any grants, gifts, bequests, donations and any other funds made available to the faculty senate: *Provided*, That the faculty senate shall select a member who has the duty of maintaining a record of all funds received and expended by the faculty senate, which record shall be

kept in the school office and is subject to normal auditing procedures.

(11) Any faculty senate may review the evaluation procedure as conducted in their school to ascertain whether the evaluations were conducted in accordance with the written system required pursuant to section twelve, article two, chapter eighteen-a of this code or pursuant to section two, article three-c, chapter eighteen-a of this code, as applicable, and the general intent of this Legislature regarding meaningful performance evaluations of school personnel. If a majority of members of the faculty senate determine that such evaluations were not so conducted, they shall submit a report in writing to the State Board of Education: *Provided*, That nothing herein creates any new right of access to or review of any individual's evaluations.

(12) A local board shall provide to each faculty senate a at least six two-hour ~~block~~ blocks of time for a faculty senate meeting meetings on a day scheduled for the opening of school prior to the beginning of the instructional term and at least four additional two-hour blocks of time during noninstructional days, with each two-hour block of time scheduled once at least every forty five instructional days with at least one two-hour block of time scheduled in the first month of the employment term, one two-hour block of time scheduled in the last month of the employment term and at least one two-hour block of time scheduled in each of the months of October, December, February and April. A faculty senate may meet for an unlimited block of time during noninstructional days to discuss and plan strategies to improve student instruction and to conduct other faculty senate business. A faculty senate meeting scheduled on a noninstructional day shall be considered as part of the purpose for which the noninstructional day is scheduled. This time may be used and determined at the local school level and includes, but is not limited to, faculty senate meetings.

(13) Each faculty senate shall develop a strategic plan to manage the integration of special needs students into the regular classroom at their respective schools and submit the strategic plan to the superintendent of the county board periodically pursuant to

guidelines developed by the State Department of Education. Each faculty senate shall encourage the participation of local school improvement councils, parents and the community at large in developing the strategic plan for each school.

Each strategic plan developed by the faculty senate shall include at least: (A) A mission statement; (B) goals; (C) needs; (D) objectives and activities to implement plans relating to each goal; (E) work in progress to implement the strategic plan; (F) guidelines for placing additional staff into integrated classrooms to meet the needs of exceptional needs students without diminishing the services rendered to the other students in integrated classrooms; (G) guidelines for implementation of collaborative planning and instruction; and (H) training for all regular classroom teachers who serve students with exceptional needs in integrated classrooms.;

On page fifty-two, section fourteen, line fifteen, by striking out everything after the period and inserting in lieu thereof the following: Educators shall receive uninterrupted time for planning periods each week. Administrators may not require a teacher to use the planning period time allotted to complete duties beyond instructional planning, including, but not limited to, administrative tasks and meetings.;

And,

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That §18-2-26a of the Code of West Virginia, 1931, as amended, be repealed; that §18-2-26 of said code be amended and reenacted; that §18-2E-1a and §18-2E-5 of said code be amended and reenacted; that §18-5-13 and §18-5-45 of said code be amended and reenacted; that said code be further amended by adding thereto two new sections designated, §18-5-13b and §18-5-13c; that §18-5A-5 of said code be amended and reenacted; that §18-9A-8a of said code be amended and reenacted; and that §18A-4-14 of said code be amended and reenacted, all to read as follows:.

On motion of Senator Mann, the following amendment to the Education committee amendments to the bill (Eng. Com. Sub. for H. B. 2711) was reported by the Clerk and adopted:

On page nineteen, section five, subsection (b), subdivision (13), by striking out the word “week” and inserting in lieu thereof the word “day”.

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

The bill (Eng. Com. Sub. for H. B. 2711), as amended, was then ordered to third reading.

**Eng. House Bill 2745**, Adding the examination of Advanced Care Technician.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 2781**, Requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks.

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

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

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

That §3-2-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

## **ARTICLE 2. REGISTRATION OF VOTERS.**

### **§3-2-11. Registration in conjunction with driver licensing.**

(a) The Division of Motor Vehicles or other division or department that may be established by law to perform motor vehicle driver licensing services shall obtain, as an integral and simultaneous part of every process of application for the issuance, renewal or change of address of a motor vehicle driver's license or official identification card pursuant to the provisions of article two, chapter seventeen-b of this code, when the division's regional offices are open for regular business, the following information from each qualified registrant:

(1) Full name, including first, middle, last and any premarital names;

(2) Date of birth;

(3) Residence address and mailing address, if different;

(4) The applicant's electronic signature;

(5) Telephone number, if available;

(6) Email address, if available;

(7) Political party membership, if any;

(8) Driver's license number and last four digits of social security number;

(9) A notation that the applicant has attested that he or she meets all voter eligibility requirements, including United States citizenship;

(10) Whether the applicant affirmatively declined to become registered to vote during the transaction with the Division of Motor Vehicles;

(11) Date of application; and

(12) Any other information specified in rules adopted to implement this section.

(b) Unless the applicant affirmatively declines to become registered to vote or update their voter registration during the transaction with the Division of Motor Vehicles, the Division of Motor Vehicles shall release all of the information obtained pursuant to subsection (a) of this section, to the Secretary of State, who shall forward the information to the county clerk for the relevant county to process the newly registered voter or updated information for the already-registered voter pursuant to law. ~~Notwithstanding any other provision of this code to the contrary, if the applicant affirmatively declines to become registered to vote, the Division of Motor Vehicles is required to release the first name, middle name, last name, premarital name, if applicable, complete residence address, complete date of birth of an applicant and the applicant's electronic signature, entered in the division's records for driver license or nonoperator identification purposes to the Secretary of State in order to facilitate any future attempt of the applicant to register to vote online, along with the notation that the applicant affirmatively declined to become registered at that time.~~ The Division of Motor Vehicles shall notify that applicant that by submitting his or her signature, the applicant grants written consent for the submission of the information obtained and required to be submitted to the Secretary of State pursuant to this section.

(c) Information regarding a person's failure to sign the voter registration application is confidential and may not be used for any purpose other than to determine voter registration.

(d) A qualified voter who submits the required information or update to his or her voter registration, pursuant to the provisions of subsection (a) of this section, in person at a driver licensing facility at the time of applying for, obtaining, renewing or transferring his or her driver's license or official identification card and who presents identification and proof of age at that time is not required to make his or her first vote in person or to again present identification in order to make that registration valid.

(e) A qualified voter who submits by mail or by delivery by a third party an application for registration on the form used in conjunction with driver licensing is required to make his or her first vote in person and present identification as required for other mail



registration in accordance with the provisions of subsection (g), section ten of this article. If the applicant has been previously registered in the jurisdiction and the application is for a change of address, change of name, change of political party affiliation or other correction, the presentation of identification and first vote in person is not required.

(f) An application for voter registration submitted pursuant to the provisions of this section updates a previous voter registration by the applicant and authorizes the cancellation of registration in any other county or state in which the applicant was previously registered.

(g) A change of address from one residence to another within the same county which is submitted for driver licensing or nonoperator's identification purposes in accordance with applicable law serves as a notice of change of address for voter registration purposes if requested by the applicant after notice and written consent of the applicant.

(h) Completed applications for voter registration or change of address for voting purposes received by an office providing driver licensing services shall be forwarded to the Secretary of State within five days of receipt unless other means are available for a more expedited transmission. The Secretary of State shall remove and file any forms which have not been signed by the applicant and shall forward completed, signed applications to the clerk of the appropriate county commission within five days of receipt.

(i) Voter registration application forms containing voter information which are returned to a driver licensing office unsigned shall be collected by the Division of Motor Vehicles, submitted to the Secretary of State and maintained by the Secretary of State's office according to the retention policy adopted by the Secretary of State.

(j) The Secretary of State shall establish procedures to protect the confidentiality of the information obtained from the Division of Motor Vehicles, including any information otherwise required to be confidential by other provisions of this code.

(k) A person registered to vote pursuant to this section may cancel his or her voter registration at any time by any method available to any other registered voter.

(l) This section shall not be construed as requiring the Division of Motor Vehicles to determine eligibility for voter registration and voting.

(m) The changes made to this section during the 2016 Regular Legislative Session shall become effective on July 1, ~~2017~~ 2019, and any costs associated therewith shall be paid by the Division of Motor Vehicles. If the Division of Motor Vehicles is unable to meet the requirements of this section by February 1, ~~2017~~ 2019, it shall make a presentation to the Joint Committee on Government and Finance explaining any resources necessary to meet the requirements or any changes to the code that it recommends immediately prior to the ~~2017~~ 2019 Regular Legislative Session: Provided, That the Division of Motor Vehicles shall report to the Joint Committee on Government and Finance by January 1, 2018 with a full and complete list of all infrastructure they require to achieve the purposes of this section.

(n) The Secretary of State shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code in order to implement the requirements of this section.

The bill (Eng. Com. Sub. for H. B. 2781), as amended, was then ordered to third reading.

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

### **Executive Communications**

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

Jim Justice  
Governor of West Virginia

April 7, 2017

**Senate Executive Message No. 7**  
**Regular Session 2017**

TO: The Honorable Members of the  
West Virginia Senate

Ladies and Gentlemen:

I respectfully withdraw the following nomination from Senate Executive Message No. 6, Regular Session 2017, the nominee resigned effective today:

● 26. For Member, West Virginia Board of Education, Harold L. Hatfield, Jr., Hurricane, Putnam County, for the term ending November 4, 2025.

Thank you for correcting your records.

Sincerely,

Jim Justice  
Governor

Cc: Secretary of State  
Senate Clerk

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

On motion of Senator Ferns, the Senate recessed until 6 p.m. today.

Upon expiration of the recess, the Senate reconvened and again proceeded to the ninth order of business, the next bill coming up in numerical sequence being

**Eng. Com. Sub. for House Bill 2799**, Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 2801**, Expiring funds to the unappropriated balance in the State Fund from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund.

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

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

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

Whereas, The Governor submitted to the Legislature the Executive Budget Document, dated February 8, 2017, which included a Statement of the State Fund, General Revenue, setting forth therein the cash balance as of July 1, 2016, and further included the estimate of revenues for the fiscal year 2017, less net appropriation balances forwarded and regular appropriations for the fiscal year 2017; and

Whereas, The Secretary of the Department of Revenue has submitted a monthly General Revenue Fund Collections Report for the first nine months of fiscal year 2017 as prepared by the State Budget Office; and

Whereas, This report demonstrates that the State of West Virginia has experienced a revenue shortfall of approximately \$79 million for the first nine months of fiscal year 2017, as compared to the monthly revenue estimates for the first nine months of the fiscal year 2017; and

Whereas, Current economic and fiscal trends are anticipated to result in projected year-end revenue deficits, including potential significant shortfalls in Personal Income Tax, Consumers Sales and Use Tax, and Corporation Net Income Tax; and

Whereas, Projected year-end revenue surpluses in various other General Revenue sources will only offset a small portion of these deficits; and

Whereas, The total projected year-end revenue deficit for the General Revenue Fund is estimated at \$192 million; and

Whereas, On November 4, 2016, the Governor issued Executive Order 8-16 which redirected certain revenues pursuant to the terms of SB 419 for fiscal year 2017 of approximately \$25.5 million; and

Whereas, On November 15, 2016, the Governor issued Executive Order 9-16 which directed a spending reduction for General Revenue appropriations for fiscal year 2017 of approximately \$59.8 million; and

Whereas, On December 30, 2016, the remaining balance of \$5,000,000 in the Personal Income Tax Reserve Fund was utilized to ensure timely payment of tax refunds; and

Whereas, The Governor finds that the account balances in the listed accounts exceed that which is necessary for the purposes for which the accounts were established; and

Whereas, The Revenue Shortfall Reserve Fund may be drawn on in the event of a revenue shortfall in lieu of imposing additional reductions in appropriations; therefore

*Be it enacted by the Legislature of West Virginia:*

That the balance of the funds available for expenditure in the fiscal year ending June 30, 2017, in the Legislative, Senate, fund 0165, fiscal year 2012, organization 2100, appropriation 02100, be decreased by expiring the amount of \$2,000,000, in the Legislative, Senate, fund 0165, fiscal year 2012, organization 2100, appropriation 06400, be decreased by expiring the amount of \$1,000,000, in the Legislative, House of Delegates, fund 0170, fiscal year 2015, organization 2200, appropriation 00500, be decreased by expiring the amount of \$500,000, in the Legislative, House of Delegates, fund 0170, fiscal year 2015, organization

2200, appropriation 02100, be decreased by expiring the amount of \$1,500,000, in the Legislative, Joint Expenses, fund 0175, fiscal year 2015, organization 2300, appropriation 10400, be decreased by expiring the amount of \$500,000, in the Executive, Governor's Office, fund 0101, fiscal year 2005, organization 0100, appropriation 66500, be decreased by expiring the amount of \$2,000,000, in the Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 08400, be decreased by expiring the amount of \$800,000, in the Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2008, organization 0100, appropriation 11400, be decreased by expiring the amount of \$200,000, in the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2009, organization 0307, appropriation 13100, be decreased by expiring the amount of \$400,000, in the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2011, organization 0307, appropriation 13100, be decreased by expiring the amount of \$400,000, in the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2012, organization 0307, appropriation 13100, be decreased by expiring the amount of \$200,000, in the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2007, organization 0307, appropriation 81900, be decreased by expiring the amount of \$500,000, in the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2008, organization 0307, appropriation 81900, be decreased by expiring the amount of \$500,000, in the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2009, organization 0307, appropriation 81900, be decreased by expiring the amount of \$500,000, in the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2010, organization 0307, appropriation 81900, be decreased by expiring the amount of \$1,600,000, in the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2011, organization 0307, appropriation 81900, be decreased by expiring the amount of \$1,500,000, in the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2012, organization 0307, appropriation 81900, be decreased by expiring the amount of

\$640,000, in the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2014, organization 0307, appropriation 81900, be decreased by expiring the amount of \$628,000, in the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2015, organization 0307, appropriation 81900, be decreased by expiring the amount of \$932,000, in the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2012, organization 0307, appropriation 94100, be decreased by expiring the amount of \$650,000, in the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2011, organization 0402, appropriation 16100, be decreased by expiring the amount of \$150,000, in the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2012, organization 0402, appropriation 16100, be decreased by expiring the amount of \$400,000, in the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2013, organization 0402, appropriation 16100, be decreased by expiring the amount of \$400,000, in the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2014, organization 0402, appropriation 16100, be decreased by expiring the amount of \$150,000, in the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2014, organization 0402, appropriation 88600, be decreased by expiring the amount of \$500,000, in the Department of Health and Human Resources – Office of the Secretary, fund 0400, fiscal year 2015, organization 0501, appropriation 19100, be decreased by expiring the amount of \$40,000, in the Department of Health and Human Resources – Office of the Secretary, fund 0400, fiscal year 2016, organization 0501, appropriation 19100, be decreased by expiring the amount of \$60,000, in the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2014, organization 0506, appropriation 21900, be decreased by expiring the amount of \$1,000,000, in the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2011, organization 0608, appropriation 09700, be decreased by expiring the amount of \$200,000, in the Department

of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 09700, be decreased by expiring the amount of \$200,000, in the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 66100, be decreased by expiring the amount of \$480,000, in the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 67700, be decreased by expiring the amount of \$1,000,000, in the Department of Military Affairs and Public Safety, Division of Justice and Community Services, fund 0546, fiscal year 2014, organization 0620, appropriation 56100, be decreased by expiring the amount of \$500,000, in the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2011, organization 0621, appropriation 75500, be decreased by expiring the amount of \$100,000, in the Department of Revenue, State Budget Office, fund 0595, fiscal year 2009, organization 0703, appropriation 09900, be decreased by expiring the amount of \$80,000, in the Department of Transportation, Aeronautics Commission, fund 0582, fiscal year 2013, organization 0807, appropriation 13000, be decreased by expiring the amount of \$300,000, in the Department of Veterans’ Assistance, fund 0456, fiscal year 2013, organization 0613, appropriation 28600, be decreased by expiring the amount of \$200,000, in the Department of Veterans’ Assistance, fund 0456, fiscal year 2014, organization 0613, appropriation 28600, be decreased by expiring the amount of \$100,000, in the West Virginia Council for Community and Technical College Education – Control Account, fund 0596, fiscal year 2012, organization 0420, appropriation 66100, be decreased by expiring the amount of \$500,000, in the Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2012, organization 0441, appropriation 09700, be decreased by expiring the amount of \$200,000, in the Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2012, organization 0441, appropriation 66100, be decreased by expiring the amount of \$1,000,000, in the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve



Fund, fund 7005, fiscal year 2017, organization 0701, be decreased by expiring the amount of \$40,404,684.31, in the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2017, organization 0704, be decreased by expiring the amount of \$20,000,000, in the State Board of Education, fund 3951, fiscal year 2007, organization 0402, appropriation 09900, be decreased by expiring the amount of \$100,000, in the State Board of Education, fund 3951, fiscal year 2008, organization 0402, appropriation 09900, be decreased by expiring the amount of \$300,000, in the State Board of Education, fund 3951, fiscal year 2012, organization 0402, appropriation 09900, be decreased by expiring the amount of \$500,000, in the State Board of Education, fund 3951, fiscal year 2013, organization 0402, appropriation 39600, be decreased by expiring the amount of \$500,000, in the State Board of Education, fund 3951, fiscal year 2014, organization 0402, appropriation 39600, be decreased by expiring the amount of \$500,000, in the State Board of Education, fund 3951, fiscal year 2014, organization 0402, appropriation 93300, be decreased by expiring the amount of \$1,000,000, in the Division of Culture and History – Lottery Education Fund, fund 3534, fiscal year 2003, organization 0432, appropriation 86500, be decreased by expiring the amount of \$150,000, in the Division of Culture and History – Lottery Education Fund, fund 3534, fiscal year 2012, organization 0432, appropriation 62400, be decreased by expiring the amount of \$40,000, in the Library Commission – Lottery Education Fund, fund 3559, fiscal year 2011, organization 0433, appropriation 62500, be decreased by expiring the amount of \$150,000, in the Library Commission – Lottery Education Fund, fund 3559, fiscal year 2012, organization 0433, appropriation 62500, be decreased by expiring the amount of \$250,000, in the Bureau of Senior Services – Lottery Senior Citizens Fund, fund 5405, fiscal year 2011, organization 0508, appropriation 46200, be decreased by expiring the amount of \$150,000, in the Bureau of Senior Services – Lottery Senior Citizens Fund, fund 5405, fiscal year 2012, organization 0508, appropriation 46200, be decreased by expiring the amount of \$350,000, in the Bureau of Senior Services – Lottery Senior Citizens Fund, fund 5405, fiscal year 2013, organization 0508, appropriation 46200, be decreased by expiring the amount of \$550,000, in the West Virginia

Development Office, fund 3170, fiscal year 2007, organization 0307, appropriation 92300, be decreased by expiring the amount of \$50,000, in the West Virginia Development Office, fund 3170, fiscal year 2008, organization 0307, appropriation 25300, be decreased by expiring the amount of \$2,500,000, in the West Virginia Development Office, fund 3170, fiscal year 2013, organization 0307, appropriation 09600, be decreased by expiring the amount of \$400,000, in the Division of Corrections – Correctional Units, fund 6283, fiscal year 2010, organization 0608, appropriation 75500, be decreased by expiring the amount of \$1,000,000, in the Office of the Treasurer – Financial Electronic Communication Fund, fund 1345, fiscal year 2017, organization 1300 be decreased by expiring the amount of \$500,000, in the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2017, organization 1500, be decreased by expiring the amount of \$1,000,000, in the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2017, organization 0218, be decreased by expiring the amount of \$2,000,000, in the Department of Administration, Capitol Complex Garage Fund, fund 2461, fiscal year 2017, organization 0211, be decreased by expiring the amount of \$110,467.62, in the Department of Environmental Protect, Dam Safety Rehabilitation Fund, fund 3025, fiscal year 2017, organization 0313, be deceased by expiring the amount of \$184,848.07, in the Department of Health and Human Resources, Healthcare Authority Fund, fund 5375, fiscal year 2017, organization 0507, be decreased by expiring the amount of \$500,000 and in the Public Service Commission, Public Service Commission Fund, fund 8623, fiscal year 2017, organization 0926, be decreased by expiring the amount of \$4,000,000, all to the unappropriated balance of the State Fund, General Revenue, to be available during the fiscal year ending June 30, 2017 ,all to the unappropriated balance of the State Fund, General Revenue, to be available during the fiscal year ending June 30, 2017.

The bill (Eng. Com. Sub. for H. B. 2801), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2846**, Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 2851**, Updating fee structure provisions for broker-dealers.

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

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the unreported Finance committee amendment pending and the right for further amendments to be considered on that reading.

**Eng. Com. Sub. for House Bill 2935**, Relating to state flood protection planning.

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

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

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

#### **CHAPTER 4. THE LEGISLATURE.**

#### **ARTICLE 15. JOINT LEGISLATIVE COMMITTEE ON FLOODING.**

#### **§4-15-1. Establishing a Joint Legislative Committee on Flooding.**

(a) The President of the Senate and the Speaker of the House of Delegates shall each appoint five members of their respective houses, at least two of whom shall be members of the minority

party, and at least one shall be a member of the Committee on Government Organization, to serve an interim committee charged with studying flood damage reduction and flood plain management. The President and the Speaker shall each designate a Chair from among the five committee members of their respective houses. This committee shall be known as the “Joint Legislative Committee on Flooding” and shall study all activities relating to flood protection and shall make recommendations to the Joint Committee on Government and Finance, which offer solutions to reduce the reality and threat of future loss of life and property damages associated with flooding.

(b) The expenses of the committee are to be approved by the Joint Committee on Government and Finance and paid from legislative appropriations.

(c) The Chair of the State Resiliency Office, created pursuant to article thirty, chapter twenty-nine of this code, shall report quarterly to the committee, and shall prepare an annual report to the committee no later than December 31 of each year.

(d) The Chairs of the committee shall report annually, each January, to the Joint Committee on Government and Finance, with any proposals or legislation as may be deemed necessary to prevent or reduce the risk of flooding in this state.

## **CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

### **ARTICLE 30. STATE RESILIENCY AND FLOOD PROTECTION PLAN ACT.**

#### **§29-30-1. Short title; legislative findings; purpose.**

(a) This article may be known and cited as the “Resiliency and Flood Protection Planning Act”.

(b) The West Virginia Legislature finds that:

(1) Flooding has affected each of the fifty-five counties and thirty-two major watersheds within the state;

(2) Over the past fifty-two years, more than two hundred and eighty-two West Virginians have died in floods;

(3) Between January 1996 and January 2017, there have been twenty-seven federal disaster declarations in West Virginia involving flooding; and

(4) In June 2016 much of West Virginia suffered devastating flooding.

(5) Despite the many state and federal flood protection programs and projects, flooding continues to be West Virginia's most common and widespread natural disaster.

(c) It is the purpose of this article to provide a comprehensive and coordinated statewide resiliency and flood protection planning program to save lives, and develop community and economic resiliency plans including, but not limited to, reducing or mitigating flood damage while supporting economic growth and protecting the environment.

#### **§29-30-2. State Resiliency Office.**

(a) The State Resiliency Office is hereby created. The office shall be organized within the Development Office in the Department of Commerce as the recipient of disaster recovery and resiliency funds, excluding federal Stafford Act funds, and the coordinating agency of recovery and resiliency efforts, including matching funds for other disaster recovery programs, excluding those funds and efforts under the direct control of the State Coordinating Officer designated by the Governor for a particular event. The State Resiliency Office Board is also established and shall consist of the following eight members: the Secretary of the Department of Commerce or his or her designee; The Director of the Division of Natural Resources or his or her designee; the Secretary of the Department of Environmental Protection or his or her designee; the Executive Director of the State Conservation Agency or his or her designee; the Secretary of the Department of Military Affairs and Public Safety or his or her designee; the Secretary of Transportation or his or her designee; the Adjutant

General of the West Virginia National Guard or his or her designee; and the Director of the Division of Homeland Security and Emergency Management within the Department of Military Affairs and Public Safety or his or her designee.

(b) The Secretary of the Department of Commerce shall be the chair of the State Resiliency Office Board. In the absence of the chair, any member designated by the members present may act as chair.

(c) The board shall meet no less than once each calendar quarter at the time and place designated by the chair. All decisions of the board shall be decided by a majority vote of the members.

(d) The chair shall provide adequate staff from their respective office, to ensure the meetings of the board are properly noticed, meetings of the board are facilitated, board meeting minutes are taken, records and correspondence kept and that reports of the board are produced timely.

**§29-30-3. Authority of State Resiliency Office; authority of board.**

The State Resiliency Office, through its board may:

(1) Serve as coordinator of all economic and community resiliency planning and implementation efforts, including but not limited to flood protection programs and activities in the state;

(2) Annually review the state flood protection plan and update the plan no less than biannually;

(3) Recommend legislation to reduce or mitigate flood damage;

(4) Report to the Joint Legislative Committee on Flooding at least quarterly;

(5) Catalog, maintain and monitor a listing of current and proposed capital expenditures to reduce or mitigate flood damage or other resiliency efforts;

(6) Coordinate planning of flood projects with federal agencies;

(7) Improve professional management of flood plains;

(8) Provide education and outreach on flooding issues to the citizens of this state;

(9) Establish a single web site integrating all agency flood information;

(10) Monitor federal funds and initiatives that become available for disaster recovery and economic and community resiliency;

(11) Pursue additional funds and resources to assist not only with long term recovery efforts but also long term community and state wide resiliency efforts;

(12) Coordinate, integrate and expand planning efforts in the state for hazard mitigation, long-term disaster recovery and economic diversification;

(13) Coordinate long-term disaster recovery efforts in response to disasters as they occur;

(14) Establish and facilitate regular communication between federal, state, local and private sector agencies and organizations to further economic and disaster resilience; and

(15) Take all other actions necessary and proper to effectuate the purposes of this article.

#### **§29-30-4. Reporting to the Joint Legislative Committee on Flooding.**

(a) The chair of the board of the State Resiliency Office shall report, at a minimum of quarterly, to the Joint Legislative Committee on Flooding, created pursuant to article fifteen, chapter four of this code, in sufficient detail for the committee to be aware of the activities of the board to assure progress toward reducing and mitigating flood damage within this state while respecting and complying with the Takings Clause of the United States Constitution, the West Virginia Constitution, and related

precedential court opinions, and to develop legislative recommendations.

(b) The chair of the council shall submit an annual report to the committee by December 31 of each year, along with any recommended legislation, budget requests and a summary of the activities of the board for the previous year.

The bill (Eng. Com. Sub. for H. B. 2935), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2936**, Requiring purchases to be made at lowest retail price available at level of quality sought by the spending unit.

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

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

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

That §5A-3-11, §5A-3-19 and §5A-3-37 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

### **ARTICLE 3. PURCHASING DIVISION.**

**§5A-3-11. Purchasing in open market on competitive bids; debarment; bids to be based on written specifications; period for alteration or withdrawal of bids; awards to lowest responsible bidder; uniform bids; record of bids; requirements of vendors to pay taxes, fees and debts; exception; grant exemption.**

(a) The director may make a purchase of commodities, printing and services of \$25,000 or less in amount in the open market, but the purchase shall, wherever possible, be based on at least three competitive bids, and shall include the cost of maintenance and



expected life of the commodities if the director determines there are nationally accepted industry standards for the commodities being purchased: Provided, That the Office of Technology may engage in the procurement of technical infrastructure as defined in the provisions of section two, article six, chapter five-a of the code, up to \$500,000 without the approval of the director of division but subject to the promulgation of a legislative rule by the Office of Technology. The rule shall include the procedures for technical infrastructure procurement and while recognizing the language of technology procurement in government is rapidly and profoundly changing, nationally recognized technology procurement terminology should also be incorporated. Provided, however, That the Chief Technology Officer of the Office of Technology shall determine if a request for proposal or a request for quotation would be the best method of procurement for technical infrastructure up to \$500,000.

(b) ~~The director may authorize spending units~~ Spending units shall not be required to obtain written bids to purchase commodities, printing and services in the amount of \$2,500 or less, in the open market without competitive bids but the spending unit must, when practical, purchase the commodities, printing or services at the lowest available price, whether purchased online or within a reasonable geographic area for that spending unit, for the commodities, printing or services, at the level of quality specified by the spending unit; Provided, That the cost of maintenance and expected life of the commodities must be taken into consideration if the director determines there are nationally accepted industry standards for the commodities being purchased; Provided, however, That the preference for non-profit workshops pursuant to section ten of this article and article three-a of this chapter shall be preserved.

(c) Bids shall be based on the written specifications in the advertised bid request and may not be altered or withdrawn after the appointed hour for the opening of the bids.

(d) A vendor who has been debarred pursuant to the provisions of sections thirty-three-b through thirty-three-f of this article may not bid on or be awarded a contract under this section.

(e) All open market orders, purchases based on advertised bid requests or contracts made by the director or by a state department shall be awarded to the lowest responsible bidder or bidders, taking into consideration the qualities of the commodities or services to be supplied, their conformity with specifications, their suitability to the requirements of the government, the delivery terms and, if the director determines there are nationally accepted industry standards, cost of maintenance and the expected life of the commodities: *Provided*, That state bids on school buses shall be accepted from all bidders who shall then be awarded contracts if they meet the state board's Minimum Standards for Design and Equipment of School Buses. County boards of education may select from those bidders who have been awarded contracts and shall pay the difference between the state aid formula amount and the actual cost of bus replacement. Any or all bids may be rejected.

(f) If all bids received on a pending contract are for the same unit price or total amount, the director has the authority to reject all bids, and to purchase the required commodities, printing and services in the open market, if the price paid in the open market does not exceed the bid prices.

(g) The bid must be received by the Purchasing Division prior to the specified date and time of the bid opening. The failure to deliver or the nonreceipt of the bid by the Purchasing Division prior to the appointed date and hour shall result in the rejection of the bid. The vendor is solely responsible for the receipt of bid by the Purchasing Division prior to the appointed date and hour of the bid opening. All bids will be opened publicly by two or more persons from the Purchasing Division. Vendors will be given notice of the day, time and place of the public bid opening. Bids may be viewed immediately after being opened.

(h) After the award of the order or contract, the director, or someone appointed by him or her for that purpose, shall indicate upon the successful bid that it was the successful bid. Thereafter, the copy of each bid in the possession of the director shall be maintained as a public record, shall be open to public inspection in the office of the director and may not be destroyed without the written consent of the Legislative Auditor.

(i)(1) A grant awarded by the state is exempt from the competitive bidding requirements set forth in this chapter, unless the grant is used to procure commodities or services that directly benefit a spending unit.

(2) If a grant awarded to the state requires the procurement of commodities or services that will directly benefit a spending unit, the procurement is not exempt from the competitive bidding and lowest price purchase requirements set forth in this chapter.

(3) If a grant awarded to the state requires the state to transfer some or all of the grant to an individual, entity or vendor as a subgrant to accomplish a public purpose, and no contract for commodities or services directly benefitting a spending unit will result, the subgrant is not subject to the competitive bidding requirements set forth in this chapter.

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

(a) Notwithstanding any other provision of this article, the director may, upon the recommendation of a state spending unit, participate in, sponsor, conduct, or administer a cooperative purchasing agreement or consortium for the purchase of commodities or services with agencies of the federal government, agencies of other states, other public bodies or other state agencies, if available and financially advantageous: Provided, That the director shall, upon the recommendation of the Office of Technology, participate in, sponsor, conduct, or administer a cooperative purchasing agreement or consortium for the purchase of technical infrastructure, as defined in the provisions of section two, article six, chapter five-a of the code, with agencies of the federal government, agencies of other states, other public bodies or other state agencies, if available. At the discretion of the director, bids may be solicited to determine whether participation in such a cooperative purchasing agreement or consortium is financially advantageous.

(b) The Department of Administration may approve administrative fees, not to exceed the amount of \$50,000, necessary

to participate in a cooperative purchasing agreement. Fees which exceed \$50,000 are subject to the competitive bid requirements of this article.

**§5A-3-37. Preference for resident vendors; preference for vendors employing state residents; preference for veteran residents; reciprocal preference; exceptions.**

(a) Effective beginning July 1, 1992, in any instance that a purchase of commodities or printing by the director or by a state department is required under the provisions of this article to be made upon competitive bids, the successful bid shall be determined as provided in this section. The Secretary of the Department of Revenue shall promulgate any rules necessary to: (i) Determine that vendors have met the residence requirements described in this section; (ii) establish the procedure for vendors to certify the residency requirements at the time of submitting their bids; (iii) establish a procedure to audit bids which make a claim for preference permitted by this section and to reject noncomplying bids; and (iv) otherwise accomplish the objectives of this section. In prescribing the rules, the secretary shall use a strict construction of the residence requirements set forth in this section. For purposes of this section, a successful bid shall be determined and accepted as follows:

(1) From an individual resident vendor who has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted or from a partnership, association, corporation resident vendor, or from a corporation nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for four years immediately preceding the date on which the bid is submitted, if the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than two and one-half percent of the latter bid, and if the vendor has made written claim for the preference at the time the bid was submitted: *Provided*, That for purposes of this subdivision, any partnership, association or corporation resident vendor of this state, which does not meet the requirements of this subdivision solely

because of the continuous four-year residence requirement, shall be considered to meet the requirement if at least eighty percent of the ownership interest of the resident vendor is held by another individual, partnership, association or corporation resident vendor who otherwise meets the requirements of this subdivision, including the continuous four-year residency requirement: *Provided, however,* That the Secretary of the Department of Revenue shall promulgate rules relating to attribution of ownership among several resident vendors for purposes of determining the eighty percent ownership requirement; or

(2) From a resident vendor, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years, and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than two and one-half percent of the latter bid, and if the vendor has certified the residency requirements of this subdivision and made written claim for the preference, at the time the bid was submitted; or

(3) From a nonresident vendor, ~~which~~ that employs a minimum of one hundred state residents, a nonresident vendor of information technology equipment or services that maintains at least one office within West Virginia and employs a minimum of twenty-five state residents, or a nonresident vendor which has an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia and which employs a minimum of one hundred state residents, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees or the vendor's affiliates or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than two and one-half percent of the

latter bid, and if the vendor has certified the residency requirements of this subdivision and made written claim for the preference, at the time the bid was submitted; or

(4) From a vendor who meets either the requirements of both subdivisions (1) and (2) of this subsection or subdivisions (1) and (3) of this subsection, if the bid does not exceed the lowest qualified bid from a nonresident vendor by more than five percent of the latter bid, and if the vendor has certified the residency requirements above and made written claim for the preference at the time the bid was submitted; or

(5) From an individual resident vendor who is a veteran of the United States Armed Forces, the Reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted, if the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than three and one-half percent of the latter bid, and if the vendor has made written claim for the preference at the time the bid was submitted; or

(6) From a resident vendor who is a veteran of the United States Armed Forces, the Reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than three and one-half percent of the latter bid, and if the vendor has certified the residency requirements of this subdivision and made written claim for the preference, at the time the bid was submitted; or

(7) Notwithstanding any provisions of subdivisions (1), (2), (3), (4), (5) or (6) of this subsection to the contrary, if any nonresident vendor that is bidding on the purchase of commodities or printing by the director or by a state department is also certified as a small, women or minority-owned business pursuant to section fifty-nine of this article, the nonresident vendor shall be provided

the same preference made available to any resident vendor under the provisions of this subsection.

(b) In any instance that a purchase of commodities or printing by the director or by a state spending unit is required under the provisions of this article to be made upon competitive bids, preference shall be given to resident vendors of West Virginia against a nonresident vendor from any state that gives or requires a preference to bidders from that state. The amount of the preference shall be equal to the amount of the preference given or required by the state of the nonresident vendor for that particular supply.

~~(b)~~ (c) If the Secretary of the Department of Revenue determines under any audit procedure that a vendor who received a preference under this section fails to continue to meet the requirements for the preference at any time during the term of the project for which the preference was received the secretary may: (1) Reject the vendor's bid; or (2) assess a penalty against the vendor of not more than five percent of the vendor's bid on the project.

~~(c)~~ (d) Political subdivisions of the state including county boards of education may grant the same preferences to any vendor of this state who has made a written claim for the preference at the time a bid is submitted, but for the purposes of this subsection, in determining the lowest bid, any political subdivision shall exclude from the bid the amount of business occupation taxes which must be paid by a resident vendor to any municipality within the county comprising or located within the political subdivision as a result of being awarded the contract which is the object of the bid; in the case of a bid received by a municipality, the municipality shall exclude only the business and occupation taxes as will be paid to the municipality: *Provided*, That prior to soliciting any competitive bids, any political subdivision may, by majority vote of all its members in a public meeting where all the votes are recorded, elect not to exclude from the bid the amount of business and occupation taxes as provided in this subsection.

~~(d)~~ (e) If any of the requirements or provisions set forth in this section jeopardize the receipt of federal funds, then the requirement or provisions are void and of no force and effect for that specific project.

~~(e)~~ (f) If any provision or clause of this section or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

~~(f)~~ (g) This section may be cited as the “Jobs for West Virginians Act of 1990.”

The bill (Eng. Com. Sub. for H. B. 2936), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 3061**, Encouraging mastery-based education through the Innovation In Schools program.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 3095**, Allowing retired teachers to be employed by a higher education institution.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 3096**, Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state.

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

The following amendments to the bill, from the Committee on Government Organization, were reported by the Clerk and considered simultaneously:



On page seven, section nine, lines seventy-five through eighty-seven, by striking out all of paragraph (G) and inserting in lieu thereof a new paragraph, designated paragraph (G), to read as follows:

(G) The public service district, or a customer aggrieved by the changed rates or charges who presents to the circuit court a petition signed by not less than twenty-five percent of the customers served by the public service district, when dissatisfied by the approval, modification, or rejection by the county commission of the proposed rates, fees and charges under the provisions of this subsection (2) may file a complaint regarding the rates, fees and charges resulting from the action of, or failure to act by, the county commission in the circuit court of the county in which the county commission sits: *Provided*, That any complaint or petition filed hereunder shall be filed within 30 days of the county commission's final action approving, modifying or rejecting such rates, fees and charges, or the expiration of the 45 day period from the receipt by the county commission, in writing, of the rates, fees and charges approved by resolution of the board, without final action by the county commission to approve, modify or reject such rates, fees and charges, and the circuit court shall resolve said complaint: *Provided, however*, That the rates, fees and charges so fixed by the county commission, or those adopted by the district upon which the county commission failed to act, shall remain in full force and effect, until set aside, altered or amended by the circuit court in an order to be followed in the future.;

On page eighteen, section one, after line one hundred forty-eight, by adding two new subsections, designated subsections (e) and (d), to read as follows:

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

(1) "Internet protocol-enabled service" means any service, capability, functionality or application provided using Internet protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet protocol format, or any

successor format, regardless of whether the communication is voice, data or video.

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

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

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

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

(f) Notwithstanding any other provisions of this article, the commission shall not have jurisdiction to review or approve any transaction involving a telephone company otherwise subject to sections twelve and twelve-a, article two, chapter twenty-four of this code if all entities involved in the transaction are under common ownership.;

And,

On page thirty, section eleven, after line one hundred twenty-seven, by adding a new subdivision, designated subdivision (8), to read as follows:

(8) A public service district, or a customer aggrieved by the changed rates or charges who presents to the circuit court a petition signed by not less than twenty-five percent of the customers served by the public service district, when dissatisfied by the approval, modification, or rejection by the county commission of the proposed rates, fees and charges under the provisions of this subsection (l) may file a complaint regarding the rates, fees and charges resulting from the action of, or failure to act by, the county commission in the circuit court of the county in which the county commission sits: *Provided*, any complaint or petition filed hereunder shall be filed within 30 days of the county commission’s

final action approving, modifying or rejecting such rates, fees and charges, or the expiration of the 45 day period from the receipt by the county commission, in writing, of the rates, fees and charges approved by resolution of the board, without final action by the county commission to approve, modify or reject such rates, fees and charges, and the circuit court shall resolve said complaint within 120 days of filing: Provided further, the rates, fees and charges so fixed by the county commission, or those adopted by the district upon which the county commission failed to act, shall remain in full force and effect, until set aside, altered or amended by the circuit court in an order to be followed in the future.

Following discussion,

At the request of Senator Blair, and by unanimous consent, the bill was advanced to third reading with the Government Organization committee amendments pending and the right for further amendments to be considered on that reading.

**Eng. House Bill 3103**, Making a supplementary appropriation to the Department of Health and Human Resources.

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

The following amendments to the bill, from the Committee on Finance, were reported by the Clerk, considered simultaneously, and adopted:

On page two, section one, line fourteen, by striking out “2” and inserting in lieu thereof “3”;

On page two, section one, line fifteen, by striking out “8” and inserting in lieu thereof “10”;

And,

On page three, section one, line thirteen, by striking out “17a” and inserting in lieu thereof “23a”.

The bill (Eng. H. B. 3103), as amended, was then ordered to third reading.

The end of today's second reading calendar having been reached, the Senate returned to the consideration of

**Eng. Com. Sub. for House Bill 3020**, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person.

On third reading, coming up in deferred order, with the unreported Natural Resources committee amendment pending, and with the right having been granted on yesterday, Thursday, April 6, 2017, for further amendments to be received on third reading, was again reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Natural Resources committee amendment pending.

Consideration of Engrossed Committee Substitute for House Bill 3020 having been concluded, the Senate proceeded to the consideration of

**Eng. Com. Sub. for House Bill 2018**, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

On second reading, coming up in deferred order, was read a second time.

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

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

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

**Eng. Senate Bill 444**, Establishing Court Advanced Technology Subscription Fund.

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

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

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

## **ARTICLE 1. SUPREME COURT OF APPEALS.**

### **§51-1-22. Court Advanced Technology Subscription Fund created.**

(a) The West Virginia Supreme Court of Appeals may charge fees from subscribers using the court's advanced technology systems pursuant to a schedule of fees published pursuant to administrative order of the Court. All fees charged shall be deposited into the state treasury in accordance with the provisions of this section. There is created within the State Treasury a special revenue fund designated the Court Advanced Technology Subscription Fund to be administered by the West Virginia Supreme Court of Appeals.

(b) The fund shall consist of moneys received from subscribers using the court's advanced technology systems including, but not limited to, the E-filing system and the Unified Judicial Application Information System: *Provided*, that until the E-filing system or any other advanced technology is mandatory in all fifty-five counties of the state there may be no subscriber fee or other fee charged for use of the E-filing system beyond the fees required in counties not yet using the E-filing system or other advanced technology, so that

the costs of the using the Courts in this state are equal regardless of where a person may use the Courts.

(c) One half of all moneys collected from subscribers are to be deposited into the State Treasury and credited to the Court Advanced Technology Subscription Fund shall be used to pay the costs associated with maintaining and administering the court's advanced technology systems. One half of all moneys collected from subscribers are to be deposited into the general revenue fund.

(d) All moneys collected by the administrator of the Supreme Court of Appeals for the use of the court's advanced technology shall be deposited into the Court Advanced Technology Subscription Fund. Expenditures from the fund shall be for the purposes set forth in subsection (c) of this section and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature in accordance with article three, chapter twelve of this code and upon fulfillment of the requirements of article two, chapter eleven-b of this code: *Provided*, That for the fiscal year ending June 30, 2017, expenditures are authorized from collections rather than pursuant to appropriation by the Legislature.;

And,

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

**Eng. Senate Bill 444**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-22, relating to authorizing the West Virginia Supreme Court of Appeals to charge fees from subscribers using advanced technology systems pursuant to a schedule of fees published pursuant to administrative order of the Court; establishing the Court Advanced Technology Subscription Fund; requiring one half of all moneys collected from subscribers be credited to the fund and used to pay the costs associated with maintaining and administering the court's advanced technology systems; requiring one half of all moneys collected from subscribers be deposited into the general revenue fund; limiting the

imposition of certain subscriber fees pending condition precedent; and prescribing legislative appropriations of the fund.

On motion of Senator Ferns, the Senate refused to concur in the foregoing House amendments to the bill (Eng. S. B. 444) and requested the House of Delegates to recede therefrom.

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

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Saturday, April 8, 2017, at 11 a.m.

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## SATURDAY, APRIL 8, 2017

The Senate met at 11 a.m.

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

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

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

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

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

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

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

Development Office

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

Motor Vehicles, Division of

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

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

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

The Senate proceeded to the third order of business.

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

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

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

Delegates Criss, Atkinson and Williams.

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

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

Senators Blair, Smith and Woelfel.

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



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

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

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

Delegates Hanshaw, Zatezalo and Isner.

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

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

Senators Boso, Gaunch and Facemire.

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

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

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

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

Delegates Hanshaw, G. Foster and Fleischauer.

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

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

Senators Swope, Karnes and Ojeda.

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

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

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

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

Delegates Capito, Lane and Fleischauer.

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

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

Senators Weld, Clements and Beach.

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

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

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

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

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

Senators Weld, Maynard and Jeffries.

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

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

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

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

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

Senators Weld, Maynard and Jeffries.

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

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

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

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

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

Senators Weld, Maynard and Jeffries.

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

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

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

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

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

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

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

**ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF  
MILITARY AFFAIRS AND PUBLIC SAFETY TO  
PROMULGATE LEGISLATIVE RULES.**

**§64-6-1. Governor's Committee on Crime, Delinquency and  
Correction.**

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

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

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

And,

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

#### **§64-6-2. State Fire Marshal.**

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

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

On page 6, paragraph 5.1.b.6, by striking out the following "Require Manager(s) of any CFRS to complete and pass a limited online safety training approved by the State Fire Commission. At

least one (1) certificate shall be submitted” and inserting in lieu thereof the words “Submit at least one (1) certificate”;

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

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

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

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

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

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

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

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

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

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

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

And,

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

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

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

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

And,

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

And,

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

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

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

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

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

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

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

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

The nays were: None.

Absent: None.



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

Senator Ferns moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The legislative rule filed in the State Register on August 26, 2016, authorized under the authority of section seven, article one,

chapter twenty of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 3, 2017, relating to the Division of Natural Resources (miscellaneous permits and licenses, 58 CSR 64), is authorized.

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

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

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

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

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

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

And,

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

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

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

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

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

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

The Legislature directs the Board of Coal Mine Health and Safety, pursuant to the authority given to the board in section four, article six, chapter twenty-two-a of this code, to promulgate the legislative rule filed in the State Register by the Board of Coal Mine Health and Safety on July 1, 2014, relating to rules governing proximity detection systems and haulage safety generally, (36 CSR 57), with the amendment set forth below::

And,

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

**Eng. Com. Sub. for Senate Bill 134**—A Bill to amend and reenact §64-10-1, §64-10-2 and §64-10-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing certain Department of Commerce legislative rules; authorizing certain agencies to promulgate certain legislative rules as presented to the Legislative Rule-Making Review Committee; authorizing certain agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; repealing certain legislative rules promulgated by certain agencies and boards under the Department of Commerce which are no longer authorized or are obsolete; directing the promulgation rules by certain agencies and boards under the Department of Commerce; authorizing the Division of Natural Resources to promulgate a legislative rule relating to the point system for the revocation of hunting – repeal; authorizing the Division of Natural Resources to promulgate a legislative rule relating to revocation of hunting and fishing licenses; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting;

authorizing the Division of Natural Resources to promulgate a legislative rule relating to the commercial sale of wildlife; authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses; repealing the Division of Natural Resources legislative rule relating to litter control grant program; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to certification, recertification and training of EMT-Miners and the certification of EMT-M instructors; and directing the Board of Coal Mine Health and Safety to promulgate a legislative rule relating to rules governing proximity detection systems and haulage safety generally.

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

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

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

The nays were: None.

Absent: None.

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

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

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

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

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

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

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

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

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

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

And,

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

**Eng. Com. Sub. for Senate Bill 202**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating generally to pawnbrokers; limiting pawnbrokers from purchasing, accepting in pawn, receiving in trade, accepting in exchange for goods any general-use prepaid card, gift certificate or store gift card; creating misdemeanor offense of pawnbrokers purchasing, accepting in pawn, receiving in trade or exchanging for goods a general-use prepaid card, gift certificate or store gift card; defining terms; creating exceptions; and establishing penalties.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

(b) *Establishment of a permanent program and continuation of pilot plans.* — The Municipal Home Rule Pilot Program is hereby

established as a permanent program and shall be identified as the Municipal Home Rule Program. Any ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed.

(c) *Authorizing participation.* —

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Environmental law;
- (2) Laws governing bidding on government construction and other contracts;
- (3) The Freedom of Information Act;
- (4) The Open Governmental Proceedings Act;
- (5) Laws governing wages for construction of public improvements;
- (6) The provisions of this section;
- (7) The provisions of section five-a, article twelve of this chapter;
- (8) The municipality's written plan;
- (9) The Constitution of the United States or the Constitution of the State of West Virginia;
- (10) Federal law or crimes and punishment;
- (11) Chapters sixty-a, sixty-one and sixty-two of this code or state crimes and punishment;
- (12) Laws governing pensions or retirement plans;
- (13) Laws governing annexation;
- (14) Laws governing taxation: *Provided*, That a participating municipality may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal business and occupation tax: *Provided, however*, That if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduced or eliminated under the Municipal Home Rule Pilot Program or the Municipal Home Rule Program, it shall eliminate the municipal sales tax enacted under the Municipal Home Rule ~~Pilot~~ Program: *Provided further*, That any municipality that imposes a municipal sales tax pursuant to this section shall use the services of the Tax Commissioner to administer, enforce and

collect the tax in the same manner as the state consumers sales and service tax and use tax under the provisions of articles fifteen, fifteen-a and fifteen-b, chapter eleven of this code and all applicable provisions of the Streamlined Sales and Use Tax Agreement: *And provided further*, That such tax ~~will~~ shall not apply to the sale of motor fuel or motor vehicles;

(15) Laws governing tax increment financing;

(16) Laws governing extraction of natural resources; ~~and~~

(17) Marriage and divorce laws; and

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

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

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

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

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

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

municipality complies with all applicable state law procedures for enacting municipal legislation.

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

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

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

(o) Notwithstanding any other provision of this code to the contrary, on and after the effective date of the enactment of this provision in 2015, no distributee under the provisions of this section may seek from the Tax Division of the Department of Revenue a refund of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue, nor seek a change in past amounts distributed, or any other retrospective adjustment relating to any amount distributed, to the extent that the

moneys in question have been distributed to another distributee, regardless of whether those distributions were miscalculated, mistaken, erroneous, misdirected or otherwise inaccurate or incorrect. For purposes of this section, the term “distributee” means any municipality that receives or is authorized to receive a specific distribution of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue pursuant to this section.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

(c) *Authorizing participation.* —

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Environmental law;

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

(3) The Freedom of Information Act;

(4) The Open Governmental Proceedings Act;

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

(6) The provisions of this section;

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

(8) The municipality's written plan;

(9) The Constitution of the United States or the Constitution of the State of West Virginia;

(10) Federal law or crimes and punishment;

(11) Chapters sixty-a, sixty-one and sixty-two of this code or state crimes and punishment;

(12) Laws governing pensions or retirement plans;

(13) Laws governing annexation;

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

(15) Laws governing tax increment financing;

(16) Laws governing extraction of natural resources; ~~and~~

(17) Marriage and divorce laws; and

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

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

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

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

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

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

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

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

~~of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed.~~

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

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

**ARTICLE 5I. LOCAL GOVERNMENT LABOR  
REGULATORY LIMITATION ACT.**

**§21-5I-1. Short title.**

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

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

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

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

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

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

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

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

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

(g) Regulating hours and scheduling that an employer is required to provide to employees: *Provided*, That this section does



not prohibit an ordinance, local policy or local resolution that limits the hours a business may operate.

**§21-5I-3. Exceptions; applicability.**

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

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

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

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

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

Which point of order, the President ruled well taken.

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

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

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

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

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

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

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

And,

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

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

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

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

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

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

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

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

On page three, section one-f, lines fifty-one through sixty, by striking out all of subdivision (20) and inserting in lieu thereof the following: or (20) any person employed by a recreational establishment which (A) does not operate for more than seven months in any calendar year, or, (B) during the preceding calendar year had average receipts for any six months of the year which were not more than thirty-three and one-third per centum of its average receipts for the other six months of that year: *Provided*, That any such person is compensated on a salary basis in an annual amount of not less than two thousand eighty times the West Virginia state minimum wage as stated in section two of this article.

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

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

**Eng. Com. Sub. for Senate Bill 606**—A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to minimum wage and maximum hour standards for employees by a recreational establishment which does not operate for more than seven months in any calendar year during the

preceding calendar year or had average receipts for any six months of the year which were not more than thirty-three and one-third per centum of its average receipts for the other six months of that year; and requiring any such employee is compensated on a salary basis in an annual amount of not less than two thousand eighty times the West Virginia state minimum wage as stated in section two of this article.

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

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

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

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

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

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

Absent: None.

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

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

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

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

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

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

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

**Roads to Prosperity Amendment of 2017.**

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

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

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

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

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

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

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

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

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

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

**Roads to Prosperity Amendment of 2017.**

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

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

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

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

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

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

*Resolved further,* That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as

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

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

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

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

The nays were: None.

Absent: None.

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

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



providing a summarized statement of the purpose of such proposed amendment.

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

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

**Roads to Prosperity Amendment of 2017.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) The limitations on contributions contained in this section do not apply to transfers between and among a state party executive committee or a state party's legislative caucus political committee from national committees of the same political party: *Provided*, That transfers permitted by this subsection may not exceed \$50,000 in the aggregate in any calendar year to any state party executive committee or state party legislative caucus political committee:

*Provided, however,* That the moneys transferred may only be used for voter registration and get-out-the-vote activities of the state committees.

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

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

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

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

periodical business or entity to facilitate home or personal delivery of a designated newspaper or periodical to its customers.

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

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

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

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

#### **§21-1A-4. Unfair labor practices.**

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

engaged in a strike ratified or approved by a representative of such employees whom such employer is required by law to recognize;

(5) To require of employees covered by an agreement authorized under subdivision (3), subsection (a) of this section, the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the board finds excessive or discriminatory under all the circumstances. In making such a finding, the board shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected;

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

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

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

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

(C) Where such picketing has been conducted without a petition under subsection (c), section five of this article being filed within a reasonable period of time not to exceed fifteen days from the commencement of such picketing: *Provided*, That when such a petition has been filed the board shall forthwith, without regard to

the provisions of said subsection or the absence of a showing of a substantial interest on the part of the labor organization, direct an election in such unit as the board finds to be appropriate and shall certify the results thereof. Nothing in this subdivision shall be construed to permit any act which would otherwise be an unfair labor practice under this subsection.

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

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

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

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

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

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

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

(f) It shall be an unfair labor practice for any labor organization to use agency shop fees paid by an individual who is not a member of the organization to make any contributions or expenditures to influence an election or to operate a political committee, unless affirmatively authorized by the individual. Any such authorization is valid for no more than twelve months from the date it is made by the individual. For purposes of this section, "agency shop fees"

shall mean any dues, fees, assessments or other similar charges, however denominated, of any kind or amount to the labor organization. *Provided*, That the provisions of this subsection shall not otherwise apply to or abrogate a written or oral contract or agreement or any provisions thereof in effect on or before June 30, 2017.

### **§21-5-1. Definitions.**

As used in this article:

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

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

(c) The term “wages” means compensation for labor or services rendered by an employee, whether the amount is determined on a time, task, piece, commission or other basis of calculation. As used in sections four, five, eight-a, ten and twelve of this article, the term “wages” shall also include then accrued fringe benefits capable of calculation and payable directly to an employee: *Provided*, That nothing herein contained shall require fringe benefits to be calculated contrary to any agreement between an employer and his or her employees which does not contradict the provisions of this article.

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

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

(f) The term “special agreement” means an arrangement filed with and approved by the commissioner whereby a person, firm or corporation is permitted upon a compelling showing of good cause

to establish regular paydays less frequently than once in every two weeks: *Provided*, That in no event shall the employee be paid in full less frequently than once each calendar month on a regularly established schedule.

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

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

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

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

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

(l) The term “fringe benefits” means any benefit provided an employee or group of employees by an employer, or which is required by law, and includes, but is not limited to, benefits provided pursuant to any welfare plan or pension plan, subject to the Employee Retirement Income Security Act of 1974 in which the employee is a participant, including, but not limited to, benefits for medical, surgical or hospital care, sickness, accident, disability

~~or death, unemployment, vacation, holidays, apprenticeship or training, day care, education, prepaid legal services, severance and retirement or post retirement, regular vacation, graduated vacation, floating vacation, holidays, sick leave, personal leave, production incentive bonuses, sickness and accident benefits and benefits relating to medical and pension coverage.~~

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

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

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

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

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

(1) In lawful money of the United States;

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

(3) By deposit or electronic transfer of immediately available funds into an employee’s payroll card account in a federally insured depository institution. The term “payroll card account” means an account in a federally insured depository institution that is directly or indirectly established through an employer and to which electronic fund transfers of the employee’s wages, salary, commissions or other compensation are made on a recurring basis, whether the account is operated or managed by the employer, a

third-party payroll processor, a depository institution or another person. "Payroll card" means a card, code or combination thereof or other means of access to an employee's payroll card account, by which the employee may initiate electronic fund transfers or use a payroll card to make purchases or payments. Payment of employee compensation by means of a payroll card must be agreed upon in writing by both the person, firm or corporation paying the compensation and the person being compensated; or

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

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

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

(e) No assignment of or order for future wages shall be valid for a period exceeding one year from the date of the assignment or order. An assignment or order shall ~~be acknowledged by the party making the same before a notary public or other officer authorized to take acknowledgments, and any order or assignment shall be in writing and~~ specify thereon the total amount due and collectible by virtue of the same and three fourths of the periodical earnings or wages of the assignor shall at all times be exempt from such assignment or order and no assignment or order shall be valid which does not so state upon its face: *Provided*, That no such order



or assignment shall be valid unless the written acceptance of the employer of the assignor to the making thereof is endorsed thereon: ~~Provided, however, That nothing herein contained shall be construed as affecting the right of employer and employees to agree between themselves as to deductions to be made from the payroll of employees. The changes to this section which were adopted by the West Virginia Legislature in 2017 in SB239 apply to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2017: Provided, That the provisions of this subsection shall not otherwise apply to or abrogate a written or oral contract or agreement or any provisions thereof in effect on or before June 30, 2017.;~~

And,

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

**Eng. Com. Sub. for Senate Bill 239**—A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; to amend and reenact §21-5-1 of said code; and to amend and reenact §21-5-3, all relating to withholding or diverting an employee's wages or salary; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee's wages or salary for political activities without express, written authorization; providing that the prohibition against withholding or diverting wages for political activities applies to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2017, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2017; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; defining the term "agency shop fees"; modifying definition of "deductions" to include only those amounts required by law or Court order to be withheld and employer-sponsored or employer-provided plan;

modifying the definition of “deductions” to exclude amounts for union or club dues, charities and other withholdings that are not employer-sponsored or employer-provided plans; making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual; removing the requirement that an assignment or order be acknowledged by the party making the same before a notary public or other official authorized to take acknowledgments; requiring that an assignment or order shall be in writing; and providing that the changes made to the assignment of wages during the 2017 West Virginia Legislature apply to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2017, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2017.

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

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

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

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

Absent: None.

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

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

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

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

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

**Enr. Senate Bill 330**, Relating to WV Workplace Freedom Act.

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

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

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

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

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

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

#### **ARTICLE 7. DANGEROUS WEAPONS.**

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

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

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

(2) This subsection does not apply to:

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

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

(C) A retired law-enforcement officer who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

instruction permit in the adjudicated person's possession and forward to the Division of Motor Vehicles.

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

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

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in subdivision (1) of this subsection, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's twentieth birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of section two, article five-a, chapter seventeen-c of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be

made within ten days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

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

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

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

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

(2) This subsection does not apply to:

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

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

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



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

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

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

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

Notwithstanding the provisions of this article, any owner, lessee or other person charged with the care, custody and control of real property may prohibit the carrying openly or ~~concealed~~ concealing of any firearm or deadly weapon on property under his or her domain: *Provided*, That for purposes of this section “person” means an individual or any entity which may acquire title to real property.

Any person carrying or possessing a firearm or other deadly weapon on the property of another who refuses to temporarily relinquish possession of ~~such the~~ the firearm or other deadly weapon, upon being requested to do so, or to leave ~~such the~~ the premises, while in possession of ~~such the~~ the firearm or other deadly weapon, ~~shall be~~ is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in ~~the county~~ the county jail not more than six months, or both: *Provided*, That the provisions of this section ~~shall do not apply to those persons~~ shall do not apply to a person as set forth in subdivisions (3) through (6) of section six of this code subdivisions (3) through (7), inclusive, subsection (a), section six of this article while such persons are the person is acting in an official capacity; and to a person as set forth in subdivisions (1) through (8), inclusive, subsection (b) of said section, while the person is acting in his or her official capacity: *Provided, however*, That under no circumstances, except as provided for by the provisions of

paragraph (1), subdivision (2), subsection (b), section eleven-a of this article, may any person possess or carry or cause the possession or carrying of any firearm or other deadly weapon on the premises of any primary or secondary educational facility in this state unless such the person is a law-enforcement officer or he or she has the express written permission of the county school superintendent.

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

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

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

The nays were: None.

Absent: None.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

amended and reenacted; and that §62-12-5 of said code be amended and reenacted, all to read as follows:

#### **CHAPTER 4. THE LEGISLATURE.**

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

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

(a) Beginning in the calendar year 2009 and for each calendar year after that, each member of the Legislature shall receive as basic compensation for his or her services the sum of \$20,000 per calendar year, to be paid as provided in subsection (b) of this section. In addition to the basic compensation, members shall receive the additional compensations as are expressly provided in sections three, four and five of this article. All other increased amounts or new amounts in respect to the compensation of members of the Legislature, set forth in the resolution of the Citizens Legislative Compensation Commission, dated January 9, 2007, and implemented in sections two, four, six and eight of this article providing for new amounts or amounts increased to new amounts greater than those in force and effect on January 1, 2007, become effective for calendar year 2009 and each calendar year after that: *Provided*, That increased amounts or new amounts in respect to the expenses of members of the Legislature, set forth in said resolution, and implemented in sections six and eight of this article providing for new amounts or amounts increased to new amounts greater than those in force and effect on January 1, 2007, become effective for calendar year 2008 and each calendar year after that.

(b) The basic compensation is payable as follows:

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

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

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

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

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

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

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

## **CHAPTER 11B. DEPARTMENT OF REVENUE.**

### **ARTICLE 2. STATE BUDGET OFFICE.**

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

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

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

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

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

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

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

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

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

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

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

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

## **CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

### **ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.**

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

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

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

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

## CHAPTER 15. PUBLIC SAFETY.

### ARTICLE 2. WEST VIRGINIA STATE POLICE.

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

(a) The superintendent shall establish within the West Virginia State Police a system to provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second lieutenant and first lieutenant; the classification of nonsupervisory members



within the field operations force to the ranks of trooper, senior trooper, trooper first class or corporal; the classification of members assigned to the forensic laboratory as criminalist I-VIII; and the temporary reclassification of members assigned to administrative duties as administrative support specialist I-VIII.

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

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

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

ANNUAL SALARY SCHEDULE (BASE PAY)  
SUPERVISORY AND NONSUPERVISORY RANKS

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

ANNUAL SALARY SCHEDULE (BASE PAY)  
ADMINISTRATION SUPPORT SPECIALIST  
CLASSIFICATION

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

ANNUAL SALARY SCHEDULE (BASE PAY)  
CRIMINALIST CLASSIFICATION

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

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

(e) Each member of the West Virginia State Police whose salary is fixed and specified pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in subsection (d) of this section for grade in rank, based on length of service, including that service served before and after the effective date of this section with the West Virginia State Police as follows: Beginning on January 1, 2015 and continuing thereafter, at the end of two years of service with the West Virginia State Police, the

member shall receive a salary increase of \$500 to be effective during his or her next year of service and a like increase at yearly intervals thereafter, with the increases to be cumulative.

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

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

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

The authority of the superintendent to propose a legislative rule or amendment thereto for promulgation in accordance with article three, chapter twenty-nine-a of this code to establish the number of hours ~~per month~~ which constitute the standard ~~work month~~ pay period for the members of the West Virginia State Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the criteria for receipt of a portion or all of supplemental payment when hours are worked in excess of the standard ~~work month~~ pay period. The superintendent shall certify ~~monthly~~ at least twice per month to the West Virginia State Police's payroll officer the names of those members who have worked in excess of the standard ~~work month~~ pay period and the amount of their entitlement to supplemental payment. The supplemental payment

may not exceed ~~\$400 monthly~~ \$200.00 per pay period. The superintendent and civilian employees of the West Virginia State Police are not eligible for any supplemental payments.

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

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

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

## **CHAPTER 18. EDUCATION.**

### **ARTICLE 3. STATE SUPERINTENDENT OF SCHOOLS.**

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

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

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

**CHAPTER 20. NATURAL RESOURCES.**

**ARTICLE 1. ORGANIZATION AND ADMINISTRATION.**

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

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

penal sum of \$10,000, which executed oath and bond shall be filed in the office of the Secretary of State. Premiums on the bond shall be paid from division funds.

**ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.**

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

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

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

(c) The chief natural resources police officer, acting under supervision of the director, is authorized to select and appoint emergency natural resources police officers for a limited period for effective enforcement of the provisions of this chapter when considered necessary because of emergency or other unusual circumstances. The emergency natural resources police officers shall be selected from qualified civil service personnel of the division, except in emergency situations and circumstances when the director may designate officers, without regard to civil service requirements and qualifications, to meet law-enforcement needs. Emergency natural resources police officers shall exercise all powers and duties prescribed in section four of this article for full-time salaried natural resources police officers except the provisions of subdivision (8), subsection (b) of said section.

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

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

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

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

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

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

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

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



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

**ARTICLE 1. WATER DEVELOPMENT AUTHORITY.**

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

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

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

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

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

(e) The Governor or designee, the Secretary of the Department of Environmental Protection and the Commissioner of the Bureau for Public Health do not receive compensation for serving as board members. Each appointed member receives an annual salary of \$12,000, payable ~~in monthly installments~~ at least twice per month. Each of the seven board members is reimbursed for all reasonable and necessary expenses actually incurred in the performance of duties as a member of the board in a manner consistent with guidelines of the Travel Management Office of the Department of Administration. All expenses incurred by the board are payable solely from funds of the authority or from funds appropriated for that purpose by the Legislature. Liability or obligation is not incurred by the authority beyond the extent to which moneys are available from funds of the authority or from such appropriations.

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

## **CHAPTER 24. PUBLIC SERVICE COMMISSION.**

### **ARTICLE 1. GENERAL PROVISIONS.**

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

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

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

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

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

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

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

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

(h) Nor may any commissioner be a candidate for or hold public office or be a member of any political committee while

acting as a commissioner; nor may any commissioner or employee of the commission receive any pass, free transportation or other thing of value, either directly or indirectly, from any public utility or motor carrier subject to the provisions of this chapter. In case any of the commissioners becomes a candidate for any public office or a member of any political committee, the Governor shall remove him or her from office and shall appoint a new commissioner to fill the vacancy created.

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

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

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

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

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

## **CHAPTER 24A. COMMERCIAL MOTOR CARRIERS.**

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

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

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

(a) For each uniform identification card .....\$ 3.00

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

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

of over one to one and one-half tons capacity .....13.50

of over one and one-half tons to two tons capacity .....18.00

of over two tons to three tons capacity .....22.50

of over three tons to four tons capacity.....27.00

of over four tons to five tons capacity .....31.50

of over five tons to six tons capacity .....	36.00
of over six tons to seven tons capacity .....	40.50
of over seven tons to eight tons capacity .....	45.00
of over eight tons to nine tons capacity .....	49.50
of over nine tons to ten tons capacity .....	54.00
of over ten tons capacity, \$54.00 plus \$4.50 for each additional ton of capacity in excess of ten tons.	

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

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

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

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

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

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

## **CHAPTER 24B. GAS PIPELINE SAFETY.**

### **ARTICLE 5. EMPLOYEES OF COMMISSION; FUNDING.**

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

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

## **CHAPTER 25. DIVISION OF CORRECTIONS.**

### **ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS MANAGEMENT.**

#### **§25-1-19. Reports by ~~state commissioner of public institutions~~ Commissioner of Corrections and chief officers of institutions to Auditor.**

The ~~state commissioner of public institutions~~ Commissioner of Corrections shall, from time to time, as may be necessary, make a report to the Auditor, which shall state the name of each person employed at any of the institutions named in section three of this article, his or her official designation and biweekly rate of compensation, ~~per month (or by the day or week, if employed for less than a month)~~ and out of what funds or appropriation the same is payable. The chief officer of any such institution, or other person who may have been appointed for the purpose by the ~~state commissioner of public institutions~~ Commissioner of Corrections, shall make out and certify to the Auditor at the end of each month a list of persons to whom any payments may be due, stating for what purpose due, the amount due each person, and the fund or appropriation from which payable; one copy whereof shall be filed in the office of the institution where made, and one in the office of the ~~state commissioner of public institutions~~ Commissioner of Corrections. If the Auditor finds such list correct and in accordance with the reports made to him or her by the ~~state commissioner of public institutions~~ Commissioner of Corrections, he or she may pay to the persons entitled thereto the amounts so certified as due each.

## CHAPTER 31. CORPORATIONS.

### ARTICLE 19. WEST VIRGINIA COMMUNITY INFRASTRUCTURE AUTHORITY.

#### **§31-19-4. West Virginia Community Infrastructure Authority created; West Virginia Community Infrastructure Board created; organization of Authority and Board; appointment of board members; their term of office, compensation and expenses; duties and responsibilities of director and staff of authority.**

(a) There is hereby created the West Virginia Community Infrastructure Authority. The authority is a governmental instrumentality of the state and a body corporate. The exercise by the authority of the powers conferred by this article and the carrying out of its purposes and duties are essential governmental functions and for a public purpose.



The authority shall be controlled, managed and operated by the five-member board known as the West Virginia Community Infrastructure Board, which is hereby created. The Director of the West Virginia Development Office, or her or his designee, the Director of the Division of Environmental Protection, or her or his designee, and the Commissioner of the Division of Highways, or her or his designee, are members ex officio of the board. The Executive Director of the West Virginia Development Office, or her or his designee, is the ex officio chair. Two members of the board shall be representative of the general public, one of which shall have had experience or a demonstrated interest in local government. The two members who are not ex officio members of the board shall be appointed by the Governor, by and with the advice and consent of the Senate, for initial terms of three and six years, respectively. The successor of each such appointed member shall be appointed for a term of six years in the same manner as the original appointments were made, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which her or his predecessor was appointed shall be appointed only for the remainder of such term. Each board member shall serve until the appointment and qualification of her or his successor. The two appointed board members shall not at any one time belong to the same political party. Appointed board members may be reappointed to serve additional terms, not to exceed two consecutive full terms. All members of the board shall be citizens of the state. Each appointed member of the board, before entering upon her or his duties, shall comply with the requirements of article one, chapter six of this code and give bond in the sum of \$20,000 in the manner provided in article two, chapter six of this code. The Governor may remove any board member for cause as provided in article six, chapter six of this code.

Annually the board shall elect one of its appointed members as chair, and shall appoint a secretary-treasurer, who need not be a member of the board. Three members of the board is a quorum and the affirmative vote of three members is necessary for any action taken by vote of the board. No vacancy in the membership of the board impairs the rights of a quorum by such vote to exercise all the rights and perform all the duties of the board and the authority.

The person appointed as secretary-treasurer, including a board member if she or he is so appointed, shall give bond in the sum of \$50,000 in the manner provided in article two, chapter six of this code.

The Executive Director of the West Virginia Development Office or her or his designee, the Director of the Division of Environmental Protection or her or his designee, and the Commissioner of the Division of Highways or her or his designee, shall not receive any compensation for serving as board members. Each of the two appointed board members of the board shall receive an annual salary of \$5,000, payable ~~in monthly installments~~ at least twice per month. Each of the five board members shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of her or his duties as a member of such board. All such expenses incurred by the board are payable solely from funds of the authority or from funds appropriated for such purpose by the Legislature and no liability or obligation shall be incurred by the authority beyond the extent for which moneys are available from funds of the authority or from such appropriations.

(b) There shall be a director of the authority appointed by the board who shall supervise and manage the Community Infrastructure Authority, and the West Virginia Development Office shall serve as the staff for the authority. Except as otherwise provided in this section, the duties and responsibilities of the director and of the staff shall be established by the authority. At the board's discretion, it may provide for the position of general counsel, who shall be an employee of the authority, or for the appointment of special counsel. As the board deems necessary and desirable, it may at any time elect to change its decision on the employment or appointment of a counsel.

(c) The director, or her or his designee, may employ or appoint any staff members in addition to those provided by the West Virginia Development Office, including general or special counsel if the position is established by the board. The number of employees needed, the positions to be filled and their salaries or wages shall be determined by the director with the approval of the

board, unless the board elects to not require its approval. At any time the board may elect to change its decision concerning approval of additional staff hiring and salaries.

(d) The board shall meet at least quarterly, and more often as it deems necessary. The director and any other staff member or members as the director deems expedient shall attend board meetings.

## **CHAPTER 33. INSURANCE.**

### **ARTICLE 2. INSURANCE COMMISSIONER.**

#### **§33-2-2. Compensation and expenses of commissioner and employees; location of office.**

The commissioner shall receive an annual salary as provided in section two-a, article seven, chapter six of this code and actual expenses incurred in the performance of official business, which compensation shall be in full for all services. The office of the commissioner shall be maintained in the Capitol or other suitable place in Charleston. The commissioner may employ such persons and incur such expenses as may be necessary in the discharge of his or her duties and shall fix the compensation of such employees, but such compensation shall not exceed the appropriation therefor. The commissioner may reimburse employees for reasonable expenses incurred for job-related training and educational seminars and courses. All compensation for salaries and expenses of the commissioner and his or her employees shall be paid ~~monthly~~ at least twice per month out of the State Treasury by requisition upon the Auditor, properly certified by the commissioner.

## **CHAPTER 50. MAGISTRATE COURTS.**

### **ARTICLE 1. COURTS AND OFFICERS.**

#### **§50-1-8. Magistrate court clerks; salaries; duties; duties of circuit clerk.**

(a) In each county having three or more magistrates the judge of the circuit court or the chief judge of the circuit court, if there is

more than one judge of the circuit court, shall appoint a magistrate court clerk. In all other counties the judge may appoint a magistrate court clerk or may by rule require the duties of the magistrate court clerk to be performed by the clerk of the circuit court, in which event the circuit court clerk is entitled to additional compensation in the amount of \$2,500 per year. The magistrate court clerk serves at the will and pleasure of the circuit judge.

(b) Magistrate court clerks shall be paid ~~a monthly salary at least twice per month~~ by the state. Magistrate court clerks serving magistrates who serve less than seven thousand three hundred in population shall be paid up to \$39,552 per year and magistrate court clerks serving magistrates who serve seven thousand three hundred or more in population shall be paid up to \$44,712 per year: *Provided*, That after the effective date of this section, any general salary increase granted to all state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, may also be granted to magistrate court clerks. For the purpose of determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county. The salary of the magistrate court clerk shall be established by the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court, within the limits set forth in this section.

(c) In addition to other duties that may be imposed by the provisions of this chapter or by the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of the circuit court if there is more than one judge of the circuit court, it is the duty of the magistrate court clerk to establish and maintain appropriate dockets and records in a centralized system for the magistrate court, to assist in the preparation of the reports required of the court and to carry out on behalf of the magistrates or chief magistrate if a chief magistrate is appointed, the administrative duties of the court.

(d) The magistrate court clerk, or if there is no magistrate court clerk in the county, the clerk of the circuit court, may issue all

manner of civil process and require the enforcement of subpoenas and subpoenas duces tecum in magistrate court.

(e) Notwithstanding any provision of this code to the contrary, the amendments made to this section during the 2013 first extraordinary session are effective upon passage and are retroactive to January 1, 2013.

(f) Beginning January 1, 2017, the annual salary of all magistrate court clerks is \$44,720. After the effective date of this section, a general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, may also be granted to magistrate court clerks.

**§50-1-9. Magistrate assistants; salary; duties.**

(a) In each county there shall be one magistrate assistant for each magistrate. Each magistrate assistant shall be appointed by the magistrate under whose authority and supervision and at whose will and pleasure he or she shall serve. The assistant shall not be a member of the immediate family of any magistrate and shall not have been convicted of a felony or any misdemeanor involving moral turpitude and shall reside in the State of West Virginia. For the purpose of this section, "immediate family" means the relationships of mother, father, sister, brother, child or spouse.

(b) A magistrate assistant shall have the duties, clerical or otherwise, assigned by the magistrate and prescribed by the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of the circuit court if there is more than one judge of the circuit court. In addition to these duties, magistrate assistants shall perform and are accountable to the magistrate court clerks with respect to the following duties:

- (1) The preparation of summons in civil actions;
- (2) The assignment of civil actions to the various magistrates;
- (3) The collection of all costs, fees, fines, forfeitures and penalties which are payable to the court;

(4) The submission of moneys, along with an accounting of the moneys, to appropriate authorities as provided by law;

(5) The daily disposition of closed files which are to be located in the magistrate clerk's office;

(6) All duties related to the gathering of information and documents necessary for the preparation of administrative reports and documents required by the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of the circuit court if there is more than one judge of the circuit court;

(7) All duties relating to the notification, certification and payment of jurors serving pursuant to the terms of this chapter; and

(8) All other duties or responsibilities whereby the magistrate assistant is accountable to the magistrate court clerk as determined by the magistrate.

(c) Magistrate assistants shall be paid ~~a monthly salary~~ at least twice per month by the state. Magistrate assistants serving magistrates who serve less than seven thousand three hundred in population shall be paid up to \$36,048 per year and magistrate assistants serving magistrates who serve seven thousand three hundred or more in population shall be paid up to \$39,348 per year: *Provided*, That after the effective date of this section, any general salary increase granted to all state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, may also be granted to magistrate assistants. For the purpose of determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county. The salary of the magistrate assistant shall be established by the magistrate within the limits set forth in this section.

(d) Notwithstanding any provision of this code to the contrary, the amendments made to this section during the 2013 first extraordinary session are effective upon passage and are retroactive to January 1, 2013.

(e) Beginning January 1, 2017, the annual salary of all magistrate assistants is \$39,348. After the effective date of this section, a general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, may also be granted to magistrate assistants.

## **CHAPTER 51. COURTS AND THEIR OFFICERS.**

### **ARTICLE 7. OFFICIAL REPORTERS.**

#### **§51-7-3. Compensation for attending court and taking notes.**

The official reporter shall receive, for his or her services and expenses in attending the court or judge and in taking the notes provided for in section two of this article, such salary or other compensation as the court or judge, in accordance with the rules of the Supreme Court of Appeals, may allow. If such salary be allowed, it shall be paid ~~monthly~~ at least twice per month, out of the State Treasury. If no such salary be allowed, such other compensation and expenses as may be allowed in civil cases shall be certified by the court or judge to the Auditor and the same shall be paid out of the State Treasury. Such other compensation and expenses in felony and, misdemeanor cases shall be certified to the Auditor and paid out of the State Treasury. The salary or other compensation provided for in this section shall not be deemed to include the making of typewritten transcripts as provided for in section four of this article.

#### **§51-7-5. Salary in lieu of all other compensation.**

If neither of the methods of compensation provided for in section three of this article be adopted, a salary may be allowed in lieu of all other compensation, which shall be paid ~~monthly~~ at least twice per month, out of the State Treasury, in such proportions as the court or judge may fix in accordance with the rules of the Supreme Court of Appeals. All fees for services rendered by the official reporter in the discharge of his or her duties as such, when he or she is allowed a salary under the provisions of this section, may be collected, and shall, when collected by the sheriff or official reporter, be paid into the State Treasury; and it shall be the duty of such reporter to make out, sign and deliver to the sheriff a fee bill

in every case, civil or criminal, giving the style thereof and the amount due, and from whom, which amount may be collected or levied for by the sheriff, and such fee bill shall have the force and effect of an execution when levied. An official reporter compensated under the provisions of this section shall collect the fees mentioned in section four of this article for any transcript of his or her shorthand notes of the testimony or proceedings furnished by him or her to any party, and shall pay the same over to the sheriff of the county in which the services were performed, to be by him or her accounted for and paid into the State Treasury.

## **ARTICLE 8. STATE AND COUNTY LAW LIBRARIES; LAW CLERKS.**

### **§51-8-2. Librarian; bond; assistants; compensation.**

The Supreme Court of Appeals, or the judges thereof in vacation, shall appoint a competent librarian to have immediate custody of the West Virginia Law Library under the direction of the court. Such librarian shall give bond in a penalty fixed by the court of not less than two nor more than \$5,000, with surety thereon, to be approved by the court, and conditioned as provided for official bonds. Such bond shall be deposited for safekeeping with the clerk of the court. The librarian shall be an officer of the court and shall hold his or her office and be removable at its pleasure. Vacancies in the office of librarian occurring during vacation of the court may be filled by appointment in writing made by the judges of the court, or any three of them. When, in the opinion of the court, other employees are needed for the proper protection and use of the library, it may employ such assistants as may be necessary for that purpose. The salary of the librarian and assistants shall be fixed by the court and shall be ~~payable in~~ monthly installments paid at least twice per month.

## **CHAPTER 62. CRIMINAL PROCEDURE.**

### **ARTICLE 12. PROBATION AND PAROLE.**

#### **§62-12-5. Probation officers and assistants.**



(a) Each circuit court, subject to the approval of the Supreme Court of Appeals and in accordance with its rules, is authorized to appoint one or more probation officers and clerical assistants.

(b) The appointment of probation officers and clerical assistants shall be in writing and entered on the order book of the court by the judge making such appointment and a copy of said order of appointment shall be delivered to the Administrative Director of the Supreme Court of Appeals. The order of appointment shall state the ~~monthly~~ annual salary, fixed by the judge and approved by the Supreme Court of Appeals, to be paid to the probation officer or clerical assistants so appointed.

(c) The salary of probation officers and clerical assistants shall be paid ~~monthly or semimonthly~~ at least twice per month, as the Supreme Court of Appeals by rule may direct and they shall be reimbursed for all reasonable and necessary expenses actually incurred in the line of duty in the field. The salary and expenses shall be paid by the state from the judicial accounts thereof. The county commission shall provide adequate office space for the probation officer and his or her assistants to be approved by the appointing court. The equipment and supplies as may be needed by the probation officer and his or her assistants shall be provided by the state and the cost thereof shall be charged against the judicial accounts of the state.

(d) No judge may appoint any probation officer, assistant probation officer or clerical assistant who is related to him or her either by consanguinity or affinity.

(e) Subject to the approval of the Supreme Court of Appeals and in accordance with its rules, a judge of a circuit court whose circuit comprises more than one county may appoint a probation officer and a clerical assistant in each county of the circuit or may appoint the same persons to serve in these respective positions in two or more counties in the circuit.

(f) Nothing contained in this section alters, modifies, affects or supersedes the appointment or tenure of any probation officer, medical assistant or psychiatric assistant appointed by any court

under any special act of the Legislature heretofore enacted, and the salary or compensation of those persons shall remain as specified in the most recent amendment of any special act until changed by the court, with approval of the Supreme Court of Appeals, by order entered of record, and any such salary or compensation shall be paid out of the State Treasury.

(g) In order to carry out the supervision responsibilities set forth in section twenty-six, article twelve, chapter sixty-two of this code, the Administrative Director of the Supreme Court of Appeals, or his or her designee, in accordance with the court's procedures, is authorized to hire multijudicial-circuit probation officers, to be employed through the court's Division of Probation Services. Such officers may also supervise probationers who are on probation for sexual offences with the approval of the administrative director of the Supreme Court of Appeals or his or her designee.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 523, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 523) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 523) takes effect from passage.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 533**, Relating to taxes on wine and intoxicating liquors.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Senate Bill 547**, Modifying fees paid to Secretary of State.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page eight, after line one hundred ninety-three, by inserting a new subsection, designated subsection (g), to read as follows:

(g) Any balance in the service fees and collections account established by this section which exceeds \$500,000 as of June 30, 2003, and each year thereafter, shall be expired to the state fund, General Revenue Fund.;

And by relettering the remaining subsections;

On page ten, section two-b, line four, by striking out “\$3000” and inserting in lieu thereof “\$1000”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Senate Bill 547**—A Bill to amend and reenact §59-1-2 and §59-1-2b of the Code of West Virginia, 1931, as amended, all relating to fees to be paid to the Secretary of State; increasing certain fees for corporations; providing that fees remain until legislative rules to approve new fees are approved by Legislature; creating a new fee for expedited service; reducing fees on certain election related services; and creating new fees for certain election services.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 547, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—29.

The nays were: Beach, Jeffries, Miller, Ojeda and Romano—5.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 547) passed with its House of Delegates amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Com. Sub. for Senate Bill 622**, Relating generally to tax procedures and administration.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §11-10-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §38-10C-2 be amended and reenacted, all to read as follows:

## **CHAPTER 11. TAXATION**

### **ARTICLE 10. TAX PROCEDURE AND ADMINISTRATION ACT.**

#### **§11-10-12. Liens, release; subordination; foreclosure; withdrawal.**

(a) *General*. — Any tax, additions to tax, penalties or interest due and payable under this article or any of the other articles of this chapter to which this article is applicable is a debt due this state. It is a personal obligation of the taxpayer and is a lien upon the real and personal property of the taxpayer.

(b) *Duration of lien.* — The lien created by this section continues until the liability for the tax, additions to tax, penalties and interest is satisfied or upon the expiration of ten years from the date the tax, additions to tax, penalties and interest are due and payable under section eight of this article or the date the tax return is filed, whichever is later.

(c) *Recordation.* — The lien created by this section is subject to the restrictions and conditions embodied in article ten-c, chapter thirty-eight of this code and any amendment made or which may hereafter be made thereto: *Provided*, That the notice of lien shall indicate the date the tax, additions to tax, penalties and interest are due and payable under section eight of this article or the date the tax return was filed and the lien expiration date.

(d) *Release or subordination.* — The Tax Commissioner, pursuant to rules prescribed by him or her, may issue his or her certificate of release of any lien created pursuant to this section when the debt is adequately secured by bond or other security. He or she shall issue his or her certificate of release when the debt secured has been satisfied. The certificate of release shall be issued in duplicate. One copy shall be forwarded to the taxpayer and the other copy shall be forwarded to the clerk of the county commission of the county wherein the lien is recorded. The clerk of the county commission shall record the release without payment of any fee and the recordation is a release and full discharge of the lien. The Tax Commissioner may issue his or her certificate of release of the lien as to all or any part of the property subject to the lien, or may subordinate the lien to any other lien or interest, but only if there is paid to the state an amount not less than the value of the interest of the state in the property, or if the interest of the state in the property has no value.

(e) *Foreclosure.* — The Tax Commissioner may enforce any lien created and recorded under this section, against any property subject to the lien by civil action in the circuit court of the county wherein the property is located, in order to subject the property to the payment of the tax secured by the lien. All persons having liens upon or having any interest in the property shall be made parties to the action. The court may appoint a receiver or commissioner who

shall ascertain and report all liens, claims and interests in and upon the property, the validity, amount and priority of each. The court shall, after notice to all parties, proceed to adjudicate all matters involved therein, shall determine the validity, amount and priorities of all liens, claims and interests in and upon the property and shall decree a sale of the property by the sheriff or any commissioner to whom the action is referred, and shall decree distribution of the proceeds of the sale according to the findings of the court in respect to the interests of the parties.

(f) *Discharge of lien.* — A sale of property against which the state has a lien under this section, made pursuant to an instrument creating a lien on the property or made pursuant to a statutory lien on the property, or made pursuant to a judicial order to enforce any judgment in any civil action, shall be made subject to and without disturbing the state tax lien if the state tax lien was recorded more than thirty days before the sale, unless:

(1) The Tax Commissioner is made a party to the civil action;

(2) The Tax Commissioner is given notice of the sale in writing not less than fifteen days prior to sale; or

(3) The Tax Commissioner consents to the sale. The notice shall contain the name of the owner of the property and the Social Security number or federal employer identification number of the owner.

(g) *Withdrawal of lien.* — ~~Upon the determination of the~~

(1) The Tax Commissioner or the Tax Commissioner's designee that may withdraw a tax lien upon making one or more of the following determinations:

(A) The lien was recorded prematurely, inadvertently or otherwise erroneously; or

(B) The taxpayer voluntarily and through due diligence paid the lien, fulfilled a payment plan agreement, fulfilled the terms of an offer in compromise, timely provided supporting documentation or paid the lien in good faith.

(2) A withdrawal of the lien shall be issued in duplicate. One copy shall be forwarded to the taxpayer and the other copy shall be forwarded to the clerk of the county commission of the county wherein the lien is recorded. The clerk of the county commission shall record the withdrawal of lien without payment of any fee.

(h) Release of lien. — Subject to such rules as the Tax Commissioner may prescribe, pursuant to article three, chapter twenty-nine-a of this code, the Tax Commissioner shall issue a certificate of release of any lien imposed with respect to any tax or fee administered under this article not later than sixty days after the day on which the Tax Commissioner finds that the liability for the amount assessed, together with all interest and additions to tax in respect thereof, has been fully satisfied: Provided, That subject to such rules as the Tax Commissioner may prescribe pursuant to article three, chapter twenty-nine-a of this code, the Tax Commissioner shall withdraw, release or otherwise terminate any lien imposed with respect to any tax or fee administered under this article, upon the determining that the lien is unenforceable, or in accordance with such other criteria as the Tax Commissioner may prescribe pursuant to rule.

## CHAPTER 38. LIENS.

### ARTICLE 10C. STATE AND LOCAL TAX LIENS.

#### **§38-10C-2. Notices of liens of state, political subdivisions and municipalities to be filed; indexes; withdrawal release.**

It is the duty of the Tax Commissioner, or the proper officers of the political subdivisions of the state for its subdivisions and of the proper officers of the municipalities for the municipalities, having liens, to file a notice of the liens in the office of the clerk of the county commission of the county in which the property of the taxpayer against whom the lien is claimed, is situate, stating in the notice what amount of money is owing to the State of West Virginia, the political subdivision or the municipality, on account of the lien from the taxpayer owing the money; and the clerk of the county commission of the county shall, upon the filing of notice, index the lien in the judgment or tax lien docket in his or her office



as a tax lien against the taxpayer in favor of the State of West Virginia, the political subdivision or the municipality. Upon the determination of the Tax Commissioner or the Tax Commissioner's designee that the lien ~~was recorded prematurely, inadvertently or otherwise erroneously~~ should be withdrawn, a withdrawal of the lien shall be issued in duplicate. One copy shall be forwarded to the taxpayer, and the other copy shall be forwarded to the clerk of the county commission of the county wherein the lien is recorded. The clerk of the county commission shall record the withdrawal of lien without payment of any fee. Upon the satisfaction of the lien, a release of the lien for recordation shall be signed and delivered to the taxpayer by the proper officer. The signature of the Tax Commissioner or the Tax Commissioner's designee on the notice and on the release or withdrawal may be either a properly acknowledged manual signature or a facsimile signature authenticated pursuant to the filing of an affidavit and a manual signature with the Secretary of State in the manner specified in section two, article fourteen, chapter six of this code. The facsimile signature has the same legal effect as the manual signature.

~~All acts or parts of acts inconsistent or in conflict herewith are hereby repealed.~~

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 622, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 622) passed with its title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 637**, Relating to private club operations requirements.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 656**, Relating to Student Data Accessibility, Transparency and Accountability Act.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page five, section five-h, line ninety-five, by striking out the words “Except for subparagraph (iv) of this paragraph, the” and inserting in lieu thereof the word “The”;

On page five, section five-h, line one hundred five, by striking out the word “sixteen” and inserting in lieu thereof the word “fifteen”;

On page five, section five-h, line one hundred six, by striking out the word “sixteen” and inserting in lieu thereof the word “fifteen”;

On page five, section five-h, line one hundred eight, by striking out the word “and” and inserting in lieu thereof the word “or”;

On page five, section five-h, line one hundred eight, after the word “opportunities;” by inserting the word “and”;

On page five, section five-h, line one hundred thirteen, by striking out the word “and”;

On pages five and six, section five-h, lines one hundred fourteen through one hundred seventeen, by striking out all of subparagraph (iv);

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 656**—A Bill to amend and reenact §18-2-5h of the Code of West Virginia, 1931, as amended, relating to allowing certain comprehensive statewide student assessment program vendors to only receive consideration for certain information if they obtain affirmative written consent solely for providing a student access to employment, educational scholarships or financial aid, or post-secondary educational opportunities.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 656, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 656) passed with its House of Delegates amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Senate Bill 686**, Exempting facilities governed by DHHR that provide direct patient care.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §5A-3-3a to read as follows:

### **ARTICLE 3. PURCHASING DIVISION.**

**§5A-3-3a. Exemption of facilities providing direct patient care services that are managed, directed, controlled and governed by the Secretary of the Department of Health and Human Resources.**

Notwithstanding any provisions of sections one or three of this article to the contrary, the provisions of this article do not apply to facilities providing direct patient care services that are managed, directed, controlled and governed by the Secretary of the Department

of Health and Human Resources: *Provided*, That on or before July 1, 2020, the Legislative Auditor shall audit the purchasing procedures of the facilities described in this subdivision and report the results to the Joint Committee on Government and Finance on the effects of exempting said facilities from the provisions of this article, including but not limited to, any realized cost savings and changes in purchasing policies resulting from such exemption.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Senate Bill 686**—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-3a, relating to facilities providing direct patient care services that are managed, directed, controlled and governed by the Secretary of the Department of Health and Human Resources; exempting such facilities from statewide purchasing requirements and from the otherwise required oversight and review by the Purchasing Division of the Department of Administration; and requiring the Legislative Auditor to audit purchasing made by facilities and report the findings to the Joint Committee on Government and Finance.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 686, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 686) passed with its House of Delegates amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Senate Bill 691**, Relating to off-road vehicles.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page three, section two, line nine, after the word “Authority” by inserting a comma and the words “or other regional recreation authorities,”;

On page three, section two, line seventeen, after the words “Off-highway vehicle” by inserting a comma and the words “off-highway recreational vehicle”;

On page three, section two, line twenty-six, after the word “Authority” by inserting the words “or other regional recreation authorities”;

On page four, section two, line twenty-seven, after subdivision (7), by inserting a new subdivision, designated subdivision (8), to read as follows:

“(8) Regional recreational authority” means the Hatfield-McCoy Regional Recreation Authority or any regional recreation authority established and organized pursuant to the provisions of article fourteen-a of this chapter; and”;

And by renumbering the remaining subdivisions;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Senate Bill 691**—A Bill to amend and reenact §17-2A-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §17F-1-9 of said code; and to amend and reenact §20-15-2 of said code, all relating to off-highway vehicles; defining terms; creating digital road map for certain roads and vehicles, including off-highway vehicles; and making technical corrections.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 691, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 691) passed with its House of Delegates amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

**Eng. Senate Bill 694**, Expiring funds to unappropriated surplus balance in General Revenue fund to Department of Administration.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, as to

**Eng. House Bill 2446**, Relating to the requirement that all executive branch agencies maintain a website that contains specific information.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2509**, Relating to the practice of telemedicine.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. House Bill 2628**, Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2646**, Terminating the Women's Commission and discontinue its functions.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of



**Eng. Com. Sub. for House Bill 2767**, Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2839**, Updating the procedures for legislative review of departments and licensing boards.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

**Eng. Com. Sub. for House Bill 3048**, Relating to collection of Tier II fees for chemical inventories.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Senate Bill 174**, Exempting transportation of household goods from PSC jurisdiction.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

## **ARTICLE 1. PURPOSES, DEFINITIONS AND EXEMPTIONS.**

### **§24A-1-3. Exemptions from chapter.**

The provisions of this chapter, except where specifically otherwise provided, do not apply to:

(1) Motor vehicles operated exclusively in the transportation of United States mail or in the transportation of newspapers: *Provided*, That the vehicles and their operators are subject to the safety rules promulgated by the commission;

(2) Motor vehicles owned and operated by the United States of America, the State of West Virginia or any county, municipality or county board of education, urban mass transportation authority established and maintained pursuant to article twenty-seven, chapter eight of this code, or by any of their departments, and any motor vehicles operated under a contract with a county board of education exclusively for the transportation of children to and from school or other legitimate transportation for the schools as the commission may specifically authorize;

(3) Motor vehicles used exclusively in the transportation of agricultural or horticultural products, livestock, poultry and dairy products from the farm or orchard on which they are raised or produced to markets, processing plants, packing houses, canneries, railway shipping points and cold storage plants, and in the transportation of agricultural or horticultural supplies to farms or orchards where they are to be used: *Provided*, That the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the safety and insurance rules promulgated by the commission;

(4) Motor vehicles used exclusively in the transportation of human or animal excreta;

(5) Motor vehicles used exclusively in ambulance service or duly chartered rescue squad service;

(6) Motor vehicles used exclusively for volunteer fire department service;

(7) Motor vehicles used exclusively in the transportation of coal from mining operations to loading facilities for further shipment by rail or water carriers: *Provided*, That the vehicles and their operators are subject to the safety rules promulgated by the

commission and the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the insurance rules promulgated by the commission;

(8) Motor vehicles used by petroleum commission agents and oil distributors solely for the transportation of petroleum products and related automotive products when the transportation is incidental to the business of selling the products: *Provided*, That the vehicles and their operators are subject to the safety rules promulgated by the commission and the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the insurance rules promulgated by the commission;

(9) Motor vehicles owned, leased by or leased to any person and used exclusively for the transportation of processed source-separated recycled materials generated by commercial, institutional and industrial customers, transported free of charge or by a nonprofit recycling cooperative association in accordance with subdivision (1), subsection (d), section one, article four, chapter nineteen of this code from the customers to a facility for further processing: *Provided*, That the vehicles and their operators shall be subject to the safety rules promulgated by the commission and the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the insurance rules promulgated by the commission;

(10) Motor vehicles specifically preempted from state economic regulation of intrastate motor carrier operations by the provisions of 49 U. S. C. §14501 as amended by Title I, Section 103 of the federal Interstate Commerce Commission Termination Act of 1995: *Provided*, That the vehicles and their operators are subject to the safety regulations promulgated by the commission and the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the insurance rules promulgated by the commission;

(11) Motor vehicles designated by the West Virginia Bureau of Senior Services for use and operation by local county aging programs: *Provided*, That the vehicles and their operators are subject to the safety rules promulgated by the commission;

(12) Motor vehicles designated by the West Virginia Division of Public Transit operated by organizations that receive federal grants from the Federal Transit Administration: *Provided*, That the vehicles and their operators are subject to the safety and insurance rules promulgated by the commission; ~~and~~

(13) Motor vehicles used exclusively in the nonemergency medical transportation of Medicaid members ~~by community action agencies as designated by the Governor, including those under contract with any broker authorized by the Bureau for Medical Services although~~ : *Provided*, That these vehicles and their operators shall be subject to the safety rules promulgated by the commission; and

(14) Common carriers or contract carriers engaged in the business of transporting household goods and motor vehicles used exclusively in the transportation of household goods.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Senate Bill 174**—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, all relating generally to the jurisdiction of the Public Service Commission over motor carriers; exempting vehicles engaged in nonemergency transportation of Medicaid members from permit requirements; and exempting the transportation of household goods from the jurisdiction of the Public Service Commission.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 174, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—29.

The nays were: Beach, Facemire, Jeffries, Miller and Romano—5.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 174) passed with its House of Delegates amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Com. Sub. for Senate Bill 333**, Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §60A-9-4, §60A-9-5, and §60A-9-5a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §60A-9-9 all to read as follows:

**ARTICLE 9. CONTROLLED SUBSTANCES MONITORING.****§60A-9-4. Required information.**

(a) Whenever a medical services provider dispenses a controlled substance listed in Schedule II, III or IV as established under the provisions of article two of this chapter or an opioid antagonist, or whenever a prescription for the controlled substance or opioid antagonist is filled by: (i) A pharmacist or pharmacy in this state; (ii) a hospital, or other health care facility, for outpatient use; or (iii) a pharmacy or pharmacist licensed by the Board of Pharmacy, but situated outside this state for delivery to a person residing in this state, the medical services provider, health care facility, pharmacist or pharmacy shall, in a manner prescribed by rules promulgated by the ~~board under~~ Board of Pharmacy pursuant to this article, report the following information, as applicable:

(1) The name, address, pharmacy prescription number and Drug Enforcement Administration controlled substance registration number of the dispensing pharmacy or the dispensing physician or dentist;

(2) The full legal name, address and birth date of the person for whom the prescription is written;

(3) The name, address and Drug Enforcement Administration controlled substances registration number of the practitioner writing the prescription;

(4) The name and national drug code number of the Schedule II, III and IV controlled substance or opioid antagonist dispensed;

(5) The quantity and dosage of the Schedule II, III and IV controlled substance or opioid antagonist dispensed;

(6) The date the prescription was written and the date filled;

(7) The number of refills, if any, authorized by the prescription;

(8) If the prescription being dispensed is being picked up by someone other than the patient on behalf of the patient, the first

name, last name and middle initial, address and birth date of the person picking up the prescription as set forth on the person's government-issued photo identification card shall be retained in either print or electronic form until such time as otherwise directed by rule promulgated by the ~~board~~ Board of Pharmacy; and

(9) The source of payment for the controlled substance dispensed.

(b) Whenever a medical services provider treats a patient for an overdose that has occurred as a result of illicit or prescribed medication, the medical service provider shall report the full legal name, address and birth date of the person who is being treated, including any known ancillary evidence of the overdose. The Board of Pharmacy shall coordinate with the Division of Justice and Community Services and the Office of Drug Control Policy regarding the collection of overdose data.

~~(b)~~ (c) The ~~board~~ Board of Pharmacy may prescribe by rule promulgated ~~under this~~ pursuant to this article the form to be used in prescribing a Schedule II, III, and IV substance or opioid antagonist if, in the determination of the ~~board~~ Board of Pharmacy, the administration of the requirements of this section would be facilitated.

~~(e)~~ (d) Products regulated by the provisions of article ten of this chapter shall be subject to reporting pursuant to the provisions of this article to the extent set forth in said article.

~~(d)~~ (e) Reporting required by this section is not required for a drug administered directly to a patient by a practitioner. Reporting is, however, required by this section for a drug dispensed to a patient by a practitioner. ~~Provided, That the~~ The quantity dispensed by a prescribing practitioner to his or her own patient may not exceed an amount adequate to treat the patient for a maximum of seventy-two hours with no greater than two 72-hour cycles dispensed in any fifteen-day period of time.

~~(e)~~ (f) The Board of Pharmacy shall notify a physician prescribing buprenorphine or buprenorphine/naloxone within sixty

days of the availability of ~~the~~ an abuse deterrent form of buprenorphine or buprenorphine/naloxone ~~is~~ if approved by the Food and Drug Administration as provided in FDA Guidance to Industry. Upon receipt of the notice, a physician may switch their patients using buprenorphine or buprenorphine/naloxone to the abuse deterrent form of the drug.

**§60A-9-5. Confidentiality; limited access to records; period of retention; no civil liability for required reporting.**

(a)(1) The information required by this article to be kept by the ~~board~~ Board of Pharmacy is confidential and not subject to the provisions of chapter twenty-nine-b of this code or obtainable as discovery in civil matters absent a court order and is open to inspection only by inspectors and agents of the ~~board~~ Board of Pharmacy, members of the West Virginia State Police expressly authorized by the Superintendent of the West Virginia State Police to have access to the information, authorized agents of local law-enforcement agencies as members of a federally affiliated drug task force, authorized agents of the federal Drug Enforcement Administration, duly authorized agents of the Bureau for Medical Services, duly authorized agents of the Office of the Chief Medical Examiner for use in post-mortem examinations, duly authorized agents of the Office of Health Facility Licensure and Certification for use in certification, licensure and regulation of health facilities, duly authorized agents of licensing boards of practitioners in this state and other states authorized to prescribe Schedules II, III and IV controlled substances, prescribing practitioners and pharmacists, a dean of any medical school or his or her designee located in this state to access prescriber level data to monitor prescribing practices of faculty members, prescribers and residents enrolled in a degree program at the school where he or she serves as dean, a physician reviewer designated by an employer of medical providers to monitor prescriber level information of prescribing practices of physicians, advance practice registered nurses or physician assistant in their employ, and a chief medical officer of a hospital or a physician designated by the chief executive officer of a hospital who does not have a chief medical officer, for prescribers who have admitting privileges to the



hospital or prescriber level information, and persons with an enforceable court order or regulatory agency administrative subpoena. ~~Provided, That all~~ All law-enforcement personnel who have access to the Controlled Substances Monitoring Program database shall be granted access in accordance with applicable state laws and the ~~board's legislative~~ Board of Pharmacy's rules, shall be certified as a West Virginia law-enforcement officer and shall have successfully completed training approved by the ~~board~~ Board of Pharmacy. All information released by the ~~board~~ Board of Pharmacy must be related to a specific patient or a specific individual or entity under investigation by any of the above parties except that practitioners who prescribe or dispense controlled substances may request specific data related to their Drug Enforcement Administration controlled substance registration number or for the purpose of providing treatment to a patient: *Provided, That* the West Virginia Controlled Substances Monitoring Program Database Review Committee established in subsection (b) of this section is authorized to query the database to comply with said subsection.

(2) Subject to the provisions of subdivision (1) of this subsection, the ~~board~~ Board of Pharmacy shall also review the West Virginia Controlled Substance Monitoring Program database and issue reports that identify abnormal or unusual practices of patients who exceed parameters as determined by the advisory committee established in this section. The ~~board~~ Board of Pharmacy shall communicate with practitioners and dispensers to more effectively manage the medications of their patients in the manner recommended by the advisory committee. All other reports produced by the ~~board~~ Board of Pharmacy shall be kept confidential. The ~~board~~ Board of Pharmacy shall maintain the information required by this article for a period of not less than five years. Notwithstanding any other provisions of this code to the contrary, data obtained under the provisions of this article may be used for compilation of educational, scholarly or statistical purposes, and may be shared with the West Virginia Department of Health and Human Resources for those purposes, as long as the identities of persons or entities and any personally identifiable information, including protected health information, contained

therein shall be redacted, scrubbed or otherwise irreversibly destroyed in a manner that will preserve the confidential nature of the information. No individual or entity required to report under section four of this article may be subject to a claim for civil damages or other civil relief for the reporting of information to the ~~board~~ Board of Pharmacy as required under and in accordance with the provisions of this article.

(3) The ~~board~~ Board of Pharmacy shall establish an advisory committee to develop, implement and recommend parameters to be used in identifying abnormal or unusual usage patterns of patients in this state. This advisory committee shall:

(A) Consist of the following members: A physician licensed by the West Virginia Board of Medicine, a dentist licensed by the West Virginia Board of Dental Examiners, a physician licensed by the West Virginia Board of Osteopathic Medicine, a licensed physician certified by the American Board of Pain Medicine, a licensed physician board certified in medical oncology recommended by the West Virginia State Medical Association, a licensed physician board certified in palliative care recommended by the West Virginia Center on End of Life Care, a pharmacist licensed by the West Virginia Board of Pharmacy, a licensed physician member of the West Virginia Academy of Family Physicians, an expert in drug diversion and such other members as determined by the ~~board~~ Board of Pharmacy.

(B) Recommend parameters to identify abnormal or unusual usage patterns of controlled substances for patients in order to prepare reports as requested in accordance with subdivision (2), subsection (a) of this section.

(C) Make recommendations for training, research and other areas that are determined by the committee to have the potential to reduce inappropriate use of prescription drugs in this state, including, but not limited to, studying issues related to diversion of controlled substances used for the management of opioid addiction.

(D) Monitor the ability of medical services providers, health care facilities, pharmacists and pharmacies to meet the 24-hour

reporting requirement for the Controlled Substances Monitoring Program set forth in section three of this article, and report on the feasibility of requiring real-time reporting.

(E) Establish outreach programs with local law enforcement to provide education to local law enforcement on the requirements and use of the Controlled Substances Monitoring Program database established in this article.

(b) The ~~board~~ Board of Pharmacy shall create a West Virginia Controlled Substances Monitoring Program Database Review Committee of individuals consisting of two prosecuting attorneys from West Virginia counties, two physicians with specialties which require extensive use of controlled substances and a pharmacist who is trained in the use and abuse of controlled substances. The review committee may determine that an additional physician who is an expert in the field under investigation be added to the team when the facts of a case indicate that the additional expertise is required. The review committee, working independently, may query the database based on parameters established by the advisory committee. The review committee may make determinations on a case-by-case basis on specific unusual prescribing or dispensing patterns indicated by outliers in the system or abnormal or unusual usage patterns of controlled substances by patients which the review committee has reasonable cause to believe necessitates further action by law enforcement or the licensing board having jurisdiction over the practitioners or dispensers under consideration. The licensing board having jurisdiction over the practitioner or dispenser under consideration shall report back to the Board of Pharmacy regarding any findings, investigation or discipline resulting from the findings of the review committee within thirty days of resolution of any action taken by the licensing board resulting from the information provided by the Board of Pharmacy. The review committee shall also review notices provided by the chief medical examiner pursuant to subsection (h), section ten, article twelve, chapter sixty-one of this code and determine on a case-by-case basis whether a practitioner who prescribed or dispensed a controlled substance resulting in or contributing to the drug overdose may have breached professional

or occupational standards or committed a criminal act when prescribing the controlled substance at issue to the decedent. Only in those cases in which there is reasonable cause to believe a breach of professional or occupational standards or a criminal act may have occurred, the review committee shall notify the appropriate professional licensing agency having jurisdiction over the applicable practitioner or dispenser and appropriate law-enforcement agencies and provide pertinent information from the database for their consideration. The number of cases identified shall be determined by the review committee based on a number that can be adequately reviewed by the review committee. The information obtained and developed may not be shared except as provided in this article and is not subject to the provisions of chapter twenty-nine-b of this code or obtainable as discovering in civil matters absent a court order.

(c) The ~~board~~ Board of Pharmacy is responsible for establishing and providing administrative support for the advisory committee and the West Virginia Controlled Substances Monitoring Program Database Review Committee. The advisory committee and the review committee shall elect a chair by majority vote. Members of the advisory committee and the review committee may not be compensated in their capacity as members but shall be reimbursed for reasonable expenses incurred in the performance of their duties.

(d) The ~~board~~ Board of Pharmacy shall promulgate rules with advice and consent of the advisory committee, in accordance with the provisions of article three, chapter twenty-nine-a of this code. The legislative rules must include, but shall not be limited to, the following matters:

(1) Identifying parameters used in identifying abnormal or unusual prescribing or dispensing patterns;

(2) Processing parameters and developing reports of abnormal or unusual prescribing or dispensing patterns for patients, practitioners and dispensers;

(3) Establishing the information to be contained in reports and the process by which the reports will be generated and disseminated; and

(4) Setting up processes and procedures to ensure that the privacy, confidentiality, and security of information collected, recorded, transmitted and maintained by the review committee is not disclosed except as provided in this section.

(e) Persons or entities with access to the West Virginia Controlled Substances Monitoring Program database pursuant to this section may, pursuant to rules promulgated by the ~~board~~ Board of Pharmacy, delegate appropriate personnel to have access to said database.

(f) Good faith reliance by a practitioner on information contained in the West Virginia Controlled Substances Monitoring Program database in prescribing or dispensing or refusing or declining to prescribe or dispense a Schedule II, III, or IV controlled substance shall constitute an absolute defense in any civil or criminal action brought due to prescribing or dispensing or refusing or declining to prescribe or dispense.

(g) A prescribing or dispensing practitioner may notify law enforcement of a patient who, in the prescribing or dispensing practitioner's judgment, may be in violation of section four hundred ten, article four of this chapter, based on information obtained and reviewed from the controlled substances monitoring database. A prescribing or dispensing practitioner who makes a notification pursuant to this subsection is immune from any civil, administrative or criminal liability that otherwise might be incurred or imposed because of the notification if the notification is made in good faith.

(h) Nothing in the article may be construed to require a practitioner to access the West Virginia Controlled Substances Monitoring Program database except as provided in section five-a of this article.

(i) The ~~board~~ Board of Pharmacy shall provide an annual report on the West Virginia Controlled Substance Monitoring Program to

the Legislative Oversight Commission on Health and Human Resources Accountability with recommendations for needed legislation no later than January 1 of each year.

**§60A-9-5a. Practitioner requirements to access database and conduct annual search of the database; required rulemaking.**

(a) All practitioners, as that term is defined in section one hundred one, article two of this chapter who prescribe or dispense Schedule II, III or IV controlled substances shall register with the West Virginia Controlled Substances Monitoring Program and obtain and maintain online or other electronic access to the program database: *Provided*, That compliance with the provisions of this subsection must be accomplished within thirty days of the practitioner obtaining a new license: *Provided, however*, That ~~the~~ licensing board the Board of Pharmacy may renew a practitioner's license without proof that the practitioner meet the requirements of this subsection.

(b) Upon initially prescribing or dispensing any pain-relieving controlled substance for a patient for whom they are providing pain-relieving controlled substances as part of a course of treatment for chronic, nonmalignant pain but who are not suffering from a terminal illness and at least annually thereafter should the practitioner or dispenser continue to treat the patient with controlled substances, all persons with prescriptive or dispensing authority and in possession of a valid Drug Enforcement Administration registration identification number and, who are licensed by the Board of Medicine as set forth in article three, chapter thirty of this code, the Board of Registered Professional Nurses as set forth in article seven of said chapter, the Board of Dental Examiners as set forth in article four of said chapter and the Board of Osteopathic Medicine as set forth in article fourteen of said chapter shall access the West Virginia Controlled Substances Monitoring Program database for information regarding specific patients ~~for whom they are providing pain relieving controlled substances as part of a course of treatment for chronic, nonmalignant pain but who are not suffering from a terminal illness~~. The information obtained from accessing the West Virginia Controlled Substances Monitoring Program database for the

patient shall be documented in the patient's medical record maintained by a private prescriber or any inpatient facility licensed pursuant to the provisions of chapter sixteen of this code. A pain-relieving controlled substance shall be defined as set forth in section one, article three-a, chapter thirty of this code.

(c) The various boards mentioned in subsection (b) of this section shall promulgate both emergency and legislative rules pursuant to the provisions of article three, chapter twenty-nine-a of this code to effectuate the provisions of this section.

**§60A-9-9. Drugs of concern designation.**

(a) The Board of Pharmacy may designate certain drugs as drugs of concern which must be reported to the database established pursuant to this article. The designation of a drug of concern shall be reserved for drugs which have a high potential for abuse. Whenever a medical services provider dispenses a drug of concern or whenever a prescription for a drug of concern is filled by: (i) A pharmacist or pharmacy in this state; (ii) a hospital, or other health care facility, for outpatient use; or (iii) a pharmacy or pharmacist licensed by the Board of Pharmacy, but situated outside this state for delivery to a person residing in this state, the medical services provider, health care facility, pharmacist or pharmacy shall, in a manner prescribed by rules promulgated by the Board of Pharmacy under this article, report the following information, as applicable:

(1) The name, address, pharmacy prescription number and Drug Enforcement Administration controlled substance registration number of the dispensing pharmacy or the dispensing physician or dentist;

(2) The full legal name, address and birth date of the person for whom the prescription is written;

(3) The name, address and Drug Enforcement Administration controlled substances registration number of the practitioner writing the prescription;

(4) The name and national drug number of the drug of concern dispensed;

(5) The quantity and dosage of the drug of concern dispensed;

(6) The date the prescription was written and the date filled;

(7) The number of refills, if any, authorized by the prescription;

(8) If the prescription being dispensed is being picked up by someone other than the patient on behalf of the patient, the first name, last name and middle initial, address and birth date of the person picking up the prescription as set forth on the person's government-issued photo identification card shall be retained in either print or electronic form until such time as otherwise directed by rule promulgated by the Board of Pharmacy; and

(9) The source of payment for the drug of concern dispensed.

(b) The penalties set forth in section seven of this article shall not apply to drugs listed as drugs of concern. Failure to report may be considered a violation of the practice act of the prescriber and may result in discipline by the appropriate licensing board.

(c) The Board of Pharmacy may promulgate emergency rules pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code to effectuate the provisions of this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Com. Sub. for Senate Bill 333**—A Bill to amend and reenact §60A-9-4, §60A-9-5 and §60A-9-5a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60A-9-9, all relating to the Controlled Substances Monitoring Program database; requiring reporting instances of an overdose or a suspected overdose to the database; setting out elements to be reported;



allowing access to the database to deans of the state's medical schools or their designees for monitoring prescribing practices of prescribing faculty members, prescribers and residents enrolled in a degree program at the school where the dean serves; allowing access to designated physician reviewers for medical provider employers; providing access to a physician reviewer designated by an employer of medical providers for monitoring prescribing practices of physicians, advance practice registered nurses or physician assistants in their employ; providing access to chief medical officers of a hospital or a physician designated by the chief executive officer of a hospital who does not have a chief medical officer for monitoring prescribing practices of prescribers who have admitting privileges to the hospital; providing that information obtained from accessing the West Virginia Controlled Substances Monitoring Program database shall be documented in a patient's medical record maintained by a private prescriber or any inpatient facility licensed pursuant to Public Health; allowing the Board of Pharmacy to require that drugs of concern be reported to the database; exempting reporting requirements for drugs of concern from criminal penalties; allowing duly authorized agents of the Office of Health Facility Licensure and Certification to access the database for use in certification, licensure and regulation of health facilities; providing that a failure to report drugs of concern may be considered a violation of the practice act of the prescriber and may result in discipline by the appropriate licensing board; providing for rulemaking; requiring the licensing boards to report to the Board of Pharmacy when notified of unusual prescribing habits of a licensee; and making technical corrections.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for Com. Sub. for S. B. 333) were reported by the Clerk, considered simultaneously, and adopted:

On page two, section four, subsection (a), subdivision (8), by striking out the words "the first name, last name and middle initial, address and birth date of the person picking up the prescription" and inserting in lieu thereof the words "information about the person picking up the prescription";

On page eleven, section nine, subsection (a), subdivision (8), by striking out the words “the first name, last name and middle initial, address and birth date of the person picking up the prescription” and inserting in lieu thereof the words “information about the person picking up the prescription”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Com. Sub. for Senate Bill 333**—A Bill to amend and reenact §60A-9-4, §60A-9-5 and §60A-9-5a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60A-9-9, all relating to the Controlled Substances Monitoring Program database; requiring reporting instances of an overdose or a suspected overdose to the database; setting out elements to be reported; allowing access to the database to deans of the state’s medical schools or their designees for monitoring prescribing practices of prescribing faculty members, prescribers and residents enrolled in a degree program at the school where the dean serves; allowing access to designated physician reviewers for medical provider employers; providing access to a physician reviewer designated by an employer of medical providers for monitoring prescribing practices of physicians, advance practice registered nurses or physician assistants in their employ; providing access to chief medical officers of a hospital or a physician designated by the chief executive officer of a hospital who does not have a chief medical officer for monitoring prescribing practices of prescribers who have admitting privileges to the hospital; providing that information obtained from accessing the West Virginia Controlled Substances Monitoring Program database shall be documented in a patient’s medical record maintained by a private prescriber or any inpatient facility licensed pursuant to Public Health; allowing the Board of Pharmacy to require that drugs of concern be reported to the database; clarifying identity information required to be retained by dispensers of controlled substances regarding persons picking up prescriptions other than the patient; exempting reporting requirements for drugs of concern from criminal penalties;

allowing duly authorized agents of the Office of Health Facility Licensure and Certification to access the database for use in certification, licensure and regulation of health facilities; providing that a failure to report drugs of concern may be considered a violation of the practice act of the prescriber and may result in discipline by the appropriate licensing board; providing for rulemaking; requiring the licensing boards to report to the Board of Pharmacy when notified of unusual prescribing habits of a licensee; and making technical corrections.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 333, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 333) passed with its Senate amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

### **Executive Communications**

The Clerk then presented communications from His Excellency, the Governor, advising that on April 8, 2017, he had approved **Enr. Committee Substitute for Senate Bill 113, Enr. Committee Substitute for Committee Substitute for Senate Bill**

**222, Enr. Committee Substitute for Senate Bill 338, Enr. Committee Substitute for House Bill 2506 and Enr. House Bill 2774.**

At the request of Senator Prezioso, and by unanimous consent, Senator Prezioso addressed the Senate regarding Senator Stollings receiving the West Virginia Chapter of the American Academy of Pediatrics Friend of Children award.

Thereafter, at the request of Senator Ferns, unanimous consent being granted, the remarks by Senator Prezioso were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Ferns, and by unanimous consent, proceeded to the eighth order of business.

**Eng. Com. Sub. for House Bill 2002**, Relating to parental notification of abortions performed on unemancipated minors.

On third reading, coming up in regular order, with the unreported Health and Human Resources committee amendment pending, and with the right having been granted on yesterday, Friday, April 7, 2017, for further amendments to be received on third reading, was reported by the Clerk.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

**ARTICLE 2F. PARENTAL NOTIFICATION OF ABORTIONS PERFORMED ON UNEMANCIPATED MINORS.**

**§16-2F-1. Legislative findings and intent.**

(a) The Legislature finds that immature minors often lack the ability to make fully informed choices that take into account both

immediate and long-range consequences of their actions; that the medical, emotional and psychological consequences of abortion are serious and of indeterminate duration, particularly when the patient is immature; that in its current abortion policy as expressed in *Bellotti v. Baird*, 443 U. S. 622 (1979), ~~and *H. L. v. Matheson*, 450 U. S. 398 (1981), and *Hodgson v. Minnesota*, 497 U.S. 417, (1990).~~ the United States Supreme Court ~~clearly relies on a physician's commitment to consider all factors, physical and otherwise, before performing abortions on minors~~ held that notification of a parent with a judicial waiver procedure is Constitutional; that parents ordinarily possess information essential to a physician's exercise of his or her best medical judgment concerning their child; and that parents who are aware that their minor daughter has had an abortion may better ensure that the minor receives adequate medical attention after her abortion.

(b) The Legislature further finds that parental consultation regarding abortion is usually desirable and in the best interests of the minor.

(c) The Legislature further finds ~~in accordance with the U. S. Supreme Court's decision in *Bellotti v. Baird*, 443 U. S. 622 (1979), and *H. L. v. Matheson*, 450 U. S. 398 (1981),~~ that there exists important and compelling state interests:

(i) (1) in protecting minors against their own immaturity,

(ii) (2) in fostering the family structure and preserving it as a viable social unit, and

(iii) (3) in protecting the rights of parents to rear their own children in their own household.

(d) It is, therefore, the intent of the Legislature to further these important and compelling state interests by enacting this parental notice provision.

#### **§16-2F-2. Definitions.**

For purposes of this article, unless the context in which used clearly requires otherwise:

~~(1) “Minor” means any person under the age of eighteen years who has not graduated from high school.~~

~~(2) “Unemancipated minor” means any minor who is neither married nor who has been emancipated as pursuant to applicable federal law or as provided by section twenty seven, article seven, chapter forty nine of this code.~~

~~(3) “Actual notice” means the giving of notice directly, in person or by telephone.~~

~~(4) “Constructive notice” means the giving of notice by certified mail to the last known address of the parents or legal guardian, return receipt requested.~~

~~(5) “Abortion” means the use of any instrument, medicine, drug or any other substance or device with intent to terminate the pregnancy of a female known to be pregnant and with intent to cause the expulsion of a fetus other than by live birth: Provided, That nothing in this article shall be construed so as to prevent the prescription, sale or transfer of intrauterine contraceptive devices or other contraceptive devices or other generally medically accepted contraceptive devices, instruments, medicines or drugs for a female who is not known to be pregnant and for whom such contraceptive devices, instruments, medicines or drugs were prescribed by a physician solely for contraceptive purposes and not for the purpose of inducing or causing the termination of a known pregnancy.~~

As used in this article:

(1) “Abortion” means the use of any instrument, medicine, drug or any other substance or device with intent to terminate the pregnancy of a female known to be pregnant and with intent to cause the expulsion of a fetus other than by live birth. This article does not prevent the prescription, sale or transfer of intrauterine contraceptive devices, other contraceptive devices or other generally medically accepted contraceptive devices, instruments, medicines or drugs for a female who is not known to be pregnant and for whom the contraceptive devices, instruments, medicines or

drugs were prescribed by a physician solely for contraceptive purposes and not for the purpose of inducing or causing the termination of a known pregnancy.

(2) “Medical emergency” means the same as that term is defined in section two, article two-m of this chapter.

(3) “Secretary” means the Secretary of the West Virginia Department of Health and Human Resources.

(4) “Unemancipated minor” means any person less than eighteen years of age who is not, or has not been, married, who is under the care, custody and control of the person’s parent or parents, guardian or court of competent jurisdiction pursuant to applicable federal law or as provided in section twenty-seven, article seven, chapter forty-nine of this code.

**§16-2F-3. Parental notification required for abortions performed on unemancipated minors.**

~~(a) No physician may perform an abortion upon an unemancipated minor unless such physician has given or caused to be given at least twenty-four hours actual notice to one of the parents or to the legal guardian of the pregnant minor of his intention to perform the abortion, or, if the parent or guardian cannot be found and notified after a reasonable effort to do so, without first having given at least forty-eight hours constructive notice computed from the time of mailing to the parent or to the legal guardian of the minor: *Provided*, That prior to giving the notification required by this section, the physician shall advise the unemancipated minor of the right of petition to the circuit court for waiver of notification: *Provided, however*, That any such notification may be waived by a duly acknowledged writing signed by a parent or the guardian of the minor.~~

~~(b) Upon notification being given to any parent or to the legal guardian of such pregnant minor, the physician shall refer such pregnant minor to a counselor or caseworker of any church or school or of the department of human services or of any other comparable agency for the purpose of arranging or accompanying~~

~~such pregnant minor in consultation with her parents. Such counselor shall thereafter be authorized to monitor the circumstances and the continued relationship of and between such minor and her parents.~~

~~(c) Parental notification required by subsection (a) of this section may be waived by a physician, other than the physician who is to perform the abortion, if such other physician finds that the minor is mature enough to make the abortion decision independently or that notification would not be in the minor's best interest. *Provided*, That such The other physician shall not be associated professionally or financially with the physician proposing to perform the abortion.~~

(a) A physician may not perform an abortion upon an unemancipated minor until notice of the pending abortion as required by this section is complete.

(b) A physician or his or her agent may personally give notice directly, in person, by telephone or by letter to the parent, the guardian or conservator of the unemancipated minor at their usual place of residence and shall be delivered personally by the physician or his or her agent. Upon delivery of the notice, forty-eight hours shall pass until the abortion may be performed.

(c) A physician or his or her agent may provide notice by certified mail addressed to the parent, the guardian or conservator of the unemancipated minor at their usual place of residence, return receipt requested. The delivery shall be sent restricted delivery assuring that the letter is delivered only to the addressee. Time of delivery shall be deemed to occur at twelve o'clock noon on the next day on which regular mail delivery takes place unless. Upon delivery of the notice, forty-eight hours shall pass until the abortion may be performed.

(d) Notice may be waived if the person entitled to notice certifies in writing that he or she has been notified.

#### **§16-2F-4. Process to obtain waiver of notification.**

~~(a) A minor~~ An unemancipated minor who objects to ~~such~~ the notice being given to her parent or legal guardian may petition for



a waiver of ~~such~~ the notice to the circuit court of the county in which the ~~minor~~ unemancipated minor resides or in which the abortion is to be performed, or to the judge of either of such courts. ~~Such minor may so petition and proceed in her own right or, at her option, by a next friend.~~

(b) ~~Such~~ The petition need not be made in any specific form and shall be sufficient if it fairly sets forth the facts and circumstances of the matter, but shall contain the following information:

(i) The age of the ~~petitioner~~ unemancipated minor and her educational level;

(ii) The county and state in which she resides; and

(iii) A brief statement of ~~petitioner's~~ unemancipated minor's reason or reasons for the desired waiver of notification of the parent or guardian of such ~~minor petitioner~~ unemancipated minor.

No such petition shall be dismissed nor shall any hearing thereon be refused because of any defect in the form of the petition.

~~(c) Upon the effective date of this article or as soon thereafter as may be,~~ The Attorney General shall prepare suggested form petitions and accompanying instructions and shall make the same available to the ~~several~~ clerks of the circuit courts. ~~Such~~ The clerks shall ~~see that a sufficient number of such suggested~~ make the form petitions and instructions ~~are~~ available in the clerks office. ~~for the use of any person desiring to use the same for the purposes of this section.~~

(d) ~~All~~ The proceedings held pursuant to this article shall be confidential and the court shall conduct ~~all such~~ the proceedings in camera. The court shall inform the ~~minor petitioner~~ unemancipated minor of her right to be represented by counsel. ~~and that~~ If ~~she~~ the unemancipated minor is without the requisite funds to retain the services of an attorney, ~~that~~ the court will appoint an attorney to represent ~~her~~ the unemancipated minor's interest in the matter. If the ~~minor petitioner~~ unemancipated minor desires the services of an attorney, an attorney shall be appointed to represent ~~such~~ the

~~minor petitioner unemancipated minor~~, if ~~she~~ the unemancipated minor advises the court under oath or affidavit that ~~she~~ the unemancipated minor is financially unable to retain counsel. ~~Any~~ An attorney appointed to represent ~~such the minor petitioner unemancipated minor~~ shall be appointed and paid for his ~~or her~~ services pursuant to the provisions of article twenty-one, chapter twenty-nine of this code. ~~Provided, That~~ The pay ~~to any such attorney pursuant to such appointment~~ shall not exceed the sum of \$100.

(e) The court shall conduct a hearing upon the petition without delay, but ~~in no event shall the delay may not exceed the next succeeding judicial day.~~ The court shall render its decision immediately upon its submission and, in any event, an order reflecting the findings of fact and conclusions of law reached by the court and its judgement shall be endorsed by the judge thereof its written order not later than twenty-four hours following such submission and shall be forthwith entered of in the record by the clerk of the court. All testimony, documents, ~~and other evidence, presented to the court, as well as the petition, and any orders entered thereon and all records of whatsoever nature and kind relating to the matter shall be sealed by the clerk and shall not be opened to any person except upon order of the court and, then, only upon a showing of good cause. being shown therefor.~~ A separate order book for the purposes of this article shall be maintained by ~~such the~~ clerk and shall ~~likewise~~ be sealed and not open to inspection by any person save upon order of the court for good cause shown.

(f) Notice as required by section three of this article shall be ordered waived by the court if the court finds either:

(1) That the ~~minor petitioner unemancipated minor~~ unemancipated minor is mature and well informed sufficiently to make the decision to proceed with the abortion independently and without the notification or involvement of her parent or legal guardian; or

(2) That notification to the person or persons to whom ~~such the~~ notification would otherwise be required would not be in the best interest of the ~~minor petitioner unemancipated minor~~ unemancipated minor.

~~(g) If or when the circuit court, or the judge thereof, shall refuse to order the waiver of the notification required by section three of this article, a copy of the petition and all orders entered in the matter and all other documents and papers submitted to the circuit court, may be presented to the Supreme Court of Appeals, or to any justice thereof if such court then be in vacation, and such court or justice if deemed proper, may thereupon order the waiver of notification otherwise required by section three of this article. The Supreme Court of Appeals or justice thereof shall hear and decide the matter without delay and shall enter such orders as such court or justice may deem appropriate.~~

~~(h) If either the circuit court or the Supreme Court of Appeals, or any judge or justice thereof if either of such courts be then in vacation, shall order a waiver of the notification required by section three of this article, any physician to whom a certified copy of said order shall be presented may proceed to perform the abortion to the same extent as if such physician were in compliance with the provisions of said section three and, notwithstanding the fact that no notification is given to either the parent or legal guardian of any such unemancipated minor, any such physician shall not be subject to the penalty provisions which may be prescribed by this article for such failure of notification.~~

(g) A confidential appeal shall be available to any unemancipated minor to whom a court denies an order authorizing an abortion without notification. An order authorizing an abortion without notification may not be appealed. Access to the trial court and the Supreme Court of Appeals shall be given to an unemancipated minor.

~~(i) (h) No Filing fees may be are not required of any unemancipated minor who avails herself of any of the procedures provided by this section.~~

#### **§16-2F-5. Emergency exception from notification requirements.**

(a) The notification requirements of section three of this article do not apply where the attending physician certifies that there is an emergency a need for an abortion to be performed ~~if the~~

~~continuation of the pregnancy constitutes an immediate threat and grave risk to the life or health of the pregnant minor and the attending physician so certifies in writing setting forth the nature of such threat or risk and the consequences which may be attendant to the continuation of the pregnancy due to a medical emergency. Such writing A description of the medical emergency shall be maintained with the other unemancipated minor's medical records. relating to such minor which are maintained. by the physician and the facility at which such abortion is performed.~~

(b) If the physician who is to perform the abortion concludes under subsection (a) of this section that a medical emergency exists and that there is insufficient time to provide the notice required by section three of this article, the physician shall make a reasonable effort to inform, in person or by telephone, the parent, managing conservator, or guardian of the unemancipated minor within 24 hours after the time a medical emergency abortion is performed on the minor of:

(1) The performance of the abortion; and

(2) The basis for the physician's determination that a medical emergency existed that required the performance of a medical emergency abortion without fulfilling the requirements of section three.

(c) A physician who performs an abortion under the circumstances described in subsection (a) of this section shall, not later than 48 hours after the abortion is performed, send a written notice that a medical emergency occurred and that the parent, managing conservator, or guardian may contact the physician for more information and medical records, to the last known address of the parent, managing conservator, or guardian by certified mail, restricted delivery, return receipt requested. The physician may rely on last known address information if a reasonable and prudent person, under similar circumstances, would rely on the information as sufficient evidence that the parent, managing conservator, or guardian resides at that address. The physician shall keep in the minor's medical record:

- (1) The return receipt from the written notice; or
- (2) If the notice was returned as undeliverable, the notice.

(d) A physician who performs an abortion on an unemancipated minor during a medical emergency as described in subsection (a) of this section shall execute for inclusion in the medical record of the minor an affidavit that explains the specific medical emergency that necessitated the immediate abortion.

#### **§16-2F-6. Reporting requirements for physicians.**

(a) Any A physician performing an abortion upon an unemancipated minor shall provide the ~~department of health secretary~~ a written report of the procedure within thirty days after having performed the abortion. ~~The department of health shall provide reporting forms for this purpose to all physicians and public health facilities required to be licensed pursuant to article five b of this chapter.~~ The following information, in addition to any other information which may be required by the ~~department of health secretary~~, regarding ~~the minor~~ an unemancipated minor receiving the abortion shall be included in ~~such~~ the reporting form:

- (1) Age;
- (2) Educational level;
- (3) Previous pregnancies;
- (4) Previous live births;
- (5) Previous abortions;
- (6) Complications, if any, of the abortion being reported;
- (7) Reason for waiver of notification, ~~of the minor's parent or guardian~~, if such notice was waived; and
- (8) The city and county in which the abortion was performed.

~~(b) Any such~~ The report shall not contain the name, address or other information by which the ~~minor~~ unemancipated minor receiving the abortion may be identified.

### **§16-2F-8. Penalties.**

~~Any person who knowingly performs an abortion upon an unemancipated minor in violation of this article or who knowingly fails to conform to any requirement of this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000 or imprisoned in the county jail not more than thirty days, or both fined and imprisoned.~~

(a) Any physician or other licensed medical practitioner who intentionally or recklessly performs or induces an abortion in violation of this article is considered to have acted outside the scope of practice permitted by law or otherwise in breach of the standard of care owed to patients, and is subject to discipline from the applicable licensure board for that conduct, including, but not limited to, loss of professional license to practice.

(b) A person, not subject to subsection (a) of this section, who intentionally or recklessly performs or induces an abortion in violation of this article is considered to have engaged in the unauthorized practice of medicine in violation of section thirteen, article three, chapter thirty of this code, and upon conviction, subject to the penalties contained in that section.

(c) In addition to the penalties set forth in subsections (a) and (b) of this section, a patient may seek any remedy otherwise available to such patient by applicable law.

(d) No penalty may be assessed against any patient upon whom an abortion is performed or induced or attempted to be performed or induced.

On motion of Senator Palumbo, the following amendment to the Health and Human Resources committee amendment to the bill (Eng. Com. Sub. for H. B. 2002) was reported by the Clerk:

On page four, section three, after subsection (d), by inserting a new subsection, designated subsection (e), to read as follows:

(e) The parental notification required by subsections (a) through (c), inclusive, of this section may be waived by a physician who is qualified to treat mental health, psychiatrist or psychologist, if such physician, psychiatrist or psychologist: (1) Does not perform abortions as part of his or her practice; (2) is not associated professionally or financially with the physician proposing to perform the abortion; and (3) finds that the notification would not be in the minor's best interest. Any physician, psychiatrist or psychologist that certifies the three requirements contained in this subsection shall file a petition under seal with the circuit court of the county within which the minor resides within twenty-four hours of making the determination that the notification would not be in the minor's best interest. The circuit court shall review the filing forthwith and direct appropriate measures in the best interests of the minor be taken in order to secure the safety of the minor and preserve any evidence of a crime committed in connection with the pregnancy, if applicable.

Following discussion,

The question being on the adoption of Senator Palumbo's amendment to the Health and Human Resources committee amendment to the bill, and on this question, Senator Rucker demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Boley, Facemire, Jeffries, Maroney, Miller, Palumbo, Plymale, Romano, Stollings, Takubo and Carmichael (Mr. President)—12.

The nays were: Azinger, Blair, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Mullins, Ojeda, Prezioso, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld and Woelfel—22.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Palumbo's

amendment to the Health and Human Resources committee amendment to the bill rejected.

The question now being on the adoption of the Health and Human Resources committee amendment to the bill, the same was put and prevailed.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2002), as just amended, was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2002 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Beach, Facemire, Jeffries, Miller, Palumbo and Romano—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2002) passed.

On motion of Senator Takubo, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2002**—A Bill to amend and reenact §16-2F-1, §16-2F-2, §16-2F-3, §16-2F-4, §16-2F-5, §16-2F-6 and §16-2F-8 and of the Code of West Virginia, 1931, as amended, all relating to parental notification of abortions performed on unemancipated minors; setting out legislative findings; defining terms; clarifying parental notification



requirements prior to performing an abortion on an unemancipated minor; modifying waiver language; providing exceptions; providing a judicial process to not permit parental notification; requiring parental notice following abortion due to medical emergency; requiring reporting; providing for disciplinary actions; and modifying penalties.

*Ordered,* That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the sixth order of business, which agenda includes the making of main motions.

On motion of Senator Ferns, the Senate requested the return from the House of Delegates of

**Eng. Com. Sub. for Senate Bill 238,** Increasing tax credits allowed for rehabilitation of certified historic structures.

Having been received as a House message on yesterday, Friday, April 7, 2017; for the purpose of subsequently moving reconsideration of the vote on Senator Ferns' motion to refuse to concur in the House of Delegates amendments to the bill.

*Ordered,* That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence as to the recall of Engrossed Committee Substitute for Senate Bill 238.

On motion of Senator Ferns, the Senate recessed until 2 p.m. today.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Hall, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 25,** Creating farm-to-food bank tax credit.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 219**, Relating to conspiracy to commit crimes under Uniform Controlled Substances Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for Senate Bill 362**, Authorizing redirection of certain amounts to General Revenue Fund.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, to take effect from passage, of

**Eng. Com. Sub. for House Bill 2759**, Creating Statewide Interoperable Radio Network.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

**Eng. House Bill 2962**, Enlarging the authority of the Tax Commissioner to perform background investigations of employees and contractors.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. House Bill 2967**, Relating generally to administration of estates and trusts.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2980**, Relating to civil lawsuit filing fees for multiple defendant civil action.

At the request of Senator Ferns, unanimous consent being granted, the Senate proceeded to the eighth order of business and the consideration of

**Eng. Com. Sub. for House Bill 2711**, Abolishing regional educational service agencies and providing for the transfer of property and records.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Cline, Gaunch, Hall, Karnes, Mann, Maynard, Miller, Mullins, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—21.

The nays were: Beach, Clements, Facemire, Ferns, Jeffries, Maroney, Ojeda, Palumbo, Prezioso, Romano, Stollings, Unger and Woelfel—13.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2711) passed.

At the request of Senator Mann, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

On motion of Senator Mann, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2711**—A Bill to repeal §18-2-26a of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2-26 of said code; to amend and reenact §18-2E-1a and §18-2E-5 of said code; to amend and reenact §18-5-13 and §18-5-45 of said code; to further amend said code by adding thereto two

new sections designated §18-5-13b and §18-5-13c; to amend and reenact §18-5A-5 of said code; to amend and reenact §18-9A-8a of said code; and to amend and reenact §18A-4-14 of said code, all relating generally to education; repealing requirement for biennial meetings of county boards by region; providing for dissolving regional educational service agencies by certain date; allowing for modification and dissolving by cooperative agreement before said date; providing for the transfer, liquidation or disbursement of property and records; requiring state board to constructively engage with the legislative oversight commission on education accountability prior to adopting certain standards and prior to adoption of a new statewide summative assessment; requiring certain state board actions before full implementation of a new accountability system; modifying state board prohibitions and duties as part of its on-going responsibility for developing and implementing a program of standards, assessments and a program of accountability; clarifying responsibilities and authority of Legislature and state board with respect to process for improving education and purposes and intent of system of accountability; modifying areas for which the state board is required to adopt high-quality education standards; modifying statewide assessment program; modifying annual performance measures for accreditation; requiring county board use of statewide electronic information system; modifying process for assessing school and school system performance; eliminating office of education performance audits and authorizing employment of experienced education professionals with certain duties; modifying school accreditation and removing authorization for state board intervention in school operations; modifying school system approval and processes for state board intervention; modifying processes for improving capacity; modifying process for building leadership capacity of system during intervention; expanding county board authority for entering into cooperative agreements; establishing the County Superintendents' Advisory Council; setting forth the council's authority and responsibilities, including the formation of four geographic quadrants to carry out the work of the council; requiring certain meetings and reports; authorizing county board agreements to establish educational services cooperatives; providing references to regional education service

agencies mean cooperatives; providing priorities for transfer, liquidation and disbursement of regional education service agency property, equipment and records upon dissolution; providing for governing council of educational services cooperatives; providing for powers and duties; providing for cooperative annual plan and optional programs and services; providing for selection of fiscal agent county board and annual audit; providing for staff and member expenses; providing for member compensation; removing the word “separate” as it relates to the number of instructional days in the school calendar; designating one noninstructional day for teachers as a preparation day for opening school and another for teachers as a preparation day for closing school; allowing teacher preparation days to be used for certain other purposes at teacher’s discretion; increasing number of two-hour blocks for faculty senate meetings from four to six; removing requirement that faculty senate meetings be held once every forty-five days; permitting certain accrued minutes to be used for lost instructional days; encouraging the use of reimagining student instructional days to achieve the one hundred eighty instructional day requirement; reducing foundation allowance for regional education service agencies; requiring educators to receive uninterrupted time for planning periods each day; prohibiting administrators from requiring a teacher to use the planning period time to complete duties beyond instructional planning; and making technical improvements and removing obsolete provisions.

*Ordered,* That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the consideration of

**Eng. Com. Sub. for House Bill 2196**, Relating to the secondary schools athletic commission.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2196 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Maroney, Maynard, Mullins, Plymale, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel and Carmichael (Mr. President)—23.

The nays were: Beach, Boso, Facemire, Jeffries, Miller, Ojeda, Palumbo, Prezioso, Romano and Weld—10.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2196) passed.

On motion of Senator Karnes, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2196**—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the Secondary Schools Athletic Commission; participation by home school, private and parochial school students without an interscholastic program available; providing that the private and parochial schools must be registered; setting forth standards for each nonenrolled student participant to meet; providing that each home school, private or parochial student pay the same fees associated with participation as public school students; and providing that the state board accumulate data as to the costs associated with the nonenrolled students participating in interscholastic activities.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Weld, unanimous consent being granted, Senator Weld announced meetings of the committees of conference on Engrossed Committee Substitute for House Bills 2329, 2579 and 2585.

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the consideration of

**Eng. Com. Sub. for House Bill 2801**, Expiring funds to the unappropriated balance in the State Fund from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2801) passed.

On motion of Senator Hall, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2801**—A Bill expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017, in the amount of \$2,000,000 from the Legislative, Senate, fund 0165, fiscal year 2012, organization 2100, appropriation 02100, in the amount of \$1,000,000 from the Legislative, Senate, fund 0165, fiscal year 2012, organization 2100, appropriation 06400, in the amount of \$500,000 from the Legislative, House of Delegates, fund 0170, fiscal year 2015, organization 2200, appropriation 00500, in the amount of \$1,500,000 from the Legislative, House of Delegates, fund 0170, fiscal year 2015, organization 2200, appropriation 02100, in the amount of \$500,000 from the Legislative, Joint

Expenses, fund 0175, fiscal year 2015, organization 2300, appropriation 10400, in the amount of \$2,000,000 from the Executive, Governor's Office, fund 0101, fiscal year 2005, organization 0100, appropriation 66500, in the amount of \$800,000 from the Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 08400, in the amount of \$200,000 from the Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2008, organization 0100, appropriation 11400, in the amount of \$400,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2009, organization 0307, appropriation 13100, in the amount of \$400,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2011, organization 0307, appropriation 13100, in the amount of \$200,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2012, organization 0307, appropriation 13100, in the amount of \$500,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2007, organization 0307, appropriation 81900, in the amount of \$500,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2008, organization 0307, appropriation 81900, in the amount of \$500,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2009, organization 0307, appropriation 81900, in the amount of \$1,600,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2010, organization 0307, appropriation 81900, in the amount of \$1,500,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2011, organization 0307, appropriation 81900, in the amount of \$640,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2012, organization 0307, appropriation 81900, in the amount of \$628,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2014, organization 0307, appropriation 81900, in the amount of \$932,000 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2015, organization 0307, appropriation 81900, in the amount of \$650,000 from the Department of



Commerce, West Virginia Development Office, fund 0256, fiscal year 2012, organization 0307, appropriation 94100, in the amount of \$150,000 from the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2011, organization 0402, appropriation 16100, in the amount of \$400,000 from the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2012, organization 0402, appropriation 16100, in the amount of \$400,000 from the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2013, organization 0402, appropriation 16100, in the amount of \$150,000 from the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2014, organization 0402, appropriation 16100, in the amount of \$500,000 from the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2014, organization 0402, appropriation 88600, in the amount of \$40,000 from the Department of Health and Human Resources – Office of the Secretary, fund 0400, fiscal year 2015, organization 0501, appropriation 19100, in the amount of \$60,000 from the Department of Health and Human Resources – Office of the Secretary, fund 0400, fiscal year 2016, organization 0501, appropriation 19100, in the amount of \$1,000,000 from the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2014, organization 0506, appropriation 21900, in the amount of \$200,000 from the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2011, organization 0608, appropriation 09700, in the amount of \$200,000 from the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 09700, in the amount of \$480,000 from the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 66100, in the amount of \$1,000,000 from the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 67700, in the amount of \$500,000 from the Department of Military Affairs

and Public Safety, Division of Justice and Community Services, fund 0546, fiscal year 2014, organization 0620, appropriation 56100, in the amount of \$100,000 from the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2011, organization 0621, appropriation 75500, in the amount of \$80,000 from the Department of Revenue, State Budget Office, fund 0595, fiscal year 2009, organization 0703, appropriation 09900, in the amount of \$300,000 from the Department of Transportation, Aeronautics Commission, fund 0582, fiscal year 2013, organization 0807, appropriation 13000, in the amount of \$200,000 from the Department of Veterans' Assistance, fund 0456, fiscal year 2013, organization 0613, appropriation 28600, in the amount of \$100,000 from the Department of Veterans' Assistance, fund 0456, fiscal year 2014, organization 0613, appropriation 28600, in the amount of \$500,000 from the West Virginia Council for Community and Technical College Education – Control Account, fund 0596, fiscal year 2012, organization 0420, appropriation 66100, in the amount of \$200,000 from the Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2012, organization 0441, appropriation 09700, in the amount of \$1,000,000 from the Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2012, organization 0441, appropriation 66100, in the amount of \$40,404,684.31 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701, in the amount of \$20,000,000 from the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2017, organization 0704, in the amount of \$100,000 from the State Board of Education, fund 3951, fiscal year 2007, organization 0402, appropriation 09900, in the amount of \$300,000 from the State Board of Education, fund 3951, fiscal year 2008, organization 0402, appropriation 09900, in the amount of \$500,000 from the State Board of Education, fund 3951, fiscal year 2012, organization 0402, appropriation 09900, in the amount of \$500,000 from the State Board of Education, fund 3951, fiscal year 2013, organization 0402, appropriation 39600, in the amount of \$500,000 from the State Board of Education, fund 3951, fiscal year 2014, organization 0402, appropriation 39600, in the amount of

\$1,000,000 from the State Board of Education, fund 3951, fiscal year 2014, organization 0402, appropriation 93300, in the amount of \$150,000 from the Division of Culture and History – Lottery Education Fund, fund 3534, fiscal year 2003, organization 0432, appropriation 86500, in the amount of \$40,000 from the Division of Culture and History – Lottery Education Fund, fund 3534, fiscal year 2012, organization 0432, appropriation 62400, in the amount of \$150,000 from the Library Commission – Lottery Education Fund, fund 3559, fiscal year 2011, organization 0433, appropriation 62500, in the amount of \$250,000 from the Library Commission – Lottery Education Fund, fund 3559, fiscal year 2012, organization 0433, appropriation 62500, in the amount of \$150,000 from the Bureau of Senior Services- Lottery Senior Citizens Fund, fund 5405, fiscal year 2011, organization 0508, appropriation 46200, in the amount of \$350,000 from the Bureau of Senior Services- Lottery Senior Citizens Fund, fund 5405, fiscal year 2012, organization 0508, appropriation 46200, in the amount of \$550,000 from the Bureau of Senior Services- Lottery Senior Citizens Fund, fund 5405, fiscal year 2013, organization 0508, appropriation 46200, in the amount of \$50,000 from the West Virginia Development Office, fund 3170, fiscal year 2007, organization 0307, appropriation 92300, in the amount of \$2,500,000 from the West Virginia Development Office, fund 3170, fiscal year 2008, organization 0307, appropriation 25300, in the amount of \$400,000 from the West Virginia Development Office, fund 3170, fiscal year 2013, organization 0307, appropriation 09600, in the amount of \$1,000,000 from the Division of Corrections – Correctional Units, fund 6283, fiscal year 2010, organization 0608, appropriation 75500, in the amount of \$500,000 from the Office of the Treasurer, Financial Electronic Communication Fund, fund 1345, fiscal year 2017, organization 1300, in the amount of \$1,000,000 from the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2017, organization 1500, in the amount of \$2,000,000 from the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2017, organization 0218, in the amount of \$110,467.62 from the Department of Administration, Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2017, organization 0211, in the

amount of \$184,848.07 from the Department of Environmental Protection, Dam Safety Rehabilitation Fund, fund 3025, fiscal year 2017, organization 0313, in the amount of \$500,000 from the Department of Health and Human Resources, Health Care Authority Fund, fund 5375, fiscal year 2017, organization 0507 and in the amount of \$4,000,000 from the Public Service Commission, Public Service Commission Fund, fund 8623, fiscal year 2017, organization 0926.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2801) takes effect from passage.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Weld, unanimous consent being granted, Senator Weld announced a meeting of the committee of conference on Engrossed Senate Bill 554.

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

**Eng. Com. Sub. for House Bill 2329**, Prohibiting the production, manufacture or possession of fentanyl.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Sobonya, Hollen and R. Miller.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

**Eng. Com. Sub. for House Bill 2579**, Increasing the penalties for transporting controlled substances.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Sobonya, Hollen and R. Miller.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

**Eng. Com. Sub. for House Bill 2585**, Creating felony crime of conducting financial transactions involving proceeds of criminal activity.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Sobonya, Hollen and R. Miller.

At the request of Senator Ferns, and by unanimous consent, the Senate again proceeded to the eighth order of business and the consideration of

**Eng. House Bill 3103**, Making a supplementary appropriation to the Department of Health and Human Resources.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sybolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3103) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sybolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3103) takes effect from passage.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Ferns, unanimous consent being granted, the Senate proceeded to the consideration of

**Eng. Com. Sub. for House Bill 2935**, Relating to state flood protection planning.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2935) passed.

On motion of Senator Blair, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2935**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-15-1; and to amend said code by adding thereto a new article, designated §29-30-1, §29-30-2, §29-30-3 and §29-30-4, all relating to state flood protection generally; establishing a Joint Legislative Committee on Flooding and providing for duties; establishing the Resiliency and Flood Protection Planning Act; providing legislative findings and purpose; creating the State Resiliency Office within the Development Office in the Department of Commerce; establishing a State Resiliency Office Board; providing certain duties and authorities of the State Resiliency Office; and requiring reporting to the Legislature.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

**Eng. Com. Sub. for House Bill 2589**, Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Gaunch, Mann and Romano.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

**Eng. Com. Sub. for House Bill 2631**, Relating to time standards for disposition of complaint proceedings.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Takubo, Maroney and Palumbo.



*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

**Eng. Com. Sub. for House Bill 2805**, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Sypolt, Boso and Facemire.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

On motion of Senator Palumbo, the Senate recessed until 3:25 p.m. today.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Ferns, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

**Eng. Com. Sub. for House Bill 2721**, Removing the cost limitation on projects completed by the Division of Highways.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Walters, Gearheart and Bates.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

**Eng. Com. Sub. for House Bill 2722**, Eliminating the financial limitations on utilizing the design-build program for highway construction.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Walters, Gearheart and Bates.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Com. Sub. for Senate Bill 27**, Relating to microprocessor permit.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

**ARTICLE 35. FARMERS MARKETS.**

**§19-35-5. Microprocessor permit.**

(a) Notwithstanding any provision of chapter sixteen of this code or any rules promulgated pursuant to that chapter to the

contrary, a farmer's market vendor may apply for a microprocessor permit to sell certain foods at a farmer's market. A home, farm, community or commercial kitchen may be used by a microprocessor. The microprocessor permit is required in addition to the farmer's market vendor permit.

(b) A majority of all produce from a microprocessor's products shall be from his or her farm or garden. The microprocessor is required to keep production and food source records for a period of two years. The food shall be labeled in compliance with the West Virginia Department of Agriculture labeling standards and provide information about its content and sources. The label shall include the words "MADE IN A WV \_\_\_\_\_ KITCHEN – NOT FOR RESALE/ PROCESSED AND PREPARED WITHOUT STATE INSPECTION" in capital, bold, 10-point type or larger, with the blank space to state whether the product was made in a home, farm, community or commercial kitchen. The label shall also include:

(1) The name and address of the home-based processing operation;

(2) The common or usual name of the food product;

(3) Product ingredients that include potential food allergens such as, but not limited to, milk, eggs, peanuts, tree nuts, wheat and soy;

(4) The date the product was processed.

(c) A microprocessor is permitted to sell:

(1) Canned acidified foods, such as pickled products, sauces and salsas. Acidified foods are low-acid foods to which acid or acid foods are added with a water activity of greater than .085 and a finished equilibrium of pH 4.6 or below; and

(2) Frozen fruits and vegetables, which are not permitted to be vacuum-sealed.

(d) Nonpotentially hazardous foods, and those already exempted, do not require a microprocessor permit but require

registration with the local health department. These include, but are not limited to:

(1) Breads, cakes and candies;

(2) Honey, maple syrup, apple butter and molasses;

(3) Standardized nondietary jams and jellies;

(4) Fermented products;

(5) Whole or chopped tomatoes, tomato sauce and tomato juice having a finished equilibrium of pH 4.6 or below;

(6) Exempted condiments; and

(7) Dehydrated fruits and vegetables.

(e) To qualify for a microprocessor permit, the applicant shall:

(1) If the microprocessor makes acidified foods, they are required to complete either a training program from the Better Control Process School for acidified foods, an approved program set up by the West Virginia University Extension Service or an approved training course approved by the Department of Agriculture;

(2) Pass a pre-opening permit inspection conducted by the local health department at the microprocessor's kitchen. The local health department may conduct at least one annual operational inspection during the processing season at the microprocessor's kitchen or when warranted. The local health department has the right to suspend operations or recall products for disease outbreaks, or violations of rules or regulations. Any inspection by a local health department shall be in compliance with rules promulgated by the West Virginia Department of Health and Human Resources pursuant to section four of this article;

(3) Possess a valid food handler's permit from the local health department, if required;

(4) Use a USDA or West Virginia University pre-approved and tested recipe; and

(5) Pay an annual permit fee of not more than \$40 to the local health department issuing the microprocessor permit.

(f) A person may not offer for sale microprocessed products over the Internet or in interstate commerce;

(g) A person who purchases a product made by a microproducer shall not resell the product;

(h) Microprocessors shall not sell more than three thousand units per year in the aggregate;

(i) The following prohibitions shall apply to persons microprocessing food for sale at a farmer's market pursuant to a permit granted by the provisions of this section:

(1) No animals are permitted in the microprocessor's kitchen or storage area at any time during the production, preparation, processing or packing of products;

(2) Smoking is not permitted in any portion of the microprocessor's home which is used for preparation, packaging, storage or handling of food and related ingredients or equipment while food is being prepared, packaged, stored or handled.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Com. Sub. for Senate Bill 27**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-35-5, relating to a microprocessor; establishing permit requirements; establishing permit limitations; clarifying types of microprocessor kitchens; requiring percentage from garden or farm; requiring recordkeeping; requiring labeling; setting forth labeling requirements; clarifying foods requiring permit; exempting certain

foods; setting forth permit inspections; establishing fees; allowing suspension of products; permitting recalls; setting forth production prohibitions and limiting sales.

On motion of Senator Trump, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for Com. Sub. for S. B. 27) were reported by the Clerk, considered simultaneously, and adopted:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new sections, designated §19-35-5 and §19-35-5, to read as follows:

## **ARTICLE 35. FARMERS MARKETS.**

### **§19-35-5. Microprocessor permit.**

(a) Notwithstanding any provision of chapter sixteen of this code or any rules promulgated pursuant to that chapter to the contrary, a farmer's market vendor may apply for a microprocessor permit to sell certain foods at a farmer's market. A home, farm, community or commercial kitchen may be used by a microprocessor. The microprocessor permit is required in addition to the farmer's market vendor permit.

(b) A majority of all produce from a microprocessor's products shall be from his or her farm or garden. The microprocessor is required to keep production and food source records for a period of two years. The food shall be labeled in compliance with the West Virginia Department of Agriculture labeling standards and provide information about its content and sources. The label shall include the words "MADE IN A WV \_\_\_\_\_ KITCHEN – NOT FOR RESALE/ PROCESSED AND PREPARED WITHOUT STATE INSPECTION" in capital, bold, 10-point type or larger, with the blank space to state whether the product was made in a home, farm, community or commercial kitchen. The label shall also include:

(1) The name and address of the home-based processing operation;

(2) The common or usual name of the food product;

(3) Product ingredients that include potential food allergens such as, but not limited to, milk, eggs, peanuts, tree nuts, wheat and soy;

(4) The date the product was processed.

(c) A microprocessor is permitted to sell:

(1) Canned acidified foods, such as pickled products, sauces and salsas. Acidified foods are low-acid foods to which acid or acid foods are added with a water activity of greater than .085 and a finished equilibrium of pH 4.6 or below; and

(2) Frozen fruits and vegetables, which are not permitted to be vacuum-sealed.

(d) Nonpotentially hazardous foods, and those already exempted, do not require a microprocessor permit but require registration with the local health department. These include, but are not limited to:

(1) Breads, cakes and candies;

(2) Honey, maple syrup, apple butter and molasses;

(3) Standardized nondietary jams and jellies;

(4) Fermented products;

(5) Whole or chopped tomatoes, tomato sauce and tomato juice having a finished equilibrium of pH 4.6 or below;

(6) Exempted condiments; and

(7) Dehydrated fruits and vegetables.

(e) To qualify for a microprocessor permit, the applicant shall:

(1) If the microprocessor makes acidified foods, they are required to complete either a training program from the Better Control Process School for acidified foods, an approved program set up by the West Virginia University Extension Service or an approved training course approved by the Department of Agriculture;

(2) Pass a pre-opening permit inspection conducted by the local health department at the microprocessor's kitchen. The local health department may conduct at least one annual operational inspection during the processing season at the microprocessor's kitchen or when warranted. The local health department has the right to suspend operations or recall products for disease outbreaks or violations of rules or regulations. Any inspection by a local health department shall be in compliance with rules promulgated by the West Virginia Department of Health and Human Resources pursuant to section four of this article;

(3) Possess a valid food handler's permit from the local health department, if required;

(4) Use a USDA or West Virginia University pre-approved and tested recipe; and

(5) Pay an annual permit fee of not more than \$40 to the local health department issuing the microprocessor permit.

(f) A person may not offer for sale microprocessed products over the Internet or in interstate commerce;

(g) A person who purchases a product made by a microproducer shall not resell the product;

(h) Microprocessors shall not sell more than three thousand units per year in the aggregate;

(i) The following prohibitions shall apply to persons microprocessing food for sale at a farmer's market pursuant to a permit granted by the provisions of this section:



(1) No animals are permitted in the microprocessor's kitchen or storage area at any time during the production, preparation, processing or packing of products;

(2) Smoking is not permitted in any portion of the microprocessor's home which is used for preparation, packaging, storage or handling of food and related ingredients or equipment while food is being prepared, packaged, stored or handled.

**§19-35-6. Distilleries and mini-distillery retail sales; prohibited at farmers market.**

(a) Notwithstanding any provisions of chapter sixty to the contrary, a licensed distillery or mini-distillery on a farm or otherwise may make retail sales of alcoholic liquors produced at the distillery or mini-distillery for consumption off the premises of the distillery or mini-distillery on Sundays beginning at one o'clock p.m. A distillery or mini-distillery located on a farm shall be required to meet only the state and local building and fire regulations as apply to structures on parcels of land used primarily for farm and agricultural purposes.

(b) A licensed distillery or mini-distillery may not make retail sales of alcoholic liquors produced at the distillery or mini-distillery for consumption at farmers markets on Sundays.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Com. Sub. for Senate Bill 27**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §19-35-5 and §19-35-6, all relating to farmers markets and farms; establishing microprocessing permit; establishing permit requirements and limitations; clarifying types of microprocessor kitchens; requiring percentage from garden or farm; requiring recordkeeping; requiring labeling and labeling requirements; clarifying foods requiring permit; exempting certain foods; setting forth permit inspections; establishing fees; allowing suspension of products;

permitting recalls; setting forth production prohibitions and limiting sales; permitting distillery and mini distillery on farm or otherwise for retail sales to customers for consumption off the premises on Sundays beginning at one o'clock p.m.; and providing that a distillery or mini-distillery located on a farm shall be required to meet only state and local building and fire regulations as apply to structures on parcels of land used primarily for farm and agricultural purposes; and prohibiting distillery and mini distillery retail sales to customers at farmers markets on Sundays.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 27, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Jeffries, Maynard and Weld—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 27) passed with its Senate amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 220**, Relating to offenses and penalties under Uniform Controlled Substances Act.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3 and §15-9C-4; and that said code be amended by adding thereto a new section, designated §60A-4-414, all to read as follows:

## **CHAPTER 15. PUBLIC SAFETY**

### **ARTICLE 9C. CONTROLLED SUBSTANCES DATA COLLECTION.**

#### **§15-9C-1. Office of Drug Control and Data Collection**

(a) Within the Division of Justice and Community Services, there shall be a designated office known as the Office of Drug Control, Programming and Data Collection. The purpose of the office is to provide administrative support, research, coordination, planning, and management of funding relating to the prevention, prosecution, reduction and treatment of substance abuse in the state. As an office within the Division of Justice and Community Services, the office shall be deemed a law enforcement entity capable to receive and share law enforcement information.

(b) The office shall be operated, supervised and controlled by the Director of the Division of Justice and Community Services and shall utilize staff of the Division, as needed, to perform its functions, including, but not limited to its office of research and strategic planning: *Provided*, That if grant funding, federal funds or other funding is obtained in furtherance of the purposes of the

office of drug control policy, such funds may be utilized to hire additional staff, including but not limited to an Executive Director, and other resources and equipment as may be necessary for the efficient operation of the office.

(c) The Office of Drug Control, Programming and Data Collection shall be charged with executive and administrative responsibility to:

(1) Collect, compile and analyze crime, justice and overdose data in the state relating to substance abuse, generating statistical and analytical products for criminal justice professionals and policy makers to establish a basis for sound policy and practical considerations for the criminal justice system.

(2) Apply for, receive, and disburse grants and other funding from federal or state programs, foundations, corporations and organizations consistent with the purpose of the office;

(3) Establish mechanisms to administer, coordinate, and oversee the distribution of grant funding to support prevention, treatment, reduction, prosecution, or education programs in furtherance of the purpose of the office;

(4) Annually, on or before the first day of February, publish a public report of the data collected provide a copy of the report and analysis to the Governor and to the Joint Committee on Government and Finance: *Provided*, That nothing shall prevent the publication of such data with greater frequency than annually;

(5) Provide recommendations to the Governor and Legislature as to policies and statutory changes in furtherance of the purpose of the office of drug control, programming and data collection;

(6) Enter into agreements and memorandums of understanding with other entities for the purpose of data collection, data analysis, data sharing, research and law enforcement needs in furtherance of the purpose of the office; and

(7) Promulgate rules for legislative approval pursuant to article three, chapter twenty-nine-a of this code which may be necessary to fulfill the functions and responsibilities of the office.

### **§15-9C-2. Collection of criminal statistics**

(a) Purpose- In order to timely and effectively address the growing abuse of controlled substances in this state, as well as to develop data-driven policies and responses to the abuse of controlled substances, the Legislature finds that the collection of data as to criminal offenses and the dispositions of prosecutions is important and necessary information.

(b) The prosecuting attorney for each county shall compile and report data, in accordance with subsection (c) of this section, as to the criminal charges, substance, weight, disposition, and other requested information of each criminal matter involving a violation of the uniform controlled substances act contained in chapter sixty-a of this code that has been charged in the prosecuting attorney's county.

(c)(1) On or before July 1, 2017, the Division of Justice and Community Services shall establish a reporting form to allow the county prosecuting attorney to provide, at a minimum, the following information for each criminal charge involving a violation of the controlled substances act contained in chapter sixty-a of this code that has been charged in the prosecuting attorney's county:

(A) Specific statutory violation charged;

(B) The controlled substance(s) involved;

(C) The weight of such controlled substance(s), if known; and

(D) The disposition of such matter, including whether a pre-trial diversion or an alternative sentence was utilized.

(2) A form shall be completed for each criminal matter and shall be submitted to the Office of Drug Control, Programming and Data Collection no later than thirty days after disposition of the

criminal matter. The Division of Justice and Community Services shall allow reporting of the required information by electronic data transfer where feasible, and where not feasible, on reporting forms promulgated by the Division.

(3) The form shall not require, nor shall the prosecuting attorney provide, the name, social security number, or other personally identifiable information about the specific defendant. The form may request information that does not contain the specific name or identity of the defendant if such information is collected for data or research purposes.

### **§15-9C-3. Collection of overdose statistics**

(a) Purpose- (1) Both fatal and nonfatal drug overdoses, caused by abuse and misuse of prescription and illicit drugs, have emerged as a vital health crisis in the State of West Virginia. The day-to-day response to this crisis is dealt with by a number of entities throughout the state, including law enforcement agencies, emergency medical services, hospitals and medical examiners. The Legislature finds that the collection of data as to fatal and nonfatal overdoses and collection in a central repository is an important step to combat and reverse this trend.

(b) The Office of Drug Control, Programming and Data Collection shall implement a program in which a central repository is established and maintained that shall contain information required by this section. In implementing this program, the Office of Drug Control Policy shall consult with affected entities, including law-enforcement agencies, health care providers, emergency response providers, hospitals, and medical examiners.

(c) The program authorized by this section shall be designed to minimize inconvenience to all entities maintaining possession of the relevant information while effectuating the collection and storage of the required information. The Office of Drug Control, Programming and Data Collection shall allow reporting of the required information by electronic data transfer where feasible, and where not feasible, on reporting forms promulgated by the Division of Justice and Community Services.

(d) On or before July 1, 2017, the Division of Justice and Community Services shall establish a form or mechanism whereby the following shall be reported to the Office of Drug Control, Programming and Data Collection:

(1) An emergency medical or law-enforcement response to a suspected or reported overdose, or a response in which an overdose is identified by the responders;

(2) Medical treatment for an overdose;

(3) The dispensation or provision of an opioid antagonist; and

(4) Death attributed to overdose or “drug poisoning”.

(e) The following entities shall be required to report information contained in subsection (d) of this section:

(1) Hospitals in this state;

(2) Health care providers;

(3) Medical examiners;

(4) Law enforcement agencies, including state, county and local police departments; and

(5) Emergency response providers.

(f) The Division of Justice and Community Services shall provide by rule the manner and mechanism in which reporting is to take place: *Provided*, That the rule shall require that if an opioid antagonist is administered upon a person by a law enforcement officer or first responder and such person thereafter refuses medical treatment, the officer or first responder shall be required to report the administration of the antagonist.

(g) Any reporting made pursuant to this section shall not require, nor shall the person making the report provide, the name, social security number, or other personally identifiable information about the specific individual involved in the overdose incident. The form may request information that does not contain the specific

name or identity of the defendant if such information is collected for data or research purposes.

#### **§15-9C-4. Rulemaking**

The Division of Justice and Community Service may promulgate such additional legislative rules to effectuate the purposes of this article in accordance with the provisions of chapter twenty-nine-a of this code.

### **CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.**

#### **ARTICLE 4. OFFENSES AND PENALTIES.**

##### **§60A-4-414. Drug delivery resulting in death.**

(a) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance in violation of the provisions of section four hundred one, article four of this chapter with the intent to cause an intoxicated, euphoric or stupefied state, and the use, ingestion or consumption of the controlled substance or counterfeit controlled substance alone or in combination with one or more other controlled substances, proximately causes the death of a person using, ingesting or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than three nor more than fifteen years.

(b) Any person who:

(1) is present and views another individual ingest a controlled substance;

(2) is also participating in the use of a controlled substance;

(3) knows that the other person has manifested an adverse physical reaction to a controlled substance;

(4) fails to render, seek or ensure timely medical assistance has been provided to the person having the adverse reaction; and



(5) the person having the adverse reaction subsequently dies due to that ingestion, is guilty of a felony, and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than three years nor more than fifteen years.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 220**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3 and §15-9C-4; and to amend said code by adding thereto a new section, designated §60A-4-414, relating generally to offenses and penalties under the Uniform Controlled Substances Act; providing for the collection of data pertaining to the prosecutions and overdoses of controlled substances; establishing an office of drug control, programming and data collection; collection of data pertaining to the prosecutions and overdoses of controlled substances establishing the purpose and responsibilities of the office; declaring the office to be a law enforcement entity capable of receiving and sharing law enforcement information; directing that the office be operated, supervised and controlled by the Director of the Division of Justice and Community Services; setting for the staffing of the office, including the availability of future staffing, resources and equipment upon obtaining grant funding, federal funds, or other funding; setting forth the executive and administrative responsibilities of the office of drug control, programming and data collection; establishing a reporting program for collection of criminal statistics; setting forth legislative purpose for collection of data; requiring the prosecuting attorney for each county to compile data relating to the criminal matters involving a violation of the uniform controlled substances act; directing the Division of Justice and Community Services to establish a reporting form to allow for reporting of information; setting forth information required to be reported; providing for data collection and reporting to the Division of Justice and Community Services; requiring that certain personally identifiable information about a specific defendant not be reported; establishing a reporting program for collection of data

on overdoses; setting forth legislative purpose for collection of data; establishing a reporting program for collection of fatal and nonfatal overdoses in the state; directing the office of drug control, programming and data collection to establish a central repository for collection of data; directing the office to consult with affected entities in implementing the data collection program; establishing information required to be reported; directing the Division of Justice and Community Services to establish a reporting form to allow for reporting of information; setting forth information required to be reported; setting forth the entities required to report information; providing for data collection and reporting to the Division of Justice and Community Services through legislative rule; requiring that certain personally identifiable information about a specific defendant not be reported; providing for rule-making authority; creating the felony offense of delivering controlled substances or counterfeit controlled substances resulting in the death of another person and providing criminal penalties therefor; creating felony offense of failing to render, seek, or ensure timely medical assistance to another person who has manifested an adverse physical reaction to a controlled substance and who subsequently dies; and providing criminal penalties therefor.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 220) were reported by the Clerk, considered simultaneously, and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §60A-4-414, to read as follows:

#### **ARTICLE 4. OFFENSES AND PENALTIES.**

##### **§60A-4-414. Drug delivery resulting in death; failure to render aid.**

(a) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance in

violation of the provisions of section four hundred one, article four of this chapter for an illicit purpose and the use, ingestion or consumption of the controlled substance or counterfeit controlled substance alone or in combination with one or more other controlled substances, proximately causes the death of a person using, ingesting or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than three nor more than fifteen years.

(b) Any person who, while engaged in the illegal use of a controlled substance with another, who knowingly fails to seek medical assistance for such other person when the other person suffers an overdose of the controlled substance or suffers a significant adverse physical reaction to the controlled substance and the overdose or adverse physical reaction proximately causes the death of the other person, is guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than five years.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 220**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating generally to offenses and penalties under the Uniform Controlled Substances Act; creating the felony offense of delivering controlled substances or counterfeit controlled substances for an illicit purpose resulting in the death of another person and providing criminal penalties therefor; creating the criminal offense of failing to seek necessary medical attention for another while jointly engaged in illegal use of controlled substances where death ensues; and providing criminal penalties therefor.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 220, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Jeffries, Maynard and Weld—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 220) passed with its Senate amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Consideration of House messages now lodged with the Clerk having been concluded, the Senate returned to the consideration of

**Eng. Com. Sub. for Senate Bill 441**, Establishing Municipal Home Rule Pilot Program.

Having been received as a House message in earlier proceedings today, and the House of Delegates amendment to the bill reported at that time (*shown in the Senate Journal of today, pages 2956 to 2967, inclusive*), and now coming up in deferred order, was again reported by the Clerk.

On motion of Senator Ferns, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 441) was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §8-1-5a of the Code of West Virginia, 1931, as amended, be amended and reenacted and that said code be amended by

adding thereto a new section, designated §8-1-5b, all to read as follows:

**ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS; GENERAL PROVISIONS; CONSTRUCTION.**

**§8-1-5a. Municipal Home Rule Pilot Program.**

(a) *Legislative findings.* — The Legislature finds and declares that:

(1) The initial Municipal Home Rule Pilot Program brought innovative results, including novel municipal ideas that became municipal ordinances which later resulted in new statewide statutes;

(2) The initial Municipal Home Rule Pilot Program also brought novel municipal ideas that resulted in court challenges against some of the participating municipalities;

(3) The Municipal Home Rule Board was an essential part of the initial Municipal Home Rule Pilot Program, but it lacked some needed powers and duties;

(4) Municipalities still face challenges delivering services required by federal and state law or demanded by their constituents;

(5) Municipalities are sometimes restrained by state statutes, policies and rules that challenge their ability to carry out their duties and responsibilities in a cost-effective, efficient and timely manner;

(6) ~~Continuing~~ Establishing the Municipal Home Rule Pilot Program as a permanent program available to all municipalities statewide is in the public interest; and

(7) Increasing the powers and duties of the Municipal Home Rule Board will enhance the Municipal Home Rule Pilot Program.

~~(b) *Continuance of pilot program.* — The Municipal Home Rule Pilot Program is continued until July 1, 2019. The ordinances enacted by the participating municipalities pursuant to the 1~~

~~Municipal Home Rule Pilot Program may remain in effect, subject to the requirements of this section, until the ordinances are repealed: *Provided*, That any ordinance enacting a municipal occupation tax is hereby null and void.~~

(b) *Establishment of a permanent program and continuation of pilot plans.* – The Municipal Home Rule Pilot Program is hereby established as a permanent program and shall be identified as the Municipal Home Rule Program. Any ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed.

(c) *Authorizing participation.* —

(1) Commencing ~~July 1, 2015~~ July 1, 2017, ~~thirty~~ any Class I, Class II, and Class III ~~municipalities~~ municipality and ~~four~~ Class IV ~~municipalities~~ municipality that ~~are~~ is current in payment of all state fees may participate in the Municipal Home Rule ~~Pilot~~ Program pursuant to the provisions of this section.

(2) The municipalities participating in the pilot program on the effective date of the amendment and reenactment of this section are hereby authorized to continue in the ~~pilot~~ program, subject to the requirements of this section, and may amend current written plans and/or submit new written plans in accordance with the provisions of this section.

(d) *Municipal Home Rule Board.* — The Municipal Home Rule Board is hereby continued. Effective July 1, 2015, the Municipal Home Rule Board shall consist of the following five voting members:

(1) The Governor, or a designee, who shall serve as chair;

(2) The Executive Director of the West Virginia Development Office, or a designee;

(3) One member representing the Business and Industry Council, appointed by the Governor with the advice and consent of the Senate;

(4) One member representing the largest labor organization in the state, appointed by the Governor with the advice and consent of the Senate; and

(5) One member representing the West Virginia Chapter of the American Institute of Certified Planners, appointed by the Governor with the advice and consent of the Senate.

The Chair of the Senate Committee on Government Organization and the Chair of the House Committee on Government Organization shall continue to be ex officio nonvoting members of the board.

(e) *Board's powers and duties.* — The Municipal Home Rule Board has the following powers and duties:

(1) Review, evaluate, make recommendations and approve or reject for any reason, by a majority vote of the board, each aspect of the written plan, or the written plan in its entirety, submitted by a municipality;

(2) By a majority vote of the board, select, based on the municipality's written plan, new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule ~~Pilot~~ Program;

(3) Review, evaluate, make recommendations and approve or reject for any reason, by a majority vote of the board, the amendments to the written plans submitted by municipalities;

(4) Consult with any agency affected by the written plans or the amendments to the written plans; and

(5) Perform any other powers or duties necessary to effectuate the provisions of this section.

(f) *Written plan.* — Any Class I, Class II, Class III or Class IV municipality desiring to participate in the Municipal Home Rule ~~Pilot~~ Program shall submit a written plan to the board stating in detail the following:

(1) The specific laws, acts, resolutions, policies, rules or regulations which prevent the municipality from carrying out its duties in the most cost-efficient, effective and timely manner;

(2) The problems created by the laws, acts, resolutions, policies, rules or regulations;

(3) The proposed solutions to the problems, including all proposed changes to ordinances, acts, resolutions, rules and regulations: *Provided*, That the specific municipal ordinance instituting the solution does not have to be included in the written plan; and

(4) A written opinion, by an attorney licensed to practice in West Virginia, stating that the proposed written plan does not violate the provisions of this section.

(g) *Public hearing on written plan.* — Prior to submitting its written plan to the board, the municipality shall:

(1) Hold a public hearing on the written plan;

(2) Provide notice at least thirty days prior to the public hearing by a Class II legal advertisement;

(3) Make a copy of the written plan available for public inspection at least thirty days prior to the public hearing; and

(4) After the public hearing, adopt an ordinance authorizing the municipality to submit a written plan to the Municipal Home Rule Board after the proposed ordinance has been read two times.

(h) *Selection of municipalities.* — On or after June 1, 2015, by a majority vote, the Municipal Home Rule Board may select from the municipalities that submitted written plans and were approved by the board by majority vote new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule ~~Pilot~~ Program.

(i) *Powers and duties of municipalities.* — The municipalities participating in the Municipal Home Rule ~~Pilot~~ Program have the



authority to pass an ordinance, act, resolution, rule or regulation, under the provisions of this section, that is not contrary to:

- (1) Environmental law;
- (2) Laws governing bidding on government construction and other contracts;
- (3) The Freedom of Information Act;
- (4) The Open Governmental Proceedings Act;
- (5) Laws governing wages for construction of public improvements;
- (6) The provisions of this section;
- (7) The provisions of section five-a, article twelve of this chapter;
- (8) The municipality's written plan;
- (9) The Constitution of the United States or the Constitution of the State of West Virginia;
- (10) Federal law or crimes and punishment;
- (11) Chapters sixty-a, sixty-one and sixty-two of this code or state crimes and punishment;
- (12) Laws governing pensions or retirement plans;
- (13) Laws governing annexation;
- (14) Laws governing taxation: *Provided*, That a participating municipality may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal business and occupation tax: *Provided, however*, That if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduced or eliminated under the Municipal Home Rule Pilot Program or the Municipal Home Rule Program, it shall eliminate the municipal sales tax enacted under the Municipal Home Rule

~~Pilot~~ Program: *Provided further*, That any municipality that imposes a municipal sales tax pursuant to this section shall use the services of the Tax Commissioner to administer, enforce and collect the tax in the same manner as the state consumers sales and service tax and use tax under the provisions of articles fifteen, fifteen-a and fifteen-b, chapter eleven of this code and all applicable provisions of the Streamlined Sales and Use Tax Agreement: *And provided further*, That such tax ~~will~~ shall not apply to the sale of motor fuel or motor vehicles;

(15) Laws governing tax increment financing;

(16) Laws governing extraction of natural resources; ~~and~~

(17) Marriage and divorce laws; and

(18) Laws governing professional licensing or certification, including the administration and oversight of those laws, by state agencies to the extent required by law.

(j) Municipalities may not pass an ordinance, act, resolution, rule or regulation under the provisions of this section that:

(1) Affects persons or property outside the boundaries of the municipality: *Provided*, That this prohibition under the Municipal Home Rule ~~Pilot~~ Program does not limit a municipality's powers outside its boundary lines under other provisions of this section, other sections of this chapter, other chapters of this code or court decisions; or

(2) Enacts an occupation tax, fee or assessment payable by a nonresident of a municipality.

(k) *Amendments to written plans.* — A municipality participating in the Municipal Home Rule ~~Pilot~~ Program may amend its written plan at any time.

(l) *Amendments to ordinances, acts, resolutions, rules or regulations.* — A municipality participating in the Municipal Home Rule ~~Pilot~~ Program may amend any ordinance, act, resolution, rule or regulation enacted pursuant to the municipality's

approved written plan at any time so long as any amendment is consistent with the municipality's approved written plan, complies with the provisions of subsections (i) and (j) of this section and the municipality complies with all applicable state law procedures for enacting municipal legislation.

(m) *Reporting requirements.* — Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.

~~(n) *Termination of the pilot program.* — The Municipal Home Rule Pilot Program terminates on July 1, 2019. An ordinance, act, resolution, rule or regulation enacted by a participating municipality under the provisions of this section during the period of the Municipal Home Rule Pilot Program shall continue in full force and effect until repealed.~~

(n) In the event thirty percent of the qualified voters of the municipality that voted in the previous municipal election, by petition duly signed by them in their own handwriting and filed with the recorder of the municipality within forty-five days after the enactment or amendment of an ordinance, protest against the ordinance as enacted or amended, the ordinance shall not become effective until it is ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs. Voting shall not take place until after notice of the submission is given by publication as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code.

(o) Notwithstanding any other provision of this code to the contrary, on and after the effective date of the enactment of this provision in 2015, no distributee under the provisions of this section may seek from the Tax Division of the Department of Revenue a refund of revenues or moneys collected by, or remitted

to, the Tax Division of the Department of Revenue, nor seek a change in past amounts distributed, or any other retrospective adjustment relating to any amount distributed, to the extent that the moneys in question have been distributed to another distributee, regardless of whether those distributions were miscalculated, mistaken, erroneous, misdirected or otherwise inaccurate or incorrect. For purposes of this section, the term “distributee” means any municipality that receives or is authorized to receive a specific distribution of revenues or moneys collected by, or remitted to, the Tax Division of the Department of Revenue pursuant to this section.

**§8-1-5b. Municipal Government Labor Regulatory Limitation.**

(a) Notwithstanding any home rule authority granted under this code, and notwithstanding any other provision of this code to the contrary, no municipality may adopt, enforce or administer an ordinance, regulation, local policy, local resolution or other legal requirement regarding any of the following specific areas:

(1) Regulating information an employer or potential employer must request, require or exclude on an application for employment from an employee or a potential employee: *Provided*, That this section does not prohibit an ordinance, local policy or local resolution requiring a criminal background check for an employee or potential employee in connection with the receipt of a license or permit from a local governmental body;

(2) Requiring an employer to pay to an employee a wage higher than any applicable state or federal law;

(3) Requiring an employer to pay to an employee a wage or fringe benefit based on wage and fringe benefit rates prevailing in the locality;

(4) Regulating work stoppage or strike activity of employers and their employees or the means by which employees may organize;

(5) Requiring an employer to provide to an employee paid or unpaid leave time;

(6) Requiring an employer or its employees to participate in any educational apprenticeship or apprenticeship training program that is not required by state or federal law; or

(7) Regulating hours and scheduling that an employer is required to provide to employees: *Provided*, That this section does not prohibit an ordinance, local policy or local resolution that limits the hours a business may operate.

(b) Nothing in this article shall be construed so as to prohibit a municipality from enforcing a written agreement voluntarily entered into and in effect prior to the effective date of this section.

(c) Any ordinance, regulation, local policy, local resolution or other legal requirement enacted or adopted prior to the effective date of this section that would be prohibited under this section is void upon the effective date of this section.

(d) This section does not apply to the employees of a municipality and is not intended to prohibit a municipality from adopting, enforcing or administering an ordinance, regulation, local policy, local resolution or other legal requirement applicable to its own employees regarding any of the specific areas described in subsection-a.

(e) Nothing in this section shall be construed as prohibiting or limiting a municipality from complying with the West Virginia Drug and Alcohol Free Workplace Act, set forth in article one-d, chapter twenty-one of this code, or otherwise requiring similar drug and alcohol policies and testing of a municipality's vendors.

Senator Palumbo arose to a point of order that Senator Ferns' amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 441) was broader than the current bill and that the enacting sections may be conflicting.

Which point of order, the President ruled well taken, saying Senator Ferns' amendment to the House of Delegates amendment to the bill is broader than the scope of the bill and, therefore, the amendment will be disallowed.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 630, Establishing Accessibility and Equity in Public Education Enhancement Act.**

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking everything after the enacting clause and inserting in lieu thereof the following:

That §18-2-25 of the Code of West Virginia, 1931, as amended, be amended and reenacted and to amend said code by adding thereto a new article, designated §18-5F-1, §18-5F-2, §18-5F-3, §18-5F-4, §18-5F-5 and §18-5F-6, all to read as follows:

## **ARTICLE 2. STATE BOARD OF EDUCATION.**

**§18-2-25. Authority of county boards to regulate athletic and other extracurricular activities of secondary schools; delegation of authority to West Virginia Secondary School Activities Commission; authority of commission; approval of rules ~~and regulations~~ by state board; incorporation; funds; participation by private and parochial schools and by home schooled students.**

The county boards of education ~~are hereby granted and~~ shall exercise ~~the~~ control, supervision and regulation of all interscholastic athletic events, and other extracurricular activities of the students in public secondary schools, and of ~~said~~ those schools of their respective counties. The county board of education may delegate ~~such~~ control, supervision and regulation of interscholastic athletic events and band activities to the West

Virginia Secondary School Activities Commission. ~~which is hereby established~~

The West Virginia Secondary School Activities Commission ~~shall be~~ is composed of the principals, or their representatives, of those secondary schools whose county boards of education have certified in writing to the state superintendent of Schools that they have elected to delegate the control, supervision and regulation of their interscholastic athletic events and band activities of the students in the public secondary schools in their respective counties to ~~said the~~ the commission. The West Virginia Secondary School Activities Commission ~~is hereby empowered to~~ may exercise the control, supervision and regulation of interscholastic athletic events and band activities of secondary schools, delegated to it pursuant to this section. The rules ~~and regulations~~ of the West Virginia Secondary School Activities Commission shall contain a provision for a proper review procedure and review board and be promulgated in accordance with the provisions of chapter twenty-nine-a of this code, but ~~shall be~~ are, in all instances ~~be~~ subject to the prior approval of the state board. The West Virginia Secondary School Activities Commission, may, with the consent of the State Board of Education, incorporate under the name of "West Virginia Secondary School Activities Commission, Inc.," as a nonprofit, nonstock corporation under the provisions of chapter thirty-one of this code. County boards of education ~~are hereby authorized to~~ may expend moneys for and pay dues to the West Virginia Secondary School Activities Commission, and all moneys paid to ~~such the~~ the commission, as well as moneys derived from any contest or other event sponsored by ~~said the~~ the commission, ~~shall be~~ are quasi-public funds as ~~the same are~~ defined in article five, chapter eighteen, and ~~such the~~ the funds of the commission ~~shall be~~ are subject to an annual audit by the State Tax Commissioner.

The West Virginia Secondary School Activities Commission shall promulgate reasonable rules ~~and regulations~~ providing for the control, supervision and regulation of the interscholastic athletic events and other extracurricular activities of ~~such~~ private and parochial secondary schools as that elect to delegate to ~~such the~~ the commission ~~such~~ control, supervision and regulation, upon the

same terms and conditions, subject to the same regulations and requirements and upon the payment of the same fees and charges as those provided for public secondary schools. Any such private or parochial secondary school shall receive any monetary or other benefits in the same manner and in the same proportion as any public secondary school.

Notwithstanding any other provision of this section or the commission's rules, the commission shall consider eligible for participation in extracurricular activities of secondary schools a student who is receiving home instruction pursuant to subsection (c), section one, article eight, chapter eighteen of this code and who:

(1) Has demonstrated satisfactory evidence of academic progress for two years in compliance with the provisions of that subsection; *provided* that the student's average test results are within or above the fourth stanine in all subject areas;

(2) Has not reached the age of nineteen by August 1 of the current school year;

(3) Is an amateur who receives no compensation, but participates solely for the educational, physical, mental and social benefits of the activity;

(4) Agrees to comply with all disciplinary rules and regulations of the West Virginia Secondary Schools Activities Commission and the county board in which the home-schooled student lives, applicable to all other athletes and activity participants; and

(5) Agrees to obey all rules of the West Virginia Secondary Schools Activities Commission governing awards, all-star games, parental consents, physical examinations and vaccinations applicable to all high school athletes.

Eligibility is limited to participation in interscholastic programs at the public secondary school serving the attendance zone in which the student lives. *Provided* that home school students who leave a member school during the school year shall be subject to the same transfer protocols that apply to member-to-member



transfers. Reasonable fees may be charged to the student to cover the costs of participation in interscholastic programs.

**ARTICLE 5F. ACCESSIBILITY AND EQUITY IN PUBLIC EDUCATION ENHANCEMENT ACT.**

**§18-5F-1. Short title.**

This article shall be known and may be cited as the Accessibility and Equity in Public Education Enhancement Act.

**§18-5F-2. Legislative findings; purpose.**

(a) The Legislature finds and declares that:

(1) County school districts have called for more local control and flexibility to meet the education needs of their communities;

(2) Students, parents and teachers are seeking alternatives to the traditional classroom delivery of education that better meets the educational needs of students;

(3) Public schools should be able to provide a variety of instructional delivery models;

(4) The county school districts can enhance education opportunities for students, using technology;

(5) Using technology to deliver instruction can provide flexibility and increase options for instruction;

(6) Giving county school districts the flexibility to create innovative programs will provide teachers with new instructional opportunities; and

(7) This Act is not intended to save money through the reduction of school personnel positions.

(b) The purpose of this article is to enhance access and equity in public education in West Virginia.

**§18-5F-3. Definitions.**

For the purposes of this article, unless a different meaning clearly appears from the context:

(a) “Blended program” means a formal education program in which a student learns:

(1) At least in part through online learning, with some element of student control over time, place, path or pace;

(2) At least in part in a supervised setting outside the home; and

(3) In such a way that the modalities of each student’s learning path within a course or subject are connected to provide an integrated learning experience;

(b) “Eligible student” means a student eligible for attendance in public schools in a school district that provides a virtual instruction program, that is a member of a multicounty consortium providing a virtual instruction program or that does not provide a virtual instruction program and is not a member of a multicounty consortium, but participates through a collaborative agreement between the school district in which the student is enrolled and a school district or a multicounty consortium providing a virtual instruction program;

(c) “Multicounty consortium” means a written arrangement where two or more county boards act in concert to establish a virtual school that will serve eligible students; and

(d) “Virtual instruction program” means a program implemented by a county board or multicounty consortium that provides a full-time online or blended program of instruction for students enrolled in any composition of grades kindergarten through twelve.

**§18-5F-4. County board policy adoption.**

(a) A county board or a multicounty consortium may create a virtual instruction program for one or more schools serving any composition of grades kindergarten through twelve by adopting a policy creating the program and after adopting the policy may

contract with virtual school providers. When there is a multicounty consortium, each county board in the consortium shall adopt a policy creating the virtual instruction program. The virtual instruction program may begin July 1, 2017, or at any point thereafter: *Provided*, That, notwithstanding any other provision of this article to the contrary, no eligible students in grades kindergarten through five may participate in a virtual instruction program until after the program has been in operation for one full school year.

(b) The policy adopted by the county board pursuant to this section shall govern the virtual instruction program offered by the county board or multicounty consortium.

(c) The policy shall be consistent with this article and may offer eligible students in grades kindergarten through twelve an online pathway for earning a high school diploma and, at a minimum, shall include the following:

(1) The scope, instructional model and capacity for the virtual education program;

(2) Assessment protocol and specific requirements for monitoring performance that are consistent with section five, article two-e of this chapter;

(3) A plan for monitoring students receiving virtual instruction in accordance with pacing and completion of the required virtual coursework: *Provided*, That, if virtual instruction occurs in a public school classroom then a teacher, professional personnel, professional educator, or paraprofessional employed by that county must be present to monitor;

(4) Qualifications of faculty, which at a minimum shall include a teaching certificate issued pursuant to article three, chapter eighteen-a of this code and state board rules; and

(5) A requirement that any virtual school provider contracted with comply with state and federal privacy laws.

**§18-5F-5. Compliance with existing state law**

(a) An eligible student enrolled in a virtual instruction program shall:

(1) Be counted in the net enrollment of the school district in which the student resides for the purposes of calculating and receiving state aid;

(2) Be subject to the same state assessment requirements as other students in the school district; and

(3) Receive a diploma from the school district, upon completing the same coursework required of regular public school students in the district.

(b) An eligible student participating in a virtual instruction program, to the extent the program as delineated in the county board policy allows or requires instruction to occur outside of a school building, is not required to comply with compulsory school attendance requirements set forth in article eight of this code or any other provision of law or state board rule relating to attendance.

(c) Neither the school district, the eligible student nor the parents of the student participating in a virtual instruction program, to the extent the program as delineated in the county board policy allows or requires instruction to occur outside of a school building, may incur any penalty or be held accountable for the absence of the student from the school building.

(d) For an eligible student participating in a virtual instruction program, neither the school district nor the student, to the extent the program as delineated in the county board policy is a learn at your own pace program, is required to comply with the instructional term requirement set forth in section forty-five, article five of this chapter or any other law or state board rule requiring a student to be receiving instruction for any set time.

(e) An eligible student participating in a virtual instruction program shall be considered to be attending the school in the attendance district created by the county board pursuant to section sixteen, article five of this chapter that the eligible student resides in unless otherwise transferred to another school pursuant to that

section or any other provision of this code. The eligible student may participate in any cocurricular and extracurricular activities of that school, but is subject to the same participation requirements imposed on a traditional student attending the school. If the student transfers from a traditional school to the virtual model, he or she will be subject to the West Virginia Secondary Schools Athletic Commission transfer rules.

(f) A county board is exempt from any provision of law or state board rule that applies to the traditional delivery of instruction such as requirements relating to the physical presence of a student, student monitoring and security, the maximum teacher-pupil ratio set forth in section eighteen-a, article five of this chapter, instructional time requirements and physical education requirements to the extent any of the foregoing conflict with the delivery of the virtual instruction program.

(g) The virtual instruction program is not subject to online course restrictions imposed by the state board, state superintendent or the West Virginia Department of Education.

(h) Coursework offered through a virtual instruction program shall be aligned to the appropriate academic standards as required by state law and state board rule.

(i) The assessment results of a student shall be included in the assessment results of the school and the school district in which the student is considered enrolled pursuant to this section for purposes of accountability.

**§18-5F-6. Report to Legislative Oversight Commission on Education Accountability.**

At the end of the first year any virtual instruction program is implemented pursuant to this article, the West Virginia Department of Education, after consulting with the county board or boards implementing the program, shall report to the Legislative Oversight Commission on Education Accountability on all aspects of the program. The report, at least, shall include the grade levels of the students the program was offered to; the number of students

who enrolled in the program; the number of students who were enrolled in the program full-time and number who participated in a blended program; the number of students who were homeschooled, enrolled in a private school and enrolled in a public school immediately preceding enrollment in the virtual instruction program; and how the students performed academically as compared with students in a traditional classroom setting.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 630**—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, and to amend said code by adding thereto a new article, designated §18-5F-1, §18-5F-2, §18-5F-3, §18-5F-4, §18-5F-5 and §18-5F-6, all relating to public education accessibility and equity; relating to the secondary schools athletic commission; participation by home schooled students in extracurricular activities; establishing the Accessibility and Equity in Public Education Enhancement Act; setting forth legislative findings and purpose; defining terms; allowing a county board or a multicounty consortium to create a virtual instruction program for one or more schools serving any composition of grades kindergarten through twelve by adopting a policy creating the program; allowing the county board or multicounty consortium after adopting the policy to contract with virtual school providers; delaying participation of eligible students in grades kindergarten through five until after the program has been in operation for one full school year; requiring eligible students to be counted in the net enrollment of the school district for the purposes of calculating and receiving state aid, be subject to the same state assessment requirements as other students in the school district and receive a diploma upon completing the same coursework required of regular public school students in the district; exempting, to a limited extent, certain students, parents and school districts from certain laws and state board policies that pertain to requiring the student to be in a school building receiving instruction for any set period of time; providing that a participating eligible student be considered to be attending a certain school;

allowing the eligible student to participate in any cocurricular and extracurricular activities of the school under the same participation requirements imposed on traditional students attending the school; exempting a county board from certain provisions of law or state board rule to the extent any conflict with the delivery of the program; exempting a county board from certain online course restrictions; requiring coursework offered through a program be aligned to certain academic standards; requiring the assessment results of a student be included in the assessment results of the school and the school district in which the student is considered to be enrolled for purposes of accountability; and requiring report to the Legislative Oversight Commission on Education Accountability on all aspects of the program.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 630) were reported by the Clerk, considered simultaneously, and adopted:

On page one, after the enacting section, by striking out the article heading;

On pages one through three, by striking out all of section twenty-five;

On page seven, section five, after the word "school." by striking out the remainder of subsection (e);

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §18-5F-1, §18-5F-2, §18-5F-3, §18-5F-4, §18-5F-5 and §18-5F-6, all to read as follows;:

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 630**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5F-1, §18-5F-2, §18-5F-3, §18-5F-4, §18-5F-5 and §18-5F-6, all relating to establishing the Accessibility and Equity in Public Education Enhancement Act; setting forth legislative findings and purpose; defining terms; allowing a county board or a multicounty consortium to create a virtual instruction program for one or more schools serving any composition of grades kindergarten through twelve by adopting a policy creating the program; allowing the county board or multicounty consortium after adopting the policy to contract with virtual school providers; delaying participation of eligible students in grades kindergarten through five until after the program has been in operation for one full school year; requiring eligible students to be counted in the net enrollment of the school district for the purposes of calculating and receiving state aid, be subject to the same state assessment requirements as other students in the school district and receive a diploma upon completing the same coursework required of regular public school students in the district; exempting, to a limited extent, certain students, parents and school districts from certain laws and state board policies that pertain to requiring the student to be in a school building receiving instruction for any set period of time; providing that a participating eligible student be considered to be attending a certain school; allowing the eligible student to participate in any cocurricular and extracurricular activities of the school under the same participation requirements imposed on traditional students attending the school; exempting a county board from certain provisions of law or state board rule to the extent any conflict with the delivery of the program; exempting a county board from certain online course restrictions; requiring coursework offered through a program be aligned to certain academic standards; requiring the assessment results of a student be included in the assessment results of the school and the school district in which the student is considered to be enrolled for purposes of accountability; and requiring report to the Legislative Oversight Commission on Education Accountability on all aspects of the program.



On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 630, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 630) passed with its Senate amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 630) takes effect from passage.

*Ordered,* That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

On motion of Senator Ferns, the Senate recessed for five minutes to permit Rebecca Turnbull to address the Senate on behalf of the Legislative Information Journalism Internship Program.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Romano, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business and the consideration of

**Eng. Com. Sub. for Senate Bill 441**, Establishing Municipal Home Rule Pilot Program.

Having been received as a House message in earlier proceedings today, and the House of Delegates amendment to the bill reported at that time (*shown in the Senate Journal of today, pages 2950 to 2958, inclusive*), was again reported by the Clerk.

On motion of Senator Ferns, the following amendment to the House of Delegates amendment to the bill was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 441**—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing that any ordinance, act, resolution, rule or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; clarifying the authority of the Municipal Home Rule Board; allowing all municipalities to participate in the Municipal Home Rule Program; requiring certain notice prior to passing of an ordinance; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule or regulation that is contrary to certain laws governing the professional licensing or certification of public employees;

providing for petition procedures to protest enacted or amended ordinances; requiring ratification of certain ordinances by the voters in a municipal election; and eliminating the automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Committee Substitute for Senate Bill 441, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Facemire, Miller and Romano—3.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 441) passed with its Senate amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Ferns, and by unanimous consent, the Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

**Eng. Com. Sub. for House Bill 2018**, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

On third reading, coming up in regular order, with the right having been granted on yesterday, Friday, April 7, 2017, for

amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Ferns, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's third reading calendar.

**Eng. Com. Sub. for House Bill 2109**, Relating to the West Virginia Land Reuse Agency Authorization Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Azinger, Rucker and Sypolt—3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2109) passed.

On motion of Senator Blair, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2109**—A Bill to amend and reenact §31-18E-3 and §31-18E-9 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Land Reuse Agency Authorization Act; defining the term “municipal land band”; including a municipal land bank as an agency that may acquire property; providing that a land reuse agency or a municipal land bank may have the right of first refusal to buy certain tax delinquent property for taxes owed and any related fees before the tax delinquent property is placed for public auction at tax sales; providing procedures for when a land reuse agency or municipal

land bank exercises a first right of refusal to purchase tax-delinquent property; requiring county sheriffs to compile a list of properties meeting certain criteria; granting owners of adjacent real property a right to purchase a tax delinquent property from a land reuse agency or municipal land bank, within 120 days of receiving notice, for an amount equal to the amount paid for the property by the land reuse agency or municipal land bank; providing a three year sunset provision; and authorizing reporting to the Legislature.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Azinger, Rucker and Sypolt—3.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2109) takes effect from passage.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for House Bill 2359**, Relating to offenses and penalties for practicing osteopathic medicine without a license.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2359) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2359**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §30-3-18; to amend and reenact §30-14-12 of said code; and to amend said code by adding thereto a new section, designated §30-14-16, all relating generally to the West Virginia Medical Practice Act; authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff for functions common to both boards; providing offenses and penalties for practicing osteopathic medicine without a license; and creating a felony crime of practicing or attempting to practice osteopathic medicine without a license or permit and providing criminal penalties.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for House Bill 2520**, Prohibiting the use of a tanning device by a person under the age of eighteen.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2520 pass?”

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Maroney, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso,

Romano, Smith, Stollings, Swope, Sypolt, Takubo, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Azinger, Karnes, Mann, Maynard, Rucker and Trump—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2520) passed with its title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fifth order of business.

### **Filed Conference Committee Reports**

The Clerk announced the following conference committee report had been filed at 4:58 p.m. today:

**Eng. Senate Bill 554**, Relating to false swearing in legislative proceeding.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

**Eng. Com. Sub. for House Bill 2552**, Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Gaunch, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Azinger, Ferns, Hall, Karnes, Sypolt and Trump—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2552) passed with its title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for House Bill 2637**, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2637) passed.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2637**—A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage; including speech pathologists and school nurses in



definition of teacher or substitute teacher for purposes of employment of retired teachers beyond the post-retirement limit; establishing uniform date retirement must become effective to determine status of retirement benefits during employment as critical needs substitute teacher; restating reporting requirement to legislative committees; extending date for expiration of provisions related to employment of retired teacher as substitute teach beyond the post-retirement limit; eliminating requirement that county policy for employment of prospective employable professional personnel be based on areas of critical need and shortage identified by state board; requiring posting of notice of critical need and shortage area positions prior to making offers of employment and options for posting; limiting employment of prospective employable professional personnel to certain candidates at job fair who will commence employment at the next employment term; changing limit on number of prospective employable professional personnel that may be employed to number required to fill positions posted; clarifying action required for prospective employable professional personnel to obtain regular employment status; clarifying that provisions relating to prospective employable professional personnel do not prevent filling posted vacancy at any time in accordance with other provisions; eliminating any requirement for successive postings where there were no qualified applicants in response to the initial posting; clarifying that no additional faculty senate involvement is required after initial faculty senate involvement; and allowing financial incentives for purposes of recruiting professional personnel in critical needs areas and to attract professional personnel in a critical need or shortage area.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Boso, and by unanimous consent, Senator Boso announced a meeting of the Committee on Transportation and Infrastructure and a meeting of the committee of conference as to Engrossed Committee Substitute for Senate Bill 204 (*Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses*).

At the request of Senator Blair, and by unanimous consent, Senator Blair announced a meeting of the committee of conference as to Engrossed Senate Bill 172 (*Eliminating salary for Water Development Authority board members*).

The Senate then resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

**Eng. Com. Sub. for House Bill 2648**, Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2648) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2648**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8D-4b, relating to creating the criminal offense of child neglect by voluntary intoxication; establishing elements of the offenses; establishing enhanced penalties for second and subsequent offenses; making third and subsequent

offenses a felony; allowing convictions in other jurisdictions to constitute a prior conviction for enhancement purposes; and establishing criminal penalties.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for House Bill 2651**, Relating generally to standardized testing requirements for nonpublic schools.

On third reading, coming up in regular order, was read a third time.

Pending discussion,

On motion of Senator Ferns, the bill was committed to the Committee on Rules.

**Eng. Com. Sub. for House Bill 2674**, Relating to access to and receipt of certain information regarding a protected person.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2674) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2674**—A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §44A-3-17 and §44A-3-18, all relating to the disclosure of certain confidential information relating to protected persons in guardianship; access to and receipt of certain information regarding a protected person by certain relatives of the protected person; authorizing relatives of a protected person to petition the circuit court for access and information about a protected person; defining “relative”; providing a relative may petition the court for an order granting access to a protected person; setting forth time standards in which to conduct a hearing after a petition is filed; providing for an emergency hearing under particular circumstances; providing for service of a petition upon a guardian and setting time standards for service thereof; providing for the entry of an order by the court following notice and hearing conducted thereon; providing standards for a court to observe and implement in issuing a ruling on a petition; providing the court may award attorney’s fees and costs be paid to a prevailing party; setting forth particular duties for a guardian to provide relatives notice about a protected person’s condition and circumstances; authorizing court to retain jurisdiction; regarding dissemination of information about a protected person to relatives; and providing a guardian method whereby one may be relieved of responsibility for providing information regarding a protected person to a relative.

*Ordered,* That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 2675**, Relating to primary elections and nominating procedures.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2675) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. House Bill 2675**—A Bill to amend §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-3, §3-5-13 and §3-5-13a of said code; to amend and reenact §3-10-1 and §3-10-8 of said code; and to amend said code by adding thereto a new section, designated §3-10-8a, all relating generally to primary elections and nominating procedures; removing county surveyor of lands from primary election ballot and primary election procedures; providing for nonpartisan election of surveyor of lands effective with general election of 2020; removing requirement for certain nonpartisan races to be separated from partisan ballot; requiring ballots containing names of persons aspiring to be candidates of their respective parties for president of the United States contain additional line permitting voter to express choice of “None of these candidates”; clarifying that only votes for named candidates to be counted in determining presidential nominations; requiring votes for “None of these candidates” to be listed with other results of presidential preference vote; requiring sample ballots or other voter instructions to clearly explain that voter may mark “None of these candidates” only if voter has not voted for any candidate for office; providing ballot order of races on state and national ticket; removing language permitting ballots for judicial races be on separate paper ballot; providing language for ballot title of portion of ballot for nonpartisan election of county surveyor; providing

manner of filling vacancies in office of county surveyor of lands; removing outdated language; and making technical corrections.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Swope, and by unanimous consent, Senator Swope announced a meeting of the committee of conference as to Engrossed Committee Substitute for Senate Bill 224 (*Repealing requirement for employer's bond for wages and benefits*).

At the request of Senator Takubo, unanimous consent being granted, Senator Takubo announced a meeting of the committee of conference as to Engrossed Committee Substitute for House Bill 2631 (*Relating to time standards for disposition of complaint proceedings*).

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the consideration of

**Eng. Com. Sub. for House Bill 2851**, Updating fee structure provisions for broker-dealers.

On third reading, coming up out of regular order, with the unreported Finance committee amendments pending, and with the right having been granted on yesterday, Friday, April 7, 2017, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Hall, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendments to the bill were withdrawn.

On motion of Senator Hall, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page seven, section three hundred five, after line seventy-seven, by inserting the following:

**§32-4-406. Administration of chapter; operating fund for securities department.**

(a) This chapter shall be administered by the Auditor of this state and he or she is hereby designated, and shall be, the commissioner of securities of this state. He or she or she has the power and authority to appoint or employ such assistants as are necessary for the administration of this chapter.

(b) The Auditor shall set up a special operating fund for the securities division in his or her office. The Auditor shall pay into the fund twenty percent of all fees collected as provided for in this chapter. If, at the end of any fiscal year, the balance in the special operating fund exceeds half of the prior fiscal year's appropriation, the excess shall be transferred to the General Revenue Fund: *Provided, That at the end of the 2018 fiscal year, if the balance in the special operating fund exceeds twenty percent of the gross revenues from the special operating fund operations, the auditor may first use the fund to repay any transfers made during the 2017 fiscal year from the Revenue Shortfall Reserve Fund to the West Virginia Enterprise Resource Planning Board created in section one, article six-d, chapter twelve of this code: *Provided, however, That at the end of the 2018 fiscal year, after any repayments made out of the special operating fund to the Revenue Shortfall Reserve Fund, any balance in the special operating fund that exceeds half of prior year's appropriation shall be transferred to the General Revenue Fund.**

The special operating fund shall be used by the Auditor to fund the operation of the securities division and the general operations of the Auditor's office. The special operating fund shall be appropriated by line item by the Legislature.

(c) Moneys payable for assessments established by section four hundred seven-a of this article shall be collected by the commissioner and deposited into the General Revenue Fund.

(d) It is unlawful for the commissioner or any of his or her officers or employees to use for personal benefit any information which is filed with or obtained by the commissioner and which is not made public. No provision of this chapter authorizes the

commissioner or any of his or her officers or employees to disclose any information except among themselves or when necessary or appropriate in a proceeding or investigation under this chapter. No provision of the chapter either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the commissioner or any of his or her officers or employees.;

And,

By striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That §32-2-202 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §32-3-305 of said code be amended and reenacted; that §32-2-406 of said code be amended and reenacted; and that §32-4-413 of said code be amended and reenacted, all to read as follows:.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2851), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Azinger, Karnes and Unger—3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2851) passed.

At the request of Senator Hall, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the title of the bill was withdrawn.



On motion of Senator Hall, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2851**—A Bill to amend and reenact §32-2-202 of the Code of West Virginia, 1931, as amended; to amend and reenact §32-3-305 of said code; to amend and reenact §32-2-406 of said code; and to amend and reenact §32-4-413 of said code, all relating to increasing fees assessed by the Auditor's Securities Division; and changing the threshold at which money in the Auditor's Security Division's special revenue fund becomes excess and transfers to the General Revenue Fund for the 2018 fiscal year.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

On motion of Senator Ferns, the Senate recessed until 6 p.m. today.

Upon expiration of the recess, the Senate reconvened.

On motion of Senator Ferns, the special order of business set for this position on the calendar (*consideration of executive nominations*) was postponed and made a special order of business at 9 p.m. tonight.

At the request of Senator Gaunch, and by unanimous consent, Senator Gaunch announced a meeting of the committee of conference as to Engrossed Committee Substitute for House Bill 2585 (*Creating felony crime of conducting financial transactions involving proceeds of criminal activity*).

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fifth order of business.

### **Filed Conference Committee Reports**

The Clerk announced the following conference committee report had been filed at 6:22 p.m. today:

**Eng. Com. Sub. for Senate Bill 204**, Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.

The Clerk announced the following conference committee reports had been filed at 6:23 p.m. today:

**Eng. Com. Sub. for House Bill 2721**, Removing the cost limitation on projects completed by the Division of Highways.

And,

**Eng. Com. Sub. for House Bill 2722**, Eliminating the financial limitations on utilizing the design-build program for highway construction.

On motion of Senator Ferns, the Senate recessed for five minutes.

### **Night Session**

Upon expiration of the recess, the Senate reconvened and, without objection, returned to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

**Eng. Com. Sub. for House Bill 2589**, Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Blair, Upson and Rodighiero.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

**Eng. Com. Sub. for House Bill 2631**, Relating to time standards for disposition of complaint proceedings.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Hanshaw, Capito and R. Miller.

The Senate again proceeded to the fifth order of business.

### **Filed Conference Committee Reports**

The Clerk announced the following conference committee reports had been filed at 7:24 p.m. tonight:

**Eng. House Bill 2329**, Prohibiting the production, manufacture or possession of fentanyl.

And,

**Eng. Com. Sub. for House Bill 2579**, Increasing the penalties for transporting controlled substances.

The Clerk announced the following conference committee report had been filed at 7:25 p.m. tonight:

**Eng. Com. Sub. for House Bill 2585**, Creating felony crime of conducting financial transactions involving proceeds of criminal activity.

The Clerk announced the following conference committee report had been filed at 7:26 p.m. tonight:

**Eng. Com. Sub. for House Bill 2631**, Relating to time standards for disposition of complaint proceedings.

At the request of Senator Palumbo, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2083**, Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2367**, Establishing a criminal offense of organized retail crime.

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. Com. Sub. for House Bill 2447**, Renaming the Court of Claims the state Claims Commission.

Whereupon, Senator Weld, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 2447**, Renaming the Court of Claims the state Claims Commission.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill 2447 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the House agree to the amendment of the Senate to the bill striking out everything after the enacting section;

That both houses agree to an amendment as follows:

On page nine, after section seventeen, by inserting a new section, designated section seventeen-a, to read as follows:

**§14-2-17a. Shortened procedure for road condition claims.**

Notwithstanding the regular and shortened procedures provided for in sections sixteen and seventeen of this article, there shall be a shortened procedure for road condition claims. The shortened procedure authorized by this section shall apply only to a claim possessing all of the following characteristics:

(1) The claim does not arise under an appropriation for the current fiscal year.

(2) The claim alleges that a condition on the state's highways or roads caused property damage.

(3) The Division of Highways concurs in the claim.

(4) The amount claimed does not exceed \$1,000.

The Division of Highways shall prepare a stipulation concerning the claim and file it with the clerk. The commission shall order the claim approved and shall file its statement with the clerk.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title, to read as follows:

**Eng. Com. Sub. for House Bill 2447**—A Bill to repeal §14-2-6 and §14-2-18 of the Code of West Virginia, 1931, as amended; to repeal §14-2A-7 of said code; to amend and reenact §14-2-3, §14-2-4, §14-2-4a, §14-2-5, §14-2-7, §14-2-8, §14-2-9, §14-2-10, §14-2-11, §14-2-12, §14-2-13, §14-2-14, §14-2-15, §14-2-16, §14-2-17, §14-2-19, §14-2-20, §14-2-21, §14-2-22, §14-2-23, §14-2-24, §14-2-25, §14-2-26, §14-2-27 and §14-2-28 of said code; to amend said code by adding thereto a new section, designated §14-2-17a; and to amend and reenact §14-2A-5, §14-2A-6, §14-2A-9, §14-2A-10, §14-2A-11, §14-2A-12, §14-2A-13, §14-2A-14, §14-2A-15, §14-2A-16, §14-2A-17, 14-2A-18, §14-2A-19, §14-2A-19a, §14-2A-19b, §14-2A-20, §14-2A-21, §14-2A-25, §14-2A-26 and §14-2A-28 of said code, all relating to certain claims against

the state generally; renaming the West Virginia Court of Claims the West Virginia Legislative Claims Commission; renaming judges commissioners; clarifying the length of the existing terms for the current commissioners; clarifying that commissioners are not judicial officers; modifying definitions; providing explicit power of removal of commissioners to the President of the Senate and the Speaker of the House of Delegates; providing authority to the President of the Senate and the Speaker of the House of Delegates for the hiring of a clerk, chief deputy clerk, deputy clerks, claim investigators, and support staff and setting salaries for said positions; authorizing the President of the Senate and Speaker of the House to permit commissioners serve more than one hundred twenty days in any fiscal year; increasing the monetary limit for agency agreed to claims from \$1,000 to \$3,000; and updating and modifying and clarifying procedures and practices of the commission.

Respectfully submitted,

Mark Zatezalo, *Chair*, John D. O'Neal IV, Rodney Miller,  
*Conferees on the part of the House of Delegates.*

Ryan W. Weld, *Chair*, Mark R. Maynard, Glenn D. Jeffries,  
*Conferees on the part of the Senate.*

On motions of Senator Weld, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2447, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Mann, Maroney, Maynard, Mullins, Plymale, Rucker, Smith, Stollings, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—26.

The nays were: Miller, Palumbo, Prezioso and Romano—4.

Absent: Jeffries, Karnes, Ojeda and Swope—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2447) passed with its conference amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2601**, Relating to municipal policemen's or municipal firemen's pension and relief funds.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2679**, Relating to the possession of firearms in parks and park facilities.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

**Eng. Com. Sub. for House Bill 2683**, Relating to West Virginia Insurance Guaranty Association Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect July 1, 2017, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2702**, Relating to excused absences for personal illness from school.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect July 1, 2017, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2720**, Allowing the School Building Authority to transfer funds allocated into the School Construction Fund.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

**Eng. Com. Sub. for House Bill 2739**, Relating to supplemental Medicaid provider reimbursement.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2771**, Relating to temporary teaching certificates for Armed Forces spouses.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2815**, Relating to higher education governance.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2857**, West Virginia Safer Workplaces Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2897**, Raising the amount required for competitive bidding of construction contracts by the state and its subdivisions.



A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. House Bill 3018**, Adding definition of correctional employee to the list of persons against whom an assault is a felony.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 3093**, Establishing Broadband Enhancement and Expansion Policies.

At the request of Senator Ferns, and by unanimous consent, the Senate again proceeded to the eighth order of business and the consideration of

**Eng. Com. Sub. for House Bill 3020**, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person.

On third reading, coming up out of regular order, with the unreported Natural Resources committee amendment pending, and with the right having been granted on Thursday, April 6, 2017, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Maynard, as chair of the Committee on Natural Resources, and by unanimous consent, the unreported Natural Resources committee amendment to the bill was withdrawn.

On motion of Senator Maynard, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §20-2-3 and §20-2-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended

by adding thereto a new section, designated §20-2-5i; and that §20-7-9 of said code be amended and reenacted, all to read as follows:

## **ARTICLE 2. WILDLIFE RESOURCES.**

### **§20-2-3. State ownership of wildlife.**

~~The ownership of and title to all wild animals, wild birds, both migratory and resident, and all fish, amphibians, and all forms of aquatic life in the State of West Virginia is hereby declared to be in the state, as trustee for the people. No such wildlife shall be taken or hunted in any manner, or at any time, unless the person so taking or hunting the same shall consent that the title thereto shall be and remain in the State of West Virginia for the purpose of regulating the taking, hunting, using and disposing of the same. The taking or hunting of wildlife at any time or in any manner by any person shall be deemed such consent: *Provided*, That, all fish, frogs and other aquatic life in privately owned ponds are, and shall remain, the private property of the owner or owners of such privately owned ponds, and that such fish, frogs and other aquatic life in such privately owned ponds may be caught, taken or killed by such owner or owners at any time.~~

The ownership of and title to wildlife in the State of West Virginia belongs to the state as trustee for the people. Wildlife may not be taken or hunted in any manner unless the person consents to regulation by the state for the taking, hunting and use of wildlife. The act of taking, hunting or using wildlife by any person constitutes consent to the state's regulation of wildlife. Fish, frogs and aquatic life in privately owned ponds are the private property of the owners of the privately owned ponds and may be caught, taken or killed by the owners at any time.

### **§20-2-5i. Leashed dogs for tracking mortally wounded deer or bear.**

(a) Notwithstanding any provision of this chapter to the contrary, a person who is legally hunting and reasonably believes he or she has mortally wounded a deer or bear may either personally, or by engaging a dog handler, use a leashed dog to track

and locate the mortally wounded deer or bear. The hunter or the dog handler shall maintain physical control of the leashed dog at all times.

(b) The act of tracking a mortally wounded deer or bear with a dog is hunting and is subject to all applicable laws and rules, including the requirement to have written permission to hunt on private property and to hunt during legal hunting hours. The hunter and the dog handler shall possess a valid West Virginia hunting license and any requisite stamps or permits. Only the hunter may kill a mortally wounded deer or bear, and the deer or bear shall count toward the bag limit of the hunter.

#### **§20-2-16. Dogs chasing deer.**

~~No person may permit or use his or her dog to hunt or chase deer. A natural resources police officer shall take into possession any dog known to have hunted or chased deer. and the director shall advertise that the dog is in his or her possession, giving a description of the dog and stating the circumstances under which it was taken. The notice shall be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty nine of this code, and the publication area for the publication is the county. He or she shall hold the dog for a period of ten days after the date of the publication. If, within ten days, the owner does not claim the dog, the director shall destroy it. In this event the cost of keeping and advertising shall be paid by the director. If, within ten days, the owner claims the dog, he or she may repossess it on the payment of costs of advertising and the cost of keep, not exceeding 50¢ per day. A natural resources police officer, or any officer or employee of the director authorized to enforce the provisions of this section, after a bona fide but unsuccessful effort to capture dogs detected chasing or pursuing deer, may kill the dogs If the owner of the dog can be ascertained, the dog shall be returned to the owner. If the owner of the dog cannot be ascertained, the natural resources police officer shall deliver the dog to the appropriate county humane officer or facility consistent with the provisions of this code.~~

**ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING,  
LITTER.****§20-7-9. Violations of chapter generally; penalties.**

(a) Any person violating ~~any of the provisions of this chapter or rules promulgated under the provisions of this chapter, thereunder, when~~ the punishment ~~for which~~ is not prescribed, shall be guilty of a misdemeanor and, upon conviction thereof, shall for each offense be fined not less than \$20 nor more than \$300 or confined in jail not less than ten or more than one hundred days, or be both fined and imprisoned. ~~within the limitations aforesaid and, in~~

(b) ~~In~~ the case of a violation by a corporation, every officer or agent thereof directing or engaging in ~~such~~ each violation shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the same penalties and punishment as herein provided. ~~Provided, That any~~

(c) ~~Any person violating subdivision (3), section five, article two of this chapter, or section seven, section eight, or section ten, article two of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500 and or shall be imprisoned for not less than ten days nor more than one hundred days, or both fined and imprisoned. Provided, however, That any~~

(d) ~~Any~~ person who is in violation of section twenty-seven, article two of this chapter as a result of their failure to have a valid Class E nonresident hunting and trapping license, as defined by section forty-two-d of this article, or a valid Class EE nonresident bear hunting license, as defined by section forty-two-e of this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$250 nor more than \$500, or confined in jail not less than ten nor more than one hundred days, or both fined and imprisoned. ~~Provided further, That any~~

(e) ~~Any~~ person who is in violation of section twenty-seven, article two of this chapter as a result of their failure to have a Class

F nonresident fishing license, as defined by section forty-two-f of this article, shall be guilty of a misdemeanor and, upon conviction thereof, fined not less than \$100 nor more than \$300 or confined in jail not less than ten nor more than one hundred days, or both fined and imprisoned. ~~And provided further, That any~~

(f) Any person violating any parking or speeding regulations as promulgated by the director on any state parks, state forests, public hunting and fishing areas and all other lands and waters owned, leased or under the control of the Division of Natural Resources shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$2 nor more than \$100 or imprisoned in jail not more than ten days, or both fined and imprisoned.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 3020), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Karnes, Ojeda and Swope—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3020) passed.

At the request of Senator Maynard, as chair of the Committee on Natural Resources, and by unanimous consent, the unreported Natural Resources committee amendment to the title of the bill was withdrawn.

On motion of Senator Maynard, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub for House Bill 3020**—A Bill to amend and reenact §20-2-3 and §20-2-16 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §20-2-5i; and to amend and reenact §20-7-9 of said code, all relating to hunting, trapping and fishing of wildlife generally; clarifying state ownership of wildlife; permitting leashed dogs to track mortally wounded deer or bear; clarifying the handling of dogs caught chasing deer; setting forth criminal penalties for entering posted lands, destroying posted land signs or hunting, trapping or fishing on the lands of another; and making technical corrections.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Ferns, unanimous consent being granted, the Senate proceeded to the consideration of

**Eng. Com. Sub. for House Bill 3096**, Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state.

On third reading, coming up out of regular order, with the unreported Government Organization committee amendments pending, and with the right having been granted on yesterday, Friday, April 7, 2017, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Blair, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendments to the bill were withdrawn.

On motions of Senators Blair and Palumbo, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page seven, section nine, lines seventy-five through eighty-seven, by striking out all of paragraph (G) and inserting in lieu thereof a new paragraph, designated paragraph (G), to read as follows:

(G) The public service district, or a customer aggrieved by the changed rates or charges who presents to the circuit court a petition signed by at least 750 customers or twenty-five percent of the customers served by the public service district, whichever is fewer, when dissatisfied by the approval, modification, or rejection by the county commission of the proposed rates, fees and charges under the provisions of this subdivision (2) may file a complaint regarding the rates, fees and charges resulting from the action of, or failure to act by, the county commission in the circuit court of the county in which the county commission sits: *Provided, That any complaint or petition filed hereunder shall be filed within thirty days of the county commission's final action approving, modifying or rejecting such rates, fees and charges, or the expiration of the forty-five day period from the receipt by the county commission, in writing, of the rates, fees and charges approved by resolution of the board, without final action by the county commission to approve, modify or reject such rates, fees and charges, and the circuit court shall resolve said complaint: *Provided, however, That the rates, fees and charges so fixed by the county commission, or those adopted by the district upon which the county commission failed to act, shall remain in full force and effect, until set aside, altered or amended by the circuit court in an order to be followed in the future.**

On page eighteen, section one, after line one hundred forty-eight, by adding two new subsections, designated subsections (e) and (d), to read as follows:

(e) The commission shall not have jurisdiction of Internet protocol-enabled service or voice-over Internet protocol-enabled service. As used in this subsection:

(1) "Internet protocol-enabled service" means any service, capability, functionality or application provided using Internet protocol, or any successor protocol, that enables an end user to send

or receive a communication in Internet protocol format, or any successor format, regardless of whether the communication is voice, data or video.

(2) “Voice-over Internet protocol service” means any service that:

(i) Enables real-time two-way voice communications that originate or terminate from the user’s location using Internet protocol or a successor protocol; and

(ii) Uses a broadband connection from the user’s location.

(3) The term “voice-over Internet protocol service” includes any service that permits users to receive calls that originate on the public-switched telephone network and to terminate calls on the public-switched telephone network.

(f) Notwithstanding any other provisions of this article, the commission shall not have jurisdiction to review or approve any transaction involving a telephone company otherwise subject to sections twelve and twelve-a, article two, chapter twenty-four of this code if all entities involved in the transaction are under common ownership.;

And,

On page thirty, section eleven, after line one hundred twenty-seven, by adding a new subdivision, designated subdivision (8), to read as follows:

(8) A public service district, or a customer aggrieved by the changed rates or charges who presents to the circuit court a petition signed by at least 750 or twenty-five percent of the customers served by the public service district, whichever is fewer, when dissatisfied by the approval, modification, or rejection by the county commission of the proposed rates, fees and charges under the provisions of this subsection (1) may file a complaint regarding the rates, fees and charges resulting from the action of, or failure to act by, the county commission in the circuit court of the county in which the county commission sits: *Provided*, That any complaint



or petition filed hereunder shall be filed within thirty days of the county commission's final action approving, modifying or rejecting such rates, fees and charges, or the expiration of the 45 day period from the receipt by the county commission, in writing, of the rates, fees and charges approved by resolution of the board, without final action by the county commission to approve, modify or reject such rates, fees and charges, and the circuit court shall resolve said complaint: *Provided, however,* That the rates, fees and charges so fixed by the county commission, or those adopted by the district upon which the county commission failed to act, shall remain in full force and effect, until set aside, altered or amended by the circuit court in an order to be followed in the future.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 3096), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Karnes, Ojeda and Swope—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3096) passed.

On motion of Senator Blair, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 3096**—A Bill to repeal §8-16-19 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-13A-8 and §16-13A-9 of said code; to amend and reenact §24-1-1b of said code; to amend and reenact §24-2-1, §24-2-3, §24-2-4b and

§24-2-11 of said code, all relating to the operation and regulation of utilities and services generally; modifying procedures and requirements for the operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state; eliminating reference to appeals to the Public Service Commission from actions of municipal boards that are not subject to the jurisdiction of the Public Service Commission; prohibiting Public Service Commission jurisdiction of Internet protocol-enabled service and voice-over Internet protocol-enabled service; defining the terms “Internet protocol-enabled service” and “Voice-over Internet protocol service”; limiting Public Service Commission jurisdiction of certain telephone company transactions; relating to the authority of county commissions to modify proposed rates for certain water and sewer utilities and providing for complaints to be filed with the circuit courts pertaining to rates and charges enacted as proposed, modified or rejected by the county commission; eliminating Public Service Commission authority regarding stormwater utilities; providing time limits for the filing of requests for investigations pertaining to political subdivisions providing separate or combined water and/or sewer services and having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more; clarifying the authority of the Public Service Commission to resolve complaints of customers of water and sewer utilities operated by a political subdivision of the state having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more; clarifying the jurisdiction of the Public Service Commission relating to rates for municipal water and/or sewer utilities having less than four thousand five hundred customers or annual combined gross revenues of less than \$3 million; revising the notice and procedure provisions for construction projects for political subdivisions of this state providing separate or combined water and/or sewer services and having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more; and providing procedures for a public service district or a customer satisfying certain requirements to file a complaint in circuit court to contest the action or inaction of a county commission regarding a rate proposals and construction projects that are not in the ordinary course of business.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the consideration of

**Eng. Com. Sub. for House Bill 2936**, Requiring purchases to be made at lowest retail price available at level of quality sought by the spending unit.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Sypolt, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Blair, Karnes, Ojeda, Smith, Swope and Woelfel—6.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2936) passed.

On motion of Senator Blair, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2936**—A Bill to amend and reenact §5A-3-11, §5A-3-19 and §5A-3-37 of the Code of West Virginia, 1931, as amended, all relating to state purchases of commodities, printing and services generally; authorizing the Office of Technology to engage in procurement of technical infrastructure up to \$500,000 without the approval of the director of the Division of Purchasing, subject to legislative rules; authorizing spending units to purchase commodities, printing or services without written bids for purchases of \$2,500 or less; requiring spending units to make such purchases, when practical, at the lowest available price, whether online or within a reasonable

geographic area; requiring the director of the Division of Purchasing, upon recommendation of the Office of Technology, to participate in a cooperative purchasing agreement or consortium for the purchase of technical infrastructure with certain governmental entities; providing that a nonresident vendor of information technology equipment or services that maintains at least one office within West Virginia and employs a minimum of twenty-five state residents may qualify for a bidding preference; establishing a reciprocal preference; and providing that a resident vendor of West Virginia shall receive a preference against a nonresident vendor from any state that gives or requires a preference to bidders from that state in an amount equal to the amount of the preference given or required by the state of the nonresident vendor for that particular supply.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Ferns, unanimous consent being granted, the Senate proceeded to the consideration of

**Eng. House Bill 2684**, Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Sypolt, Trump, Unger, Weld and Carmichael (Mr. President)—27.

The nays were: None.

Absent: Blair, Karnes, Ojeda, Smith, Swope, Takubo and Woelfel—7.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2684) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. House Bill 2684**—A Bill to amend and reenact §17B-4-3 of the Code of West Virginia, 1931, as amended, relating to imposing enhanced penalties for repeat violations of the prohibition against driving a motor vehicle on any public highway of this state at a time when the privilege to do so has been lawfully suspended for driving while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent by weight.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the consideration of

**Eng. Com. Sub. for House Bill 2704**, Prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from holding certification or license valid in public schools.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Sypolt, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Blair, Karnes, Ojeda, Smith, Swope and Woelfel—6.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2704) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2704**—A Bill to amend and reenact §18A-3-6 and §18A-3-10 of the Code of West Virginia, 1931, as amended, all relating generally to the licensure or certification of teachers; providing for the automatic revocation of a certificate or license for a teacher convicted of an offense under chapter sixty-one, article eight-d, section five of the code; and permitting the West Virginia Department of Education to require that a licensee be fingerprinted for analysis by the West Virginia State Police for a state criminal history record check through the central abuse registry and by the Federal Bureau of Investigation for a national criminal history record check, when the licensee has lived outside of the state for one year or more since licensure, or when the department or school administrator reasonably believes the licensee has not disclosed a felony conviction, a conviction of an offense under chapter sixty-one, article eight-b of this code, or a conviction of an offense similar to those in chapter sixty-one, article eight-b of this code that have been established under the laws of any other state or the United States.

*Ordered,* That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fifth order of business.

### **Filed Conference Committee Reports**

The Clerk announced the following conference committee report had been filed at 7:54 p.m. tonight:

**Eng. Com. Sub. for House Bill 2589**, Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school.

The Clerk announced the following conference committee report had been filed at 7:56 p.m. tonight:

**Eng. Senate Bill 172**, Eliminating salary for Water Development Authority board members.

At the request of Senator Ferns, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**House Concurrent Resolution 62**, Webster County Veterans Highway.

And has amended same.

**House Concurrent Resolution 63**, William B. Burgess Memorial Road.

And has amended same.

**Com. Sub. for House Concurrent Resolution 65**, Hobert G. 'Hobie' Underwood Memorial Bridge.

And has amended same.

**House Concurrent Resolution 68**, James Earl Gibson Memorial Road.

And has amended same.

And,

**House Concurrent Resolution 118**, Craddock Brothers Bridge.

And has amended same.

And reports the same back with the recommendation that they each be adopted, as amended.

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

Following a point of inquiry to the President, with resultant response thereto,

At the request of Senator Boso, unanimous consent being granted, House Concurrent Resolution 62 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendment to the resolution, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

On page one, in the third Whereas clause, by striking out the word “its” and inserting in lieu thereof the word “their”.

The question now being on the adoption of the resolution (H. C. R. 62), as amended, the same was put and prevailed.

*Ordered,* That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Boso, unanimous consent being granted, House Concurrent Resolution 63 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page one, in the Resolved clause, before the word “William” by inserting the words “U.S. Army PFC”;



On page one, in the first Further Resolved clause, before the word “William” by inserting the words “U.S. Army PFC”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**House Concurrent Resolution 63**—Requesting the Division of Highways to name a portion of Route 80, known as Wills Creek Road, in Logan County, beginning at latitude 37.730131, longitude -81.873774 and ending at latitude 37.692547, longitude -81.865702, the “U.S. Army PFC William B. Burgess Memorial Road”.

The question now being on the adoption of the resolution (H. C. R. 63), as amended, the same was put and prevailed.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Boso, unanimous consent being granted, Committee Substitute for House Concurrent Resolution 65 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendment to the resolution, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

On page one, in the second Whereas clause, after the word “War” by inserting “II”.

The question now being on the adoption of the resolution (Com. Sub. for H. C. R. 65), as amended, the same was put and prevailed.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Boso, unanimous consent being granted, House Concurrent Resolution 68 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page one, in the Resolved clause, before the word “James” by inserting the words “U.S. Navy PO3”;

On page one, in the first Further Resolved clause, before the word “James” by inserting the words “U.S. Navy PO3”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**House Concurrent Resolution 68**—Requesting the Division of Highways to name a portion of West Virginia Route 80, near Bruno, beginning at a point, latitude 37.692547, longitude -81.865702, and ending at a point, latitude 37.664654, longitude -81.848732, the “U.S. Navy PO3 James Earl Gibson Memorial Road”.

The question now being on the adoption of the resolution (H. C. R. 68), as amended, the same was put and prevailed.

*Ordered,* That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Boso, unanimous consent being granted, House Concurrent Resolution 118 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page two, in the tenth Whereas clause, after the word “Brothers” by inserting the word “Veterans”;

On page two, in the Resolved clause, after the word “Brothers” by inserting the word “Veterans”;

On page two, in the first Further Resolved clause, after the word “Brothers” by inserting the word “Veterans”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**House Concurrent Resolution 118**—Requesting the Division of Highways name bridge number 07-33-5.34 (07A057) (38.79415, -81.14055), locally known as the Arnoldsburg Bridge, carrying US 33 over the West Fork of Little Kanawha River in Calhoun County, the “Craddock Brothers Veterans Bridge”.

The question now being on the adoption of the resolution (H. C. R. 118), as amended, the same was put and prevailed.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate again proceeded to the fifth order of business.

### **Filed Conference Committee Reports**

The Clerk announced the following conference committee report had been filed at 8:00 p.m. tonight:

**Eng. Com. Sub. for Senate Bill 224**, Repealing requirement for employer’s bond for wages and benefits.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Com. Sub. for House Concurrent Resolution 78**, Almond Brothers and Family Veterans Bridge.

**Com. Sub. for House Concurrent Resolution 84**, U.S. Army Air Force S/SGT Harold 'Dean' Baker Memorial Bridge.

**House Concurrent Resolution 87**, Deputy Sheriff SGT. Justin Alan Thompson Memorial Highway.

**House Concurrent Resolution 96**, U. S. Marine Corps Cpl Mark Douglas Cool Memorial Bridge.

And,

**Com. Sub. for House Concurrent Resolution 98**, John H. Reed, Jr. Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the resolutions (Com. Sub. for H. C. R. 78, 84 and 98 and H. C. R. 87 and 96) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 64**, Requesting study of Division of Purchasing.

On unfinished business, coming up in regular order, was reported by the Clerk.

On motion of Senator Ferns, the resolution was referred to the Committee on Rules.

**House Concurrent Resolution 21**, 1SG Carl J. Crabtree Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

By striking out everything after the title and inserting in lieu thereof the following:

Whereas, Carl J. Crabtree was born on November 8, 1917, in Branchland, Lincoln County, West Virginia. He was raised and educated in Logan County and worked there until he enlisted in the military on August 27, 1940; and

Whereas, Carl J. Crabtree served in WW II in the 325 Glider Infantry Regiment, 82nd Airborne Division as a First Sergeant; and

Whereas, Carl J. Crabtree was wounded on June 8, 1944, in France and was a prisoner of war; and

Whereas, Carl J. Crabtree's decorations and citations included the American Defense, American Theater, Good Conduct, Purple Heart, European African Middle Eastern Theater Ribbon with one Bronze Star, Distinguished Unit Badge, Croix De Guerre, Belgium Fourragere and Victory Medal; and

Whereas, Carl J. Crabtree served honorably in the United States Army, ending his active service on May 24, 1946; and

Whereas, Carl J. Crabtree, after returning to Logan County and Rossmore, raised a family and was employed among other occupations in the coal mines; and

Whereas, Carl J. Crabtree died on December 6, 2004, survived by three daughters, Connie Herndon of Switzer, West Virginia, and Janet Cook and Carolyn Greene of Rossmore, West Virginia. He was preceded in death by his wife and a daughter, Patricia Molnar; and

Whereas, Naming a bridge in Logan County in U.S. Army 1SG Carl J. Crabtree's honor is an appropriate recognition of his contributions to his country, state, community and Logan County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-119/15-0.06 (23A247) (37.81172, -81.99561), locally known as National Guard Armory Bridge, carrying County Route 119/15 over Island Creek in Logan County the "U.S. Army 1SG Carl J. Crabtree Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying bridge number 23-119/15-0.06 (23A247) (37.81172, -81.99561), locally known as National Guard Armory Bridge, carrying County Route 119/15 over Island Creek in Logan County the "U.S. Army 1SG Carl J. Crabtree Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**House Concurrent Resolution 21**—Requesting the Division of Highways to name bridge number 23-119/15-0.06 (23A247)

(37.81172, -81.99561), locally known as National Guard Armory Bridge, carrying County Route 119/15 over Island Creek in Logan County the “U.S. Army 1SG Carl J. Crabtree Memorial Bridge”.

The question now being on the adoption of the resolution (H. C. R. 21), as amended, the same was put and prevailed.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**House Concurrent Resolution 35**, Arnold Miller Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page three, in the Resolved clause, before the word “Arnold” by inserting the words “U.S. Army PFC”;

On page three, in the first Further Resolved clause, before the word “Arnold” by inserting the words “U.S. Army PFC”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**House Concurrent Resolution 35**—Requesting the Division of Highways to name bridge number 20-77-83.84 (20A615), (38.19560, -81.47926), locally known as WV.TPK/WV 79, carrying interstate 77/64 over Route 79/3 and Cabin Creek in Kanawha County, the “U.S. Army PFC Arnold Miller Memorial Bridge”.

The question now being on the adoption of the resolution (H. C. R. 35), as amended, the same was put and prevailed.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**House Concurrent Resolution 58**, William C. Campbell Memorial Highway.

On unfinished business, coming up in regular order, was reported by the Clerk.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page two, in the Resolved clause, before the word “William” by inserting the words “U.S. Army CPT”;

On page three, in the first Further Resolved clause, before the word “William” by inserting the words “U.S. Army CPT”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**House Concurrent Resolution 58**—Requesting the Division of Highways to name the section of U.S. Route 60 in Cabell County from the Guyan Golf and Country Club to the Huntington City Limits, the “U.S. Army CPT William C. Campbell Memorial Highway”.

The question now being on the adoption of the resolution (H. C. R. 58), as amended, the same was put and prevailed.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Stollings, and by unanimous consent, the remarks by Senator Plymale regarding the adoption of House Concurrent Resolution 58 were ordered printed in the Appendix to the Journal.



**House Concurrent Resolution 73**, U S Army Air Corps PVT William James Irwin, Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page one, in the first Whereas clause, by striking out the word “over” and inserting in lieu thereof the words “more than”;

On page two, in the Resolved clause, by striking out the words “Bridge Number:” and inserting in lieu thereof the words “bridge number”;

On page two, in the Resolved clause, by striking out “U S” and inserting in lieu thereof “U.S.”;

On page two, in the first Further Resolved clause, by striking out “U S” and inserting in lieu thereof “U.S.”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**House Concurrent Resolution 73**—Requesting the Division of Highways that bridge number 42-23-2.73 (42A045) (38.90822, -79.86085), locally known as Southgate Bridge, carrying County Route 23 over Tygart Valley River in Randolph County, West Virginia, be named the “U.S. Army Air Corps PVT William James Irwin, Memorial Bridge”.

The question now being on the adoption of the resolution (H. C. R. 73), as amended, the same was put and prevailed.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Ferns, unanimous consent being granted, the Senate again proceeded to the eighth order of business and the consideration of

**Eng. Com. Sub. for House Bill 2781**, Requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2781) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2781**—A Bill to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating to voting procedures; removing requirement that Division of Motor Vehicles forward certain information of persons who decline to become registered to vote to Secretary of State; amending the effective date for voter registration procedures passed in 2016 and 2017 legislative sessions to July 1, 2019; requiring Division of Motor Vehicles to make presentation to Joint Committee on Government and Finance if unable to meet requirements of section by February 1, 2019; and requiring Division of Motor Vehicles shall report to the Joint Committee on

Government and Finance by January 1, 2018, with full and complete list of all infrastructure they require to achieve certain purposes.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2781) takes effect from passage.

*Ordered,* That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the consideration of

**Eng. Com. Sub. for House Bill 2887**, Relating to retirement and separation incentives.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2887) passed.

At the request of Senator Mann, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

The following amendment to the title of the bill, from the Committee on Finance, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2887**—A Bill to amend and reenact §18B-1-1d of the Code of West Virginia, 1931, as amended, relating to retirement and separation incentives; providing that higher education institutions may provide incentives for retirement in response to a decline in state revenues supporting said higher education institutions; providing that higher education institutions must present policies involving incentives for retirement to the Joint Committee on Pensions and Retirement and those policies must be approved before being implemented; allowing a lump sum payment to an employee to be excluded from calculation of employees average final salary; allowing for continuation of employee's full salary for a predetermined time to be a reduced continuation salary; allowing an employee who is sixty-five or older, eligible for retirement and vested to retire without additional costs to the higher education institution; and requiring that the institution must enter into a memoranda of understanding with the Public Employees Insurance Agency and any affected retirement system and that memoranda of understanding must be approved by the Joint Committee on Pensions and Retirement prior to implementation of any incentive plan.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Ferns, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Carmichael (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

**Eng. Com. Sub. for House Bill 2620**, West Virginia Drug Overdose Monitoring Act.

With amendments from the Committee on the Judiciary pending;

Now on second reading, having been referred to the Committee on Rules on April 7, 2017;

And reports the same back with the recommendation that it do pass as amended by the Committee on the Judiciary to which the bill was first referred.

Respectfully submitted,

Mitch Carmichael,  
*Chairman ex officio.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2620) contained in the preceding report from the Committee on Rules was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-5T-1, §16-5T-2, §16-5T-3, §16-5T-4 and §16-5T-5, all to read as follows:

**ARTICLE 5T. OFFICE OF DRUG CONTROL POLICY.**

**§16-5T-1. Short title.**

This article shall be referred to as the West Virginia Drug Control Policy Act.

**16-5T-2. Office of Drug Control Policy.**

(a) The Office of Drug Control Policy is created within the Department of Health and Human Resources under the direction of the Secretary and supervision of the State Health Officer.

(b) The Office of Drug Control Policy shall create a state drug control policy in coordination with the bureaus of the Department and other state agencies. This policy shall include all programs which are related to the prevention, treatment and reduction of substance abuse use disorder.

(c) The Office of Drug Control Policy shall:

(1) Develop a strategic plan to reduce the prevalence of drug and alcohol abuse and smoking by at least ten percent by July 1, 2018;

(2) Monitor, coordinate and oversee the collection of data and issues related to drug, alcohol and tobacco access, substance use disorder policies and smoking cessation and prevention and their impact on state and local programs;

(3) Make policy recommendations to executive branch agencies that work with alcohol and substance use disorder issues, and smoking cessation and prevention to ensure the greatest efficiency and consistency in practices will be applied to all efforts undertaken by the administration;

(4) Identify existing resources and prevention activities in each community that advocate or implement emerging best practice and evidence-based programs for the full substance use disorder continuum of drug and alcohol abuse education and prevention, including smoking cessation or prevention, early intervention, treatment and recovery;

(5) Encourage coordination among public and private, state and local, agencies, organizations and service providers and monitor related programs;

(6) Act as the referral source of information, using existing information clearinghouse resources within the Department for Health and Human Resources, relating to emerging best practice and evidence-based substance use disorder prevention, cessation, treatment and recovery programs, and youth tobacco access, smoking cessation and prevention. The Office of Drug Control Policy will identify gaps in information referral sources;

(7) Apply for grant opportunities for existing programs;

(8) Observe programs in other states;

(9) Make recommendations and provide training, technical assistance and consultation to local service providers;

(10) Review existing research on programs related to substance use disorder prevention and treatment and smoking cessation and prevention and provide for an examination of the prescribing and treatment history, including court-ordered treatment or treatment within the criminal justice system, of persons in the state who suffered fatal or nonfatal opiate overdoses;

(11) Establish a mechanism to coordinate the distribution of funds to support any local prevention, treatment and education program based on the strategic plan that could encourage smoking cessation and prevention through efficient, effective and research-based strategies;

(12) Establish a mechanism to coordinate the distribution of funds to support a local program based on the strategic plan that could encourage substance use prevention, early intervention, treatment and recovery through efficient, effective and research-based strategies;

(13) Oversee a school-based initiative that links schools with community-based agencies and health departments to implement school-based antidrug and anti-tobacco programs;

(14) Coordinate media campaigns designed to demonstrate the negative impact of substance use disorder, smoking and the increased risk of tobacco addiction and the development of other diseases;

(15) Review Drug Enforcement Agency and the West Virginia scheduling of controlled substances and recommend changes that should be made based on data analysis;

(16) Develop recommendations to improve communication between health care providers and their patients about the risks and benefits of opioid therapy for acute pain, improve the safety and effectiveness of pain treatment and reduce the risks associated with long-term opioid therapy, including opioid use disorder and overdose;

(17) Develop and implement a program, in accordance with the provisions of section three of this article, to collect data on fatal and nonfatal drug overdoses, caused by abuse and misuse of prescription and illicit drugs from law enforcement agencies, emergency medical services, health care facilities and the Office of the Chief Medical Examiner;

(18) Develop and implement a program that requires the collection of data on the dispensing and use of an opioid antagonist from law enforcement agencies, emergency medical services, health care facilities, the Office of the Chief Medical Examiner and other entities as required by the office;

(19) Develop a program that provides assessment of persons who have been administered an opioid antagonist; and

(20) Report semi-annually to the Joint Committee on Health on the status of the Office of Drug Control Policy.

(d) Notwithstanding any other provision of this code to the contrary, and to facilitate the collection of data and issues, the Office of Drug Control Policy may exchange necessary data and information with the bureaus within the Department, the Department of Military Affairs and Public Safety, the Department of Administration, the Administrator of Courts, the Poison Control



Center, and the Board of Pharmacy. The data and information may include, but is not be limited to: data from the Controlled Substance Monitoring Program; the all-payer claims database; the criminal offender record information database; and the court activity record information;

(e) Prior to July 1, 2018, the office shall develop a plan to expand the number of treatment beds in locations throughout the state which the office determines to be the highest priority for serving the needs of the citizens of the state.

**§16-5T-3. Reporting system requirements; implementation; central repository requirement.**

(a) The Office of Drug Control Policy shall implement a program in which a central repository is established and maintained that shall contain information required by this article. In implementing this program, the office shall consult with all affected entities, including law-enforcement agencies, health care providers, emergency response providers, pharmacies and medical examiners.

(b) The program authorized by subsection (a) of this section shall be designed to minimize inconvenience to all entities maintaining possession of the relevant information while effectuating the collection and storage of the required information. The Office of Drug Control Policy shall allow reporting of the required information by electronic data transfer where feasible, and where not feasible, on reporting forms promulgated by the Office of Drug Control Policy. The information required to be submitted by the provisions of this article shall be required to be filed no more frequently than on a quarterly basis.

**§16-5T-4. Entities required to report; required information.**

(a) To fulfill the purposes of this article, the following information shall be reported to the Office of Drug Control Policy:

(1) An emergency medical or law-enforcement response to a suspected or reported overdose, or a response in which an overdose is identified by the responders;

(2) Medical treatment for an overdose;

(3) The dispensation or provision of an opioid antagonist; and

(4) Death attributed to overdose or “drug poisoning”.

(b) The following entities shall be required to report information contained in subsection (a) of this section:

(1) Pharmacies operating in the state;

(2) Health care providers;

(3) Medical examiners;

(4) Law-enforcement agencies, including prosecuting attorneys, state, county and local police departments; and

(5) Emergency response providers.

**§16-5T-5. Promulgation of rules.**

The Secretary of the Department of Health and Human Resources may propose rules for promulgation in accordance with article three, chapter twenty-nine-a of this code to implement the provisions of this section. The legislature finds that for the purposes of section fifteen, article three, chapter twenty-nine-a of this Code, an emergency exists requiring the promulgation of emergency rules to preserve the public peace, health, safety or welfare and to prevent substantial harm to the public interest.

Following discussion,

The question being on the adoption of the Judiciary committee amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2620), as amended, was then ordered to third reading.

Senator Ferns moved that the constitutional rule requiring a bill to be read on three separate days be suspended.

Senator Stollings requested Senator Takubo to yield to questions.

Whereupon, the President stated the motion to suspend the constitutional rule was a nondebatable motion.

Thereafter, on motion of Senator Ferns, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: Facemire—1.

Absent: None.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2620) was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2620 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2620) passed.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Following a point of inquiry to the President, concerning possession of Engrossed Committee Substitute for House Bill 2620,

Senator Trump moved to amend the title of

**Eng. Com. Sub. for House Bill 2620**, West Virginia Drug Overdose Monitoring Act.

The bill still being in the possession of the Senate,

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2620**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5T-1, §16-5T-2, §16-5T-3, §16-5T-4 and §16-5T-5, all relating to the West Virginia Drug Control Policy Act; creating the Office of Drug Control Policy within the Department of Health and Human Resources; requiring the office to develop a state drug control policy and a strategic plan; requiring the office to coordinate with other entities; setting forth duties of the office; requiring the coordination of funding; requiring data sharing; requiring the office to develop a plan to add treatment beds; required reporting; requiring the office to create a central repository of drug overdose information in West Virginia; establishing the program and purpose; establishing the reporting system requirements; establishing responsibility of entities to report information; setting forth information required to be reported and the agencies which are affected; providing for data collection and reporting; and providing for rule-making authority and emergency rule-making authority.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. Com. Sub. for House Bill 2721**, Removing the cost limitation on projects completed by the Division of Highways.

Whereupon, Senator Boso, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 2721**, Removing the cost limitation on projects completed by the Division of Highways.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the Senate amendment to Engrossed Committee Substitute for House Bill 2721 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the Senate recede from its amendment on page four, section five, lines seventy-six and seventy-seven;

That the Senate recede from its amendment on page seven, section nine, lines sixty and sixty-one;

That the House of Delegates agrees to the amendment of the Senate on page eight, lines sixty-five to seventy-nine, by striking out all of subsection (i);

And,

That both houses recede from their positions as to the title of the bill and agree to the same as follows:

**Eng. Com. Sub. for House Bill 2721**—A Bill to amend and reenact §17-27-5 and §17-27-9 of the Code of West Virginia, 1931, as amended, all relating to the public-private transportation facilities act; reducing the cost threshold limitation on projects completed by the Division of Highways that are eligible for funding from the state road fund; and extending the time limitation by which agreements must be made.

Respectfully submitted,

Ron Walters, *Chair*, Marty Gearhart, Mick Bates, *Conferees on the part of the House of Delegates*.

Gregory L. Boso, *Chair*, Chandler Swope, Glenn D. Jeffries, *Conferees on the part of the Senate*.

Senator Boso, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Boso, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2721, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2721) passed with its conference amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. Com. Sub. for House Bill 2722**, Eliminating the financial limitations on utilizing the design-build program for highway construction.

Whereupon, Senator Boso, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 2722**, Eliminating the financial limitations on utilizing the design-build program for highway construction.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the Senate amendment to Engrossed Committee Substitute for House Bill 2722 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

Both houses recede from their respective positions as to the amendment of the Senate on page one, section two, lines five through twelve, and agree to the same as follows:

(b) The Division of Highways may expend no more than \$50 million in each year in the program: *Provided*, That if any of the \$50 million is unused in one year, the remaining amount may be applied to the following year's amount: *Provided, however*, That the total aggregate amount to be expended may not exceed \$150 million in any one year: *Provided further*, That for fiscal years beginning after June 30, 2017, the Division of Highways may expend no more than \$200 million on any one project: *And provided further*, That for fiscal years beginning after June 30,

2017, the Division of Highways may expend no more than \$400 million in each year in the program: And provided further, That for fiscal years beginning after June 30, 2017, if any of the \$400 million is unused in any year, the remaining amount may be applied to the following year's amount: And provided further, That for fiscal years beginning after June 30, 2017, the total aggregate amount to be expended may not exceed \$500 million in any one year: And provided further, That expenditures made for projects that are necessitated by a declared state of emergency within a county that the Governor has included in a declaration of emergency are not to be included against the expenditure limits provided in this subsection;

That the Senate recede from its position as to the amendment of the Senate on page one, section two, line seventeen;

And,

That both houses recede from their positions as to the title of the bill and agree to the same as follows:

**Eng. Com. Sub. for House Bill 2722**—A Bill to amend and reenact §17-2D-2 of the Code of West Virginia, 1931, as amended, relating to highway construction using the design-build program; changing maximum amounts that may be expended for projects using the design-build program for highway construction and making certain exceptions to expenditure limits.

Respectfully submitted,

Ron Walters, *Chair*, Marty Gearhart, Mick Bates, *Conferees on the part of the House of Delegates.*

Gregory L. Boso, *Chair*, Chandler Swope, Glenn D. Jeffries, *Conferees on the part of the Senate.*

On motions of Senator Boso, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.



Engrossed Committee Substitute for House Bill 2722, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2722) passed with its conference amended title.

*Ordered,* That The Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Ferns, and by unanimous consent, the Senate again proceeded to the eighth order of business and the consideration of

**Eng. Com. Sub. for House Bill 2846**, Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2846) passed with its title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

On motion of Senator Ferns, the special order of business set for this position on the calendar (*consideration of executive nominations*) was postponed and made a special order of business at 11 p.m. tonight.

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect August 1, 2017, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 40**, Requiring inclusion of protocols for response to after-school emergencies in school crisis response plans.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting section and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-2-25b, to read as follows:

**§18-2-25b. Emergency Action Plans for Athletics.**

(a) No later than August 1, 2017, the West Virginia Secondary Schools Athletics Commission shall promulgate rules to establish guidelines for emergency action plans for athletics, designed to respond to athletic injuries that occur on school property during school-sponsored athletic events. The rules shall address, at a minimum:

(1) Protocols for practices and for games;

(2) Directives for personnel or equipment which should be available on sports fields or in school buildings for both girls' and boys' teams; and

(3) Training needed for school or volunteer personnel on an as-needed basis.

(b) All member schools shall submit an emergency action plan for athletics to the West Virginia Secondary Schools Athletics Commission and their county boards of education by December 31, 2017. *Provided*, that the county boards shall keep the emergency plan of each school in the county on file and, unless otherwise provided for, provide a copy of each school's emergency action plan for athletics to each local emergency response agency that has a role in the plan.

(c) Any person licensed by, or certified or registered in, this state to provide health care or professional health care services who renders services of a medical nature to students under this section, who has an agreement with a county board of education that defines the scope of his or her duties as such, and for which no remuneration is demanded or received, is not liable for any civil damages as a result of rendering such services, or as a result of any act or failure to act in providing or arranging further medical treatment.

(1) The limitation of liability only applies if the services are provided in accordance with acceptable standards of care and the licensed health care provider is not grossly negligent or does not demonstrate willful misconduct.

(2) Any liability is limited to the applicable limits of the professional liability insurance provided by the State Board of Risk and Insurance Management in effect at the time.

(3) Nothing in this subsection nullifies the immunity from civil liability as granted pursuant to section fifteen, article seven, chapter fifty-five of this code or federal law except to the extent to which the actions are covered within the applicable limits of the professional liability insurance provided by the State Board of Risk and Insurance Management pursuant to this section and in effect at the time.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 40**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25b, relating to emergency action plans for athletics; providing that the West Virginia Secondary Athletics Commission promulgate rules to establish guidelines for emergency action plans by August 1, 2017; establishing parameters for said rules; requiring all member schools to submit emergency action plans to the commission and their county boards of education by December 31, 2107; providing that a copy of the plan be provided to local response agencies identified in the plan; setting forth a limit of liability; and providing for an effective date.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 40, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 40) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect August 1, 2017.

On this question, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 40) takes effect August 1, 2017.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 535**, Reorganizing Division of Tourism.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page nine, section six, lines eleven through seventeen, after the word “section” by changing the colon to a period and striking out the proviso;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 535**—A Bill to repeal §5B-2-8, §5B-2-8a, §5B-2-9, §5B-2-11, §5B-2-12 and §5B-2-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-1-2 of said code; and to amend said code by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7 and §5B-2I-8, all relating to tourism promotion generally; continuing the West Virginia Division of Tourism Office; creating the West Virginia Tourism Act of 2017; creating the position of Executive Director of the West Virginia Tourism Office and setting forth the authority of the executive director; authorizing the Governor to appoint the executive director and set his or her salary; clarifying that the executive director shall serve as Commissioner of Tourism until establishment of the West Virginia Tourism Office; making the position of executive director one of will and pleasure; establishing qualifications for the position of executive director; establishing powers and duties of the West Virginia Tourism Office; authorizing the West Virginia Tourism Office to enter into private-public agreements and to change and collect fees for goods and services it supplies; authorizing the West Virginia Tourism Office to retain services necessary to carry out its duties; establishing criteria for retaining services; authorizing the executive to employ necessary personnel and to contract for professional, technical and consulting services and purchase equipment and supplies; authorizing the executive director, at the consent of the Secretary of Commerce, to compile a list on classified service exempt positions; requiring the West Virginia Tourism Office to publish and disseminate an annual report; directing the West Virginia Tourism office and its director to collaborate with the West Virginia Development Office; authorizing cancellation of contracts and joint venture agreements without further obligation of the state and setting the conditions

precedent therefor; continuing the Tourism Promotion Fund in the State Treasury; directing that moneys in the fund be spent solely for tourism promotion; defining terms; exempting unspent moneys in fund from reverting to the General Revenue Fund; eliminating the Tourism Advertising Partnership Program effective July 1, 2017, with exceptions for resolution of outstanding obligations; directing the establishment of a cooperative advertising program within the West Virginia Tourism Office; authorizing the West Virginia Tourism Office to establish a fee schedule for participants in the cooperative advertising program; continuing an independent Tourism Commission within the Department of Commerce; establishing membership of Tourism Commission; requiring that gubernatorial appointments to the board be subject to the advice and consent of the Senate; setting forth qualifications of board members; establishing duties of the commission; and providing that documents, data and other writings related to furnishing assistance to businesses, other than agreements entered into by the West Virginia Tourism Office or West Virginia Development Office which obligate public funds, are exempt from disclosure under the Freedom of Information Act.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 535, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sybolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com.

Sub. for S. B. 535) passed with its House of Delegates amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Senate Bill 687**, Relating generally to coal mining, safety and environmental protection.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page forty-two, section three, line twenty-eight, by striking out the words “2018, shall continue to serve until the expiration of their terms” and inserting in lieu thereof the words “2017, shall continue to serve for a minimum of three years until June 30, 2020”;

On page forty-eight, section six, line three, by striking out “2018” and inserting in lieu thereof “2017”;

On page forty-eight, section six, line three, by striking out the words “one year term” and inserting in lieu thereof the words “three year term until June 30, 2020”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Senate Bill 687**—A Bill to amend and reenact §22-3-11, §22-3-13a and §22-3-23 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-6-24 of said code; to amend



and reenact §22-11-7b of said code; to amend and reenact §22A-1-2 and §22A-1-5 of said code; to amend and reenact §22A-2-59 of said code; to amend said code by adding thereto a new section, designated §22A-2A-1001; to amend and reenact §22A-6-3, §22A-6-4 and §22A-6-6 of said code; to amend and reenact §22A-7-2, §22A-7-3, §22A-7-5, §22A-7-5a and §22A-7-7 of said code; to amend and reenact §22A-9-1 of said code; to amend and reenact §22A-11-1, §22A-11-2, §22A-11-3 and §22A-11-4 of said code; to amend said code by adding thereto a new section, designated §22A-11-5, all relating generally to natural resources; providing that moneys be paid from special reclamation water trust fund to assure a reliable source of capital and operating expenses for the treatment of discharges from forfeited sites; modifying notification requirements for preblast surveys for surface mining operations and certain other blasting activities; removing minimum bond requirements related to certain reclamation work; providing for changes to the method of plugging abandoned gas wells where a coal operator intends to mine through the well; removing certain criteria from evaluation for the narrative water quality standard; authorizing the elimination of the Board of Miner Training, Education and Certification, the Mine Inspectors' Examining Board, and the Mine Safety Technology Task Force, and the transfer of duties from those boards and task force to the Board of Coal Mine Health and Safety; providing guaranteed term limits for certain board and commission members, providing that an automated external defibrillator unit be required first-aid equipment located in certain areas of an underground coal mine; directing that the Office of Miners' Health, Safety and Training revise state rules related to diesel equipment operating in underground mines; and requiring rulemaking.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 687, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso,

Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Beach, Miller, Romano and Unger—4.

Absent: Blair and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 687) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Beach, Miller, Romano and Unger—4.

Absent: Blair and Karnes—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 687) takes effect from passage.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

**Eng. Com. Sub. for House Bill 2731**, Clarifying civil actions heard in circuit court.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

On further motion of Senator Ferns, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed Committee Substitute for House Bill 2731, as amended by deletion, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2731) passed with its title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

**Eng. Com. Sub. for House Bill 2555**, Relating to tax credits for apprenticeship training in construction trades.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

On further motion of Senator Ferns, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed Committee Substitute for House Bill 2555, as amended by deletion, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2555) passed with its title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Ferns, the Senate recessed until 9:45 p.m. tonight.

Upon expiration of the recess, the Senate reconvened and resumed business under the third order.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 76**, Creating WV Second Chance for Employment Act.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended, by adding thereto a new article, designated §61-11B-1; §61-11B-2, §61-11B-3 and §61-11B-4, all to read as follows:

## **ARTICLE 11B. CRIMINAL OFFENSE REDUCTION.**

### **§61-11B-1. Legislative Intent**

(1) It is the intent of the Legislature to establish a program that provides for a reduction of certain criminal offenses after imposition of penalties, and demonstration of reform and adherence to law for an extended period thereafter.

(2) It is also the intent of the Legislature to allow for public notice of prior transgressions without further penalty or diminution of employment opportunities.

### **§61-11B-2. Definitions**

(a) As used in this article, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) “Criminal offense reduction” means a reduction of a qualifying felony offense to a misdemeanor offense pursuant to this article.

(2) “Excluded Offense” means:

(A) a conviction involving:

(i) the infliction of serious physical injury;

(ii) involving a sexual offense, including specifically the provisions of article eight-b, eight-c, and eight-d of this chapter;

(iii) involving the use or exhibition of a deadly weapon or dangerous instrument;

(iv) involving a battery, assault or other provision of section nine, article two of this chapter;

(v) involving a domestic battery, domestic assault, or other provisions of section twenty-eight, article two of this chapter;

(vi) a conviction for driving under the influence of alcohol, controlled substances or a conviction for a violation of section three, article four, chapter seventeen-b of this code or section nineteen, article eight of this chapter, or

(B) any that the Court may so find based upon the facts and circumstances of the offense giving rise to the felony conviction involved in the petition.

(3) “Non-violent felony” means a conviction in the State of West Virginia for a violation of state law that is felonious in nature, and in which the court makes an express finding that the underlying offense giving rise to the petition is not (i) an excluded offense as defined in subdivision (2) of this article, and (ii) did not involve violence or potential violence to another person or the public.

(4) “Petitioner” means a person who has filed a petition seeking a criminal offense reduction under the provisions of this article.

(5) “Qualifying felony offense” means: a conviction for non-violent felony offense that is also not an excluded offense.

(6) “Requisite time period” means (1) ten years after completion of any sentence or period of supervision or probation, whichever is longer; and (2) during which time there has been no commission and conviction of violation of law by the petitioner.

### **§61-11B-3. Criminal Offense Reduction**

(a) Subject to the limitations and procedures set forth in this article, a person convicted of a non-violent felony offense may seek a criminal offense reduction by petition to the circuit court. If granted, the person’s felony offense shall be reduced to a misdemeanor and shall be designated on all records relating to the offense as a reduced misdemeanor. The person’s criminal record

shall also reflect that the person be granted legal status associated with being convicted of a misdemeanor, and the person shall not be deemed as being convicted of a felony for any legal purpose or restriction.

(b) Notwithstanding any provision of law to the contrary, the reduced misdemeanor provided for under this article may not be expunged as part of this petition or by subsequent legal proceeding or petition.

(c) There shall be no entitlement to a criminal offense reduction and the granting of the petition shall remain in the discretion of the circuit court.

#### **§61-11B-4. Petition for reduction.**

(a) A person seeking a criminal offense reduction under this article shall file with the circuit court a petition, in a form and manner set forth by the West Virginia Supreme Court of Appeals.

(b) The clerk of the Circuit Court shall charge and collect a filing fee in advance the same fee as is charged for instituting a civil action pursuant to subdivision (1), subsection (a), section eleven, article one, chapter fifty-nine of this code: *Provided*, That \$100 of such filing fee shall go to the West Virginia State Police to assist in the administration and review of records required under this article.

(c) Each petition for criminal offense reduction pursuant to this section shall be verified under oath and include the following information:

(1) Petitioner's current name and all other legal names or aliases by which petitioner has been known at any time;

(2) All of petitioner's addresses from the date of the offense or alleged offense in connection with which an criminal offense reduction order is sought to date of the petition;

(3) Petitioner's date of birth and social security number;

(4) Petitioner's date of arrest, the court of jurisdiction and criminal complaint, indictment, summons or case number;

(5) The statute or statutes and offense or offenses for which petitioner was charged and of which petitioner was convicted;

(6) The names of any victim or victims, or that there were no identifiable victims;

(7) Whether there is any current order for restitution, protection, restraining order or other no contact order prohibiting the petitioner from contacting the victims or whether there has ever been a prior order for restitution, protection or restraining order prohibiting the petitioner from contacting the victim. If there is such a current order, petitioner shall attach a copy of that order to his or her petition;

(8) The court's disposition of the matter and punishment imposed, if any;

(9) Why a criminal offense reduction is sought, such as, but not limited to, employment or licensure purposes, and why it should be granted;

(10) The steps the petitioner has taken since the time of the offenses toward personal rehabilitation, including treatment, work or other personal history that demonstrates rehabilitation;

(11) Whether petitioner has ever been granted criminal offense reduction, expungement or similar relief regarding a criminal conviction by any court in this state, any other state or by any federal court; and

(12) Any supporting documents, sworn statements, affidavits or other information supporting the petition to reduce criminal offense

(d) A copy of the petition, with any supporting documentation, shall be served by petitioner pursuant to the rules of the trial court upon the Superintendent of the State Police; the prosecuting attorney of the county of conviction; the chief of police or other



executive head of the municipal police department wherein the offense was committed; the chief law-enforcement officer of any other law-enforcement agency which participated in the arrest of the petitioner; the circuit court which disposed of the petitioner's criminal charge; the superintendent or warden of any institution in which the petitioner was confined; and all other state and local government agencies whose records would be affected by the proposed criminal offense reduction.

(e) The prosecutorial office that had jurisdiction over the offense or offenses for which reduction is sought shall serve by first class mail the petition for criminal offense reduction, accompanying documentation and any proposed criminal offense reduction order to any identified victims.

(f) Upon receipt of a petition for criminal offense reduction, the Superintendent of the State Police; the prosecuting attorney of the county of conviction; the chief of police or other executive head of the municipal police department wherein the offense was committed; the chief law-enforcement officer of any other law-enforcement agency which participated in the arrest of the petitioner; the superintendent or warden of any institution in which the petitioner was confined; the circuit court which disposed of the petitioner's criminal charge; all other state and local government agencies whose records would be affected by the proposed criminal offense reduction and any other interested individual or agency that desires to oppose the criminal offense reduction shall, within thirty days of receipt of the petition, file a notice of opposition with the court with supporting documentation and sworn statements setting forth the reasons for resisting the petition for criminal offense reduction. A copy of any notice of opposition with supporting documentation and sworn statements shall be served upon the petitioner in accordance with trial court rules. The petitioner may file a reply no later than fifteen days after service of any notice of opposition to the petition for criminal offense reduction.

(g) The burden of proof shall be on the petitioner to prove by clear and convincing evidence that:

(1) The conviction or convictions for which criminal offense reduction is sought are qualifying offenses and the only convictions against petitioner;

(2) that the requisite time period has passed since the conviction or convictions or end of the completion of any sentence of incarceration or probation;

(3) petitioner has no criminal charges pending against him or her;

(4) the criminal offense reduction is consistent with the public welfare;

(5) petitioner has, by his or her behavior since the conviction or convictions, evidenced that he or she has been rehabilitated and is law-abiding; and

(6) any other matter deemed appropriate or necessary by the court to make a determination regarding the petition for criminal offense reduction.

(h) Within ninety days of the filing of a petition for criminal offense reduction the circuit court shall:

(1) Summarily grant the petition;

(2) Set the matter for hearing; or

(3) Summarily deny the petition if the court determines that the petition is insufficient or, based upon supporting documentation and sworn statements filed in opposition to the petition, the court determines that the petitioner, as a matter of law, is not entitled to reduction.

(i) If the court sets the matter for hearing, all interested parties who have filed a notice of opposition shall be notified. At the hearing, the court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with any law-enforcement authority, the institution of confinement, if any, and parole authority or other

agency which was in any way involved with the petitioner's arrest, conviction, sentence and post-conviction supervision, including any record of arrest or conviction in any other state or federal court. The court may hear testimony of witnesses and any other matter the court deems proper and relevant to its determination regarding the petition. The court shall enter an order reflecting its ruling on the petition for criminal offense reduction with appropriate findings of fact and conclusions of law.

(j) If the court grants the petition for criminal offense reduction, it shall order any records in the custody of the court, and of any other agency or official, including law-enforcement records, to reflect reduction of the felony offense to a reduced misdemeanor. Every agency with records relating to the arrest, charge or other matters arising out of the arrest or conviction that is ordered to reflect the criminal offense reduction in its records shall certify to the court within sixty days of the entry of the criminal offense reduction order that the required reduction has been completed.

(k) Upon granting of criminal offense reduction, the person whose felony offense has been reduced under the provisions of this article shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit or other type of application that he or she has a felony conviction.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 76**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-11B-1; §61-11B-2, §61-11B-3 and §61-11B-4, all relating to establishment of a criminal offense reduction program; setting forth legislative intent; setting forth definitions; providing for persons convicted of certain criminal felony offenses to petition for reduction to a misdemeanor offense; setting forth limitations; providing for reduced offense to be reflected on criminal records; expressly providing that reduction of felony offense means person shall not be deemed as being convicted of a

felony for any legal purpose or restriction; clarifying that reduced misdemeanor offenses may not be expunged; clarifying that criminal offense reduction is in the discretion of the circuit court; establishing procedures for petition to the court; requiring payment of a filing fee; directing certain moneys to State Police from filing fee; setting forth information to be included on the petition; providing for notification of petition to certain persons; requiring prosecuting attorney to contact identified victims; providing for notice of opposition to the petition by certain persons; establishing burden of proof by petitioner; providing for a hearing and setting forth procedures; providing for entry of an order by the court; authorizing court to enter an order directing certain records to reflect reduction of a felony offense to a reduced misdemeanor; requiring certification of compliance to the court; and providing for disclosure requirements.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 76) were reported by the Clerk, considered simultaneously, and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §61-11B-1, §61-11B-2, §61-11B-3, §61-11B-4 and §61-11B-5, all to read as follows:

## **ARTICLE 11B. CRIMINAL OFFENSE REDUCTION**

### **§61-11B-1. Legislative Intent.**

It is the Legislature's intention in enacting this article to establish a procedure whereby individuals convicted of certain criminal offenses may, pursuant to the provisions of this article, obtain a reduced offense of conviction. In enacting this article, it is also the Legislature's intent to improve the employment possibilities of certain persons while allowing the public notice of

their actual conduct and prior transgressions without further penalty or diminution of employment opportunities.

**§61-11B-2. Definitions.**

(a) As used in this article, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) “Criminal offense reduction” means the reduction of a qualifying felony offense to a misdemeanor offense pursuant to this article.

(2) “Excluded offense” means:

(A) An offense which involves the infliction of serious physical injury;

(B) A sexual offense, including, but not limited to, a violation of the felony provisions of article eight, eight-b, eight-c, or eight-d of this chapter;

(C) An offense which involves the use or exhibition of a deadly weapon or dangerous instrument;

(D) A felony violation of the provisions of section nine, article two of this chapter;

(E) A felony violation of the provisions of section twenty-eight, article two of this chapter;

(F) A felony violation of article four, chapter seventeen-b of this code; or

(G) A felony, the facts and circumstances of which the circuit court finds to be inconsistent with the purposes of this article.

(3) “Non-violent felony” means a felony conviction in a circuit court of this state, which the circuit court finds is not (i) an excluded offense as defined in subdivision (2) of this article, and (ii) which does not involve violence or potential violence to another person or the public.

(4) “Petitioner” means a person who has filed a petition seeking a criminal offense reduction under the provisions of this article.

(5) “Qualifying felony offense” means: a non-violent felony offense that is not excluded from relief under this article.

(6) “Reduced misdemeanor” means a legal status representing that a person previously convicted of a non-violent qualifying felony has successfully petitioned a circuit court to have the felony conviction reduced to the status of a misdemeanor.

(7) “Requisite time period” means ten years after completion of any sentence or period of supervision or probation, whichever is later during which time there has been no commission and conviction for a violation of law by the petitioner other than for a minor traffic offense.

### **§61-11B-3. Criminal Offense Reduction.**

(a) Subject to the limitations and procedures set forth in this article, a person convicted of a non-violent felony offense may seek a criminal offense reduction by petition to the circuit court. If granted, the petitioner’s felony conviction shall be vacated and the petitioner’s status will thereafter be designated on all records relating to the offense as a “reduced misdemeanor.” The petitioner’s criminal record shall also reflect that he or she be granted such legal status as is associated with being convicted of a misdemeanor and, except as provided by the provisions of this article, the person shall not be deemed to have been convicted of a felony for any legal purpose or restriction.

(b) Notwithstanding any provision of law to the contrary, the reduced misdemeanor provided for under this article may not be expunged as part of this petition or by subsequent legal proceeding or petition.

(c) There shall be no entitlement to a criminal offense reduction and the granting of the petition shall remain in the discretion of the circuit court.

(d) Nothing in the section may be construed to allow a person obtaining relief pursuant to this article to be eligible for reinstatement of any retirement or employment benefit which he or she lost or forfeited due to the felony conviction or convictions vacated and reduced to the status of a misdemeanor.

**§61-11B-4. Petition for reduction.**

(a) A person seeking a criminal offense reduction under this article shall file with the circuit court a petition, in a form and manner set forth by the West Virginia Supreme Court of Appeals.

(b) Any person filing a petition pursuant to the provisions of this article shall pay the filing fee set by the provisions of subdivision (1), subsection (a), section eleven, article one, chapter fifty-nine of this code: *Provided*, That in addition to the fee required by the provisions of this subsection a petitioner shall pay a fee of \$100 which shall be deposited into a non-appropriated special revenue account within the State Treasurer's office to be known as the West Virginia State Police Criminal History Account, said fee to be used to offset costs to the State Police for actions to facilitate the operation of this article.

(c) Each petition for criminal offense reduction filed pursuant to this section shall be verified under oath and include the following information:

(1) Petitioner's current name and all other legal names or aliases by which the petitioner has been known at any time;

(2) All of petitioner's addresses from the date of the offense for which a criminal offense reduction order is sought to the date of the filing of the petition;

(3) Petitioner's date of birth and social security number;

(4) Petitioner's date of arrest, the court of jurisdiction and criminal case number;

(5) The offense or offenses with which petitioner was charged and of which petitioner was convicted and the statutory citations therefor.

(6) The names of any victim or victims, or where there are no identifiable victims such shall be stated;

(7) Whether there is any current order for restitution, protection, restraining order or other no contact order prohibiting the petitioner from contacting the victims or whether there has ever been a prior order for restitution, protection or restraining order prohibiting the petitioner from contacting the victim. If there is such a current order, petitioner shall attach a copy of that order to his or her petition;

(8) The court's disposition of the matter and sentence imposed;

(9) The reasons a criminal offense reduction is sought, such as, but not limited to, employment or licensure purposes, and arguments in support thereof;

(10) The date upon which he or she completed any sentence or period of supervision or probation;

(11) An express averment by the petitioner that he or she has neither committed nor been convicted of a violation of law;

(12) The action the petitioner has taken since the time of the offense or offenses toward personal rehabilitation, including treatment, work or other personal history that demonstrates rehabilitation;

(13) Whether petitioner has ever been granted criminal offense reduction, expungement or similar relief regarding a criminal conviction by any court in this state, any other state or by any federal court; and

(14) Any supporting documents, sworn statements, affidavits or other information supporting the petition to reduce criminal offense.



(d) A copy of the petition, with any supporting documentation, shall be served by petitioner pursuant to the West Virginia Rules of Civil Procedure upon the Superintendent of the State Police; the prosecuting attorney of the county of conviction; the chief of police or other executive head of the municipal police department wherein the offense was committed; the chief law-enforcement officer of any other law-enforcement agency which participated in the arrest of the petitioner; the circuit court of conviction, if the petition is filed in another circuit; the superintendent or warden of any state correctional facility in which the petitioner was imprisoned; and any state and local government agencies the records of which would be affected by the proposed criminal offense reduction.

(e) The prosecuting attorney of the county in which the petition is filed shall serve by first class mail the petition for criminal offense reduction, accompanying documentation and any proposed criminal offense reduction order to any identified victims.

(f) Upon receipt of a petition for criminal offense reduction, the Superintendent of the State Police; the prosecuting attorney of the county of conviction; the chief of police or other executive head of the municipal police department wherein the offense was committed; the chief law-enforcement officer of any other law-enforcement agency which participated in the arrest of the petitioner; the superintendent or warden of any institution in which the petitioner was confined; the circuit court of conviction, if the petition is filed in another circuit; any state and local government agencies the records of which would be affected by the proposed criminal offense reduction and any interested individual or agency that desires to oppose the criminal offense reduction shall, within thirty days of receipt of the petition, file a notice of opposition with the court with supporting documentation and sworn statements setting forth the reasons for resisting the petition for criminal offense reduction. A copy of any notice of opposition with supporting documentation and sworn statements shall be served upon the petitioner or his or her counsel in accordance with West Virginia Rules of Civil Procedure. The petitioner may file a reply no later than fifteen days after service of any notice of opposition to the petition for criminal offense reduction.

(g) The burden of proof shall be on the petitioner to prove by clear and convincing evidence that:

(1) The conviction or convictions for which criminal offense reduction is sought are qualifying offenses and are the only convictions against petitioner;

(2) That the requisite time period has passed since the conviction or convictions or end of the completion of any sentence of incarceration or probation;

(3) That the petitioner has neither committed nor been convicted of a violation of law in the preceding ten years;

(4) That petitioner has no criminal charges pending against him or her;

(5) That the criminal offense reduction is consistent with the public welfare;

(6) That petitioner has, by his or her behavior since the conviction or convictions, evidenced that he or she has been rehabilitated and has remained law-abiding; and

(7) Any other matter deemed appropriate or necessary by the court to make a determination regarding the petition for criminal offense reduction.

(h) Within one-hundred-eighty days of the filing of a petition for criminal offense reduction or as soon thereafter as is practicable the circuit court shall:

(1) Summarily grant the petition;

(2) Set the matter for hearing; or

(3) Summarily deny the petition, if the court determines that the petition is insufficient, or based upon supporting documentation and sworn statements filed in opposition to the petition, the court determines that the petitioner, as a matter of law, is not entitled to reduction.

(i) If the court sets the matter for hearing, all interested parties who have filed a notice of opposition shall be notified. At the hearing, the court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with any law-enforcement authority, the institution of confinement, if any, and parole authority or other agency which was in any way involved with the petitioner's arrest, conviction, sentence and post-conviction supervision, including any record of arrest or conviction in any other state or federal court. The court may hear testimony of witnesses and evidence of any other matter the court deems proper and relevant to its determination regarding the petition. The court shall enter an order reflecting its ruling on the petition for criminal offense reduction with appropriate findings of fact and conclusions of law.

(j) If the court grants the petition for criminal offense reduction, it shall order any records in the custody of the court, and of any other agency or official, including law-enforcement records, to reflect reduction of the felony offense to the status of reduced misdemeanor. Every agency with records relating to the arrest, charge or other matters arising out of the arrest or conviction that is ordered to reflect the criminal offense reduction in its records shall certify to the court within ninety days of the entry of the criminal offense reduction order that the required reduction has been completed: *Provided*, That upon inquiry by a prospective employer or on an application for employment, credit or other type of application, he or she shall disclose the existence of the reduced misdemeanor and acknowledgement of the prior conviction if asked about prior convictions or crimes.

(k) Upon granting of criminal offense reduction, the person whose felony offense has been reduced under the provisions of this article shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit or other type of application that he or she has a felony conviction.

#### **§61-11B-5. Employer protections.**

(a) A cause of action may not be brought against an employer, general contractor, premises owner, or other third party solely

based on the employer, general contractor, premises owner, or other third party employing a person or independent contractor who has been convicted of a nonviolent, non-sexual offense or a person who has had his or her conviction reduced pursuant to this article.

(b) In a negligent hiring action against an employer, general contractor, premises owner, or other third party for the acts of an employee or independent contractor that is based on a theory of liability other than that described by subsection (a) of the section, the fact that the employee or independent contractor was convicted of a nonviolent, non-sexual offense or had his or her conviction reduced pursuant to this article before the employee or independent contractor's employment or contractual obligation with the employer, general contractor, premises owner, or other third party, as applicable, may not be introduced into evidence.

(c) This section does not preclude any existing cause of action for failure of an employer or other person to provide adequate supervision of an employee or independent contractor, except that the fact that the employee or independent contractor has been convicted of a nonviolent, non-sexual criminal offense or had his or her conviction reduced pursuant to this article may be introduced into evidence in the suit only if the employer:

(1) Knew of the conviction or was grossly negligent in not knowing of the conviction or reduced offense; and

(2) The conviction or reduced offense was directly related to the nature of the employee's or independent contractor's work and the conduct that gave rise to the alleged injury that is the basis of the suit.

(d) This section shall not be interpreted as implying a cause of action exists for negligent hiring of a person based upon his or her criminal record in factual situations not covered by the provisions of this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 76**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-11B-1, §61-11B-2, §61-11B-3, §61-11B-4 and §61-11B-5, all relating to establishment of a criminal offense reduction program; creating the criminal offense classification of reduced misdemeanor; setting forth legislative intent; setting forth definitions; allowing persons convicted of certain criminal felony offenses to petition under specified circumstances for reduction of the felony to misdemeanor status; setting forth limitations; providing for reduced offense status to be reflected on criminal records; expressly providing that reduction of felony offense means person shall not be deemed as being convicted of a felony for certain legal purposes or restrictions; clarifying that a reduced misdemeanor may not be expunged; clarifying that criminal offense reduction is in the discretion of the circuit court; establishing procedures for petition to the court; requiring payment of a filing fee when filing petition; directing a fee be paid to the State Police to offset costs associated with facilitating the purposes of this article; setting forth information to be included on the petition; providing for notification of petition to certain persons; requiring prosecuting attorney to contact identified victims; providing for notice of opposition to the petition by certain persons; establishing burden and standard of proof for petitions; providing for a hearing and setting forth procedures; providing for entry of an order by the court; authorizing court to enter an order directing certain records to reflect reduction of a felony offense to the status of reduced misdemeanor; requiring certification of compliance to the court; and providing for disclosure requirements; and granting employers limited civil immunity for hiring of convicted felons and persons in reduced misdemeanor status and exceptions thereto.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 76, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Karnes and Mullins—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 76) passed with its Senate amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

**Eng. Com. Sub. for House Bill 2196**, Relating to the secondary schools athletic commission.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

On page one, section twenty-five, line one, before the word “The” by inserting “(a)”;

On page one, section twenty-five, line seven, before the word “The” by inserting “(b)”;

On page two, section twenty-five, line twenty-seven, before the word “The” by inserting “(c)”;

On page two, section twenty-five, line thirty-five, before the word “Notwithstanding” by inserting “(d)”;

On page three, section twenty-five, line forty, after the words “*provided that*” by striking out the remainder of subdivision (1) and inserting in lieu thereof a colon and the following:

(A) The home school student’s average test results are within or above the fourth stanine in all subject areas, and;

(B) The private or parochial school students meet the same academic and attendance requirements of public school students.;

And,

On page three, section twenty-five, subdivision (5), by striking out the word “legislature” and inserting in lieu thereof the words “Legislature regarding”.

On motion of Senator Ferns, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 2196, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Maroney, Maynard, Miller, Ojeda, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel and Carmichael (Mr. President)—27.

The nays were: Facemire, Mann, Palumbo, Prezioso and Weld—5.

Absent: Jeffries and Mullins—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2196) passed with its Senate amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendment, as to

**Eng. Com. Sub. for House Bill 2526**, Classifying additional drugs to Schedules I, II, IV and V of controlled substances.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendment to the bill were reported by the Clerk:

On page four, section two hundred four, subsection (b), by striking out all of subdivision (29);

And,

By renumbering the remaining subdivisions.

On motion of Senator Ferns, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendment to the bill.

Engrossed Committee Substitute for House Bill 2526, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Mullins—2.



So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2526) passed with its title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. Com. Sub. for House Bill 2329**, Prohibiting the production, manufacture or possession of fentanyl.

Whereupon, Senator Weld, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 2329**, Prohibiting the production, manufacture or possession of fentanyl.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill 2329 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate striking out everything following the enacting clause and inserting new language, and agree to the same as follows

That §60A-1-101 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §60A-2-204 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §60A-4-414, all to read as follows:

**ARTICLE 1. DEFINITIONS.****§60A-1-101. Definitions.**

As used in this act:

(a) “Administer” means the direct application of a controlled substance whether by injection, inhalation, ingestion or any other means to the body of a patient or research subject by:

(1) A practitioner (or, in his or her presence, by his or her authorized agent); or

(2) The patient or research subject at the direction and in the presence of the practitioner.

(b) “Agent” means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c) “Analogue” means a substance that, in relation to a controlled substance, has a substantially similar chemical structure.

(d) “Bureau” means the “Bureau of Narcotics and Dangerous Drugs, United States Department of Justice” or its successor agency.

(e) “Controlled substance” means a drug, substance or immediate precursor in Schedules I through V of article two of this chapter.

(f) “Counterfeit substance” means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(g) “Imitation controlled substance” means: (1) A controlled substance which is falsely represented to be a different controlled substance; (2) a drug or substance which is not a controlled

substance but which is falsely represented to be a controlled substance; or (3) a controlled substance or other drug or substance or a combination thereof which is shaped, sized, colored, marked, imprinted, numbered, labeled, packaged, distributed or priced so as to cause a reasonable person to believe that it is a controlled substance.

(h) “Deliver” or “delivery” means the actual, constructive or attempted transfer from one person to another of: (1) A controlled substance, whether or not there is an agency relationship; (2) a counterfeit substance; or (3) an imitation controlled substance.

(i) “Dispense” means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

(j) “Dispenser” means a practitioner who dispenses.

(k) “Distribute” means to deliver, other than by administering or dispensing, a controlled substance, a counterfeit substance or an imitation controlled substance.

(l) “Distributor” means a person who distributes.

(m) “Drug” means: (1) Substances recognized as drugs in the official “United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or official National Formulary”, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in subdivision (1), (2) or (3) of this subdivision. It does not include devices or their components, parts or accessories.

(n) “Fentanyl analog or derivative” means any substance which has a chemical structure which is substantially similar to the chemical structure of fentanyl, including any of its salts, isomers,

or salts of isomers, including any chemical compound or mixture. For purposes of this chapter, the term “fentanyl derivative or analog” includes any fentanyl analog that is not otherwise scheduled in this chapter.

~~(n)~~ (o) “Immediate derivative” means a substance which is the principal compound or any analogue of the parent compound manufactured from a known controlled substance primarily for use and which has equal or similar pharmacologic activity as the parent compound which is necessary to prevent, curtail or limit manufacture.

~~(o)~~ (p) “Immediate precursor” means a substance which is the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

~~(p)~~ (q) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice; or

(2) By a practitioner, or by his or her authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

~~(q)~~ (r) “Marijuana” means all parts of the plant “Cannabis sativa L.”, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, immediate derivative, mixture or preparation of

the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, immediate derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

(~~†~~) (s) “Narcotic drug” means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, immediate derivative or preparation of opium or opiate.

(2) Any salt, compound, isomer, immediate derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) of this subdivision, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, immediate derivative or preparation of coca leaves and any salt, compound, isomer, immediate derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(~~†~~) (t) “Opiate” means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section two hundred one, article two of this chapter, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does not include its racemic and levorotatory forms.

(~~†~~) (u) “Opium poppy” means the plant of the species “*Papaver somniferum* L.”, except its seeds.

~~(u)~~ (v) “Person” means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

~~(v)~~ (w) “Placebo” means an inert medicament or preparation administered or dispensed for its psychological effect, to satisfy a patient or research subject or to act as a control in experimental series.

~~(w)~~ (x) “Poppy straw” means all parts, except the seeds, of the opium poppy after mowing.

~~(x)~~ (y) “Practitioner” means:

(1) A physician, dentist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

~~(y)~~ (z) “Production” includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

~~(z)~~ (aa) “State”, when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof and any area subject to the legal authority of the United States of America.

~~(aa)~~ (bb) “Ultimate user” means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

## **ARTICLE 2. STANDARDS AND SCHEDULES.**

### **§60A-2-204. Schedule I.**

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation (for purposes of subdivision (34) of this subsection only, the term isomer includes the optical and geometric isomers):

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl) -4-piperidinyl]—phenylacetamide);

(2) Acetylmethadol;

(3) Allylprodine;

(4) Alphacetylmethadol (except levoalphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

(5) Alphameprodine;

(6) Alphamethadol;

(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(—propanilido) piperidine);

(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl- 4-piperidinyl]—phenylpropanamide);

(9) Benzethidine;

(10) Betacetylmethadol;

(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl) -4-piperidinyl]-N-phenylpropanamide);

(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-phenylpropanamide);

(13) Betameprodine;

(14) Betamethadol;

(15) Betaprodine;

(16) Clonitazene;

(17) Dextromoramide;

(18) Diampromide;

(19) Diethylthiambutene;

(20) Difenoxin;

(21) Dimenoxadol;

(22) Dimepheptanol;

(23) Dimethylthiambutene;

(24) Dioxaphetyl butyrate;

(25) Dipipanone;

(26) Ethylmethylthiambutene;

(27) Etonitazene;

(28) Etoxeridine;

(29) Fentanyl analog or derivative, as that term is defined in article one of this chapter: *Provided*, That fentanyl and carfentanil remains a Schedule II substance, as set forth in section two hundred six of this article;

~~(29)~~ (30) Furethidine;

~~(30)~~ (31) Hydroxypethidine;



~~(31)~~ (32) Ketobemidone;

~~(32)~~ (33) Levomoramide;

~~(33)~~ (34) Levophenacymorphan;

~~(34)~~ (35) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

~~(35)~~ (36) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]—phenylpropanamide);

~~(36)~~ (37) Morpheridine;

~~(37)~~ (38) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

~~(38)~~ (39) Noracymethadol;

~~(39)~~ (40) Norlevorphanol;

~~(40)~~ (41) Normethadone;

~~(41)~~ (42) Norpipanone;

~~(42)~~ (43) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);

~~(43)~~ (44) PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);

~~(44)~~ (45) Phenadoxone;

~~(45)~~ (46) Phenampromide;

~~(46)~~ (47) Phenomorphan;

~~(47)~~ (48) Phenoperidine;

~~(48)~~ (49) Piritramide;

~~(49)~~ (50) Proheptazine;

~~(50)~~ (51) Properidine;

~~(51)~~ (52) Propiram;

~~(52)~~ (53) Racemoramide;

~~(53)~~ (54) Thiofentanyl (N-phenyl-N-[1-(2-thienyl) ethyl-4-piperidinyl]-propanamide);

~~(54)~~ (55) Tilidine;

~~(55)~~ (56) Trimeperidine.

(c) *Opium derivatives.* — Unless specifically excepted or unless listed in another schedule, any of the following opium immediate derivatives, its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine;
- (2) Acetyldihydrocodeine;
- (3) Benzylmorphine;
- (4) Codeine methylbromide;
- (5) Codeine-N-Oxide;
- (6) Cyprenorphine;
- (7) Desomorphine;
- (8) Dihydromorphine;
- (9) Drotebanol;
- (10) Etorphine (except HCl Salt);
- (11) Heroin;
- (12) Hydromorphenol;
- (13) Methyldesorphine;
- (14) Methyldihydromorphine;
- (15) Morphine methylbromide;

- (16) Morphine methylsulfonate;
- (17) Morphine-N-Oxide;
- (18) Myrophine;
- (19) Nicocodeine;
- (20) Nicomorphine;
- (21) Normorphine;
- (22) Pholcodine;
- (23) Thebacon.

(d) *Hallucinogenic substances.* — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term “isomer” includes the optical, position and geometric isomers):

(1) Alpha-ethyltryptamine; some trade or other names: etryptamine; Monase; alpha-ethy-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; and AET;

(2) 4-bromo-2, 5-dimethoxy-amphetamine; some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo- 2,5-DMA;

(3) 4-Bromo-2,5-dimethoxyphenethylamine; some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha- desmethyl DOB; 2C-B, Nexus;

(4)(A) N-(2-Methoxybenzyl)-4-bromo-2, 5-dimethoxyphenethylamine. The substance has the acronym 25B-NBOMe.

(B) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe).

(C) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe)

(5) 2,5-dimethoxyamphetamine; some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA;

(6) 2,5-dimethoxy-4-ethylamphet-amine; some trade or other names: DOET;

(7) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

(8) 4-methoxyamphetamine; some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA;

(9) 5-methoxy-3, 4-methylenedioxy-amphetamine;

(10) 4-methyl-2,5-dimethoxy-amphetamine; some trade and other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP";

(11) 3,4-methylenedioxy amphetamine;

(12) 3,4-methylenedioxymethamphetamine (MDMA);

(13) 3,4-methylenedioxy-N-ethylamphetamine (also known as - ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, MDEA);

(14) N-hydroxy-3,4-methylenedioxyamphetamine (also known as - hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and - hydroxy MDA);

(15) 3,4,5-trimethoxy amphetamine;

(15) (16) 5-methoxy-N, N-dimethyltryptamine (5-MeO-DMT);

(17) Alpha-methyltryptamine (other name: AMT);

(18) Bufotenine; some trade and other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;

(19) Diethyltryptamine; some trade and other names: N, N-Diethyltryptamine; DET;

(20) Dimethyltryptamine; some trade or other names: DMT;

(21) 5-Methoxy-N, N-diisopropyltryptamine (5-MeO-DIPT);

(22) Ibogaine; some trade and other names: 7-Ethyl-6, 6 Beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H- pyrido [1', 2': 1, 2] azepino [5,4-b] indole; Tabernanthe iboga;

(23) Lysergic acid diethylamide;

(24) Marijuana;

(25) Mescaline;

(26) Parahexyl-7374; some trade or other names: 3-Hexyl -1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl;

(27) Peyote; meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, immediate derivative, mixture or preparation of such plant, its seeds or extracts;

(28) N-ethyl-3-piperidyl benzilate;

(29) N-methyl-3-piperidyl benzilate;

(30) Psilocybin;

(31) Psilocyn;

(32) Tetrahydrocannabinols; synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, immediate derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

delta-1 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-6 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-3,4 Cis or trans tetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered).

(33) Ethylamine analog of phencyclidine; some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

(34) Pyrrolidine analog of phencyclidine; some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;

(35) Thiophene analog of phencyclidine; some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine; TPCP, TCP;

(36) 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some other names: TCPy.

(37) 4-methylmethcathinone (Mephedrone);

(38) 3,4-methylenedioxypropylvalerone (MDPV);

(39) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

(40) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)

(41) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)

(42) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)

(43) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)

(44) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)

(45) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)

(46) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N)

(47) 2-(2,5-Dimethoxy-

4-(n)-propylphenyl)ethanamine (2C-P)

(48) 3,4-Methylenedioxy-N-methylcathinone (Methylone)

(49) (2,5-dimethoxy-4-(n)-propyltghiophenethylamine (2C-T-7, itsoptical isomers, salts and salts of isomers

(50) 5-methoxy-N, N-dimethyltryptamine some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT(5-MeO-DMT)

(51) Alpha-methyltryptamine (other name: AMT)

(52) 5-methoxy-N, N-diisopropyltryptamine (other name: 5-MeO-DIPT)

(53) Synthetic Cannabinoids as follows:

(A) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol {also known as CP 47,497 and homologues};

(B) rel-2-[(1S,3R)-3-hydroxycyclohexyl] -5-(2-methylnonan-2-yl) phenol {also known as CP 47,497-C8 homolog};

(C) [(6aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7,10,10a-tetrahydrobenzo[c]chromen-1-ol] {also known as HU-210};

(D) (dexanabinol);

(6a*S*,10a*S*)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo

l[c]chromen-1-ol) {also known as HU-211};

(E) 1-Pentyl-3-(1-naphthoyl) indole {also known as JWH-018};

(F) 1-Butyl-3-(1-naphthoyl) indole {also known as JWH-073};

(G) (2-methyl-1-propyl-1*H*-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-015};

(H) (1-hexyl-1*H*-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-019};

(I) [1-[2-(4-morpholinyl) ethyl] -1*H*-indol-3-yl]-1-naphthalenyl-methanone {also known as JWH-200};

(J) 1-(1-pentyl-1*H*-indol-3-yl)-2-(3-hydroxyphenyl)-ethanone {also known as JWH-250};

(K) 2-((1*S*,2*S*,5*S*)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl)-5-(2-methyloctan-2-yl)phenol {also known as CP 55,940};

(L) (4-methyl-1-naphthalenyl) (1-pentyl-1*H*-indol-3-yl) -methanone {also known as JWH-122};

(M) (4-methyl-1-naphthalenyl) (1-pentyl-1*H*-indol-3-yl) -methanone {also known as JWH-398};

(N) (4-methoxyphenyl)(1-pentyl-1*H*-indol-3-yl)methanone {also known as RCS-4};

(O) 1-(1-(2-cyclohexylethyl) -1*H*-indol-3-yl) -2-(2-methoxyphenyl) ethanone {also known as RCS-8};

(P) 1-pentyl-3-[1-(4-methoxynaphthoyl) indole (JWH-081);



- (Q) 1-(5-fluoropentyl)-3-(1-naphthoyl) indole (AM2201); and  
(R) 1-(5-fluoropentyl)-3-(2-iodobenzoyl) indole (AM694).

(54) Synthetic cannabinoids or any material, compound, mixture or preparation which contains any quantity of the following substances, including their analogues, congeners, homologues, isomers, salts and salts of analogues, congeners, homologues and isomers, as follows:

(A) CP 47,497 AND homologues, 2-[(1R,3S)-3-Hydroxycyclohexyl]-5-(2-methyloctan-2-YL) phenol);

(B) HU-210, [(6AR,10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-Methyloctan-2-YL)-6A,7,10, 10A-tetrahydrobenzo[C] chromen-1-OL)];

(C) HU-211, (dexanabinol, (6AS,10AS)-9-(hydroxymethyl)-6,6-Dimethyl-3-(2-methyloctan-2-YL)-6A,7,10,10atetrahydrobenzo [ C] chromen-1-OL);

(D) JWH-018, 1-pentyl-3-(1-naphthoyl) indole;

(E) JWH-019, 1-hexyl-3-(1-naphthoyl) indole;

(F) JWH-073, 1-butyl-3-(1-naphthoyl) indole;

(G) JWH-200, (1-(2-morpholin-4-ylethyl) indol-3-yl)-Naphthalen-1-ylmethanone;

(H) JWH-250, 1-pentyl-3-(2-methoxyphenylacetyl) indole.

(55) Synthetic cannabinoids including any material, compound, mixture or preparation that is not listed as a controlled substance in Schedule I through V, is not a federal Food and Drug Administration approved drug or used within legitimate and approved medical research and which contains any quantity of the following substances, their salts, isomers, whether optical positional or geometric, analogues, homologues and salts of isomers, analogues and homologues, unless specifically exempted,

whenever the existence of these salts, isomers, analogues, homologues and salts of isomers, analogues and homologues if possible within the specific chemical designation:

(A) Tetrahydrocannabinols meaning tetrahydrocannabinols which are naturally contained in a plant of the genus cannabis as well as synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis or synthetic substances, derivatives and their isomers with analogous chemical structure and or pharmacological activity such as the following:

(i) DELTA-1 CIS OR trans tetrahydrocannabinol and their Optical isomers.

(ii) DELTA-6 CIS OR trans tetrahydrocannabinol and their Optical isomers.

(iii) DELTA-3,4 CIS OR their trans tetrahydrocannabinol and their optical isomers.

(B) Naphthoyl indoles or any compound containing a 3-(1-Naphthoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include the following:

(i) JWH 015;

(ii) JWH 018;

(iii) JWH 019;

(iv) JWH 073;

(v) JWH 081;

(vi) JWH 122;

(vii) JWH 200;

(viii) JWH 210;

(ix) JWH 398;

(x) AM 2201;

(xi) WIN 55,212.

(56) Synthetic Phenethylamines (including their optical, positional, and geometric isomers, salts and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers):

(A) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe/ 2C-I-NBOMe);

(B) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe/2C-C-NBOMe);

(C) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe/ 2C-B-NBOMe);

(57) Synthetic Opioids (including their isomers, esters, ethers, salts and salts of isomers, esters and ethers):

(A) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);

(B) furanyl fentanyl;

(C) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (also known as U-47700);

(D) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl fentanyl);

(E) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide, (beta-hydroxythiofentanyl).

(58) Opioid Receptor Agonist (including its isomers, esters, ethers, salts, and salts of isomers, esters and ethers):

(A) AH-7921 (3,4-dichloro-N-(1dimethylamino)cyclohexylmethyl]benzamide).

~~(56)~~ (59) Naphylmethyloles or any compound containing a 1indol-3-yl-(1-naphthyl) methane structure with a substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 175 and JWH 184.

~~(57)~~ (60) Naphthoylpyrroles or any compound containing a 3-(1- Naphthoyl) pyrrole structure with substitution at the nitrogen atom of the pyrrole ring whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 147 and JWH 307.

~~(58)~~ (61) Naphthylmethyloindenes or any compound containing a Naphthylideneindene structure with substitution at the 3- Position of the indene ring whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 176.

~~(59)~~ (62) Phenylacetyloles or any compound containing a 3- Phenylacetylole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include the following:

- (A) RCS-8, SR-18 OR BTM-8;
- (B) JWH 250;
- (C) JWH 203;
- (D) JWH 251;
- (E) JWH 302.

~~(60)~~ (63) Cyclohexylphenols or any compound containing a 2-(3-hydroxycyclohexyl) phenol structure with a substitution at the 5-position of the phenolic ring whether or not substituted in the cyclohexyl ring to any extent. This shall include the following:

- (A) CP 47,497 and its homologues and analogs;
- (B) Cannabicyclohexanol;
- (C) CP 55,940.

~~(61)~~ (64) Benzoylindoles or any compound containing a 3-(benzoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include the following:

- (A) AM 694;
- (B) Pravadoline WIN 48,098;
- (C) RCS 4;
- (D) AM 679.

~~(62)~~ (65) [2,3-dihydro-5 methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-DE]-1, 4-benzoxazin-6-YL]-1-naphthalenymethanone. This shall include WIN 55,212-2.

~~(63)~~ (66) Dibenzopyrans or any compound containing a 11-hydroxydelta 8-tetrahydrocannabinol structure with substitution on the 3-pentyl group. This shall include HU-210, HU-211, JWH 051 and JWH 133.

~~(64)~~ (67) Adamantoylindoles or any compound containing a 3-(-1- Adamantoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the adamantoyl ring system to any extent. This shall include AM1248.

~~(65)~~ (68) Tetramethylcyclopropylindoles or any compound containing A 3-tetramethylcyclopropylindole structure with substitution at the nitrogen atom of the indole ring whether or not

further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent. This shall include UR-144 and XLR-11.

~~(66)~~ (69) N-(1-Adamantyl)-1-pentyl-1h-indazole-3-carboxamide. This shall include AKB48.

~~(67)~~ (70) Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and V, not federal Food and Drug Administration approved drug or used within legitimate, approved medical research. Since nomenclature of these substances is not internationally standardized, any immediate precursor or immediate derivative of these substances shall be covered.

~~(68)~~ (71) Tryptamines:

(A) 5- methoxy- N- methyl-N-isopropyltryptamine (5-MeO-MiPT)

(B) 4-hydroxy-N, N-diisopropyltryptamine (4-HO-DiPT)

(C) 4-hydroxy-N-methyl-N-isopropyltryptamine (4-HO-MiPT)

(D) 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET)

(E) 4-acetoxy-N, N-diisopropyltryptamine (4-AcO-DiPT)

(F) 5-methoxy- $\alpha$ -methyltryptamine (5-MeO-AMT)

(G) 4-methoxy-N, N-Dimethyltryptamine (4-MeO-DMT)

(H) 4-hydroxy Diethyltryptamine (4-HO-DET)

(I) 5- methoxy- N, N- diallyltryptamine (5-MeO-DALT)

(J) 4-acetoxy-N, N-Dimethyltryptamine (4-AcO DMT)

(K) 4-hydroxy Diethyltryptamine (4-HO-DET)

(72) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (AB-CHMINACA);

(73) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA);

(74) [1-(5-fluoropentyl)-1H-indazol-3-yl (naphthalen-1-yl)methanone (THJ-2201);

(75) quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22; QUPIC);

(76) quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5-fluoro-PB-22; 5F-PB-22);

(77) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA);

(78) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA); and

(79) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (common names, MAB-CHMINACA and ADB-CHMINACA);

(e) *Depressants*. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Mecloqualone;

(2) Methaqualone.

(f) *Stimulants*. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Aminorex; some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine;

(2) Cathinone; some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

(3) Fenethylamine;

(4) Methcathinone, its immediate precursors and immediate derivatives, its salts, optical isomers and salts of optical isomers; some other names: (2-(methylamino)-propio)phenone; alpha-

(methylamino)propio)phenone; 2-(methylamino)-1-phenylpropan-1-one; alpha—methylaminopropiophenone; monomethylpropion; 3,4-methylenedioxypropylamphetamine and/or mephedrone; 3,4-methylenedioxypropylamphetamine (MPVD); ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432;

(5) (+-) cis-4-methylaminorex; ((-) cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline);

(6) N-ethylamphetamine;

(7) N,N-dimethylamphetamine; also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.

(8) Alpha-pyrrolidinopentiophenone, also known as alpha-PVP, optical isomers, salts and salts of isomers.

(9) Substituted amphetamines:

(A) 2-Fluoroamphetamine

(B) 3-Fluoroamphetamine

(C) 4-Fluoroamphetamine

(D) 2-chloroamphetamine

(E) 3-chloroamphetamine

(F) 4-chloroamphetamine

(G) 2-Fluoromethamphetamine



(H) 3-Fluoromethamphetamine

(I) 4-Fluoromethamphetamine

(J) 4-chloromethamphetamine

(10) 4-methyl-N-ethylcathinone (4-MEC);

(11) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);

(12) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);

(13) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);

(14) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);

(15) 4-fluoro-N-methylcathinone (4-FMC);

(16) 3-fluoro-N-methylcathinone (3-FMC);

(17) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone); and

(18) Alpha-pyrrolidinobutiophenone ( $\alpha$ -PBP).

(g) Temporary listing of substances subject to emergency scheduling. Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers.

(2) N-[1-(2-thienyl) methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers.

(3) N-benzylpiperazine, also known as BZP.

(h) The following controlled substances are included in Schedule I:

(1) Synthetic Cathinones or any compound, except bupropion or compounds listed under a different schedule, or compounds used within legitimate and approved medical research, structurally derived from 2- Aminopropan-1-one by substitution at the 1-position with Monocyclic or fused polycyclic ring systems, whether or not the compound is further modified in any of the following ways:

(A) By substitution in the ring system to any extent with Alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl or halide Substituents whether or not further substituted in the ring system by one or more other univalent substituents.

(B) By substitution at the 3-Position with an acyclic alkyl substituent.

(C) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups.

(D) By inclusion of the 2-amino nitrogen atom in a cyclic structure.

(2) Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and V, not federal Food and Drug Administration approved drug or used within legitimate, approved medical research.

#### **ARTICLE 4. OFFENSES AND PENALTIES.**

##### **§60A-4-414. Unlawful manufacture, delivery, transport into state, or possession of fentanyl.**

(a) For purposes of this section,

(1) “Controlled substance” shall have the same meaning as provided in subsection (e), section one hundred one, article one of this chapter.

(2) “Fentanyl” refers to the substance identified in subdivision (9), subsection (c), section two hundred six, article two of this chapter, and any analog or derivative thereof.

(b) Any person who violates the provisions of subsection (a), section four hundred one of this article or section four hundred nine of this article in which fentanyl is a controlled substance involved in the offense, either alone or in combination with another controlled substance, shall be guilty of a felony, and upon conviction thereof, shall be punished in accordance with the following:

(1) If the net weight of fentanyl involved in the offense is less than one gram, such person shall be imprisoned in a correctional facility not less than two nor more than ten years.

(2) If the net weight of fentanyl involved in the offense is one gram or more but less than five grams, such person shall be imprisoned in a correctional facility not less than three nor more than fifteen years.

(3) If the net weight of fentanyl involved in the offense is five grams or more, such person shall be imprisoned in a correctional facility not less than four nor more than twenty years.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title to read as follows:

**Eng. Com. Sub. for House Bill 2329**—A Bill to amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-2-204 of said code; and to amend said code by adding thereto a new section, designated §60A-4-414, all relating to prohibiting the unlawful production, manufacture or possession of fentanyl and fentanyl analogs and derivatives; defining a fentanyl analog or derivative; classifying a fentanyl analog or derivative as a Schedule I drug; classifying additional drugs to Schedules I of uniform controlled substances act; creating a felony offense and imposing criminal penalties for the unlawful manufacture, delivery, possession with intent to

manufacture or deliver, and transport into state of fentanyl; defining terms; establishing increased penalties for manufacturing, delivering, possessing with intent to manufacture or deliver, and transporting into state with intent to deliver or manufacture in which fentanyl is a controlled substance involved in the offense; and providing for penalties based upon weight.

Respectfully submitted,

Kelli Sobonya, *Chair*, Ray Hollen, Rodney Miller, *Conferees on the part of the House of Delegates.*

Ryan W. Weld, *Chair*, Mark R. Maynard, Glenn D. Jeffries, *Conferees on the part of the Senate.*

Senator Weld, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Weld, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2329, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mullins—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2329) passed with its conference amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Sypolt, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

On motion of Senator Ferns, the special order of business set for this position on the calendar (*consideration of executive nominations*) was postponed and made a special order of business for tomorrow, Sunday, April 9, 2017, at 6 p.m.

The Senate again proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. Com. Sub. for House Bill 2579**, Increasing the penalties for transporting controlled substances.

Whereupon, Senator Weld, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 2579**, Increasing the penalties for transporting controlled substances.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill 2579 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate striking out everything following the enacting clause and inserting new language, and agree to the same as follows:

That §60A-4-409 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 4. OFFENSES AND PENALTIES.****§60A-4-409. Prohibited acts – Transportation of controlled substances into state; penalties.**

(a) Except as otherwise authorized by the provisions of this code, it ~~shall be~~ is unlawful for any person to transport or cause to be transported into this state a controlled substance with the intent to deliver the same or with the intent to manufacture a controlled substance.

(b) Any person who violates this section with respect to:

(1) A controlled substance classified in Schedule I or II, which is a narcotic drug, shall be guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than fifteen years, or fined not more than \$25,000, or both;

(2) Any other controlled substance classified in Schedule I, II or III shall be guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than ~~five~~ ten years, or fined not more than \$15,000, or both: Provided, That for the substance marihuana, as scheduled in subdivision (24) subsection (d), section two hundred four, article two of this chapter, the penalty, upon conviction of a violation of this subsection, shall be that set forth in subdivision (3) of this subsection.

(3) A substance classified in Schedule IV shall be guilty of a felony and, upon conviction, may be imprisoned in the state correctional facility for not less than one year nor more than ~~three~~ five years, or fined not more than \$10,000, or both;

(4) A substance classified in Schedule V shall be guilty of a misdemeanor and, upon conviction, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both: *Provided*, That for offenses relating to any substance classified as Schedule V in article ten of this chapter, the penalties established in said article apply.

(c) Notwithstanding the provisions of subsection (b) of this section, any person violating or causing a violation of subsection (a) of this section involving one kilogram or more of heroin, five kilograms or more of cocaine or cocaine base, one hundred grams or more of phencyclidine, ten grams or more of lysergic acid diethylamide, or fifty grams or more of methamphetamine or five hundred grams of a substance or material containing a measurable amount of methamphetamine, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than thirty years.

(d) Notwithstanding the provisions of subsection (b) of this section, any person violating or causing a violation of subsection (a) of this section involving one hundred but fewer than 1000 grams of heroin, not less than five hundred but fewer than 5,000 grams of cocaine or cocaine base, not less than ten but fewer than ninety-nine grams of phencyclidine, not less than one but fewer than ten grams of lysergic acid diethylamide, or not less than five but fewer than fifty grams of methamphetamine or not less than fifty grams but fewer than five hundred grams of a substance or material containing a measurable amount of methamphetamine, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than twenty years.

(e) Notwithstanding the provisions of subsection (b) of this section, any person violating or attempting to violate the provisions of subsection (a) of this section involving not less than ten grams nor more than one hundred grams of heroin, not less than fifty grams nor more than five hundred grams of cocaine or cocaine base, not less than two grams nor more than ten grams of phencyclidine, not less than two hundred micrograms nor more than one gram of lysergic acid diethylamide, or not less than four hundred ninety nine milligrams nor more than five grams of methamphetamine or not less than twenty grams nor more than fifty grams of a substance or material containing a measurable amount of methamphetamine is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional

facility for a determinate sentence of not less than two nor more than fifteen years.

~~(e)~~(f) The offense established by this section shall be in addition to and a separate and distinct offense from any other offense set forth in this code.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title to read as follows:

**Eng. Com. Sub. for House Bill 2579**—A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to the offense of transporting illegal substances into the state generally; increasing penalties for illegal transportation of controlled substances into the state; clarifying that causing illegal transportation of controlled substances into the state is prohibited; providing for a differing penalty for an offense involving marihuana; and creating enhanced criminal penalties for transporting certain controlled substances into the state based on quantity.

Respectfully submitted,

Kelli Sobonya, *Chair*, Ray Hollen, Rodney Miller, *Conferees on the part of the House of Delegates*.

Ryan W. Weld, *Chair*, Mark R. Maynard, Glenn D. Jeffries, *Conferees on the part of the Senate*.

On motions of Senator Weld, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2579, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller,



Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mullins—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2579) passed with its conference amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. Com. Sub. for House Bill 2585**, Creating felony crime of conducting financial transactions involving proceeds of criminal activity.

Whereupon, Senator Weld, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 2585**, Creating felony crime of conducting financial transactions involving proceeds of criminal activity.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill 2585 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the House agree to the amendment of the Senate to the bill striking out everything after the enacting clause, and that both

houses agree to the following amendments to the Senate amendment, as follows:

On page three, section two, line fifteen, by striking out the phrase “a determinate term of”;

On page four, section two, line twenty-one, by striking out the phrase “a determinate term of”;

And,

The House agrees to the Senate title.

Respectfully submitted,

Kelli Sobonya, *Chair*, Ray Hollen, Rodney Miller, *Conferees on the part of the House of Delegates*.

Ryan W. Weld, *Chair*, Mark R. Maynard, Glenn D. Jeffries, *Conferees on the part of the Senate*.

Senator Weld, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Weld, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2585, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2585) passed with its Senate amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate again proceeded to the fifth order of business.

Senator Weld, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Senate Bill 554**, Relating to false swearing in legislative proceeding.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Senate Bill 554 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the House of Delegates recedes from its amendments to the bill.

Respectfully submitted,

Ryan W. Weld, *Chair*, Charles H. Clements, Robert D. Beach,  
*Conferees on the part of the Senate.*

Moore Capito, *Chair*, Charlotte R. Lane, Barbara Evans  
Fleischauer, *Conferees on the part of the House of Delegates.*

On motions of Senator Weld, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Senate Bill 554, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 554) passed with its title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Swope, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for Senate Bill 224**, Repealing requirement for employer's bond for wages and benefits.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Committee Substitute for Senate Bill 224 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, striking everything after the enacting clause, and agree to the same as follows:

That §21-5-14 and §21-5-15 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

## **ARTICLE 5. WAGE PAYMENT AND COLLECTION.**

**§21-5-14. Employer's bond for wages and benefits.**

(a) Bond required. — With the exception of those who have been doing business in this state actively and actually engaged in construction work, or the severance, production or transportation of minerals for at least ~~five consecutive years~~ one year next preceding the posting of the bond required by this section, every employer, person, firm or corporation engaged in or about to engage in construction work, or the severance, production or transportation (excluding railroads and water transporters) of minerals, shall, prior to engaging in any construction work, or the severance, production or transportation of minerals, furnish a bond on a form prescribed by the commissioner, payable to the State of West Virginia, with the condition that the person, firm or corporation pay the wages and fringe benefits of his or her or its employees when due. The amount of the bond shall be equal to the total of the employer's gross payroll for four weeks at full capacity or production, plus fifteen percent of the said total of employer's gross payroll for four weeks at full capacity or production. The amount of the bond shall increase or decrease as the employer's payroll increases or decreases: *Provided*, That the amount of the bond shall not be decreased, except with the commissioner's approval and determination that there are not outstanding claims against the bond: *Provided, however*, That if the employer, person, firm or corporation meets one of the following, then such employer, person, firm or corporation shall be exempt from the requirements of this subsection:

(1) Has been in business in another state for at least five years;

(2) Has at least \$100,000 in assets; or

(3) Is a subsidiary of a parent company that has been in business for at least five years.

(b) Waiver. — The commissioner shall waive the posting of any bond required by subsection (a) of this section upon his or her determination that an employer is of sufficient financial responsibility to pay wages and fringe benefits. The commissioner shall promulgate rules and regulations according to the provisions

of chapter twenty-nine-a of this code which prescribe standards for the granting of such waivers.

(c) Form of bond; filing in office of circuit clerk. — The bond may include, with the approval of the commissioner, surety bonding, collateral bonding (including cash and securities), letters of credit, establishment of an escrow account or a combination of these methods. The commissioner shall accept an irrevocable letter of credit in lieu of any other bonding requirement. If collateral bonding is used, the employer may deposit cash, or collateral securities or certificates as follows: Bonds of the United States or its possessions, or of the federal land bank, or of the homeowner's loan corporation; full faith and credit general obligation bonds of the State of West Virginia or other states, and of any county, district or municipality of the State of West Virginia or other states; or certificates of deposit in a bank in this state, which certificates shall be in favor of the state. The cash deposit or market value of such securities or certificates shall be equal to or greater than the sum of the bond. The commissioner shall, upon receipt of any such deposit of cash, securities or certificates, promptly place the same with the State Treasurer whose duty it shall be to receive and hold the same in the name of the state in trust for the purpose for which such deposit is made. The employer making the deposit shall be entitled from time to time to receive from the State Treasurer, upon the written approval of the commissioner, the whole or any portion of any cash, securities or certificates so deposited, upon depositing with him or her in lieu thereof, cash or other securities or certificates of the classes herein specified having value equal to or greater than the sum of the bond. The commissioner shall cause a copy of the bond to be filed in the office of the clerk of the county commission of the county wherein the person, firm or corporation is doing business to be available for public inspection.

(d) Employee cause of action. — Notwithstanding any other provision in this article, any employee, whose wages and fringe benefits are secured by the bond, as specified in subsection (c) of this section, has a direct cause of action against the bond for wages and fringe benefits that are due and unpaid.

(e) Action of commissioner. — Any employee having wages and fringe benefits unpaid may inform the commissioner of the claim for unpaid wages and fringe benefits and request certification thereof. If the commissioner, upon notice to the employer and investigation, finds that such wages and fringe benefits or a portion thereof are unpaid, he or she shall make demand of such employer for the payment of such wages and fringe benefits. If payment for such wages and fringe benefits is not forthcoming within the time specified by the commissioner, not to exceed thirty days, the commissioner shall certify such claim or portion thereof, and forward the certification to the bonding company or the State Treasurer, who shall provide payment to the affected employee within fourteen days of receipt of such certification. The bonding company, or any person, firm or corporation posting a bond, thereafter shall have the right to proceed against a defaulting employer for that part of the claim the employee paid. The procedure specified herein shall not be construed to preclude other actions by the commissioner or employee to seek enforcement of the provisions of this article by any civil proceedings for the payment of wages and fringe benefits or by criminal proceedings as may be determined appropriate.

(f) Posting and reporting by employer. — With the exception of those exempt under subsection (a) of this section, any employer who is engaged in construction work or the severance, production or transportation (excluding railroad and water transporters) of minerals shall post the following in a place accessible to his or her or its employees:

(1) A copy of the bond or other evidence of surety specifying the number of employees covered as provided under subsection (a) of this section, or notification that the posting of a bond has been waived by the commissioner; and

(2) A copy of the notice in the form prescribed by the commissioner regarding the duties of employers under this section. During the first ~~two years~~ year that any person, firm or corporation is doing business in this state in construction work, or in the severance, production or transportation of minerals, such person, firm or corporation shall on or before February 1, May, August and

November of each calendar year file with the department a verified statement of the number of employees, or a copy of the quarterly report filed with the Bureau of Employment Programs showing the accurate number of employees, unless the commissioner waives the filing of the report upon his or her determination that the person, firm or corporation is of sufficient stability that the reporting is unnecessary.

(g) Termination of bond. — The bond may be terminated, with the approval of the commissioner, after an employer submits a statement, under oath or affirmation lawfully administered, to the commissioner that the following has occurred: The employer has ceased doing business and all wages and fringe benefits have been paid, or the employer has been doing business in this state for at least ~~five consecutive years~~ one year and has paid all wages and fringe benefits. The approval of the commissioner will be granted only after the commissioner has determined that the wages and fringe benefits of all employees have been paid. The bond may also be terminated upon a determination by the commissioner that an employer is of sufficient financial responsibility to pay wages and fringe benefits.

**§21-5-15. Violations; cease and desist orders and appeals therefrom; criminal penalties.**

(a) Any person, firm or corporation who knowingly and willfully fails to provide and maintain an adequate bond as required by section fourteen of this article is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$200 nor more than \$5,000, or imprisoned in the county jail not more than one month, or both fined and imprisoned.

(b) Any person, firm or corporation who knowingly, willfully and fraudulently disposes of or relocates assets with intent to deprive employees of their wages and fringe benefits is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than ~~\$30,000~~ \$60,000, or imprisoned in the ~~penitentiary~~ state correctional facility not less than one nor more than three years, or both fined and imprisoned.



(c) (1) At any time the commissioner determines that a person, firm or corporation has not provided or maintained an adequate bond, as required by section fourteen of this article, the commissioner shall issue a cease and desist order which is to be issued and posted requiring that said person, firm or corporation either post an adequate bond or cease further operations in this state within a period specified by the commissioner; which period shall be not less than five nor more than fourteen days. The cease and desist order may be issued by the commissioner at his or her own instance or at his or her direction, with or without application to or the approval of any other officer, agent, department or employee of the state or application to any court for approval thereof. Any person, firm or corporation who continues to engage in construction work or the severance, production or transportation of minerals without an approved bond after such specified period shall be guilty of a felony, and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$30,000, or imprisoned in the penitentiary not less than one nor more than three years, or both fined and imprisoned. Any cease and desist order issued by the commissioner pursuant to this subsection may be directed by the commissioner to the sheriff of the county wherein the business activity of which the order is the subject, or to any officer or employee of the department, commanding such sheriff, officer or employee to serve such order upon the business in question within seventy-two hours and to make proper return thereof.

(2) Any other provision of law to the contrary notwithstanding, any person against whom a cease and desist order has been directed shall be entitled to judicial review thereof by filing a verified petition taking an appeal therefrom within fifteen days from the date of service of such order. Such verified petition shall be filed in the circuit court of the county wherein service of the order was completed, at the option of the petitioner, or, in the circuit court of Kanawha County, West Virginia. If the appeal is not perfected within such fifteen day period, the cease and desist order shall be final and shall not thereafter be subject to judicial review. No appeal shall be deemed to have been perfected except upon the filing with the clerk of the circuit court of the county wherein the appeal is taken, of a bond or other security to be approved by the

court, in an amount of not less than the amount of the bond otherwise required to be posted under the provisions of section fourteen of this article. The person so filing a petition of appeal shall cause a copy of the petition and bond or other posted security to be served upon the commissioner by certified mail, return receipt requested, within seven days after the date upon which the petition for appeal is filed.

(d) Any person who threatens any officer, agent or employee of the department or other person authorized to assist the commissioner in the performance of his or her duties under any provision of section fourteen of this article or of this section or who shall interfere with or attempt to prevent any such officer, agent, employee or other person in the performance of such duties shall be guilty of a felony, and, upon conviction thereof, shall be fined in an amount of not less than \$1,000 nor more than \$3,000 or imprisoned in the penitentiary not less than one nor more than three years, or both such fine and imprisonment.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

**Eng. Com. Sub. for Senate Bill 224**—A Bill to amend and reenact §21-5-14 and §21-5-15 of the Code of West Virginia, 1931, as amended, relating to the requirement of a bond for wages and benefits for certain designated employers, persons, firms, or corporations generally; lowering period of time for the requirement that certain designated employers, persons, firms or corporations shall furnish a bond for wages and benefits to at least one year; providing exemptions for employers, persons, firms, or corporations who have been in business in another state for at least five years, employers, persons, firms or corporations who have at least \$100,000 in assets or employers, persons, firms, or corporations who are a subsidiary of a parent company that has been in business for at least five years; lowering period of time in which a person, firm or corporation is required to file a statement or copy with the Bureau of Employment Programs; lowering period of time employer must have been doing business in order to

terminate bond; increasing the maximum criminal fine for any person, firm or corporation who knowingly, willfully and fraudulently disposes of or relocates assets with the intent to deprive employees of their wages and fringe benefits from \$30,000 to \$60,000; and making corrections to current code.

Respectfully submitted,

Chandler Swope, *Chair*, Robert Karnes, Richard N. Ojeda II,  
*Conferees on the part of the Senate.*

Roger Hanshaw, *Chair*, Geoff Foster, Barbara Evans  
Fleischauer, *Conferees on the part of the House of Delegates.*

On motions of Senator Swope, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill 224, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Karnes, Maroney, Maynard, Mullins, Plymale, Rucker, Smith, Swope, Sybolt, Takubo, Trump, Weld and Carmichael (Mr. President)—21.

The nays were: Beach, Facemire, Hall, Jeffries, Mann, Miller, Ojeda, Palumbo, Prezioso, Romano, Stollings, Unger and Woelfel—13.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 224) passed with its conference amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Boso, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for Senate Bill 204**, Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendment of the House to Engrossed Committee Substitute for Senate Bill 204 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House, striking out everything after the enacting clause, and agree to the same as follows:

That §5-1-22 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

## **ARTICLE 1. THE GOVERNOR.**

### **§5-1-22. Vacancies in offices filled by appointment of Governor; Senate action; bond requirements; filling vacancies in other appointive offices.**

(a) In case of a vacancy, during the recess of the Senate, in any office, which vacancy the Governor is authorized to fill by and with the advice and consent of the Senate, the Governor shall, by appointment within ninety days, fill such vacancy until the next meeting of the Senate, when the Governor shall submit to the Senate a nomination to fill such vacancy and, upon confirmation of such nomination by the Senate, by a vote of a majority of all the members elected to the Senate, taken by yeas and nays, the person so nominated and confirmed shall hold said office during the remainder of the term for which his or her predecessor in office was appointed, and until his or her successor shall be appointed and qualified. No person whose nomination for office has been rejected by the Senate shall again be nominated for the same office during the session in which his or her nomination was so rejected, unless at the request of the Senate, nor shall ~~he~~ the person be appointed to the same office during the recess of the Senate. No appointee who

resigns from any such office prior to confirmation, or whose name has not been submitted for confirmation while the Senate is in session, shall be eligible, during the recess of the Senate, to hold any office the nomination for which must be confirmed by the Senate.

(b) Any person appointed to temporarily fill a vacancy shall possess the qualifications required by law for that vacant position, and may only remain in the vacated position for a maximum of ninety days.

(c) If an employee of a state agency is temporarily appointed to fill a vacancy, the employee may fill such vacancy without resigning from the position he or she ordinarily holds: *Provided*, that the employee's compensation shall be the greater of:

(1) The employee's regular salary in his or her usual position;  
or

(2) The salary for the office the employee temporarily fills.

(d) If a vacancy is temporarily filled by a person not otherwise employed by any agency of the State of West Virginia, then that person shall be compensated at a rate no greater than that of the salary for the office that person temporarily fills.

(e) The bond, if any, required by law to be given by any officer so temporarily appointed by the Governor, shall be in such penalty as is required by law of the incumbent of such office.

(f) Any vacancy in any other office filled by appointment, or in any office hereafter created to be filled by appointment, shall be filled by the same person, court or body authorized to make appointment to such office for the full term thereof.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

**Eng. Com. Sub. for Senate Bill 204**—A Bill to amend and reenact §5-1-22 of the Code of West Virginia, 1931, as amended, relating to filling vacancies in offices by appointment of the Governor; requiring certain appointments be made within ninety days; authorizing temporary appointments; and providing requirements for persons appointed temporarily to fill vacancies.

Respectfully submitted,

Gregory L. Boso, *Chair*, C. Edward Gaunch, Douglas E. Facemire, *Conferees on the part of the Senate*.

Roger Hanshaw, *Chair*, Mark Zatezalo, Phil Isner, *Conferees on the part of the House of Delegates*.

Senator Boso, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Boso, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill 204, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—26.

The nays were: Beach, Facemire, Jeffries, Miller, Prezioso, Romano, Stollings and Unger—8.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 204) passed with its conference amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Blair, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Senate Bill 172**, Eliminating salary for Water Development Authority board members.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendment of the House to Engrossed Senate Bill 172 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses agree to the House amendment to the bill on page two, section four;

That the Senate and House agree to an amendment on page two, section four, line thirty-six, after the word "board" by striking out the words "in a manner consistent with guidelines of the travel management office of the Department of Administration." and inserting in lieu thereof the following: in the following manner: Each board member who lives more than fifty miles from the location where the meetings are held may receive the sum of one hundred thirty-one dollars per day as per diem allowance for any day on which such a meeting is held. Each board member who lives fifty miles or fewer from the location where the meetings are held may receive the sum of fifty-five dollars per day as the per diem allowance. In addition, each board member may be reimbursed for overnight commuting expenses at the mileage rate equal to the amount paid by the travel management office of the Department of Administration for the most direct usually traveled route, if travel is by private automobile, or for actual transportation costs for direct route travel, if travel is by public carrier, or for any combination of the means of transportation actually used, plus the costs of necessary taxi or limousine service, tolls and parking fees in connection with the travel: *Provided*, That the total of this per diem allowance plus travel expense for a daily commuting board member may not exceed one hundred thirty-one dollars per day. The amount for mileage paid pursuant to this subsection may

change from time to time in accordance with changes in the level of reimbursement by the travel management office.;

And,

That both houses agree to a new title, to read as follows:

**Eng. Senate Bill 172**—A Bill to amend and reenact §22C-1-4 of the Code of West Virginia, 1931, as amended, relating to the Water Development Authority; eliminating the salary for appointed board members effective July 1, 2017; authorizing appointed board members receive same compensation for attending official meetings or engaging in official duties at rate not to exceed amount paid to members of Legislature for interim duties as recommended by Citizens Legislative Compensation Commission and authorized by law; permitting reimbursement for reasonable and necessary expenses actually incurred in the performance of duties as member of board; providing manner in which expenses may be reimbursed; setting per diem allowances; permitting board members to be reimbursed for overnight commuting expenses; setting manner for calculating reimbursement rates; setting cap on per diem allowance and travel expenses for daily commuting board member; and permitting amount for mileage paid to change from time to time under certain conditions.

Respectfully submitted,

Craig Blair, *Chair*, Randy E. Smith, Michael A. Woelfel,  
*Conferees on the part of the Senate.*

Vernon Criss, *Chair*, Martin Atkinson III, John Williams,  
*Conferees on the part of the House of Delegates.*

On motions of Senator Blair, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Senate Bill 172, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes,



Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—29.

The nays were: Beach, Facemire, Jeffries, Miller and Romano—5.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 172) passed with its conference amended title.

Senator Ferns moved that the bill take effect July 1, 2017.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—29.

The nays were: Beach, Facemire, Jeffries, Miller and Romano—5.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 172) takes effect July 1, 2017.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Without objection, the Senate returned to the third order of business.

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. Com. Sub. for House Bill 2589**, Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school.

Whereupon, Senator Gaunch, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 2589**, Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to the Engrossed Committee Substitute for House Bill 2589 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses agree with the Senate's amendment, except that it be further amended on page one, section fifteen-g, line three, after the word "counties" by changing the period to a colon and inserting the following: *Provided*, that such students will be treated equally for admission purposes with applicants enrolled in public school.

Respectfully submitted,

Saira Blair, *Chair*, Jill Upson (*did not sign*), Ralph Rodighiero, *Conferees on the part of the House of Delegates*.

C. Edward Gaunch, *Chair*, Kenny Mann, Michael J. Romano, *Conferees on the part of the Senate*.

Senator Gaunch, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Gaunch, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2589, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2589) passed with its Senate amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. Com. Sub. for House Bill 2631**, Relating to time standards for disposition of complaint proceedings.

Whereupon, Senator Takubo, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 2631**, Relating to time standards for disposition of complaint proceedings.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendment of the Senate to Engrossed Committee Substitute for House Bill 2631 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment on page two, section five, line sixteen, after the word “ruling.”, and that the Senate and the House agree to an amendment as follows:

On page two, section five, line sixteen, after the word “ruling.” by inserting the following:

“The time period for final ruling shall be tolled for any delay requested or caused by the respondent or by counsel for the respondent and in no event shall a complaint proceeding be dismissed for exceeding the time standards in this section when such overage is the result of procedural delay or obstructive action by the accused or his or her counsel or agents.”;

That both houses agree to all other amendments of the Senate;

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title to read as follows:

**Eng. Com. Sub. for House Bill 2631**—A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended, relating to time standards for disposition of complaint proceedings; tolling the time periods for delays attributable to the respondent; and prohibiting complaint proceeding from being dismissed for exceeding time standards when overage is result of procedural delay or obstructive action by respondent.

Respectfully submitted,

Roger Hanshaw, *Chair*, Moore Capito, Rodney Miller,  
*Conferees on the part of the House of Delegates.*

Tom Takubo, *Chair*, Michael J. Maroney, Corey Palumbo,  
*Conferees on the part of the Senate.*

On motions of Senator Takubo, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2631, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2631) passed with its conference amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

**Eng. Com. Sub. for House Bill 2561**, Relating to public school support.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

On further motion of Senator Ferns, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed Committee Substitute for House Bill 2561, as amended by deletion, was then put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2561 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2561) passed with its title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Ferns, and by unanimous consent, the Senate again proceeded to the eighth order of business and the consideration of

**Eng. Com. Sub. for House Bill 2018**, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

On third reading, coming up out of regular order, with the right having been granted on yesterday, Friday, April 7, 2017, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Hall, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## TITLE I – GENERAL PROVISIONS.

**Section 1. General policy.** – The purpose of this bill is to appropriate money necessary for the economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year 2018.

**Sec. 2. Definitions.** — For the purpose of this bill:

“Governor” shall mean the Governor of the State of West Virginia.

“Code” shall mean the Code of West Virginia, one thousand nine hundred thirty-one, as amended.

“Spending unit” shall mean the department, bureau, division, office, board, commission, agency or institution to which an appropriation is made.

The “fiscal year 2018” shall mean the period from July 1, 2017, through June 30, 2018.

“General revenue fund” shall mean the general operating fund of the state and includes all moneys received or collected by the state except as provided in W.Va. Code §12-2-2 or as otherwise provided.

“Special revenue funds” shall mean specific revenue sources which by legislative enactments are not required to be accounted for as general revenue, including federal funds.

“From collections” shall mean that part of the total appropriation which must be collected by the spending unit to be available for expenditure. If the authorized amount of collections is not collected, the total appropriation for the spending unit shall be reduced automatically by the amount of the deficiency in the collections. If the amount collected exceeds the amount designated “from collections,” the excess shall be set aside in a special surplus fund and may be expended for the purpose of the spending unit as provided by Article 2, Chapter 11B of the Code.

**Sec. 3. Classification of appropriations.** — An appropriation for:

“Personal services” shall mean salaries, wages and other compensation paid to full-time, part-time and temporary employees of the spending unit but shall not include fees or contractual payments paid to consultants or to independent contractors engaged by the spending unit. “Personal services” shall include “annual increment” for “eligible employees” and shall be disbursed only in accordance with Article 5, Chapter 5 of the Code.

Unless otherwise specified, appropriations for “personal services” shall include salaries of heads of spending units.

“Employee benefits” shall mean social security matching, workers’ compensation, unemployment compensation, pension and retirement contributions, public employees insurance matching, personnel fees or any other benefit normally paid by the employer as a direct cost of employment. Should the appropriation be insufficient to cover such costs, the remainder of such cost shall be paid by each spending unit from its “unclassified” appropriation, or its “current expenses” appropriation or other appropriate appropriation. Each spending unit is hereby authorized and required to make such payments in accordance with the provisions of Article 2, Chapter 11B of the Code.

Each spending unit shall be responsible for all contributions, payments or other costs related to coverage and claims of its employees for unemployment compensation and workers compensation. Such expenditures shall be considered an employee benefit.

“BRIM Premiums” shall mean the amount charged as consideration for insurance protection and includes the present value of projected losses and administrative expenses. Premiums are assessed for coverages, as defined in the applicable policies, for claims arising from, inter alia, general liability, wrongful acts, property, professional liability and automobile exposures.



Should the appropriation for “BRIM Premium” be insufficient to cover such cost, the remainder of such costs shall be paid by each spending unit from its “unclassified” appropriation, its “current expenses” appropriation or any other appropriate appropriation to the Board of Risk and Insurance Management. Each spending unit is hereby authorized and required to make such payments. If there is no appropriation for “BRIM Premium” such costs shall be paid by each spending unit from its “current expenses” appropriation, “unclassified” appropriation or other appropriate appropriation.

West Virginia Council for Community and Technical College Education and Higher Education Policy Commission entities operating with special revenue funds and/or federal funds shall pay their proportionate share of the Board of Risk and Insurance Management total insurance premium cost for their respective institutions.

“Current expenses” shall mean operating costs other than personal services and shall not include equipment, repairs and alterations, buildings or lands. Each spending unit shall be responsible for and charged monthly for all postage meter service and shall reimburse the appropriate revolving fund monthly for all such amounts. Such expenditures shall be considered a current expense.

“Equipment” shall mean equipment items which have an appreciable and calculable period of usefulness in excess of one year.

“Repairs and alterations” shall mean routine maintenance and repairs to structures and minor improvements to property which do not increase the capital assets.

“Buildings” shall include new construction and major alteration of existing structures and the improvement of lands and shall include shelter, support, storage, protection or the improvement of a natural condition.

“Lands” shall mean the purchase of real property or interest in real property.

“Capital outlay” shall mean and include buildings, lands or buildings and lands, with such category or item of appropriation to remain in effect as provided by W.Va. Code §12-3-12.

From appropriations made to the spending units of state government, upon approval of the Governor there may be transferred to a special account an amount sufficient to match federal funds under any federal act.

Appropriations classified in any of the above categories shall be expended only for the purposes as defined above and only for the spending units herein designated: *Provided*, That the secretary of each department shall have the authority to transfer within the department those general revenue funds appropriated to the various agencies of the department: *Provided, however*, That no more than five percent of the general revenue funds appropriated to any one agency or board may be transferred to other agencies or boards within the department: and no funds may be transferred to a “personal services and employee benefits” appropriation unless the source funds are also wholly from a “personal services and employee benefits” line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, That the secretary of each department and the director, commissioner, executive secretary, superintendent, chairman or any other agency head not governed by a departmental secretary as established by Chapter 5F of the Code shall have the authority to transfer funds appropriated to “personal services and employee benefits,” “current expenses,” “repairs and alterations,” “equipment,” “other assets,” “land,” and “buildings” to other appropriations within the same account and no funds from other appropriations shall be transferred to the “personal services and employee benefits” or the “unclassified” appropriation: *And provided further*, That no authority exists hereunder to transfer funds into appropriations to which no funds are legislatively appropriated: *And provided further*, That if the

Legislature by subsequent enactment consolidates agencies, boards or functions, the secretary or other appropriate agency head may transfer the funds formerly appropriated to such agency, board or function in order to implement such consolidation. No funds may be transferred from a Special Revenue Account, dedicated account, capital expenditure account or any other account or fund specifically exempted by the Legislature from transfer, except that the use of the appropriations from the State Road Fund for the office of the Secretary of the Department of Transportation is not a use other than the purpose for which such funds were dedicated and is permitted.

Appropriations otherwise classified shall be expended only where the distribution of expenditures for different purposes cannot well be determined in advance or it is necessary or desirable to permit the spending unit the freedom to spend an appropriation for more than one of the above classifications.

**Sec. 4. Method of expenditure.** — Money appropriated by this bill, unless otherwise specifically directed, shall be appropriated and expended according to the provisions of Article 3, Chapter 12 of the Code or according to any law detailing a procedure specifically limiting that article.

**Sec. 5. Maximum expenditures.** — No authority or requirement of law shall be interpreted as requiring or permitting an expenditure in excess of the appropriations set out in this bill.

## TITLE II – APPROPRIATIONS.

### ORDER OF SECTIONS

SECTION 1. Appropriations from general revenue.

SECTION 2. Appropriations from state road fund.

SECTION 3. Appropriations from other funds.

SECTION 4. Appropriations from lottery net profits.

- SECTION 5. Appropriations from state excess lottery revenue.
- SECTION 6. Appropriations of federal funds.
- SECTION 7. Appropriations from federal block grants.
- SECTION 8. Awards for claims against the state.
- SECTION 9. Appropriations from general revenue surplus accrued.
- SECTION 10. Appropriations from lottery net profits surplus accrued.
- SECTION 11. Appropriations from state excess lottery revenue surplus accrued.
- SECTION 12. Special revenue appropriations.
- SECTION 13. State improvement fund appropriations.
- SECTION 14. Specific funds and collection accounts.
- SECTION 15. Appropriations for refunding erroneous payment.
- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.

**Section 1. Appropriations from general revenue.** – From the State Fund, General Revenue, there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B the following amounts, as itemized, for expenditure during the fiscal year 2018.

**LEGISLATIVE***1 - Senate*Fund 0165 FY 2018 Org 2100

	<b>Appro- piation</b>	<b>General Revenue Fund</b>
Compensation of Members (R).....00300	\$	1,010,000
Compensation and Per Diem of Officers and Employees (R) .....00500		4,011,332
Current Expenses and Contingent Fund (R).....02100		276,392
Repairs and Alterations (R) .....06400		50,000
Computer Supplies (R) .....10100		20,000
Computer Systems (R).....10200		60,000
Printing Blue Book (R) .....10300		125,000
Expenses of Members (R).....39900		370,000
BRIM Premium (R) .....91300		<u>29,482</u>
Total.....	\$	5,952,206

The appropriations for the Senate for the fiscal year 2017 are to remain in full force and effect and are hereby reappropriated to June 30, 2018. Any balances so reappropriated may be transferred and credited to the fiscal year 2017 accounts.

Upon the written request of the Clerk of the Senate, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

The Clerk of the Senate, with the approval of the President, is authorized to draw his or her requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the Senate, for any bills for supplies and services that may have been incurred by the Senate and not included in the appropriation bill, for supplies and services incurred in preparation for the opening, the conduct of the business and after adjournment of any regular or extraordinary session, and for the necessary operation of the Senate offices, the requisitions for which are to be accompanied by bills to be filed with the Auditor.

The Clerk of the Senate, with the approval of the President, or the President of the Senate shall have authority to employ such staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by the Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the President, or the President of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the President of the Senate. The Clerk is hereby authorized to draw his or her requisitions upon the Auditor for the payment of all such staff personnel for such services, payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the Senate.

For duties imposed by law and by the Senate, the Clerk of the Senate shall be paid a monthly salary as provided by the Senate resolution, unless increased between sessions under the authority of the President, payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the Senate.

The distribution of the blue book shall be by the office of the Clerk of the Senate and shall include 75 copies for each member of the Legislature and two copies for each classified and approved high school and junior high or middle school and one copy for each elementary school within the state.

Included in the above appropriation for Senate (fund 0165, appropriation 02100), an amount not less than \$5,000 is to be used for the West Virginia Academy of Family Physicians - Doc of the Day Program.

*2 - House of Delegates*

Fund 0170 FY 2018 Org 2200

1	Compensation of Members (R).....00300	\$	3,000,000
2	Compensation and Per Diem of Officers		
3	and Employees (R) .....00500		575,000
4	Current Expenses and Contingent		
5	Fund (R).....02100		3,929,031
6	Expenses of Members (R).....39900		1,350,000
7	BRIM Premium (R) .....91300		<u>50,000</u>
8	Total.....	\$	8,904,031

The appropriations for the House of Delegates for the fiscal year 2017 are to remain in full force and effect and are hereby reappropriated to June 30, 2018. Any balances so reappropriated may be transferred and credited to the fiscal year 2017 accounts.

Upon the written request of the Clerk of the House of Delegates, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

The Clerk of the House of Delegates, with the approval of the Speaker, is authorized to draw his or her requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the House of Delegates, for any bills for supplies and services that may have been incurred by the House of Delegates and not included in the appropriation bill, for bills for services and supplies incurred in preparation for the opening of the session and after

adjournment, and for the necessary operation of the House of Delegates' offices, the requisitions for which are to be accompanied by bills to be filed with the Auditor.

The Speaker of the House of Delegates, upon approval of the House committee on rules, shall have authority to employ such staff personnel during and between sessions of the Legislature as shall be needed, in addition to personnel designated in the House resolution, and the compensation of all personnel shall be as fixed in such House resolution for the session, or fixed by the Speaker, with the approval of the House committee on rules, during and between sessions of the Legislature, notwithstanding such House resolution. The Clerk of the House of Delegates is hereby authorized to draw requisitions upon the Auditor for such services, payable out of the appropriation for the Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the House of Delegates.

For duties imposed by law and by the House of Delegates, including salary allowed by law as keeper of the rolls, the Clerk of the House of Delegates shall be paid a monthly salary as provided in the House resolution unless increased between sessions under the authority of the Speaker, with the approval of the House committee on rules, and payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the House of Delegates.

Included in the above appropriation for House of Delegates (fund 0170, appropriation 02100), an amount not less than \$5,000 is to be used for the West Virginia Academy of Family Physicians - Doc of the Day Program.

*3 - Joint Expenses*

(WV Code Chapter 4)

Fund 0175 FY 2018 Org 2300

1	Joint Committee on Government		
2	and Finance (R).....	10400	\$ 5,725,138
3	Legislative Printing (R).....	10500	760,000



## 4 Legislative Rule-Making

5	Review Committee (R).....	10600	147,250
6	Legislative Computer System (R) .....	10700	1,447,500
7	BRIM Premium (R).....	91300	<u>60,569</u>
8	Total.....		\$ 8,140,457

The appropriations for the Joint Expenses for the fiscal year 2017 are to remain in full force and effect and are hereby reappropriated to June 30, 2018. Any balances reappropriated may be transferred and credited to the fiscal year 2017 accounts.

Upon the written request of the Clerk of the Senate, with the approval of the President of the Senate, and the Clerk of the House of Delegates, with the approval of the Speaker of the House of Delegates, and a copy to the Legislative Auditor, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

**JUDICIAL***4 - Supreme Court –**General Judicial*Fund 0180 FY 2018 Org 2400

## 1 Personal Services and

2	Employee Benefits (R) .....	00100	\$ 101,924,358
3	Children's Protection Act (R) .....	09000	3,000,000
4	Current Expenses (R) .....	13000	32,274,266
5	Repairs and Alterations (R).....	06400	636,450
6	Equipment (R) .....	07000	1,800,000
7	Judges' Retirement System (R) .....	11000	900,000

8	Buildings (R).....	25800	100,000
9	Other Assets (R) .....	69000	500,000
10	BRIM Premium (R).....	91300	<u>624,596</u>
11	Total.....		\$ 141,759,670

The appropriations to the Supreme Court of Appeals for the fiscal years 2016 and 2017 are to remain in full force and effect and are hereby reappropriated to June 30, 2018. Any balances so reappropriated may be transferred and credited to the fiscal year 2017 accounts.

This fund shall be administered by the Administrative Director of the Supreme Court of Appeals, who shall draw requisitions for warrants in payment in the form of payrolls, making deductions there from as required by law for taxes and other items.

The appropriation for the Judges’ Retirement System (fund 0180, appropriation 11000) is to be transferred to the Consolidated Public Retirement Board, in accordance with the law relating thereto, upon requisition of the Administrative Director of the Supreme Court of Appeals.

**EXECUTIVE**

*5 - Governor’s Office*

(WV Code Chapter 5)

Fund 0101 FY 2018 Org 0100

1	Personal Services and Employee Benefits ....	00100	\$ 3,120,203
2	Current Expenses (R).....	13000	539,573
3	Repairs and Alterations.....	06400	2,000
4	National Governors Association .....	12300	60,700
5	Herbert Henderson Office of Minority Affairs	13400	146,726

6	Southern Governors' Association .....	31400	0
7	BRIM Premium.....	91300	<u>169,079</u>
8	Total.....		\$ 4,038,281

Any unexpended balances remaining in the appropriations for Unclassified (fund 0101, appropriation 09900), Current Expenses (fund 0101, appropriation 13000), and JOBS Fund (fund 0101, appropriation 66500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0101, appropriation 00100), is \$150,000 for the Salary of the Governor.

The above appropriation for Herbert Henderson Office of Minority Affairs (fund 0101, appropriation 13400) shall be transferred to the Minority Affairs Fund (fund 1058).

*6 - Governor's Office –*

*Custodial Fund*

(WV Code Chapter 5)

Fund 0102 FY 2018 Org 0100

1	Personal Services and Employee Benefits ....	00100	\$ 351,089
2	Current Expenses (R) .....	13000	182,708
3	Repairs and Alterations.....	06400	<u>5,000</u>
4	Total.....		\$ 538,797

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0102, fiscal year 2017, appropriation 13000 (\$20,000) which shall expire June 30, 2017.

Appropriations are to be used for current general expenses, including compensation of employees, household maintenance, cost of official functions and additional household expenses occasioned by such official functions.

*7 - Governor's Office –*

*Civil Contingent Fund*

(WV Code Chapter 5)

Fund 0105 FY 2018 Org 0100

Any unexpended balances remaining in the appropriations for Business and Economic Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation 13500), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), and Natural Disasters – Surplus (fund 0105, appropriation 76400) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year.

From this fund there may be expended, at the discretion of the Governor, an amount not to exceed \$1,000 as West Virginia's contribution to the interstate oil compact commission.

The above fund is intended to provide contingency funding for accidental, unanticipated, emergency or unplanned events which may occur during the fiscal year and is not to be expended for the normal day-to-day operations of the Governor's Office.

*8 - Auditor's Office –*

*General Administration*

(WV Code Chapter 12)

Fund 0116 FY 2018 Org 1200

1	Personal Services and Employee Benefits....00100	\$ 2,660,738
2	Current Expenses (R).....13000	10,622
3	BRIM Premium.....91300	<u>11,287</u>
4	Total.....	\$ 2,682,647

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0116, appropriation 00100), is \$95,000 for the Salary of the Auditor.

*9 - Treasurer's Office*

(WV Code Chapter 12)

Fund 0126 FY 2018 Org 1300

1	Personal Services and Employee Benefits....00100	\$ 2,424,551
2	Unclassified.....09900	30,963
3	Current Expenses (R).....13000	177,271
4	Abandoned Property Program.....11800	96,600
5	Other Assets.....69000	5,000
6	BRIM Premium.....91300	<u>54,409</u>
7	Total.....	\$ 2,788,794

Any unexpended balances remaining in the appropriation for Current Expenses (fund 0126, appropriation 13000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0126, appropriation 00100), is \$95,000 for the Salary of the Treasurer.

*10 - Department of Agriculture*

(WV Code Chapter 19)

Fund 0131 FY 2018 Org 1400

1	Personal Services and Employee Benefits ....00100	\$ 5,144,066
2	Animal Identification Program .....03900	122,143
3	State Farm Museum .....05500	87,759
4	Current Expenses (R) .....13000	135,155
5	Repairs and Alterations .....06400	0
6	Gypsy Moth Program (R) .....11900	880,820
7	Huntington Farmers Market .....12800	37,142
8	Black Fly Control .....13700	450,830
9	Donated Foods Program .....36300	45,000
10	Predator Control (R) .....47000	176,400
11	Logan Farmers Market .....50100	41,277
12	Bee Research .....69100	65,892
13	Charleston Farmers Market .....74600	71,429
14	Microbiology Program .....78500	97,454
15	Moorefield Agriculture Center .....78600	912,312
16	Chesapeake Bay Watershed .....83000	102,700
17	Livestock Care Standards Board .....84300	8,820

18	BRIM Premium.....	91300	120,202
19	State FFA-FHA Camp		
20	and Conference Center .....	94101	588,000
21	Threat Preparedness .....	94200	69,524
22	WV Food Banks.....	96900	126,000
23	Senior's Farmers' Market		
24	Nutrition Coupon Program .....	97000	<u>55,840</u>
25	Total.....		\$ 9,338,765

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0131, appropriation 09700), Gypsy Moth Program (fund 0131, appropriation 11900), Current Expenses (fund 0131, appropriation 13000), Predator Control (fund 0131, appropriation 47000), and Agricultural Disaster and Mitigation Needs – Surplus (fund 0131, appropriation 85000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0131, fiscal year 2017, appropriation 11900 (\$18,859), fund 0131, fiscal year 2017, appropriation 13000 (\$19,343), and fund 0131, fiscal year 2017, appropriation 47000 (\$3,600) which shall expire on June 30, 2017.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0131, appropriation 00100), is \$95,000 for the Salary of the Commissioner.

The above appropriation for Predator Control (fund 0131, appropriation 47000) is to be made available to the United States Department of Agriculture, Wildlife Services to administer the Predator Control Program.

A portion of the Current Expenses appropriation may be transferred to a special revenue fund for the purpose of matching federal funds for marketing and development activities.

From the above appropriation for WV Food Banks (fund 0131, appropriation 96900), \$20,000 is for House of Hope and the remainder of the appropriation shall be allocated to the Huntington Food Bank and the Mountaineer Food Bank in Braxton County.

*11 - West Virginia Conservation Agency*

(WV Code Chapter 19)

Fund 0132 FY 2018 Org 1400

1	Personal Services and Employee Benefits....00100	\$	725,163
2	Unclassified (R).....09900		77,808
3	Current Expenses (R).....13000		290,830
4	Repairs and Alterations.....06400		0
5	Soil Conservation Projects (R).....12000		6,566,841
6	BRIM Premium.....91300		<u>30,213</u>
7	Total.....	\$	7,690,855

Any unexpended balances remaining in the appropriations for Unclassified (fund 0132, appropriation 09900), Soil Conservation Projects (fund 0132, appropriation 12000), and Current Expenses (fund 0132, appropriation 13000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0132, fiscal year 2017, appropriation 12000 (\$157,439) which shall expire on June 30, 2017.

*12 - Department of Agriculture –*

*Meat Inspection Fund*

(WV Code Chapter 19)

Fund 0135 FY 2018 Org 1400

1	Personal Services and Employee Benefits....00100	\$	620,127
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2	Unclassified.....	09900	7,090
3	Current Expenses .....	13000	<u>67,699</u>
4	Total.....		\$ 694,916

Any part or all of this appropriation may be transferred to a special revenue fund for the purpose of matching federal funds for the above-named program.

*13 - Department of Agriculture –*

*Agricultural Awards Fund*

(WV Code Chapter 19)

Fund 0136 FY 2018 Org 1400

1	Programs and Awards for		
2	4-H Clubs and FFA/FHA.....	57700	\$ 15,000
3	Commissioner’s Awards and Programs.....	73700	<u>38,165</u>
4	Total.....		\$ 53,165

*14 - Department of Agriculture –*

*West Virginia Agricultural Land Protection Authority*

(WV Code Chapter 8A)

Fund 0607 FY 2018 Org 1400

1	Personal Services and Employee Benefits ....	00100	\$ 92,908
2	Unclassified.....	09900	<u>950</u>
3	Total.....		\$ 93,858

*15 - Attorney General*

(WV Code Chapters 5, 14, 46A and 47)

Fund 0150 FY 2018 Org 1500

1	Personal Services and		
2	Employee Benefits (R) .....	00100	\$ 2,281,145
3	Unclassified (R) .....	09900	24,478
4	Current Expenses (R) .....	13000	737,360
5	Repairs and Alterations .....	06400	1,000
6	Equipment .....	07000	1,000
7	Criminal Convictions and		
8	Habeas Corpus Appeals (R) .....	26000	978,104
9	Better Government Bureau .....	74000	271,991
10	BRIM Premium .....	91300	<u>112,761</u>
11	Total .....		\$ 4,407,839

Any unexpended balances remaining in the above appropriations for Personal Services and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas Corpus Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool (fund 0150, appropriation 36200) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0150, fiscal year 2017, appropriation 09900 (\$20,000), and fund 0150, fiscal year 2017, appropriation 26000 (\$69,575) which shall expire on June 30, 2017.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0150, appropriation 00100), is \$95,000 for the Salary of the Attorney General.

When legal counsel or secretarial help is appointed by the Attorney General for any state spending unit, this account shall be reimbursed from such spending units specifically appropriated account or from accounts appropriated by general language contained within this bill: *Provided*, That the spending unit shall reimburse at a rate and upon terms agreed to by the state spending unit and the Attorney General: *Provided, however*, That if the spending unit and the Attorney General are unable to agree on the amount and terms of the reimbursement, the spending unit and the Attorney General shall submit their proposed reimbursement rates and terms to the Governor for final determination.

*16 - Secretary of State*

(WV Code Chapters 3, 5 and 59)

Fund 0155 FY 2018 Org 1600

1	Personal Services and Employee Benefits....00100	\$	117,213
2	Unclassified (R) .....09900		9,731
3	Current Expenses (R) .....13000		805,697
4	BRIM Premium.....91300		21,695
5	Total.....	\$	954,336

Any unexpended balances remaining in the appropriations for Unclassified (fund 0155, appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0155, fiscal year 2017 appropriation 13000 (\$19,613) which shall expire on June 30, 2017.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0155, appropriation 00100), is \$95,000 for the Salary of the Secretary of State.

*17 - State Election Commission*

(WV Code Chapter 3)

Fund 0160 FY 2018 Org 1601

1	Personal Services and Employee Benefits ....00100	\$	2,327
2	Unclassified.....09900		75
3	Current Expenses .....13000		<u>4,956</u>
4	Total.....	\$	7,358

**DEPARTMENT OF ADMINISTRATION***18 - Department of Administration –**Office of the Secretary*

(WV Code Chapter 5F)

Fund 0186 FY 2018 Org 0201

1	Personal Services and Employee Benefits ....00100	\$	569,679
2	Unclassified.....09900		9,177
3	Current Expenses .....13000		84,883
4	Repairs and Alterations.....06400		100
5	Equipment.....07000		1,000
6	Financial Advisor (R) .....30400		27,546
7	Lease Rental Payments .....51600		15,000,000
8	Design-Build Board .....54000		4,000
9	Other Assets.....69000		100
10	BRIM Premium.....91300		<u>5,887</u>

11 Total..... \$ 15,702,372

Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0186, fiscal year 2017, appropriation 30400 (\$73,000) which shall expire on June 30, 2017.

The appropriation for Lease Rental Payments (fund 0186, appropriation 51600) shall be disbursed as provided by W.Va. Code §31-15-6b.

*19 - Consolidated Public Retirement Board*

(WV Code Chapter 5)

Fund 0195 FY 2018 Org 0205

The Division of Highways, Division of Motor Vehicles, Public Service Commission and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the retirement costs for their respective divisions. When specific appropriations are not made, such payments may be made from the balances in the various special revenue funds in excess of specific appropriations.

*20 - Division of Finance*

(WV Code Chapter 5A)

Fund 0203 FY 2018 Org 0209

1	Personal Services and Employee Benefits ....00100	\$	66,583
2	Unclassified.....09900		1,400
3	Current Expenses .....13000		68,083
4	Repairs and Alterations.....06400		0
5	Equipment .....07000		0

6	GAAP Project (R).....	12500	591,072
7	Other Assets.....	69000	0
8	BRIM Premium.....	91300	<u>5,625</u>
9	Total.....		\$ 732,763

Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*21 - Division of General Services*

(WV Code Chapter 5A)

Fund 0230 FY 2018 Org 0211

1	Personal Services and Employee Benefits ....	00100	\$ 2,533,541
2	Unclassified.....	09900	0
3	Current Expenses .....	13000	725,024
4	Repairs and Alterations.....	06400	500
5	Equipment.....	07000	5,000
6	Fire Service Fee .....	12600	14,000
7	Buildings (R).....	25800	500
8	Preservation and Maintenance of Statues		
9	and Monuments on Capitol Grounds.....	37100	68,000
10	Capital Outlay, Repairs		
11	and Equipment (R).....	58900	4,004,610
12	Other Assets.....	69000	500
13	Land (R).....	73000	500

14	BRIM Premium.....	91300	<u>121,479</u>
15	Total.....		\$ 7,473,654

Any unexpended balances remaining in the above appropriations for Buildings (fund 0230, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900), Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700), and Land (fund 0230, appropriation 73000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

From the above appropriation for Preservation and Maintenance of Statues and Monuments on Capitol Grounds (fund 0230, appropriation 37100), the Division shall consult the Division of Culture and History and Capitol Building Commission in all aspects of planning, assessment, maintenance and restoration.

The above appropriation for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900) shall be expended for capital improvements, maintenance, repairs and equipment for state-owned buildings.

*22 - Division of Purchasing*

(WV Code Chapter 5A)

Fund 0210 FY 2018 Org 0213

1	Personal Services and Employee Benefits....	00100	\$ 984,561
2	Unclassified.....	09900	144
3	Current Expenses .....	13000	250
4	Repairs and Alterations.....	06400	200
5	Equipment.....	07000	0
6	Other Assets.....	69000	0
7	BRIM Premium.....	91300	<u>6,469</u>

8 Total..... \$ 991,624

The Division of Highways shall reimburse Fund 2031 within the Division of Purchasing for all actual expenses incurred pursuant to the provisions of W.Va. Code §17-2A-13.

*23 - Travel Management*

(WV Code Chapter 5A)

Fund 0615 FY 2018 Org 0215

1	Personal Services and Employee Benefits ....00100	\$	768,556
2	Unclassified.....09900		12,032
3	Current Expenses .....13000		421,739
4	Repairs and Alterations.....06400		0
5	Equipment.....07000		5,000
6	Buildings (R).....25800		100
7	Other Assets .....69000		<u>100</u>
8	Total.....	\$	1,207,527

Any unexpended balance remaining in the appropriation for Buildings (fund 0615, appropriation 25800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*24 - Commission on Uniform State Laws*

(WV Code Chapter 29)

Fund 0214 FY 2018 Org 0217

1 Current Expenses .....13000 \$ 44,639

To pay expenses for members of the commission on uniform state laws.



*25 - West Virginia Public Employees Grievance Board*

(WV Code Chapter 6C)

Fund 0220 FY 2018 Org 0219

1	Personal Services and Employee Benefits ....00100	\$	911,114
2	Unclassified.....09900		1,000
3	Current Expenses .....13000		121,561
4	Equipment.....07000		50
5	BRIM Premium.....91300		<u>9,608</u>
6	Total.....	\$	1,043,333

*26 - Ethics Commission*

(WV Code Chapter 6B)

Fund 0223 FY 2018 Org 0220

1	Personal Services and Employee Benefits ....00100	\$	569,502
2	Unclassified.....09900		2,200
3	Current Expenses .....13000		97,377
4	Repairs and Alterations.....06400		500
5	Other Assets .....69000		100
6	BRIM Premium.....91300		<u>4,473</u>
7	Total.....	\$	674,152

*27 - Public Defender Services*

(WV Code Chapter 29)

Fund 0226 FY 2018 Org 0221

1	Personal Services and Employee Benefits....00100	\$	1,334,314
2	Unclassified.....09900		314,700
3	Current Expenses .....13000		11,165
4	Public Defender Corporations.....35200		19,198,028
5	Appointed Counsel Fees (R).....78800		10,723,115
6	BRIM Premium.....91300		<u>9,594</u>
7	Total.....	\$	31,590,916

Any unexpended balance remaining in the above appropriation for Appointed Counsel Fees (fund 0226, appropriation 78800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

The director shall have the authority to transfer funds from the appropriation to Public Defender Corporations (fund 0226, appropriation 35200) to Appointed Counsel Fees (fund 0226, appropriation 78800).

*28 - Committee for the Purchase of*

*Commodities and Services from the Handicapped*

(WV Code Chapter 5A)

Fund 0233 FY 2018 Org 0224

1	Personal Services and Employee Benefits....00100	\$	3,106
2	Current Expenses .....13000		<u>868</u>
3	Total.....	\$	3,974

*29 - Public Employees Insurance Agency*

(WV Code Chapter 5)

Fund 0200 FY 2018 Org 0225

The Division of Highways, Division of Motor Vehicles, Public Service Commission and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the public employees health insurance cost for their respective divisions.

*30 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 0557 FY 2018 Org 0228

1	Forensic Medical Examinations (R) .....	68300	\$	133,226
2	Federal Funds/Grant Match (R) .....	74900		<u>98,443</u>
3	Total.....		\$	231,669

Any unexpended balances remaining in the appropriations for Forensic Medical Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557, appropriation 74900) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

*31 - Real Estate Division*

(WV Code Chapter 5A)

Fund 0610 FY 2018 Org 0233

1	Personal Services and Employee Benefits ....	00100	\$	647,668
2	Unclassified.....	09900		1,000
3	Current Expenses .....	13000		137,926
4	Repairs and Alterations.....	06400		100
5	Equipment.....	07000		2,500
6	BRIM Premium.....	91300		<u>7,976</u>
7	Total.....		\$	797,170

**DEPARTMENT OF COMMERCE***32 - Division of Forestry*

(WV Code Chapter 19)

Fund 0250 FY 2018 Org 0305

1	Personal Services and Employee Benefits ....00100	\$ 2,402,439
2	Unclassified.....09900	21,435
3	Current Expenses .....13000	334,903
4	Repairs and Alterations.....06400	80,000
5	Equipment (R).....07000	2,061
6	BRIM Premium.....91300	<u>92,293</u>
7	Total.....	\$ 2,933,131

Any unexpended balance remaining in the appropriation for Equipment (fund 0250, appropriation 07000) at the close of the fiscal year 2016 is hereby reappropriated for expenditure during the fiscal year 2017, with the exception of fund 0250, fiscal year 2016, appropriation 07000 (\$27,000) which shall expire on June 30, 2016.

Out of the above appropriations a sum may be used to match federal funds for cooperative studies or other funds for similar purposes.

*33 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 0253 FY 2018 Org 0306

1	Personal Services and Employee Benefits ....00100	\$ 1,561,820
2	Unclassified.....09900	28,173

3	Current Expenses .....	13000	15,776
4	Repairs and Alterations.....	06400	968
5	Mineral Mapping System (R) .....	20700	1,103,532
6	BRIM Premium.....	91300	<u>22,766</u>
7	Total.....		\$ 2,733,035

Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0253, fiscal year 2017, appropriation 20700 (\$57,599) which shall expire on June 30, 2017.

The above Unclassified and Current Expense appropriations include funding to secure federal and other contracts and may be transferred to a special revolving fund (fund 3105) for the purpose of providing advance funding for such contracts.

*34 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 0256 FY 2018 Org 0307

1	Personal Services and Employee Benefits ....	00100	\$ 4,210,888
2	Unclassified.....	09900	108,687
3	Save Our State (SOS).....	05050	0
4	Current Expenses .....	13000	3,809,447
5	National Youth Science Camp.....	13200	241,570
6	Local Economic		
7	Development Partnerships (R).....	13300	792,000
8	ARC Assessment .....	13600	152,585

9	Guaranteed Work Force Grant (R).....	24200	969,633
10	Mainstreet Program.....	79400	163,758
11	BRIM Premium.....	91300	2,345
12	Hatfield McCoy Recreational Trail.....	96000	<u>198,415</u>
13	Total.....		\$ 10,649,328

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation 13300), Guaranteed Work Force Grant (fund 0256, appropriation 24200), Industrial Park Assistance (fund 0256, appropriation 48000), Small Business Development (fund 0256, appropriation 70300), Local Economic Development Assistance (fund 0256, appropriation 81900), and 4-H Camp Improvements (fund 0256, appropriation 94100) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

The above appropriation to Local Economic Development Partnerships (fund 0256, appropriation 13300) shall be used by the West Virginia Development Office for the award of funding assistance to county and regional economic development corporations or authorities participating in the Certified Development Community Program developed under the provisions of W.Va. Code §5B-2-14. The West Virginia Development Office shall award the funding assistance through a matching grant program, based upon a formula whereby funding assistance may not exceed \$34,000 per county served by an economic development or redevelopment corporation or authority.

*35 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 0265 FY 2018 Org 0310

1	Personal Services and Employee Benefits....	00100	\$ 15,109,046
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2	Unclassified.....09900	184,711
3	Current Expenses .....13000	166,201
4	Repairs and Alterations.....06400	100
5	Equipment.....07000	100
6	Buildings.....25800	100
7	Litter Control Conservation Officers.....56400	139,877
8	Upper Mud River Flood Control.....65400	159,762
9	Other Assets.....69000	100
10	Land (R).....73000	100
11	Law Enforcement.....80600	2,413,523
12	BRIM Premium.....91300	<u>23,470</u>
13	Total.....	\$ 18,197,090

Any unexpended balances remaining in the appropriations for Buildings (fund 0265, appropriation 25800), Land (fund 0265, appropriation 73000), and State Park Improvements – Surplus (fund 0265, appropriation 76300) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

Any revenue derived from mineral extraction at any state park shall be deposited in a special revenue account of the Division of Natural Resources, first for bond debt payment purposes and with any remainder to be for park operation and improvement purposes.

*36 - Division of Miners' Health, Safety and Training*

(WV Code Chapter 22)

Fund 0277 FY 2018 Org 0314

1	Personal Services and Employee Benefits....00100	\$ 9,205,577
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2	Unclassified.....	09900	120,000
3	Current Expenses .....	13000	1,378,532
4	Coal Dust and Rock Dust Sampling .....	27000	474,050
5	BRIM Premium.....	91300	<u>75,110</u>
6	Total.....		\$ 11,253,269

Included in the above appropriation for Current Expenses (fund 0277, appropriation 13000) is \$500,000 to be used for coal mine training activities at an established mine training facility in southern West Virginia.

*37 - Board of Coal Mine Health and Safety*

(WV Code Chapter 22)

Fund 0280 FY 2018 Org 0319

1	Personal Services and Employee Benefits ....	00100	\$ 226,550
2	Unclassified.....	09900	3,551
3	Current Expenses .....	13000	<u>117,906</u>
4	Total.....		\$ 348,007

*38 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 0572 FY 2018 Org 0323

1	Personal Services and Employee Benefits ....	00100	\$ 51,998
2	Unclassified.....	09900	599
3	Current Expenses .....	13000	<u>7,069</u>
4	Total.....		\$ 59,666



*39 - Department of Commerce –**Office of the Secretary*

(WV Code Chapter 19)

Fund 0606 FY 2018 Org 0327

1	Personal Services and Employee Benefits ....00100	\$	398,752
2	Unclassified.....09900		3,500
3	Current Expenses .....13000		<u>14,512</u>
4	Total.....	\$	416,764

*40 - Division of Energy*

(WV Code Chapter 5H)

Fund 0612 FY 2018 Org 0328

1	Personal Services and Employee Benefits ....00100	\$	194,457
2	Unclassified.....09900		15,204
3	Current Expenses .....13000		1,276,705
4	BRIM Premium.....91300		<u>3,604</u>
5	Total.....	\$	1,489,970

From the above appropriation for Current Expenses (fund 0612, appropriation 13000) \$558,247 is for West Virginia University and \$558,247 is for Southern West Virginia Community and Technical College for the Mine Training and Energy Technologies Academy.

**DEPARTMENT OF EDUCATION***41 - State Board of Education –**School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2018 Org 0402

1	Personal Services and Employee Benefits ....00100	\$	321,931
2	Current Expenses .....	13000	<u>2,118,490</u>
3	Total.....	\$	2,440,421

*42 - State Board of Education –**State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2018 Org 0402

1	Personal Services and Employee Benefits ....00100	\$	4,278,989
2	Technology System Specialist .....	06200	0
3	Teachers' Retirement Savings Realized .....	09500	34,638,000
4	Unclassified (R) .....	09900	300,000
5	Current Expenses (R) .....	13000	2,518,992
6	Equipment.....	07000	5,000
7	Increased Enrollment .....	14000	2,650,000
8	Safe Schools.....	14300	4,911,959
9	Teacher Mentor.....	15800	550,000
10	Buildings (R).....	25800	1,000
11	Allowance for County Transfers.....	26400	64,212
12	Technology Repair and Modernization.....	29800	951,003
13	HVAC Technicians.....	35500	495,507

14	Early Retirement Notification Incentive .....	36600	300,000
15	MATH Program .....	36800	336,532
16	Assessment Programs .....	39600	1,339,588
17	21st Century Fellows .....	50700	0
18	English as a Second Language.....	52800	96,000
19	Teacher Reimbursement .....	57300	297,188
20	Hospitality Training .....	60000	267,123
21	Hi-Y Youth in Government .....	61600	100,000
22	High Acuity Special Needs (R).....	63400	1,500,000
23	Foreign Student Education.....	63600	150,000
24	Principals Mentorship .....	64900	69,250
25	State Board of Education		
26	Administrative Costs .....	68400	266,152
27	Other Assets .....	69000	1,000
28	IT Academy (R) .....	72100	500,000
29	Land (R) .....	73000	1,000
30	Early Literacy Program.....	75600	5,700,000
31	School Based Truancy Prevention (R).....	78101	0
32	Innovation in Education .....	78102	0
33	21st Century Learners (R).....	88600	0
34	BRIM Premium.....	91300	320,429
35	21st Century Assessment		
36	and Professional Development .....	93100	1,999,007

37	21st Century Technology Infrastructure		
38	Network Tools and Support.....	93300	7,636,586
39	Regional Education Service Agencies .....	97200	0
40	Educational Program Allowance .....	99600	<u>516,250</u>
41	Total.....		\$ 72,760,767

The above appropriations include funding for the state board of education and their executive office.

Any unexpended balances remaining in the appropriations for Unclassified (fund 0313, appropriation 09900), Current Expenses (fund 0313, appropriation 13000), National Teacher Certification (fund 0313, appropriation 16100), Buildings (fund 0313, appropriation 25800), High Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation 72100), Land (fund 0313, appropriation 73000), School Based Truancy Prevention (fund 0313, appropriation 78101), and 21st Century Learners (fund 0313, appropriation 88600) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

The above appropriation for Technology System Specialists (fund 0313, appropriation 06200), shall first be used for the continuance of current pilot projects. The remaining balance, if any, may be used to expand the pilot project for additional counties.

The above appropriation for Teachers' Retirement Savings Realized (fund 0313, appropriation 09500) shall be transferred to the Employee Pension and Health Care Benefit Fund (fund 2044).

The above appropriation for Hospitality Training (fund 0313, appropriation 60000), shall be allocated only to entities that have a plan approved for funding by the Department of Education, at the funding level determined by the State Superintendent of Schools. Plans shall be submitted to the State Superintendent of Schools to be considered for funding.

From the above appropriation for Educational Program Allowance (fund 0313, appropriation 99600), \$100,000 shall be expended for Webster County Board of Education for Hacker Valley; \$150,000 shall be for the Randolph County Board of Education for Pickens School; \$100,000 shall be for the Preston County Board of Education for the Aurora School; \$100,000 shall be for the Fayette County Board of Education for Meadow Bridge; and \$66,250 is for Project Based Learning in STEM fields.

*43 - State Board of Education –*

*Aid for Exceptional Children*

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2018 Org 0402

1	Special Education – Counties .....	15900	\$ 7,271,757
2	Special Education – Institutions.....	16000	3,748,794
3	Education of Juveniles Held in Predispositional		
4	Juvenile Detention Centers .....	30200	591,646
5	Education of Institutionalized		
6	Juveniles and Adults (R).....	47200	<u>17,736,957</u>
7	Total.....		\$ 29,349,154

Any unexpended balance remaining in the appropriation for Education of Institutionalized Juveniles and Adults (fund 0314, appropriation 47200) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

From the above appropriations, the superintendent shall have authority to expend funds for the costs of special education for those children residing in out-of-state placements.

*44 - State Board of Education –*

*State Aid to Schools*

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2018 Org 0402

1	Other Current Expenses .....	02200	\$ 149,939,320
2	Advanced Placement.....	05300	553,954
3	Professional Educators.....	15100	843,200,570
4	Service Personnel.....	15200	286,915,321
5	Fixed Charges .....	15300	100,484,631
6	Transportation.....	15400	70,276,078
7	Professional Student Support Services .....	65500	36,952,999
8	Improved Instructional Programs.....	15600	49,131,108
9	21st Century Strategic		
10	Technology Learning Growth.....	93600	<u>20,756,981</u>
11	Basic Foundation Allowances.....		1,558,210,962
12	Less Local Share .....		(454,486,958)
13	Adjustments .....		<u>(2,441,341)</u>
14	Total Basic State Aid .....		1,101,282,663
15	Public Employees' Insurance Matching .....	01200	242,714,967
16	Teachers' Retirement System .....	01900	72,125,000
17	School Building Authority .....	45300	23,424,770
18	Retirement Systems – Unfunded Liability....	77500	<u>343,963,000</u>
19	Total.....		\$ 1,783,510,400

*45 - State Board of Education –**Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2018 Org 0402

1	Personal Services and Employee Benefits ....00100	\$ 1,275,473
2	Unclassified.....09900	268,800
3	Current Expenses .....13000	882,131
4	Wood Products –	
5	Forestry Vocational Program.....14600	68,993
6	Albert Yanni Vocational Program .....14700	131,951
7	Vocational Aid.....14800	22,216,196
8	Adult Basic Education .....14900	4,545,977
9	Program Modernization .....30500	884,313
10	High School Equivalency	
11	Diploma Testing (R).....72600	778,815
12	FFA Grant Awards.....83900	11,496
13	Pre-Engineering Academy Program .....84000	<u>265,294</u>
14	Total.....	\$ 31,329,439

Any unexpended balances remaining in the appropriations for GED Testing (fund 0390, appropriation 33900) and High School Equivalency Diploma Testing (fund 0390, appropriation 72600) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*46 - State Board of Education –*

*Division of Education Performance Audits*

(WV Code Chapters 18 and 18A)

Fund 0573 FY 2018 Org 0402

1	Personal Services and Employee Benefits ....00100	\$	867,482
2	Unclassified.....09900		10,000
3	Current Expenses .....13000		<u>294,316</u>
4	Total.....	\$	1,171,798

*47 - State Board of Education –**West Virginia Schools for the Deaf and the Blind*

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2018 Org 0403

1	Personal Services and Employee Benefits ....00100	\$	11,304,805
2	Unclassified.....09900		110,000
3	Current Expenses .....13000		1,988,129
4	Repairs and Alterations.....06400		85,000
5	Equipment.....07000		70,000
6	Buildings (R).....25800		85,000
7	Capital Outlay and Maintenance (R) .....75500		82,500
8	BRIM Premium.....91300		<u>124,890</u>
9	Total.....	\$	13,850,324

Any unexpended balances remaining in the appropriations for Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.



**DEPARTMENT OF EDUCATION AND THE ARTS***48 - Department of Education and the Arts –**Office of the Secretary*

(WV Code Chapter 5F)

Fund 0294 FY 2018 Org 0431

1	Personal Services and Employee Benefits ....00100	\$	781,264
2	Unclassified.....09900		35,000
3	Center for Professional Development (R).....11500		1,490,833
4	Current Expenses .....13000		6,562
5	WV Humanities Council.....16800		250,000
6	Benedum Professional		
7	Development Collaborative (R).....42700		429,116
8	Governor's Honors Academy (R) .....47800		977,760
9	Educational Enhancements .....69500		196,000
10	S.T.E.M. Education and Grant Program .....71900		490,286
11	Energy Express .....86100		382,935
12	BRIM Premium.....91300		4,870
13	Special Olympic Games.....96600		<u>25,000</u>
14	Total.....	\$	5,069,626

Any unexpended balances remaining in the appropriations for Center for Professional Development (fund 0294, appropriation 11500), Benedum Professional Development Collaborative (fund 0294, appropriation 42700), Governor's Honors Academy (fund 0294, appropriation 47800), and S.T.E.M. Education and Grant Program (fund 0294, appropriation 71900) at the close of the fiscal

year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0294, fiscal year 2017, appropriation 42700 (\$66,416) which shall expire on June 30, 2017.

From the above appropriation for Educational Enhancements (fund 0294, appropriation 69500), \$73,500 shall be used for the Clay Center and \$122,500 for Reconnecting McDowell – Save the Children.

*49 - Division of Culture and History*

(WV Code Chapter 29)

Fund 0293 FY 2018 Org 0432

1	Personal Services and Employee Benefits ....00100	\$ 3,776,418
2	Current Expenses .....13000	542,510
3	Repairs and Alterations.....06400	1,000
4	Equipment.....07000	1
5	Unclassified.....09900	28,483
6	Buildings (R).....25800	1
7	Other Assets .....69000	1
8	Land (R).....73000	1
9	Culture and History Programming.....73200	231,573
10	Capital Outlay and Maintenance (R) .....75500	19,600
11	Historical Highway Marker Program.....84400	57,548
12	BRIM Premium.....91300	<u>36,371</u>
13	Total.....	\$ 4,693,507

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Buildings (fund 0293, appropriation 25800), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), Land (fund 0293, appropriation 73000), and Capital Outlay and Maintenance (fund 0293, appropriation 75500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

The Current Expense appropriation includes funding for the arts funds, department programming funds, grants, fairs and festivals and Camp Washington Carver and shall be expended only upon authorization of the Division of Culture and History and in accordance with the provisions of Chapter 5A, Article 3, and Chapter 12 of the Code.

*50 - Library Commission*

(WV Code Chapter 10)

Fund 0296 FY 2018 Org 0433

1	Personal Services and Employee Benefits....00100	\$ 1,275,211
2	Current Expenses .....13000	137,674
3	Repairs and Alterations.....06400	6,500
4	Services to Blind & Handicapped.....18100	161,717
5	BRIM Premium.....91300	<u>16,734</u>
6	Total.....	\$ 1,597,836

*51 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 0300 FY 2018 Org 0439

1	Personal Services and Employee Benefits ....00100	\$ 3,245,141
2	Current Expenses .....13000	20,146
3	Mountain Stage .....40700	300,000
4	Capital Outlay and Maintenance.....75500	10,000
5	BRIM Premium.....91300	<u>45,283</u>
6	Total.....	\$ 3,620,570

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*52 - State Board of Rehabilitation –*

*Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 0310 FY 2018 Org 0932

1	Personal Services and Employee Benefits ....00100	\$ 10,488,256
2	Independent Living Services.....00900	429,418
3	Current Expenses .....13000	545,202
4	Workshop Development .....16300	1,817,427
5	Supported Employment Extended Services..20600	77,960
6	Ron Yost Personal Assistance Fund .....40700	333,828
7	Employment Attendant Care Program.....59800	131,575
8	BRIM Premium.....91300	<u>72,396</u>
9	Total.....	\$ 13,896,062

From the above appropriation for Workshop Development (fund 0310, appropriation 16300), funds shall be used exclusively with the private nonprofit community rehabilitation program organizations known as work centers or sheltered workshops. The appropriation shall also be used to continue the support of the program, services, and individuals with disabilities currently in place at those organizations.

**DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

*53 - Environmental Quality Board*

(WV Code Chapter 20)

Fund 0270 FY 2018 Org 0311

1	Personal Services and Employee Benefits....00100	\$	70,636
2	Current Expenses .....13000		28,586
3	Repairs and Alterations.....06400		100
4	Equipment.....07000		300
5	Other Assets.....69000		400
6	BRIM Premium.....91300		<u>739</u>
7	Total.....	\$	100,761

*54 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 0273 FY 2018 Org 0313

1	Personal Services and Employee Benefits....00100	\$	3,921,861
2	Water Resources Protection		
3	and Management.....06800		568,778

4	Current Expenses .....	13000	95,737
5	Repairs and Alterations.....	06400	4,950
6	Unclassified.....	09900	25,049
7	Dam Safety.....	60700	210,959
8	Equipment.....	07000	0
9	West Virginia Stream Partners Program.....	63700	77,396
10	Meth Lab Cleanup.....	65600	200,496
11	Other Assets.....	69000	1,000
12	WV Contributions to River Commissions ....	77600	148,485
13	Office of Water Resources		
14	Non-Enforcement Activity .....	85500	<u>915,636</u>
15	Total.....		\$ 6,170,347

A portion of the appropriations for Current Expense (fund 0273, appropriation 13000) and Dam Safety (fund 0273, appropriation 60700) may be transferred to the special revenue fund Dam Safety Rehabilitation Revolving Fund (fund 3025) for the state deficient dams rehabilitation assistance program.

*55 - Air Quality Board*

(WV Code Chapter 16)

Fund 0550 FY 2018 Org 0325

1	Personal Services and Employee Benefits....	00100	\$ 59,866
2	Current Expenses .....	13000	12,183
3	Repairs and Alterations.....	06400	50
4	Equipment.....	07000	300

5	Other Assets.....	69000	200
6	BRIM Premium.....	91300	<u>2,153</u>
7	Total.....	\$	74,752

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

*56 - Department of Health and Human Resources –*

*Office of the Secretary*

(WV Code Chapter 5F)

Fund 0400 FY 2018 Org 0501

1	Personal Services and Employee Benefits....	00100	\$ 373,601
2	Unclassified.....	09900	8,014
3	Current Expenses .....	13000	48,833
4	Women’s Commission (R) .....	19100	0
5	Commission for the		
6	Deaf and Hard of Hearing.....	70400	<u>215,479</u>
7	Total.....	\$	645,927

Any unexpended balance remaining in the appropriation for the Women’s Commission (fund 0400, appropriation 19100) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*57 - Division of Health –*

*Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2018 Org 0506

1	Personal Services and Employee Benefits ....00100	\$ 12,048,586
2	Chief Medical Examiner .....04500	5,954,317
3	Unclassified.....09900	691,862
4	Current Expenses .....13000	4,640,355
5	State Aid for Local and Basic	
6	Public Health Services.....18400	12,645,160
7	Safe Drinking Water Program (R) .....18700	2,167,723
8	Women, Infants and Children .....21000	38,621
9	Early Intervention .....22300	8,134,060
10	Cancer Registry.....22500	195,868
11	CARDIAC Project .....37500	0
12	Statewide EMS Program Support (R).....38300	2,298,605
13	Black Lung Clinics .....46700	170,885
14	Center for End of Life .....54500	0
15	Vaccine for Children.....55100	332,942
16	Tuberculosis Control.....55300	364,556
17	Maternal and Child Health Clinics, Clinicians	
18	Medical Contracts and Fees (R) .....57500	6,327,015
19	Epidemiology Support .....62600	1,492,573
20	Primary Care Support .....62800	4,665,575
21	Sexual Assault	
22	Intervention and Prevention.....72300	125,000



23	Health Right Free Clinics.....	72700	2,750,000
24	Capital Outlay and Maintenance (R) .....	75500	100,000
25	Healthy Lifestyles .....	77800	0
26	Maternal Mortality Review .....	83400	46,563
27	Osteoporosis and Arthritis Prevention .....	84900	0
28	Diabetes Education and Prevention .....	87300	97,125
29	Tobacco Education Program (R).....	90600	0
30	BRIM Premium.....	91300	228,111
31	State Trauma and Emergency Care System..	91800	<u>1,986,847</u>
32	Total.....		\$67,502,349

Any unexpended balances remaining in the appropriations for Safe Drinking Water Program (fund 0407, appropriation 18700), Statewide EMS Program Support (fund 0407, appropriation 38300), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), Assistance to Primary Health Care Centers Community Health Foundation (fund 0407, appropriation 84500), and Tobacco Education Program (fund 0407, appropriation 90600) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018; Provided that on June 30, 2017, the following reappropriated funds and amounts be transferred to the Division of Human Services - Medical Services Trust Fund, fund 5185: Fund 0407 appropriation 84500, Assistance to Primary Health Care Centers Community Health Foundation, \$2,473,236; fund 0407, appropriation 82200, Emergency Response Entities – Special Projects, \$441,303; and fund 0407, appropriation 75500, Capital Outlay and Maintenance, \$6,000,000.

From the above appropriation for Current Expenses (fund 0407, appropriation 13000), an amount not less than \$100,000 is

for the West Virginia Cancer Coalition; \$50,000 shall be expended for the West Virginia Aids Coalition; \$100,000 is for Adolescent Immunization Education; \$73,065 is for informal dispute resolution relating to nursing home administrative appeals; and \$50,000 is for Hospital Hospitality House of Huntington.

From the above appropriation for Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500) up to \$400,000 may be transferred to the Breast and Cervical Cancer Diagnostic Treatment Fund (fund 5197) and \$11,000 is for the Marshall County Health Department for dental services.

*58 - Consolidated Medical Services Fund*

(WV Code Chapter 16)

Fund 0525 FY 2018 Org 0506

1	Personal Services and Employee Benefits....00100	\$ 1,554,852
2	Current Expenses .....13000	12,463
3	Behavioral Health Program (R) .....21900	64,415,611
4	Family Support Act.....22100	251,226
5	Institutional Facilities Operations (R).....33500	105,067,434
6	Substance Abuse Continuum of Care (R).....35400	5,000,000
7	Capital Outlay and Maintenance (R) .....75500	950,000
8	Renaissance Program .....80400	165,996
9	BRIM Premium.....91300	<u>1,211,307</u>
10	Total.....	\$ 178,628,889

Any unexpended balances remaining in the appropriations for Behavioral Health Program (fund 0525, appropriation 21900), Institutional Facilities Operations (fund 0525, appropriation 33500), Substance Abuse Continuum of Care (fund 0525,

appropriation 35400), Capital Outlay (fund 0525, appropriation 51100), Behavioral Health Program – Surplus (fund 0525, appropriation 63100), Institutional Facilities Operations – Surplus (fund 0525, appropriation 63200), Substance Abuse Continuum of Care – Surplus (fund 0525, appropriation 72200), and Capital Outlay and Maintenance (fund 0525, appropriation 75500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

Notwithstanding the provisions of Title I, section three of this bill, the secretary of the Department of Health and Human Resources shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the personal services and employee benefits appropriation.

Included in the above appropriation for Behavioral Health Program (fund 0525, appropriation 21900) is \$100,000 for the Healing Place of Huntington.

From the above appropriation for Institutional Facilities Operations (fund 0525, appropriation 33500), together with available funds from the Division of Health – Hospital Services Revenue Account (fund 5156, appropriation 33500), on July 1, 2017, the sum of \$160,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.

The above appropriation for Institutional Facilities Operations (fund 0525, appropriation 33500) contains prior year salary increases due to the Hartley court order in the amount of \$2,202,013 for William R. Sharpe Jr. Hospital, and \$2,067,984 for Mildred Mitchel-Bateman Hospital.

From the above appropriation for Substance Abuse Continuum of Care (fund 0525, appropriation 35400), the funding will be

consistent with the goal areas outlined in the Comprehensive Substance Abuse Strategic Action Plan.

Additional funds have been appropriated in fund 5156, fiscal year 2018, organization 0506, for the operation of the institutional facilities. The secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the Institutional Facilities Operations appropriation to facilitate cost effective and cost saving services at the community level.

*59 - Division of Health –*

*West Virginia Drinking Water Treatment*

(WV Code Chapter 16)

Fund 0561 FY 2018 Org 0506

1	West Virginia Drinking Water Treatment		
2	Revolving Fund-Transfer.....	68900	\$ 647,500

The above appropriation for Drinking Water Treatment Revolving Fund – Transfer shall be transferred to the West Virginia Drinking Water Treatment Revolving Fund or appropriate bank depository and the Drinking Water Treatment Revolving – Administrative Expense Fund as provided by Chapter 16 of the Code.

*60 - Human Rights Commission*

(WV Code Chapter 5)

Fund 0416 FY 2018 Org 0510

1	Personal Services and Employee Benefits....	00100	\$ 908,017
2	Unclassified.....	09900	4,024
3	Current Expenses .....	13000	191,766
4	BRIM Premium.....	91300	<u>10,056</u>
5	Total.....		\$ 1,113,863

*61 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2018 Org 0511

1	Personal Services and Employee Benefits ....00100	\$ 43,080,824
2	Unclassified.....09900	5,688,944
3	Current Expenses .....13000	11,861,920
4	Child Care Development.....14400	12,541,247
5	Medical Services Contracts and	
6	Office of Managed Care .....18300	1,835,469
7	Medical Services .....18900	350,680,022
8	Social Services .....19500	142,485,812
9	Family Preservation Program .....19600	1,565,000
10	Family Resource Networks.....27400	1,762,464
11	Domestic Violence Legal Services Fund .....38400	400,000
12	James “Tiger” Morton	
13	Catastrophic Illness Fund .....45500	101,005
14	I/DD Waiver.....46600	88,753,483
15	Child Protective Services Case Workers .....46800	22,446,545
16	OSCAR and RAPIDS .....51500	6,405,873
17	Title XIX Waiver for Seniors.....53300	13,593,620
18	WV Teaching Hospitals	
19	Tertiary/Safety Net .....54700	6,356,000

20	Child Welfare System .....	60300	1,250,959
21	In-Home Family Education.....	68800	1,000,000
22	WV Works Separate State Program.....	69800	1,935,000
23	Child Support Enforcement .....	70500	6,260,676
24	Medicaid Auditing .....	70600	606,750
25	Temporary Assistance for Needy Families/ Maintenance of Effort.....	70700	22,969,096
27	Child Care – Maintenance of Effort Match ..	70800	5,693,743
28	Child and Family Services .....	73600	2,850,000
29	Grants for Licensed Domestic Violence Programs and Statewide Prevention .....	75000	2,500,000
31	Capital Outlay and Maintenance (R) .....	75500	11,875
32	Community Based Services and Pilot Programs for Youth.....	75900	1,000,000
34	Medical Services Administrative Costs .....	78900	35,609,925
35	Traumatic Brain Injury Waiver.....	83500	800,000
36	Indigent Burials (R) .....	85100	2,050,000
37	BRIM Premium.....	91300	834,187
38	Rural Hospitals Under 150 Beds.....	94000	2,596,000
39	Children’s Trust Fund – Transfer.....	95100	<u>220,000</u>
40	Total.....		\$ 797,746,439

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0403, appropriation 75500)

and Indigent Burials (fund 0403, appropriation 85100) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

Notwithstanding the provisions of Title I, section three of this bill, the secretary of the Department of Health and Human Resources shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the personal services and employee benefits appropriation.

The secretary shall have authority to expend funds for the educational costs of those children residing in out-of-state placements, excluding the costs of special education programs.

Included in the above appropriation for Social Services (fund 0403, appropriation 19500) is funding for continuing education requirements relating to the practice of social work.

The above appropriation for Domestic Violence Legal Services Fund (fund 0403, appropriation 38400) shall be transferred to the Domestic Violence Legal Services Fund (fund 5455).

The above appropriation for James “Tiger” Morton Catastrophic Illness Fund (fund 0403, appropriation 45500) shall be transferred to the James “Tiger” Morton Catastrophic Illness Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the Code.

The above appropriation for WV Works Separate State Program (fund 0403, appropriation 69800), shall be transferred to the WV Works Separate State College Program Fund (fund 5467), and the WV Works Separate State Two-Parent Program Fund (fund 5468) as determined by the secretary of the Department of Health and Human Resources.

From the above appropriation for Child Support Enforcement (fund 0403, appropriation 70500) an amount not to exceed

\$300,000 may be transferred to a local banking depository to be utilized to offset funds determined to be uncollectible.

From the above appropriation for the Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), 50% of the total shall be divided equally and distributed among the fourteen (14) licensed programs and the West Virginia Coalition Against Domestic Violence (WVCADV). The balance remaining in the appropriation for Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), shall be distributed according to the formula established by the Family Protection Services Board.

The above appropriation for Children's Trust Fund – Transfer (fund 0403, appropriation 95100) shall be transferred to the Children's Trust Fund (fund 5469, org 0511).

## **DEPARTMENT OF MILITARY AFFAIRS**

### **AND PUBLIC SAFETY**

*62 - Department of Military Affairs and Public Safety –*

*Office of the Secretary*

(WV Code Chapter 5F)

Fund 0430 FY 2018 Org 0601

1	Personal Services and Employee Benefits....00100	\$	711,738
2	Unclassified (R) .....09900		21,719
3	Current Expenses .....13000		66,492
4	Repairs and Alterations.....06400		6,000
5	Equipment.....07000		3,000
6	Fusion Center (R).....46900		437,665
7	Other Assets.....69000		3,000



8	Directed Transfer .....	70000	32,000
9	BRIM Premium.....	91300	11,938
10	WV Fire and EMS Survivor Benefit (R) .....	93900	250,000
11	Homeland State Security		
12	Administrative Agency (R).....	95300	<u>385,850</u>
13	Total.....		\$ 1,929,402

Any unexpended balances remaining in the appropriations for Unclassified (fund 0430, appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Substance Abuse Program – Surplus (fund 0430, appropriation 69600), Justice Reinvestment Training – Surplus (fund 0430, appropriation 69900), WV Fire and EMS Survivor Benefit (fund 0430, appropriation 93900), and Homeland State Security Administrative Agency (fund 0430, appropriation 95300), at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0430, fiscal year 2017, appropriation 93900 (\$50,000) which shall expire on June 30, 2017.

The above appropriation for Directed Transfer (fund 0430, appropriation 70000) shall be transferred to the Law-Enforcement, Safety and Emergency Worker Funeral Expense Payment Fund (fund 6003).

*63 - Adjutant General –*

*State Militia*

(WV Code Chapter 15)

Fund 0433 FY 2018 Org 0603

1	Unclassified.....	09900	\$ 11,839,780
2	College Education Fund.....	23200	0
3	Civil Air Patrol.....	23400	249,219

4	Mountaineer ChalleNGe Academy.....70900	1,500,000
5	Armory Board Transfer.....70015	0
6	Military Authority.....74800	0
7	Total.....	\$ 13,588,999

Any unexpended balance remaining in the appropriations for Unclassified (fund 0433, appropriation 09900) and Military Authority (fund 0433, appropriation 74800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

From the above appropriations an amount approved by the Adjutant General and the secretary of Military Affairs and Public Safety may be transferred to the State Armory Board for operation and maintenance of National Guard Armories.

The adjutant general shall have the authority to transfer between appropriations.

From the above appropriation and other state and federal funding, the Adjutant General shall provide an amount not less than \$4,500,000 to the Mountaineer ChalleNGe Academy to meet anticipated program demand.

The above appropriation for Civil Air Patrol (fund 0433, appropriation 23400) shall be distributed equally to each of the twelve Civil Air Patrol Squadrons.

*64 - Adjutant General –*

*Military Fund*

(WV Code Chapter 15)

Fund 0605 FY 2018 Org 0603

1	Personal Services and Employee Benefits....00100	\$ 100,000
2	Current Expenses.....13000	57,775

3 Total..... \$ 157,775

*65 - West Virginia Parole Board*

(WV Code Chapter 62)

Fund 0440 FY 2018 Org 0605

1 Personal Services and Employee Benefits ....00100 \$ 382,952

2 Current Expenses .....13000 194,559

3 Salaries of Members of West Virginia Parole  
4 Board.....22700 593,029

5 BRIM Premium.....91300 5,747

6 Total..... \$ 1,176,287

The above appropriation for Salaries of Members of West Virginia Parole Board (fund 0440, appropriation 22700) includes funding for salary, annual increment (as provided for in W.Va. Code §5-5-1), and related employee benefits of board members.

*66 - Division of Homeland Security and*

*Emergency Management*

(WV Code Chapter 15)

Fund 0443 FY 2018 Org 0606

1 Personal Services and Employee Benefits ....00100 \$ 537,175

2 Unclassified.....09900 26,342

3 Current Expenses .....13000 40,962

4 Repairs and Alterations.....06400 600

5 Radiological Emergency Preparedness .....55400 17,230

6 Federal Funds/Grant Match (R) .....74900 660,991

7	Mine and Industrial Accident Rapid		
8	Response Call Center.....	78100	454,189
9	Early Warning Flood System (R) .....	87700	469,506
10	BRIM Premium.....	91300	20,786
11	WVU Charleston Poison Control Hotline.....	94400	<u>712,942</u>
12	Total.....		\$ 2,940,723

Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match (fund 0443, appropriation 74900), Early Warning Flood System (fund 0443, appropriation 87700), and Disaster Mitigation (fund 0443, appropriation 95200) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0443, fiscal year 2017, appropriation 87700 (\$9,500) which shall expire on June 30, 2017.

*67 - Division of Corrections –*

*Central Office*

(WV Code Chapters 25, 28, 49 and 62)

Fund 0446 FY 2018 Org 0608

1	Personal Services and Employee Benefits....	00100	\$ 581,526
2	Current Expenses .....	13000	<u>1,800</u>
3	Total.....		\$ 583,326

*68 - Division of Corrections –*

*Correctional Units*

(WV Code Chapters 25, 28, 49 and 62)

Fund 0450 FY 2018 Org 0608

1	Employee Benefits .....	01000	\$ 1,258,136
2	Children's Protection Act (R) .....	09000	838,437
3	Unclassified (R) .....	09900	1,478,800
4	Current Expenses (R) .....	13000	20,151,011
5	Facilities Planning and Administration (R) ..	38600	1,166,627
6	Charleston Correctional Center .....	45600	2,609,672
7	Beckley Correctional Center .....	49000	1,790,364
8	Huntington Work Release Center .....	49500	990,100
9	Anthony Correctional Center .....	50400	4,940,533
10	Huttonsville Correctional Center .....	51400	19,966,539
11	Northern Correctional Center .....	53400	6,798,279
12	Inmate Medical Expenses (R) .....	53500	21,226,064
13	Pruntytown Correctional Center .....	54300	6,910,326
14	Corrections Academy .....	56900	1,416,819
15	Information Technology Services .....	59901	1,616,491
16	Martinsburg Correctional Center .....	66300	3,488,534
17	Parole Services .....	68600	4,981,198
18	Special Services .....	68700	6,122,439
19	Investigative Services .....	71600	3,001,604
20	Capital Outlay and Maintenance (R) .....	75500	2,000,000
21	Salem Correctional Center .....	77400	9,625,650
22	McDowell County Correctional Center .....	79000	1,949,983

23	Stevens Correctional Center.....	79100	6,474,500
24	Parkersburg Correctional Center.....	82800	2,417,670
25	St. Mary's Correctional Center.....	88100	12,075,450
26	Denmar Correctional Center.....	88200	4,264,286
27	Ohio County Correctional Center.....	88300	1,713,335
28	Mt. Olive Correctional Complex.....	88800	18,968,873
29	Lakin Correctional Center.....	89600	8,611,795
30	BRIM Premium.....	91300	<u>2,359,770</u>
31	Total.....		\$ 181,213,285

Any unexpended balances remaining in the appropriations for Children's Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0450, appropriation 67700), Capital Outlay and Maintenance (fund 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation 75501), and Operating Expenses – Surplus (fund 0450, appropriation 77900) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0450, fiscal year 2017, appropriation 09000 (\$100,000) which shall expire on June 30, 2017.

The Commissioner of Corrections shall have the authority to transfer between appropriations to the individual correctional units above and may transfer funds from the individual correctional units to Current Expenses (fund 0450, appropriation 13000) or Inmate Medical Expenses (fund 0450, appropriation 53500).

From the above appropriation to Unclassified (fund 0450, appropriation 09900), on July 1, 2017, the sum of \$300,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.

From the above appropriation to Current Expenses (fund 0450, appropriation 13000) payment shall be made to house Division of Corrections inmates in federal, county, and /or regional jails.

Any realized savings from Energy Savings Contract may be transferred to Facilities Planning and Administration (fund 0450, appropriation 38600).

*69 - West Virginia State Police*

(WV Code Chapter 15)

Fund 0453 FY 2018 Org 0612

1	Personal Services and Employee Benefits ....00100	\$ 56,708,867
2	Children's Protection Act .....09000	948,101
3	Current Expenses .....13000	10,309,769
4	Repairs and Alterations.....06400	450,523
5	Barracks Lease Payments .....55600	237,898
6	Communications and Other Equipment (R) .....55800	70,968
7	Trooper Retirement Fund.....60500	4,654,942
8	Handgun Administration Expense .....74700	67,692
9	Capital Outlay and Maintenance (R) .....75500	250,000
10	Retirement Systems – Unfunded Liability....77500	24,675,000
11	Automated Fingerprint Identification System ...89800	723,064

12	BRIM Premium.....	91300	<u>5,368,150</u>
13	Total.....		\$ 104,464,974

Any unexpended balances remaining in the appropriations for Communications and Other Equipment (fund 0453, appropriation 55800), and Capital Outlay and Maintenance (fund 0453, appropriation 75500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

From the above appropriation for Personal Services and Employee Benefits (fund 0453, appropriation 00100), an amount not less than \$25,000 shall be expended to offset the costs associated with providing police services for the West Virginia State Fair.

*70 - Fire Commission*

(WV Code Chapter 29)

Fund 0436 FY 2018 Org 0619

1	Current Expenses .....	13000	\$ 64,021
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*71 - Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 0546 FY 2018 Org 0620

1	Personal Services and Employee Benefits ....	00100	\$ 531,051
2	Current Expenses .....	13000	132,696
3	Repairs and Alterations.....	06400	1,804
4	Child Advocacy Centers (R).....	45800	1,701,671
5	Community Corrections (R) .....	56100	6,907,760
6	Statistical Analysis Program .....	59700	46,381
7	Sexual Assault Forensic		
8	Examination Commission.....	71400	76,231



9	Qualitative Analysis and		
10	Training for Youth Services (R).....	76200	332,619
11	Law Enforcement Professional Standards ....	83800	154,471
12	BRIM Premium.....	91300	<u>1,788</u>
13	Total.....		\$ 9,886,472

Any unexpended balances remaining in the appropriations for Child Advocacy Centers (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100), and Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0546, fiscal year 2017, appropriation 56100 (\$172,000), and fund 0546, fiscal year 2017, appropriation 76200 (\$29,878) which shall expire on June 30, 2017.

From the above appropriation for Child Advocacy Centers (fund 0546, appropriation 45800), the division may retain an amount not to exceed four percent of the appropriation for administrative purposes.

*72 - Division of Juvenile Services*

(WV Code Chapter 49)

Fund 0570 FY 2018 Org 0621

1	Statewide Reporting Centers.....	26200	\$ 6,279,447
2	Robert L. Shell Juvenile Center .....	26700	1,956,950
3	Resident Medical Expenses (R).....	53501	3,604,999
4	Central Office.....	70100	2,307,517
5	Capital Outlay and Maintenance (R) .....	75500	250,000
6	Gene Spadaro Juvenile Center .....	79300	2,128,385

7	BRIM Premium.....	91300	108,380
8	Kenneth Honey Rubenstein		
9	Juvenile Center (R).....	98000	4,926,863
10	Vicki Douglas Juvenile Center .....	98100	1,870,388
11	Northern Regional Juvenile Center.....	98200	2,876,302
12	Lorrie Yeager Jr. Juvenile Center .....	98300	1,909,246
13	Sam Perdue Juvenile Center .....	98400	2,003,196
14	Tiger Morton Center .....	98500	2,114,663
15	Donald R. Kuhn Juvenile Center .....	98600	4,057,994
16	J.M. "Chick" Buckbee Juvenile Center .....	98700	<u>2,017,395</u>
17	Total.....		\$ 38,411,725

Any unexpended balances remaining in the appropriations for Resident Medical Expenses (fund 0570, appropriation 53501), Capital Outlay and Maintenance (fund 0570, appropriation 75500), and Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

From the above appropriations, on July 1, 2017, the sum of \$50,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.

The Director of Juvenile Services shall have the authority to transfer between appropriations to the individual juvenile centers above and may transfer funds from the individual juvenile centers to Resident Medical Expenses (fund 0570, appropriation 53501).

## (WV Code Chapter 5F)

Fund 0585 FY 2018 Org 0622

1	Personal Services and Employee Benefits ....00100	\$ 2,601,257
2	Unclassified (R) .....09900	21,991
3	Current Expenses .....13000	139,232
4	Repairs and Alterations .....06400	8,500
5	Equipment (R) .....07000	64,171
6	BRIM Premium .....91300	<u>11,426</u>
7	Total .....	\$ 2,846,577

Any unexpended balances remaining in the appropriations for Equipment (fund 0585, appropriation 07000), and Unclassified (fund 0585, appropriation 09900) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

**DEPARTMENT OF REVENUE***74 - Office of the Secretary*

## (WV Code Chapter 11)

Fund 0465 FY 2018 Org 0701

1	Personal Services and Employee Benefits ....00100	\$ 487,270
2	Unclassified .....09900	5,954
3	Current Expenses .....13000	80,633
4	Repairs and Alterations .....06400	1,262
5	Equipment .....07000	8,000
6	Other Assets .....69000	<u>500</u>
7	Total .....	\$ 583,619

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09600) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*75 - Tax Division*

(WV Code Chapter 11)

Fund 0470 FY 2018 Org 0702

1	Personal Services and Employee Benefits ....00100	\$ 15,773,677
2	Unclassified (R) .....09900	224,578
3	Current Expenses (R) .....13000	5,245,381
4	Repairs and Alterations .....06400	10,000
5	Equipment .....07000	50,000
6	Tax Technology Upgrade .....09400	2,700,000
7	Multi State Tax Commission .....65300	77,958
8	Other Assets .....69000	10,000
9	BRIM Premium .....91300	<u>14,560</u>
10	Total.....	\$ 24,106,154

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and GIS Development Project (fund 0470, appropriation 56200) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

*76 - State Budget Office*

(WV Code Chapter 11B)

Fund 0595 FY 2018 Org 0703

1	Personal Services and Employee Benefits ....00100	\$	631,045
2	Unclassified (R) .....		<u>129</u>
3	Total .....	\$	631,174

Any unexpended balance remaining in the appropriation for Unclassified (fund 0595, appropriation 09900) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*77 - West Virginia Office of Tax Appeals*

(WV Code Chapter 11)

Fund 0593 FY 2018 Org 0709

1	Personal Services and Employee Benefits ....00100	\$	414,391
2	Current Expenses (R) .....		92,542
3	Unclassified .....		5,255
4	BRIM Premium .....		<u>2,862</u>
5	Total .....	\$	515,050

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*78 - Division of Professional and Occupational Licenses –**State Athletic Commission*

(WV Code Chapter 29)

Fund 0523 FY 2018 Org 0933

1	Personal Services and Employee Benefits ....00100	\$	7,200
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2	Current Expenses .....	13000	<u>27,634</u>
3	Total.....	\$	34,834

### **DEPARTMENT OF TRANSPORTATION**

#### *79 - State Rail Authority*

(WV Code Chapter 29)

Fund 0506 FY 2018 Org 0804

1	Personal Services and Employee Benefits....	00100	\$	304,238
2	Current Expenses .....	13000		287,332
3	Other Assets (R).....	69000		1,303,277
4	BRIM Premium.....	91300	<u>188,356</u>	
5	Total.....		\$	2,083,203

Any unexpended balances remaining in the appropriations for Unclassified (fund 0506, appropriation 09900) and Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2016 are hereby reappropriated for expenditure during the fiscal year 2017, with the exception of fund 0506, fiscal year 2016, appropriation 69000 (\$25,000) which shall expire on June 30, 2016.

#### *80 - Division of Public Transit*

(WV Code Chapter 17)

Fund 0510 FY 2018 Org 0805

1	Equipment (R).....	07000	\$	417,194
2	Current Expenses (R).....	13000	<u>1,757,998</u>	
3	Total.....		\$	2,175,192

Any unexpended balances remaining in the appropriations for Equipment (fund 0510, appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0510, fiscal year 2017, appropriation 07000 (\$22,203), fund 0510, fiscal year 2017, appropriation 25800 (\$5,281), and fund 0510, fiscal year 2017, appropriation 69000 (\$5,000) which shall expire on June 30, 2017.

*81 - Aeronautics Commission*

(WV Code Chapter 29)

Fund 0582 FY 2018 Org 0807

1	Personal Services and Employee Benefits....00100	\$	168,368
2	Current Expenses (R).....13000		711,614
3	Repairs and Alterations.....06400		100
4	Civil Air Patrol.....23400		0
5	BRIM Premium.....91300		<u>4,148</u>
6	Total.....	\$	884,230

Any unexpended balance remaining in the appropriations for Unclassified (fund 0582, appropriation 09900) and Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2016 are hereby reappropriated for expenditure during the fiscal year 2017, with the exception of fund 0582, fiscal year 2016, appropriation 13000 (\$73,169) which shall expire on June 30, 2016.

**DEPARTMENT OF VETERANS' ASSISTANCE**

*82 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 0456 FY 2018 Org 0613

1	Personal Services and Employee Benefits ....00100	\$ 1,807,393
2	Unclassified.....09900	20,000
3	Current Expenses .....13000	137,189
4	Repairs and Alterations.....06400	5,000
5	Veterans' Field Offices .....22800	248,345
6	Veterans' Nursing Home (R).....28600	5,527,826
7	Veterans' Toll Free Assistance Line.....32800	2,015
8	Veterans' Reeducation Assistance (R).....32900	29,502
9	Veterans' Grant Program (R).....34200	30,741
10	Veterans' Grave Markers.....47300	10,254
11	Veterans' Transportation .....48500	625,000
12	Veterans Outreach Programs .....61700	160,001
13	Memorial Day Patriotic Exercise.....69700	20,000
14	Veterans Cemetery.....80800	375,428
15	BRIM Premium.....91300	<u>23,860</u>
16	Total.....	\$ 9,022,554

Any unexpended balances remaining in the appropriations for Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0456, fiscal year 2017,



appropriation 28600 (\$8,794), fund 0456, fiscal year 2017, appropriation 32900 (\$1,702), and fund 0456, fiscal year 2017, appropriation 34200 (\$29,000) which shall expire on June 30, 2017.

*83 - Department of Veterans' Assistance –*

*Veterans' Home*

(WV Code Chapter 9A)

Fund 0460 FY 2018 Org 0618

1	Personal Services and Employee Benefits....00100	\$	1,093,492
2	Current Expenses .....	13000	<u>44,576</u>
3	Total.....	\$	1,138,068

**BUREAU OF SENIOR SERVICES**

*84 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 0420 FY 2018 Org 0508

1	Transfer to Division of Human Services		
2	for Health Care and Title XIX		
3	Waiver for Senior Citizens .....	53900	\$ 11,368,797

The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens (fund 0420, appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

The above appropriation is in addition to funding provided in fund 5405 for this program.

**WEST VIRGINIA COUNCIL FOR COMMUNITY  
AND TECHNICAL COLLEGE EDUCATION**

*85 - West Virginia Council for*

*Community and Technical College Education –*

*Control Account*

(WV Code Chapter 18B)

Fund 0596 FY 2018 Org 0420

1	West Virginia Council for Community		
2	and Technical Education (R) .....	39200	\$ 726,624
3	Transit Training Partnership .....	78300	35,217
4	Community College		
5	Workforce Development (R) .....	87800	806,048
6	College Transition Program .....	88700	285,718
7	West Virginia Advance		
8	Workforce Development (R) .....	89300	3,200,720
9	Technical Program Development (R) .....	89400	<u>1,849,250</u>
10	Total .....		\$ 6,903,577

Any unexpended balances remaining in the appropriations for West Virginia Council for Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements – Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation 89300), and Technical Program Development (fund 0596, appropriation 89400) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the

exception of fund 0596, fiscal year 2017, appropriation 39200 (\$14,000), fund 0596, fiscal year 2017, appropriation 89300 (\$69,244), and fund 0596, fiscal year 2017, appropriation 89400 (\$45,964) which shall expire on June 30, 2017.

From the above appropriation for the Community College Workforce Development (fund 0596, appropriation 87800), \$200,000 shall be expended on the Mine Training Program in Southern West Virginia.

Included in the above appropriation for West Virginia Advance Workforce Development (fund 0596, appropriation 89300) is \$200,000 to be used exclusively for advanced manufacturing and energy industry specific training programs.

*86 - Mountwest Community and Technical College*

(WV Code Chapter 18B)

Fund 0599 FY 2018 Org 0444

- 1 Mountwest Community
- 2 and Technical College .....48700 \$ 5,346,752

*87 - New River Community and Technical College*

(WV Code Chapter 18B)

Fund 0600 FY 2018 Org 0445

- 1 New River Community
- 2 and Technical College .....35800 \$ 5,279,168

*88 - Pierpont Community and Technical College*

(WV Code Chapter 18B)

Fund 0597 FY 2018 Org 0446

- 1 Pierpont Community and Technical College.....93000 \$ 7,030,858

*89 - Blue Ridge Community and Technical College*

(WV Code Chapter 18B)

Fund 0601 FY 2018 Org 0447

- 1 Blue Ridge Community
- 2 and Technical College .....88500 \$ 4,870,907

*90 - West Virginia University at Parkersburg*

(WV Code Chapter 18B)

Fund 0351 FY 2018 Org 0464

- 1 West Virginia University – Parkersburg.....47100 \$ 9,140,900

*91 - Southern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0380 FY 2018 Org 0487

- 1 Southern West Virginia Community
- 2 and Technical College .....44600 \$ 7,672,107

*92 - West Virginia Northern Community and Technical College*

(WV Code Chapter 18B)

Fund 0383 FY 2018 Org 0489

- 1 West Virginia Northern Community
- 2 and Technical College .....44700 \$ 6,622,521

*93 - Eastern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0587 FY 2018 Org 0492

1	Eastern West Virginia Community		
2	and Technical College .....	41200	\$ 1,761,888

*94 - BridgeValley Community and Technical College*

(WV Code Chapter 18B)

Fund 0618 FY 2018 Org 0493

1	BridgeValley Community		
2	and Technical College .....	71700	\$ 7,200,888

**HIGHER EDUCATION POLICY COMMISSION**

*95 - Higher Education Policy Commission –*

*Administration –*

*Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2018 Org 0441

1	Personal Services and Employee Benefits....	00100	\$ 2,486,430
2	Current Expenses .....	13000	13,568
3	Higher Education Grant Program .....	16400	39,019,864
4	Tuition Contract Program (R).....	16500	1,249,555
5	Underwood-Smith Scholarship		
6	Program-Student Awards.....	16700	328,349
7	Facilities Planning and Administration (R) ..	38600	1,760,234
8	PROMISE Scholarship – Transfer.....	80000	18,500,000
9	HEAPS Grant Program (R).....	86700	5,007,764

10	BRIM Premium.....	91300	<u>16,965</u>
11	Total.....		\$ 68,382,729

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0589, appropriation 09700), Tuition Contract Program (fund 0589, appropriation 16500), Capital Improvements – Surplus (fund 0589, appropriation 66100), Capital Outlay and Maintenance (fund 0589, appropriation 75500), and HEAPS Grant Program (fund 0589, appropriation 86700) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0589, fiscal year 2017, appropriation 16500 (\$24,991) which shall expire on June 30, 2017.

The above appropriation for Facilities Planning and Administration (fund 0589, appropriation 38600) is for operational expenses of the West Virginia Education, Research and Technology Park between construction and full occupancy.

The above appropriation for Higher Education Grant Program (fund 0589, appropriation 16400) shall be transferred to the Higher Education Grant Fund (fund 4933, org 0441) established by W.Va. Code §18C-5-3.

The above appropriation for Underwood-Smith Scholarship Program-Student Awards (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teacher Scholarship and Loan Assistance Fund (fund 4922, org 0441) established by W.Va. Code §18C-4-1.

The above appropriation for PROMISE Scholarship – Transfer (fund 0589, appropriation 80000) shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

*96 - West Virginia University –*

*School of Medicine*

*Medical School Fund*

## (WV Code Chapter 18B)

Fund 0343 FY 2018 Org 0463

1	WVU School of Health Science –		
2	Eastern Division.....	05600	\$ 2,063,557
3	WVU – School of Health Sciences.....	17400	14,239,818
4	WVU – School of Health Sciences –		
5	Charleston Division .....	17500	2,122,336
6	Rural Health Outreach Programs .....	37700	156,133
7	West Virginia University School of Medicine		
8	BRIM Subsidy .....	46000	<u>1,203,087</u>
9	Total.....		\$ 19,784,931

The above appropriation for Rural Health Outreach Programs (fund 0343, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for West Virginia University School of Medicine BRIM Subsidy (fund 0343, appropriation 46000) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the “Total Premium Billed” to the institution as part of the full cost of their malpractice insurance coverage.

*97 - West Virginia University –**General Administrative Fund*

## (WV Code Chapter 18B)

Fund 0344 FY 2018 Org 0463

1	West Virginia University .....	45900	\$ 84,837,900
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2	Jackson's Mill .....	46100	219,808
3	West Virginia University		
4	Institute of Technology .....	47900	7,330,893
5	State Priorities –		
6	Brownfield Professional Development...	53100	309,747
7	West Virginia University – Potomac State ...	99400	<u>3,598,985</u>
8	Total .....		\$ 96,297,333

*98 - Marshall University –*

*School of Medicine*

(WV Code Chapter 18B)

Fund 0347 FY 2018 Org 0471

1	Marshall Medical School .....	17300	\$ 11,177,634
2	Rural Health Outreach Programs (R).....	37700	153,831
3	Forensic Lab.....	37701	221,582
4	Center for Rural Health.....	37702	146,994
5	Marshall University Medical School		
6	BRIM Subsidy .....	44900	<u>872,612</u>
7	Total .....		\$ 12,572,653

Any unexpended balance remaining in the appropriation for Rural Health Outreach Program (fund 0347, appropriation 37700) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0347, fiscal year 2017, appropriation 37700 (\$3,352) which shall expire on June 30, 2017.



The above appropriation for Rural Health Outreach Programs (fund 0347, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for Marshall University Medical School BRIM Subsidy (fund 0347, appropriation 44900) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the “Total Premium Billed” to the institution as part of the full cost of their malpractice insurance coverage.

*99 - Marshall University –*

*General Administration Fund*

(WV Code Chapter 18B)

Fund 0348 FY 2018 Org 0471

1	Marshall University .....	44800	\$ 38,882,683
2	Luke Lee Listening Language		
3	and Learning Lab .....	44801	93,682
4	Vista E-Learning (R).....	51900	228,604
5	State Priorities – Brownfield		
6	Professional Development (R).....	53100	306,866
7	Marshall University Graduate College		
8	Writing Project (R) .....	80700	19,032
9	WV Autism Training Center (R) .....	93200	<u>1,647,655</u>
10	Total.....		\$ 41,178,522

Any unexpended balances remaining in the appropriations for Vista E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation

53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0348, fiscal year 2017, appropriation 51900 (\$4,982), fund 0348, fiscal year 2017, appropriation 53100 (\$6,687), fund 0348, fiscal year 2017, appropriation 80700 (\$415), and fund 0348, fiscal year 2017, appropriation 93200 (\$35,906) which shall expire on June 30, 2017.

*100 - West Virginia School of Osteopathic Medicine*

(WV Code Chapter 18B)

Fund 0336 FY 2018 Org 0476

1	West Virginia School of		
2	Osteopathic Medicine .....	17200	\$ 6,526,309
3	Rural Health Outreach Programs (R).....	37700	161,620
4	West Virginia School of Osteopathic Medicine		
5	BRIM Subsidy .....	40300	156,299
6	Rural Health Initiative –		
7	Medical Schools Support.....	58100	<u>388,769</u>
8	Total.....		\$ 7,232,997

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) at the close of fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0336, fiscal year 2017, appropriation 37700 (\$3,367) which shall expire on June 30, 2017.

The above appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) includes rural health activities

and programs; rural residency development and education; and rural outreach activities.

The above appropriation for West Virginia School of Osteopathic Medicine BRIM Subsidy (fund 0336, appropriation 40300) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the “Total Premium Billed” to the institution as part of the full cost of their malpractice insurance coverage.

*101 - Bluefield State College*

(WV Code Chapter 18B)

Fund 0354 FY 2018 Org 0482

1 Bluefield State College .....40800 \$ 5,411,388

*102 - Concord University*

(WV Code Chapter 18B)

Fund 0357 FY 2018 Org 0483

1 Concord University .....41000 \$ 8,327,612

*103 - Fairmont State University*

(WV Code Chapter 18B)

Fund 0360 FY 2018 Org 0484

1 Fairmont State University .....41400 \$ 14,666,658

*104 - Glenville State College*

(WV Code Chapter 18B)

Fund 0363 FY 2018 Org 0485

1 Glenville State College .....42800 \$ 5,655,741

*105 - Shepherd University*

(WV Code Chapter 18B)

Fund 0366 FY 2018 Org 0486

1 Shepherd University.....43200 \$ 9,169,914

*106 - West Liberty University*

(WV Code Chapter 18B)

Fund 0370 FY 2018 Org 0488

1 West Liberty University.....43900 \$ 7,638,116

*107 - West Virginia State University*

(WV Code Chapter 18B)

Fund 0373 FY 2018 Org 0490

1 West Virginia State University .....44100 \$ 9,702,948

2 West Virginia State University

3 Land Grant Match.....95600 1,571,549

4 Total..... \$ 11,274,497

5 Total TITLE II, Section 1 – General Revenue

6 (Including claims against the state) ..... \$4,102,700,000

**Sec. 2. Appropriations from state road fund.** — From the state road fund there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2018.

## DEPARTMENT OF TRANSPORTATION

*108 - Division of Motor Vehicles*

(WV Code Chapters 17, 17A, 17B, 17C, 17D, 20 and 24A)

Fund 9007 FY 2018 Org 0802

	<b>Appro-</b>	<b>State</b>
	<b>priation</b>	<b>Road</b>
		<b>Fund</b>
1 Personal Services and Employee Benefits ....00100		\$ 23,278,949
2 Current Expenses .....	13000	16,192,150
3 Repairs and Alterations .....	06400	144,000
4 Equipment .....	07000	1,080,000
5 Buildings .....	25800	10,000
6 Other Assets .....	69000	2,600,000
7 BRIM Premium.....	91300	<u>73,630</u>
8 Total.....		\$ 43,378,729

*109 - Division of Highways*

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2018 Org 0803

1 Debt Service.....	04000	\$ 24,000,000
2 Maintenance .....	23700	359,278,000
3 Nonfederal Improvements .....	23701	194,700,000
4 Inventory Revolving .....	27500	4,000,000
5 Equipment Revolving .....	27600	15,000,000
6 General Operations .....	27700	45,995,000
7 Interstate Construction .....	27800	100,000,000

8	Other Federal Aid Programs .....	27900	362,000,000
9	Appalachian Programs .....	28000	120,000,000
10	Highway Litter Control.....	28200	1,727,000
11	Courtesy Patrol.....	28201	<u>5,000,000</u>
12	Total.....		\$ 1,231,700,000

The above appropriations are to be expended in accordance with the provisions of Chapters 17 and 17C of the code.

The Commissioner of Highways shall have the authority to operate revolving funds within the State Road Fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies.

There is hereby appropriated in addition to the above appropriations, sufficient money for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Sections 17 and 18, Article 2, Chapter 14 of the code.

It is the intent of the Legislature to capture and match all federal funds available for expenditure on the Appalachian highway system at the earliest possible time. Therefore, should amounts in excess of those appropriated be required for the purposes of Appalachian programs, funds in excess of the amount appropriated may be made available upon recommendation of the commissioner and approval of the Governor. Further, for the purpose of Appalachian programs, funds appropriated by appropriation may be transferred to other appropriations upon recommendation of the commissioner and approval of the Governor.

*110 - Office of Administrative Hearings*

(WV Code Chapter 17C)

Fund 9027 FY 2018 Org 0808

1	Personal Services and Employee Benefits....00100	\$ 1,585,201
2	Current Expenses .....	13000 338,278
3	Repairs and Alterations.....06400	3,000
4	Equipment.....07000	15,500
5	BRIM Premium.....91300	<u>10,000</u>
6	Total.....	\$ 1,951,979
7	Total TITLE II, Section 2 – State Road Fund	
8	(Including claims against the state) .....	<u>\$1,277,031,358</u>

**Sec. 3. Appropriations from other funds.** — From the funds designated there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2018.

### LEGISLATIVE

#### *111 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 1731 FY 2018 Org 2300

	<b>Appro-</b>	<b>Other</b>
	<b>priation</b>	<b>Funds</b>
1	Personal Services and Employee Benefits....00100	\$ 498,020
2	Current Expenses .....	13000 133,903
3	Repairs and Alterations.....06400	1,000
4	Economic Loss Claim Payment Fund.....33400	2,360,125
5	Other Assets.....69000	<u>3,700</u>
6	Total.....	\$ 2,996,748

**JUDICIAL**

*112 - Supreme Court –*

*Family Court Fund*

(WV Code Chapter 51)

Fund 1763 FY 2018 Org 2400

1 Current Expenses .....13000 \$ 1,600,000

*113 - Supreme Court –*

*Adult Drug Court Participation Fund*

(WV Code Chapter 62)

Fund \_\_ FY 2018 Org 2400

1 Current Expenses .....13000 \$ 10,000

*114 - Supreme Court –*

*Court Advanced Technology Subscription Fund*

(WV Code Chapter 51)

Fund \_\_ FY 2018 Org 2400

1 Current Expenses .....13000 \$ 10,000

**EXECUTIVE**

*115 - Governor’s Office –*

*Minority Affairs Fund*

(WV Code Chapter 5)

Fund 1058 FY 2018 Org 0100

1 Personal Services and Employee Benefits ....00100 \$ 172,800



2	Current Expenses .....	13000	503,200
3	Martin Luther King, Jr. Holiday Celebration.....	03100	<u>8,926</u>
4	Total.....		\$ 684,926

*116 - Auditor's Office –*

*Land Operating Fund*

(WV Code Chapters 11A, 12 and 36)

Fund 1206 FY 2018 Org 1200

1	Personal Services and Employee Benefits....	00100	\$ 749,297
2	Unclassified.....	09900	15,139
3	Current Expenses .....	13000	715,291
4	Repairs and Alterations.....	06400	2,600
5	Equipment.....	07000	426,741
6	Cost of Delinquent Land Sales.....	76800	<u>1,341,168</u>
7	Total.....		\$ 3,250,236

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the necessary amount for the expenditure of funds other than Personal Services and Employee Benefits to enable the division to pay the direct expenses relating to land sales as provided in Chapter 11A of the West Virginia Code.

The total amount of these appropriations shall be paid from the Special Revenue Fund out of fees and collections as provided by law.

*117 - Auditor's Office –*

*Local Government Purchasing Card Expenditure Fund*

(WV Code Chapter 6)

Fund 1224 FY 2018 Org 1200

1	Personal Services and Employee Benefits ....00100	\$	588,283
2	Current Expenses .....	13000	282,030
3	Repairs and Alterations.....	06400	6,000
4	Equipment.....	07000	10,805
5	Other Assets .....	69000	50,000
6	Statutory Revenue Distribution.....	74100	<u>2,000,000</u>
7	Total.....	\$	2,937,118

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer of revenue distribution requirements to provide a proportionate share of rebates back to the general fund of local governments based on utilization of the program in accordance with W.Va. Code §6-9-2b.

*118 - Auditor's Office –*

*Securities Regulation Fund*

(WV Code Chapter 32)

Fund 1225 FY 2018 Org 1200

1	Personal Services and Employee Benefits ....00100	\$	1,882,510
2	Unclassified.....	09900	31,866
3	Current Expenses .....	13000	1,463,830
4	Repairs and Alterations.....	06400	12,400
5	Equipment.....	07000	94,700
6	Other Assets .....	69000	<u>773,326</u>
7	Total.....	\$	4,258,632

*119 - Auditor's Office –**Technology Support and Acquisition Fund*

(WV Code Chapter 12)

Fund 1233 FY 2018 Org 1200

1	Current Expenses .....	13000	\$	160,000
2	Other Assets .....	69000		<u>100,000</u>
3	Total .....		\$	260,000

Fifty percent of the deposits made into this fund shall be transferred to the Treasurer's Office – Technology Support and Acquisition Fund (fund 1329, org 1300) for expenditure for the purposes described in W.Va. Code §12-3-10c.

*120 - Auditor's Office –**Purchasing Card Administration Fund*

(WV Code Chapter 12)

Fund 1234 FY 2018 Org 1200

1	Personal Services and Employee Benefits ....00100		\$	2,667,397
2	Current Expenses .....	13000		2,303,622
3	Repairs and Alterations.....06400			5,500
4	Equipment.....07000			650,000
5	Other Assets.....69000			308,886
6	Statutory Revenue Distribution.....74100			<u>4,000,000</u>
7	Total.....		\$	9,935,405

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer and revenue distribution requirements to the Purchasing

Improvement Fund (fund 2264), the Hatfield-McCoy Regional Recreation Authority, and the State Park Operating Fund (fund 3265) per W.Va. Code §12-3-10d.

*121 - Auditor's Office –*

*Chief Inspector's Fund*

(WV Code Chapter 6)

Fund 1235 FY 2018 Org 1200

1	Personal Services and Employee Benefits ....00100	\$	3,405,512
2	Current Expenses .....	13000	765,915
3	Equipment .....	07000	<u>50,000</u>
4	Total .....	\$	4,221,427

*122 - Auditor's Office –*

*Volunteer Fire Department Workers'*

*Compensation Premium Subsidy Fund*

(WV Code Chapters 12 and 33)

Fund 1239 FY 2018 Org 1200

1	Volunteer Fire Department		
2	Workers' Compensation Subsidy .....	83200	\$ 2,500,000

*123 - Treasurer's Office*

*College Prepaid Tuition and Savings Program*

*Administrative Account*

(WV Code Chapter 18)

Fund 1301 FY 2018 Org 1300

1	Personal Services and Employee Benefits ....00100	\$	774,769
2	Unclassified.....09900		14,000
3	Current Expenses .....13000		<u>619,862</u>
4	Total.....	\$	1,408,631

*124 - Department of Agriculture –*

*Agriculture Fees Fund*

(WV Code Chapter 19)

Fund 1401 FY 2018 Org 1400

1	Personal Services and Employee Benefits ....00100	\$	2,244,245
2	Unclassified.....09900		37,425
3	Current Expenses .....13000		1,356,184
4	Repairs and Alterations.....06400		58,500
5	Equipment.....07000		36,209
6	Other Assets.....69000		<u>10,000</u>
7	Total.....	\$	3,742,563

*125 - Department of Agriculture –*

*West Virginia Rural Rehabilitation Program*

(WV Code Chapter 19)

Fund 1408 FY 2018 Org 1400

1	Personal Services and Employee Benefits ....00100	\$	73,807
2	Unclassified.....09900		10,476
3	Current Expenses .....13000		<u>963,404</u>

4	Total.....	\$ 1,047,687
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*126 - Department of Agriculture –*

*General John McCausland Memorial Farm Fund*

(WV Code Chapter 19)

Fund 1409 FY 2018 Org 1400

1	Personal Services and Employee Benefits ....00100	\$ 67,000
2	Unclassified.....09900	2,100
3	Current Expenses .....13000	89,500
4	Repairs and Alterations.....06400	36,400
5	Equipment .....07000	<u>15,000</u>
6	Total.....	\$ 210,000

The above appropriations shall be expended in accordance with Article 26, Chapter 19 of the Code.

*127 - Department of Agriculture –*

*Farm Operating Fund*

(WV Code Chapter 19)

Fund 1412 FY 2018 Org 1400

1	Personal Services and Employee Benefits ....00100	\$ 309,248
2	Unclassified.....09900	15,173
3	Current Expenses .....13000	1,167,464
4	Repairs and Alterations.....06400	238,722
5	Equipment .....07000	249,393
6	Other Assets .....69000	<u>20,000</u>

7	Total.....	\$ 2,000,000
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*128 - Department of Agriculture –*

*Donated Food Fund*

(WV Code Chapter 19)

Fund 1446 FY 2018 Org 1400

1	Personal Services and Employee Benefits ....00100	\$ 958,864
2	Unclassified.....09900	45,807
3	Current Expenses .....13000	3,410,542
4	Repairs and Alterations.....06400	128,500
5	Equipment.....07000	10,000
6	Other Assets .....69000	<u>27,000</u>
7	Total.....	\$ 4,580,713

*129 - Department of Agriculture –*

*Integrated Predation Management Fund*

(WV Code Chapter 7)

Fund 1465 FY 2018 Org 1400

1	Current Expenses .....13000	\$ 100,000
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*130 - Department of Agriculture –*

*West Virginia Spay Neuter Assistance Fund*

(WV Code Chapter 19)

Fund 1481 FY 2018 Org 1400

1	Current Expenses .....13000	\$ 100
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*131 - Department of Agriculture –**Veterans and Warriors to Agriculture Fund*

(WV Code Chapter 19)

Fund 1483 FY 2018 Org 1400

1	Current Expenses .....	13000	\$	7,500
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*132 - Department of Agriculture –**State FFA-FHA Camp and Conference Center*

(WV Code Chapters 18 and 18A)

Fund 1484 FY 2018 Org 1400

1	Personal Services and Employee Benefits....00100		\$	1,169,194
2	Unclassified.....09900			17,000
3	Current Expenses .....	13000		707,223
4	Repairs and Alterations.....06400			57,500
5	Equipment.....07000			1,000
6	Buildings.....25800			1,000
7	Other Assets.....69000			10,000
8	Land .....	73000		<u>1,000</u>
9	Total.....		\$	1,963,917

*133 - Attorney General –**Antitrust Enforcement Fund*

(WV Code Chapter 47)

Fund 1507 FY 2018 Org 1500



1	Personal Services and Employee Benefits ....00100	\$	356,900
2	Current Expenses .....	13000	148,803
3	Repairs and Alterations.....	06400	1,000
4	Equipment.....	07000	<u>1,000</u>
5	Total.....	\$	507,703

*134 - Attorney General –*

*Preneed Burial Contract Regulation Fund*

(WV Code Chapter 47)

Fund 1513 FY 2018 Org 1500

1	Personal Services and Employee Benefits ....00100	\$	210,226
2	Current Expenses .....	13000	54,615
3	Repairs and Alterations.....	06400	1,000
4	Equipment.....	07000	<u>1,000</u>
5	Total.....	\$	266,841

*135 - Attorney General –*

*Preneed Funeral Guarantee Fund*

(WV Code Chapter 47)

Fund 1514 FY 2018 Org 1500

1	Current Expenses .....	13000	\$ 901,135
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*136 - Secretary of State –*

*Service Fees and Collection Account*

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2018 Org 1600

1	Personal Services and Employee Benefits ....00100	\$	791,051
2	Unclassified.....09900		4,524
3	Current Expenses .....13000		<u>8,036</u>
4	Total.....	\$	803,611

*137 - Secretary of State –*

*General Administrative Fees Account*

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2018 Org 1600

1	Personal Services and Employee Benefits ....00100	\$	2,769,898
2	Unclassified.....09900		25,529
3	Current Expenses .....13000		796,716
4	Technology Improvements .....59900		<u>750,000</u>
5	Total.....	\$	4,342,143

**DEPARTMENT OF ADMINISTRATION**

*138 - Department of Administration –*

*Office of the Secretary –*

*Tobacco Settlement Fund*

(WV Code Chapter 4)

Fund 2041 FY 2018 Org 0201

1	Tobacco Settlement Securitization		
2	Trustee Pass Thru .....65000	\$	80,000,000

*139 - Department of Administration –**Office of the Secretary –**Employee Pension and Health Care Benefit Fund*

(WV Code Chapter 18)

Fund 2044 FY 2018 Org 0201

1	Current Expenses .....	13000	\$ 34,638,000
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The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – West Virginia Teachers’ Retirement System Employers Accumulation Fund (fund 2601).

*140 - Division of Information Services and Communications*

(WV Code Chapter 5A)

Fund 2220 FY 2018 Org 0210

1	Personal Services and Employee Benefits ....	00100	\$ 21,378,322
2	Unclassified.....	09900	382,354
3	Current Expenses .....	13000	13,378,766
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	2,050,000
6	Other Assets.....	69000	<u>1,045,000</u>
7	Total.....		\$ 38,235,442

The total amount of these appropriations shall be paid from a Special Revenue Fund out of collections made by the Division of Information Services and Communications as provided by law.

Each spending unit operating from the General Revenue Fund, from special revenue funds or receiving reimbursement for postage

from the federal government shall be charged monthly for all postage meter service and shall reimburse the revolving fund monthly for all such amounts.

*141 - Division of Purchasing –*

*Vendor Fee Fund*

(WV Code Chapter 5A)

Fund 2263 FY 2018 Org 0213

1	Personal Services and Employee Benefits ....00100	\$	655,208
2	Unclassified.....09900		2,382
3	Current Expenses .....13000		238,115
4	Repairs and Alterations.....06400		5,000
5	Equipment.....07000		2,500
6	Other Assets .....69000		2,500
7	BRIM Premium.....91300		<u>810</u>
8	Total.....	\$	906,515

*142 - Division of Purchasing –*

*Purchasing Improvement Fund*

(WV Code Chapter 5A)

Fund 2264 FY 2018 Org 0213

1	Personal Services and Employee Benefits ....00100	\$	540,889
2	Unclassified.....09900		5,562
3	Current Expenses .....13000		393,066
4	Repairs and Alterations.....06400		500

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5	Equipment.....	07000	500
6	Other Assets.....	69000	500
7	BRIM Premium.....	91300	<u>850</u>
8	Total.....		\$ 941,867

*143 - Travel Management –*

*Fleet Management Office Fund*

(WV Code Chapter 5A)

Fund 2301 FY 2018 Org 0215

1	Personal Services and Employee Benefits....	00100	\$ 722,586
2	Unclassified.....	09900	4,000
3	Current Expenses .....	13000	8,130,614
4	Repairs and Alterations.....	06400	12,000
5	Equipment.....	07000	800,000
6	Other Assets.....	69000	<u>2,000</u>
7	Total.....		\$ 9,671,200

*144 - Travel Management –*

*Aviation Fund*

(WV Code Chapter 5A)

Fund 2302 FY 2018 Org 0215

1	Unclassified.....	09900	\$ 1,000
2	Current Expenses .....	13000	149,700
3	Repairs and Alterations.....	06400	400,237

4	Equipment.....	07000	1,000
5	Buildings.....	25800	100
6	Other Assets.....	69000	100
7	Land.....	73000	<u>100</u>
8	Total.....		\$ 552,237

*145 - Division of Personnel*

(WV Code Chapter 29)

Fund 2440 FY 2018 Org 0222

1	Personal Services and Employee Benefits....	00100	\$ 3,942,590
2	Unclassified.....	09900	51,418
3	Current Expenses.....	13000	1,062,813
4	Repairs and Alterations.....	06400	5,000
5	Equipment.....	07000	20,000
6	Other Assets.....	69000	<u>60,000</u>
7	Total.....		\$ 5,141,821

The total amount of these appropriations shall be paid from a Special Revenue Fund out of fees collected by the Division of Personnel.

*146 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 2521 FY 2018 Org 0228

1	Personal Services and Employee Benefits....	00100	\$ 249,242
2	Unclassified.....	09900	4,023

3	Current Expenses .....	13000	297,528
4	Repairs and Alterations.....	06400	600
5	Equipment.....	07000	500
6	Other Assets.....	69000	<u>500</u>
7	Total.....		\$ 552,393

*147 - Office of Technology –*

*Chief Technology Officer Administration Fund*

(WV Code Chapter 5A)

Fund 2531 FY 2018 Org 0231

1	Personal Services and Employee Benefits....	00100	\$ 399,911
2	Unclassified.....	09900	6,949
3	Current Expenses .....	13000	227,116
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	50,000
6	Other Assets.....	69000	<u>10,000</u>
7	Total.....		\$ 694,976

From the above fund, the provisions of W.Va. Code §11B-2-18 shall not operate to permit expenditures in excess of the funds authorized for expenditure herein.

**DEPARTMENT OF COMMERCE**

*148 - Division of Forestry*

(WV Code Chapter 19)

Fund 3081 FY 2018 Org 0305

1	Personal Services and Employee Benefits ....00100	\$ 1,464,328
2	Current Expenses .....13000	282,202
3	Repairs and Alterations.....06400	<u>53,000</u>
4	Total.....	\$ 1,799,530

*149 - Division of Forestry –*

*Timbering Operations Enforcement Fund*

(WV Code Chapter 19)

Fund 3082 FY 2018 Org 0305

1	Personal Services and Employee Benefits ....00100	\$ 224,433
2	Current Expenses .....13000	87,036
3	Repairs and Alterations.....06400	<u>11,250</u>
4	Total.....	\$ 322,719

*150 - Division of Forestry –*

*Severance Tax Operations*

(WV Code Chapter 11)

Fund 3084 FY 2018 Org 0305

1	Personal Services and Employee Benefits ....00100	\$ 859,626
2	Current Expenses .....13000	<u>435,339</u>
3	Total.....	\$ 1,294,965

*151 - Geological and Economic Survey –*

*Geological and Analytical Services Fund*

(WV Code Chapter 29)



Fund 3100 FY 2018 Org 0306

1	Personal Services and Employee Benefits ....00100	\$	37,966
2	Unclassified.....09900		2,182
3	Current Expenses .....13000		141,631
4	Repairs and Alterations.....06400		50,000
5	Equipment.....07000		20,000
6	Other Assets .....69000		<u>10,000</u>
7	Total.....	\$	261,779

The above appropriations shall be used in accordance with W.Va. Code §29-2-4.

*152 - West Virginia Development Office –*

*Department of Commerce –*

*Marketing and Communications Operating Fund*

(WV Code Chapter 5B)

Fund 3002 FY 2018 Org 0307

1	Personal Services and Employee Benefits ....00100	\$	1,528,219
2	Unclassified.....09900		30,000
3	Current Expenses .....13000		<u>1,482,760</u>
4	Total.....	\$	3,040,979

*153 - West Virginia Development Office –*

*Office of Coalfield Community Development*

(WV Code Chapter 5B)

Fund 3162 FY 2018 Org 0307

1	Personal Services and Employee Benefits ....00100	\$	430,724
2	Unclassified.....09900		8,300
3	Current Expenses .....13000		<u>399,191</u>
4	Total.....	\$	838,215

*154 - Division of Labor –*

*Contractor Licensing Board Fund*

(WV Code Chapter 21)

Fund 3187 FY 2018 Org 0308

1	Personal Services and Employee Benefits ....00100	\$	3,019,374
2	Unclassified.....09900		21,589
3	Current Expenses .....13000		597,995
4	Repairs and Alterations.....06400		15,000
5	Buildings.....25800		5,000
6	BRIM Premium.....91300		<u>8,500</u>
7	Total.....	\$	3,667,458

*155 - Division of Labor –*

*Elevator Safety Fund*

(WV Code Chapter 21)

Fund 3188 FY 2018 Org 0308

1	Personal Services and Employee Benefits ....00100	\$	376,772
2	Unclassified.....09900		2,261
3	Current Expenses .....13000		44,112

4	Repairs and Alterations.....06400	2,000
5	Buildings .....25800	1,000
6	BRIM Premium.....91300	<u>8,500</u>
7	Total.....	\$ 434,645

*156 - Division of Labor –*

*Crane Operator Certification Fund*

(WV Code Chapter 21)

Fund 3191 FY 2018 Org 0308

1	Personal Services and Employee Benefits ....00100	\$ 184,380
2	Unclassified.....09900	1,380
3	Current Expenses .....13000	49,765
4	Repairs and Alterations.....06400	1,500
5	Buildings .....25800	1,000
6	BRIM Premium.....91300	<u>8,500</u>
7	Total.....	\$ 246,525

*157 - Division of Labor –*

*Amusement Rides and Amusement Attraction Safety Fund*

(WV Code Chapter 21)

Fund 3192 FY 2018 Org 0308

1	Personal Services and Employee Benefits ....00100	\$ 179,316
2	Unclassified.....09900	1,281
3	Current Expenses .....13000	44,520

4	Repairs and Alterations.....06400	2,000
5	Buildings .....25800	1,000
6	BRIM Premium.....91300	<u>8,500</u>
7	Total.....	\$ 236,617

*158 - Division of Labor –*

*State Manufactured Housing Administration Fund*

(WV Code Chapter 21)

Fund 3195 FY 2018 Org 0308

1	Personal Services and Employee Benefits ....00100	\$ 283,768
2	Unclassified.....09900	1,847
3	Current Expenses .....13000	43,700
4	Repairs and Alterations.....06400	1,000
5	Buildings .....25800	1,000
6	BRIM Premium.....91300	<u>3,404</u>
7	Total.....	\$ 334,719

*159 - Division of Labor –*

*Weights and Measures Fund*

(WV Code Chapter 47)

Fund 3196 FY 2018 Org 0308

1	Personal Services and Employee Benefits ....00100	\$ 424,965
2	Current Expenses .....13000	227,000
3	Repairs and Alterations.....06400	28,000

4	Equipment.....	07000	15,000
5	BRIM Premium.....	91300	<u>8,500</u>
6	Total.....		\$ 703,465

*160 - Division of Labor –*

*Steam Boiler Fund*

(WV Code Chapter 21)

Fund \_\_ FY 2018 Org 0308

1	Unclassified.....	09900	\$ 10,000
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*161 - Division of Labor –*

*Psychophysiological Examiners Fund*

(WV Code Chapter 21)

Fund \_\_ FY 2018 Org 0308

1	Unclassified.....	09900	\$ 10,000
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*162 - Division of Labor –*

*Plumbing Work Fund*

(WV Code Chapter 21)

Fund \_\_ FY 2018 Org 0308

1	Unclassified.....	09900	\$ 10,000
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*163 - Division of Labor –*

*HVAC Fund*

(WV Code Chapter 21)

Fund \_\_ FY 2018 Org 0308

1 Unclassified.....09900 \$ 10,000

*164 - Division of Labor –*

*Bedding and Upholstery Fund*

(WV Code Chapter 21)

Fund \_\_ FY 2018 Org 0308

1 Unclassified.....09900 \$ 10,000

*165 - Division of Natural Resources –*

*License Fund – Wildlife Resources*

(WV Code Chapter 20)

Fund 3200 FY 2018 Org 0310

1 Wildlife Resources.....02300 \$ 5,551,895

2 Administration .....15500 1,387,974

3 Capital Improvements and

4 Land Purchase (R) .....24800 1,387,973

5 Law Enforcement.....80600 5,551,895

6 Total..... \$ 13,879,737

The total amount of these appropriations shall be paid from a Special Revenue Fund out of fees collected by the Division of Natural Resources.

Any unexpended balance remaining in the appropriation for Capital Improvements and Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*166 - Division of Natural Resources –*

*Natural Resources Game Fish and Aquatic Life Fund*

(WV Code Chapter 22)

Fund 3202 FY 2018 Org 0310

1	Current Expenses .....	13000	\$	125,000
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*167 - Division of Natural Resources –**Nongame Fund*

(WV Code Chapter 20)

Fund 3203 FY 2018 Org 0310

1	Personal Services and Employee Benefits ....00100		\$	678,109
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2	Current Expenses .....	13000		201,930
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3	Equipment .....	07000		<u>106,615</u>
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4	Total .....		\$	986,654
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*168 - Division of Natural Resources –**Planning and Development Division*

(WV Code Chapter 20)

Fund 3205 FY 2018 Org 0310

1	Personal Services and Employee Benefits ....00100		\$	289,167
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2	Current Expenses .....	13000		157,864
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3	Repairs and Alterations.....06400			15,016
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4	Equipment.....07000			8,300
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5	Buildings.....25800			8,300
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6	Other Assets.....69000			2,000,000
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7	Land .....	73000		<u>31,700</u>
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8	Total.....	\$ 2,510,347
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*169 - Division of Natural Resources –*

*Whitewater Study and Improvement Fund*

(WV Code Chapter 20)

Fund 3253 FY 2018 Org 0310

1	Personal Services and Employee Benefits ....00100	\$ 62,704
2	Current Expenses .....13000	64,778
3	Equipment.....07000	1,297
4	Buildings.....25800	<u>6,969</u>
5	Total.....	\$ 135,748

*170 - Division of Natural Resources –*

*Whitewater Advertising and Promotion Fund*

(WV Code Chapter 20)

Fund 3256 FY 2018 Org 0310

1	Unclassified.....09900	\$ 200
2	Current Expenses .....13000	<u>19,800</u>
3	Total.....	\$ 20,000

*171 - Division of Miners' Health, Safety and Training –*

*Special Health, Safety and Training Fund*

(WV Code Chapter 22A)

Fund 3355 FY 2018 Org 0314

1	Personal Services and Employee Benefits ....00100	\$ 471,606
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2	WV Mining Extension Service .....	02600	150,000
3	Unclassified.....	09900	40,985
4	Current Expenses .....	13000	1,954,557
5	Buildings .....	25800	481,358
6	Land .....	73000	<u>1,000,000</u>
7	Total.....		\$ 4,098,506

*172 - Department of Commerce –*

*Office of the Secretary –*

*Broadband Enhancement Fund*

Fund 3013 FY 2018 Org 0327

1	Current Expenses .....	13000	\$ 1,887,000
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*173 - Division of Energy –*

*Energy Assistance*

(WV Code Chapter 5B)

Fund 3010 FY 2018 Org 0328

1	Energy Assistance – Total .....	64700	\$ 62,000
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**DEPARTMENT OF EDUCATION**

*174 - State Board of Education –*

*Strategic Staff Development*

(WV Code Chapter 18)

Fund 3937 FY 2018 Org 0402

1	Personal Services and Employee Benefits....	00100	\$ 134,000
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2	Unclassified.....	09900	1,000
3	Current Expenses .....	13000	<u>265,000</u>
4	Total.....		\$ 400,000

*175 - State Board of Education –*

*School Construction Fund*

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2018 Org 0402

1	SBA Construction Grants .....	24000	\$ 37,217,000
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*176 - School Building Authority*

(WV Code Chapter 18)

Fund 3959 FY 2018 Org 0402

1	Personal Services and Employee Benefits ....	00100	\$ 1,085,152
2	Current Expenses .....	13000	246,880
3	Repairs and Alterations.....	06400	13,150
4	Equipment.....	07000	<u>26,000</u>
5	Total.....		\$ 1,371,182

The above appropriations are for the administrative expenses of the School Building Authority and shall be paid from the interest earnings on debt service reserve accounts maintained on behalf of said authority.

**DEPARTMENT OF EDUCATION AND THE ARTS**

*177 - Office of the Secretary –*

*Lottery Education Fund Interest Earnings –*

*Control Account*

(WV Code Chapter 29)

Fund 3508 FY 2018 Org 0431

Any unexpended balance remaining in the appropriation for Educational Enhancements (fund 3508, appropriation 69500) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*178 - Division of Culture and History –**Public Records and Preservation Revenue Account*

(WV Code Chapter 5A)

Fund 3542 FY 2018 Org 0432

1	Personal Services and Employee Benefits ....00100	\$	211,418
2	Current Expenses .....	13000	862,241
3	Equipment.....	07000	75,000
4	Buildings.....	25800	1,000
5	Other Assets.....	69000	52,328
6	Land .....	73000	<u>1,000</u>
7	Total.....	\$	1,202,987

*179 - State Board of Rehabilitation –**Division of Rehabilitation Services –**West Virginia Rehabilitation Center Special Account*

(WV Code Chapter 18)

Fund 8664 FY 2018 Org 0932

1	Personal Services and Employee Benefits ....00100	\$	119,738
2	Current Expenses .....	13000	2,180,122

3	Repairs and Alterations.....06400	85,500
4	Equipment.....07000	220,000
5	Buildings.....25800	150,000
6	Other Assets.....69000	<u>150,000</u>
7	Total.....	\$ 2,905,360

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*180 - Solid Waste Management Board*

(WV Code Chapter 22C)

Fund 3288 FY 2018 Org 0312

1	Personal Services and Employee Benefits....00100	\$ 802,209
2	Current Expenses.....13000	2,061,057
3	Repairs and Alterations.....06400	1,000
4	Equipment.....07000	5,000
5	Other Assets.....69000	<u>4,403</u>
6	Total.....	\$ 2,873,669

*181 - Division of Environmental Protection –*

*Hazardous Waste Management Fund*

(WV Code Chapter 22)

Fund 3023 FY 2018 Org 0313

1	Personal Services and Employee Benefits....00100	\$ 692,784
2	Current Expenses.....13000	195,569
3	Repairs and Alterations.....06400	500

4	Equipment.....07000	1,505
5	Unclassified.....09900	3,072
6	Other Assets.....69000	<u>2,000</u>
7	Total.....	\$ 895,430

*182 - Division of Environmental Protection –*

*Air Pollution Education and Environment Fund*

(WV Code Chapter 22)

Fund 3024 FY 2018 Org 0313

1	Personal Services and Employee Benefits....00100	\$ 935,324
2	Current Expenses .....13000	1,238,610
3	Repairs and Alterations.....06400	13,000
4	Equipment.....07000	53,105
5	Unclassified.....09900	2,900
6	Other Assets.....69000	<u>20,000</u>
7	Total.....	\$ 2,262,939

*183 - Division of Environmental Protection –*

*Special Reclamation Fund*

(WV Code Chapter 22)

Fund 3321 FY 2018 Org 0313

1	Personal Services and Employee Benefits....00100	\$ 1,350,829
2	Current Expenses .....13000	16,402,506
3	Repairs and Alterations.....06400	79,950

4	Equipment.....	07000	130,192
5	Other Assets.....	69000	<u>32,000</u>
6	Total.....		\$ 17,995,477

*184 - Division of Environmental Protection –*

*Oil and Gas Reclamation Fund*

(WV Code Chapter 22)

Fund 3322 FY 2018 Org 0313

1	Personal Services and Employee Benefits....	00100	\$ 143,906
2	Current Expenses.....	13000	<u>356,094</u>
3	Total.....		\$ 500,000

*185 - Division of Environmental Protection –*

*Oil and Gas Operating Permit and Processing Fund*

(WV Code Chapter 22)

Fund 3323 FY 2018 Org 0313

1	Personal Services and Employee Benefits....	00100	\$ 3,321,164
2	Current Expenses.....	13000	1,257,758
3	Repairs and Alterations.....	06400	20,600
4	Equipment.....	07000	8,000
5	Unclassified.....	09900	44,700
6	Other Assets.....	69000	<u>15,000</u>
7	Total.....		\$ 4,667,222

*186 - Division of Environmental Protection –*

*Mining and Reclamation Operations Fund*

(WV Code Chapter 22)

Fund 3324 FY 2018 Org 0313

1	Personal Services and Employee Benefits ....00100	\$ 4,035,449
2	Current Expenses .....13000	2,300,097
3	Repairs and Alterations.....06400	60,260
4	Equipment .....07000	85,134
5	Unclassified.....09900	920
6	Other Assets .....69000	<u>57,500</u>
7	Total.....	\$ 6,539,360

*187 - Division of Environmental Protection –**Underground Storage Tank**Administrative Fund*

(WV Code Chapter 22)

Fund 3325 FY 2018 Org 0313

1	Personal Services and Employee Benefits ....00100	\$ 466,543
2	Current Expenses .....13000	318,420
3	Repairs and Alterations.....06400	5,350
4	Equipment .....07000	3,610
5	Unclassified.....09900	7,520
6	Other Assets .....69000	<u>3,500</u>
7	Total.....	\$ 804,943

*188 - Division of Environmental Protection –**Hazardous Waste Emergency Response Fund*

(WV Code Chapter 22)

Fund 3331 FY 2018 Org 0313

1	Personal Services and Employee Benefits ....00100	\$	643,319
2	Current Expenses .....	13000	422,386
3	Repairs and Alterations.....	06400	7,014
4	Equipment .....	07000	9,000
5	Unclassified.....	09900	10,616
6	Other Assets .....	69000	<u>11,700</u>
7	Total.....	\$	1,104,035

*189 - Division of Environmental Protection –**Solid Waste Reclamation and**Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2018 Org 0313

1	Personal Services and Employee Benefits ....00100	\$	793,967
2	Current Expenses .....	13000	3,605,237
3	Repairs and Alterations.....	06400	25,000
4	Equipment .....	07000	31,500
5	Unclassified.....	09900	22,900
6	Other Assets .....	69000	<u>1,000</u>
7	Total.....	\$	4,479,604

*190 - Division of Environmental Protection –**Solid Waste Enforcement Fund*



(WV Code Chapter 22)

Fund 3333 FY 2018 Org 0313

1	Personal Services and Employee Benefits ....00100	\$ 3,041,424
2	Current Expenses .....13000	1,020,229
3	Repairs and Alterations.....06400	30,930
4	Equipment.....07000	23,356
5	Unclassified.....09900	37,145
6	Other Assets.....69000	<u>25,554</u>
7	Total.....	\$ 4,178,638

*191 - Division of Environmental Protection –**Air Pollution Control Fund*

(WV Code Chapter 22)

Fund 3336 FY 2018 Org 0313

1	Personal Services and Employee Benefits ....00100	\$ 5,667,421
2	Current Expenses .....13000	1,518,704
3	Repairs and Alterations.....06400	84,045
4	Equipment.....07000	115,356
5	Unclassified.....09900	5,580
6	Other Assets.....69000	<u>52,951</u>
7	Total.....	\$ 7,444,057

*192 - Division of Environmental Protection –**Environmental Laboratory**Certification Fund*

(WV Code Chapter 22)

Fund 3340 FY 2018 Org 0313

1	Personal Services and Employee Benefits ....00100	\$	295,444
2	Current Expenses .....	13000	216,288
3	Repairs and Alterations.....	06400	1,000
4	Equipment.....	07000	6,500
5	Unclassified.....	09900	1,120
6	Other Assets .....	69000	<u>179,000</u>
7	Total.....	\$	699,352

*193 - Division of Environmental Protection –**Stream Restoration Fund*

(WV Code Chapter 22)

Fund 3349 FY 2018 Org 0313

1	Current Expenses .....	13000	\$ 9,298,205
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*194 - Division of Environmental Protection –**Litter Control Fund*

(WV Code Chapter 22)

Fund 3486 FY 2018 Org 0313

1	Current Expenses .....	13000	\$ 60,000
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*195 - Division of Environmental Protection –**Recycling Assistance Fund*

(WV Code Chapter 22)

Fund 3487 FY 2018 Org 0313

1	Personal Services and Employee Benefits ....00100	\$	646,395
2	Current Expenses .....	13000	2,735,112
3	Repairs and Alterations.....	06400	800
4	Equipment.....	07000	500
5	Unclassified.....	09900	400
6	Other Assets .....	69000	<u>2,500</u>
7	Total.....	\$	3,385,707

*196 - Division of Environmental Protection –**Mountaintop Removal Fund*

(WV Code Chapter 22)

Fund 3490 FY 2018 Org 0313

1	Personal Services and Employee Benefits ....00100	\$	1,228,345
2	Current Expenses .....	13000	638,729
3	Repairs and Alterations.....	06400	30,112
4	Equipment.....	07000	23,725
5	Unclassified.....	09900	1,180
6	Other Assets .....	69000	<u>15,500</u>
7	Total.....	\$	1,937,591

*197 - Oil and Gas Conservation Commission –**Special Oil and Gas Conservation Fund*

(WV Code Chapter 22C)

Fund 3371 FY 2018 Org 0315

1	Personal Services and Employee Benefits ....00100	\$	157,224
2	Current Expenses .....	13000	161,225
3	Repairs and Alterations.....	06400	1,000
4	Equipment.....	07000	9,481
5	Other Assets.....	69000	<u>1,500</u>
6	Total.....	\$	330,430

**DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES**

*198 - Division of Health –*

*The Vital Statistics Account*

(WV Code Chapter 16)

Fund 5144 FY 2018 Org 0506

1	Personal Services and Employee Benefits ....00100	\$	876,771
2	Unclassified.....	09900	15,500
3	Current Expenses .....	13000	<u>1,257,788</u>
4	Total.....	\$	2,150,059

*199 - Division of Health –*

*Hospital Services Revenue Account*

*Special Fund*

*Capital Improvement, Renovation and Operations*

(WV Code Chapter 16)

Fund 5156 FY 2018 Org 0506

1	Institutional Facilities Operations .....	33500	\$ 56,708,911
2	Medical Services Trust Fund – Transfer .....	51200	<u>27,800,000</u>
3	Total .....		\$ 84,508,911

The total amount of these appropriations shall be paid from the Hospital Services Revenue Account Special Fund created by W.Va. Code §16-1-13, and shall be used for operating expenses and for improvements in connection with existing facilities.

Additional funds have been appropriated in fund 0525, fiscal year 2018, organization 0506, for the operation of the institutional facilities. The Secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the appropriation for Institutional Facilities Operations to facilitate cost effective and cost saving services at the community level.

Necessary funds from the above appropriation may be used for medical facilities operations, either in connection with this fund or in connection with the appropriation designated Institutional Facilities Operations in the Consolidated Medical Service Fund (fund 0525, organization 0506).

From the above appropriation to Institutional Facilities Operations, together with available funds from the Consolidated Medical Services Fund (fund 0525, appropriation 33500) on July 1, 2017, the sum of \$160,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.

*200 - Division of Health –*

*Laboratory Services Fund*

(WV Code Chapter 16)

Fund 5163 FY 2018 Org 0506

1	Personal Services and Employee Benefits ....00100	\$	862,657
2	Unclassified.....09900		18,114
3	Current Expenses .....13000		<u>930,716</u>
4	Total.....	\$	1,811,487

*201 - Division of Health –*

*The Health Facility Licensing Account*

(WV Code Chapter 16)

Fund 5172 FY 2018 Org 0506

1	Personal Services and Employee Benefits ....00100	\$	605,950
2	Unclassified.....09900		7,113
3	Current Expenses .....13000		<u>98,247</u>
4	Total.....	\$	711,310

*202 - Division of Health –*

*Hepatitis B Vaccine*

(WV Code Chapter 16)

Fund 5183 FY 2018 Org 0506

1	Current Expenses .....13000	\$	13,800
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*203 - Division of Health –*

*Lead Abatement Account*

(WV Code Chapter 16)

Fund 5204 FY 2018 Org 0506

1	Personal Services and Employee Benefits ....00100	\$	19,100
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2	Unclassified.....09900	373
3	Current Expenses .....13000	<u>17,875</u>
4	Total.....	\$ 37,348

*204 - Division of Health –*

*West Virginia Birth-to-Three Fund*

(WV Code Chapter 16)

Fund 5214 FY 2018 Org 0506

1	Personal Services and Employee Benefits ....00100	\$ 707,545
2	Unclassified.....09900	223,999
3	Current Expenses .....13000	<u>27,993,549</u>
4	Total.....	\$ 28,925,093

*205 - Division of Health –*

*Tobacco Control Special Fund*

(WV Code Chapter 16)

Fund 5218 FY 2018 Org 0506

1	Current Expenses .....13000	\$ 7,579
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*206 - West Virginia Health Care Authority –*

*Health Care Cost Review Fund*

(WV Code Chapter 16)

Fund 5375 FY 2018 Org 0507

1	Personal Services and Employee Benefits ....00100	\$ 3,033,821
2	Hospital Assistance .....02500	600,000

3	Unclassified.....	09900	67,000
4	Current Expenses .....	13000	2,837,945
5	Repairs and Alterations.....	06400	25,000
6	Equipment.....	07000	50,000
7	Buildings.....	25800	25,000
8	Other Assets.....	69000	<u>100,000</u>
9	Total.....		\$ 6,738,766

The above appropriation is to be expended in accordance with and pursuant to the provisions of W.Va. Code §16-29B and from the Special Revolving Fund designated Health Care Cost Review Fund.

The Health Care Authority is authorized to transfer up to \$1,500,000 from fund 5375 to the West Virginia Health Information Network Account (fund 5380) as authorized per W.Va. Code §16-29G-4.

*207 - West Virginia Health Care Authority –*

*Certificate of Need Program Fund*

(WV Code Chapter 16)

Fund 5377 FY 2018 Org 0507

1	Personal Services and Employee Benefits....	00100	\$ 805,113
2	Current Expenses .....	13000	<u>774,967</u>
3	Total.....		\$ 1,580,080

*208 - West Virginia Health Care Authority –*

*West Virginia Health Information Network Account*

(WV Code Chapter 16)



Fund 5380 FY 2018 Org 0507

1	Personal Services and Employee Benefits ....00100	\$	729,000
2	Unclassified.....09900		20,000
3	Current Expenses .....13000		1,251,000
4	Technology Infrastructure Network.....35100		<u>3,500,000</u>
5	Total.....	\$	5,500,000

*209 - Division of Human Services –**Health Care Provider Tax –**Medicaid State Share Fund*

(WV Code Chapter 11)

Fund 5090 FY 2018 Org 0511

1	Medical Services .....18900	\$	198,381,008
2	Medical Services Administrative Costs .....78900		<u>418,992</u>
3	Total.....	\$	198,800,000

The above appropriation for Medical Services Administrative Costs (fund 5090, appropriation 78900) shall be transferred to a Special Revenue account in the treasury for use by the Department of Health and Human Resources for administrative purposes. The remainder of all moneys deposited in the fund shall be transferred to the West Virginia Medical Services Fund (fund 5084.)

*210 - Division of Human Services –**Child Support Enforcement Fund*

(WV Code Chapter 48A)

Fund 5094 FY 2018 Org 0511

1	Personal Services and Employee Benefits ....00100	\$	24,809,509
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2	Unclassified.....09900	380,000
3	Current Expenses .....13000	<u>12,810,491</u>
4	Total.....	\$ 38,000,000

*211 - Division of Human Services –*

*Medical Services Trust Fund*

(WV Code Chapter 9)

Fund 5185 FY 2018 Org 0511

1	Medical Services.....18900	\$ 134,510,937
2	Medical Services Administrative Costs .....78900	<u>548,723</u>
3	Total.....	\$ 135,059,660

The above appropriation to Medical Services shall be used to provide state match of Medicaid expenditures as defined and authorized in subsection (c) of W.Va. Code §9-4A-2a. Expenditures from the fund are limited to the following: payment of backlogged billings, funding for services to future federally mandated population groups and payment of the required state match for Medicaid disproportionate share payments. The remainder of all moneys deposited in the fund shall be transferred to the Division of Human Services accounts.

*212 - Division of Human Services –*

*James “Tiger” Morton Catastrophic Illness Fund*

(WV Code Chapter 16)

Fund 5454 FY 2018 Org 0511

1	Unclassified.....09900	\$ 7,000
2	Current Expenses .....13000	<u>693,000</u>
3	Total.....	\$ 700,000

*213 - Division of Human Services –  
Domestic Violence Legal Services Fund*

(WV Code Chapter 48)

Fund 5455 FY 2018 Org 0511

1 Current Expenses ..... 13000 \$ 900,000

*214 - Division of Human Services –*

*West Virginia Works Separate State College Program Fund*

(WV Code Chapter 9)

Fund 5467 FY 2018 Org 0511

1 Current Expenses ..... 13000 \$ 1,000,000

*215 - Division of Human Services –*

*West Virginia Works Separate State Two-Parent Program  
Fund*

(WV Code Chapter 9)

Fund 5468 FY 2018 Org 0511

1 Current Expenses ..... 13000 \$ 2,000,000

*216 - Division of Human Services –*

*Marriage Education Fund*

(WV Code Chapter 9)

Fund 5490 FY 2018 Org 0511

1 Personal Services and Employee Benefits ....00100 \$ 10,000

2 Current Expenses ..... 13000 25,000

3 Total..... \$ 35,000

**DEPARTMENT OF MILITARY AFFAIRS AND  
PUBLIC SAFETY**

*217 - Department of Military Affairs and Public Safety –*

*Office of the Secretary –*

*Law-Enforcement, Safety and Emergency Worker*

*Funeral Expense Payment Fund*

(WV Code Chapter 15)

Fund 6003 FY 2018 Org 0601

1	Current Expenses .....	13000	32,000
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*218 - State Armory Board –*

*General Armory Fund*

(WV Code Chapter 15)

Fund 6057 FY 2018 Org 0603

1	Personal Services and Employee Benefits ....00100	\$ 1,643,528
2	Current Expenses .....	650,000
3	Repairs and Alterations.....06400	485,652
4	Equipment.....07000	300,000
5	Buildings.....25800	770,820
6	Other Assets.....69000	100,000
7	Land .....	<u>50,000</u>
8	Total.....	\$ 4,000,000

From the above appropriations, the Adjutant General may receive and expend funds to conduct operations and activities to include functions of the Military Authority. The Adjutant General

may transfer funds between appropriations, except no funds may be transferred to Personal Services and Employee Benefits (fund 6057, appropriation 00100).

*219 - Division of Homeland Security and  
Emergency Management –  
West Virginia Interoperable Radio Project  
(WV Code Chapter 24)  
Fund 6295 FY 2018 Org 0606*

1 Current Expenses .....13000 \$ 2,000,000

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 6295, appropriation 09600) at the close of fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*220 - Division of Homeland Security and  
Emergency Management –  
Statewide Interoperable Radio Network Account  
(WV Code Chapter 24)  
Fund    FY 2018 Org 0606*

1 Unclassified.....09900 \$ 10,000

*221 - West Virginia Division of Corrections –  
Parolee Supervision Fees  
(WV Code Chapter 62)  
Fund 6362 FY 2018 Org 0608*

1 Personal Services and Employee Benefits ....00100 \$ 1,013,793

2 Unclassified.....09900 9,804

3	Current Expenses .....	13000	758,480
4	Equipment .....	07000	30,000
5	Other Assets .....	69000	<u>40,129</u>
6	Total .....		\$ 1,852,206

*222 - West Virginia State Police –*

*Motor Vehicle Inspection Fund*

(WV Code Chapter 17C)

Fund 6501 FY 2018 Org 0612

1	Personal Services and Employee Benefits ....	00100	\$ 1,786,923
2	Current Expenses .....	13000	1,488,211
3	Repairs and Alterations.....	06400	204,500
4	Equipment.....	07000	3,770,751
5	Buildings.....	25800	534,000
6	Other Assets.....	69000	5,000
7	BRIM Premium.....	91300	<u>302,432</u>
8	Total.....		\$ 8,091,817

The total amount of these appropriations shall be paid from the Special Revenue Fund out of fees collected for inspection stickers as provided by law.

*223 - West Virginia State Police –*

*Drunk Driving Prevention Fund*

(WV Code Chapter 15)

Fund 6513 FY 2018 Org 0612

1	Current Expenses .....	13000	\$	1,327,000
2	Equipment .....	07000		3,491,895
3	BRIM Premium.....	91300		<u>154,452</u>
4	Total.....		\$	4,973,347

The total amount of these appropriations shall be paid from the Special Revenue Fund out of receipts collected pursuant to W.Va. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

*224 - West Virginia State Police –*

*Surplus Real Property Proceeds Fund*

(WV Code Chapter 15)

Fund 6516 FY 2018 Org 0612

1	Buildings .....	25800	\$	443,980
2	Land .....	73000		1,000
3	BRIM Premium.....	91300		<u>77,222</u>
4	Total.....		\$	522,202

*225 - West Virginia State Police –*

*Surplus Transfer Account*

(WV Code Chapter 15)

Fund 6519 FY 2018 Org 0612

1	Current Expenses .....	13000	\$	225,000
2	Repairs and Alterations.....	06400		20,000
3	Equipment.....	07000		250,000
4	Buildings.....	25800		40,000

5	Other Assets.....	69000	45,000
6	BRIM Premium.....	91300	<u>5,000</u>
7	Total.....		\$ 585,000

*226 - West Virginia State Police –*

*Central Abuse Registry Fund*

(WV Code Chapter 15)

Fund 6527 FY 2018 Org 0612

1	Personal Services and Employee Benefits....	00100	\$ 236,881
2	Current Expenses .....	13000	51,443
3	Repairs and Alterations.....	06400	500
4	Equipment.....	07000	300,500
5	Other Assets.....	69000	300,500
6	BRIM Premium.....	91300	<u>18,524</u>
7	Total.....		\$ 908,348

*227 - West Virginia State Police –*

*Bail Bond Enforcer Account*

(WV Code Chapter 15)

Fund 6532 FY 2018 Org 0612

1	Current Expenses .....	13000	\$ 8,300
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*228 - West Virginia State Police –*

*State Police Academy Post Exchange*

(WV Code Chapter 15)



Fund 6544 FY 2018 Org 0612

1	Current Expenses .....	13000	\$	160,000
2	Repairs and Alterations.....	06400		<u>40,000</u>
3	Total.....		\$	200,000

*229 - Regional Jail and Correctional Facility Authority*

(WV Code Chapter 31)

Fund 6675 FY 2018 Org 0615

1	Personal Services and Employee Benefits....	00100	\$	1,971,039
2	Debt Service.....	04000		9,000,000
3	Current Expenses .....	13000		495,852
4	Repairs and Alterations.....	06400		4,000
5	Equipment.....	07000		<u>1,743</u>
6	Total.....		\$	11,472,634

*230 - Fire Commission –**Fire Marshal Fees*

(WV Code Chapter 29)

Fund 6152 FY 2018 Org 0619

1	Personal Services and Employee Benefits....	00100	\$	3,033,683
2	Unclassified.....	09900		3,800
3	Current Expenses .....	13000		1,249,550
4	Repairs and Alterations.....	06400		58,500
5	Equipment.....	07000		140,800

6	Other Assets.....	69000	12,000
7	BRIM Premium.....	91300	<u>50,000</u>
8	Total.....		\$ 4,548,333

*231 - Division of Justice and Community Services –*

*WV Community Corrections Fund*

(WV Code Chapter 62)

Fund 6386 FY 2018 Org 0620

1	Personal Services and Employee Benefits....	00100	\$ 152,000
2	Unclassified.....	09900	750
3	Current Expenses .....	13000	1,846,250
4	Repairs and Alterations.....	06400	<u>1,000</u>
5	Total.....		\$ 2,000,000

*232 - Division of Justice and Community Services –*

*Court Security Fund*

(WV Code Chapter 51)

Fund 6804 FY 2018 Org 0620

1	Personal Services and Employee Benefits....	00100	\$ 21,865
2	Current Expenses .....	13000	<u>1,478,135</u>
3	Total.....		\$ 1,500,000

**DEPARTMENT OF REVENUE**

*233 - Division of Financial Institutions*

(WV Code Chapter 31A)

Fund 3041 FY 2018 Org 0303

1	Personal Services and Employee Benefits ....00100	\$ 2,503,751
2	Unclassified.....09900	1,000
3	Current Expenses .....13000	695,225
4	Repairs and Alterations.....06400	100
5	Equipment.....07000	14,000
6	Other Assets .....69000	<u>15,000</u>
7	Total.....	\$ 3,229,076

*234 - Office of the Secretary –**Revenue Shortfall Reserve Fund*

(WV Code Chapter 11B)

Fund 7005 FY 2018 Org 0701

1	Medical Services Trust Fund .....51200	\$ 90,000,000
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The above appropriation for Medical Services Trust Fund – Transfer (appropriation 51200) shall be transferred to the Medical Services Trust Fund (fund 5185).

*235 - Office of the Secretary –**State Debt Reduction Fund*

(WV Code Chapter 29)

Fund 7007 FY 2018 Org 0701

1	Directed Transfer .....70000	\$ 20,000,000
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The above appropriation for Directed Transfer shall be transferred to the Consolidated Public Retirement Board – West Virginia Public Employees Retirement System Employers Accumulation Fund (fund 2510).

*236 - Tax Division –**Cemetery Company Account*

(WV Code Chapter 35)

Fund 7071 FY 2018 Org 0702

1	Personal Services and Employee Benefits ....00100	\$	23,459
2	Current Expenses .....	13000	<u>7,717</u>
3	Total.....	\$	31,176

*237 - Tax Division –**Special Audit and Investigative Unit*

(WV Code Chapter 11)

Fund 7073 FY 2018 Org 0702

1	Personal Services and Employee Benefits ....00100	\$	655,203
2	Unclassified.....	09900	9,500
3	Current Expenses .....	13000	273,297
4	Repairs and Alterations.....	06400	7,000
5	Equipment.....	07000	<u>5,000</u>
6	Total.....	\$	950,000

*238 - Tax Division –**Wine Tax Administration Fund*

(WV Code Chapter 60)

Fund 7087 FY 2018 Org 0702

1	Personal Services and Employee Benefits ....00100	\$	254,162
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2	Current Expenses .....	13000	<u>5,406</u>
3	Total .....	\$	259,568

*239 - Tax Division –*

*Reduced Cigarette Ignition Propensity*

*Standard and Fire Prevention Act Fund*

(WV Code Chapter 47)

Fund 7092 FY 2018 Org 0702

1	Current Expenses .....	13000	\$	35,000
2	Equipment .....	07000	<u>15,000</u>	
3	Total .....		\$	50,000

*240 - Tax Division –*

*Local Sales Tax and Excise Tax*

*Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2018 Org 0702

1	Personal Services and Employee Benefits ....	00100	\$	1,508,968
2	Unclassified .....	09900		10,000
3	Current Expenses .....	13000		784,563
4	Repairs and Alterations .....	06400		1,000
5	Equipment .....	07000	<u>5,000</u>	
6	Total .....		\$	2,309,531

*241 - State Budget Office –*

*Public Employees Insurance Reserve Fund*

(WV Code Chapter 11B)

Fund 7400 FY 2018 Org 0703

- 1 Public Employees Insurance
- 2 Reserve Fund – Transfer.....90300 \$ 6,800,000

The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall be transferred to the Medical Services Trust Fund (fund 5185, org 0511) for expenditure.

*242 - State Budget Office –*

*Public Employee Insurance Agency Financial Stability Fund*

(WV Code Chapter 11B)

Fund 7401 FY 2018 Org 0703

- 1 Retiree Premium Offset .....80101 \$ 5,000,000
- 2 PEIA Reserve.....80102 10,000,000
- 3 Total..... \$ 15,000,000

The above appropriation shall be transferred to special revenue funds to be utilized by the West Virginia Public Employees Insurance Agency for the purposes of permitting the PEIA Finance Board to offset \$5 million in retiree premium increases. Additionally, \$10 million will be put into a reserve fund to stabilize and preserve the future solvency of PEIA. Such amount shall not be included in the calculation of the plan year aggregate premium cost-sharing percentages between employers and employees.

*243 - Insurance Commissioner –*

*Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2018 Org 0704

1	Personal Services and Employee Benefits ....00100	\$	721,117
2	Current Expenses .....	13000	1,357,201
3	Repairs and Alterations.....	06400	3,000
4	Equipment.....	07000	81,374
5	Buildings.....	25800	8,289
6	Other Assets.....	69000	<u>11,426</u>
7	Total.....	\$	2,182,407

*244 - Insurance Commissioner –*

*Consumer Advocate*

(WV Code Chapter 33)

Fund 7151 FY 2018 Org 0704

1	Personal Services and Employee Benefits ....00100	\$	552,228
2	Current Expenses .....	13000	202,152
3	Repairs and Alterations.....	06400	5,000
4	Equipment.....	07000	34,225
5	Buildings.....	25800	4,865
6	Other Assets.....	69000	<u>19,460</u>
7	Total.....	\$	817,930

*245 - Insurance Commissioner –*

*Insurance Commission Fund*

(WV Code Chapter 33)

Fund 7152 FY 2018 Org 0704

1	Personal Services and Employee Benefits ....00100	\$ 23,039,727
2	Current Expenses .....13000	8,797,758
3	Repairs and Alterations.....06400	68,614
4	Equipment.....07000	1,728,240
5	Buildings.....25800	25,000
6	Other Assets.....69000	<u>340,661</u>
7	Total.....	\$ 34,000,000

*246 - Insurance Commissioner –*

*Workers' Compensation Old Fund*

(WV Code Chapter 23)

Fund 7162 FY 2018 Org 0704

1	Employee Benefits .....01000	\$ 50,000
2	Current Expenses .....13000	<u>250,500,000</u>
3	Total.....	\$ 250,550,000

*247 - Insurance Commissioner –*

*Workers' Compensation Uninsured Employers' Fund*

(WV Code Chapter 23)

Fund 7163 FY 2018 Org 0704

1	Current Expenses .....13000	\$ 15,000,000
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*248 - Insurance Commissioner –*

*Self-Insured Employer Guaranty Risk Pool*

(WV Code Chapter 23)



Fund 7164 FY 2018 Org 0704

1	Current Expenses .....	13000	\$	9,000,000
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*249 - Insurance Commissioner –**Self-Insured Employer Security Risk Pool*

(WV Code Chapter 23)

Fund 7165 FY 2018 Org 0704

1	Current Expenses .....	13000	\$	14,000,000
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*250 - Municipal Bond Commission*

(WV Code Chapter 13)

Fund 7253 FY 2018 Org 0706

1	Personal Services and Employee Benefits ....	00100	\$	247,523
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2	Current Expenses .....	13000		144,844
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3	Equipment .....	07000		<u>100</u>
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4	Total .....		\$	392,467
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*251 - Racing Commission –**Relief Fund*

(WV Code Chapter 19)

Fund 7300 FY 2018 Org 0707

1	Medical Expenses – Total .....	24500	\$	57,000
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The total amount of this appropriation shall be paid from the Special Revenue Fund out of collections of license fees and fines as provided by law.

No expenditures shall be made from this fund except for hospitalization, medical care and/or funeral expenses for persons contributing to this fund.

*252 - Racing Commission –**Administration and Promotion Account*

(WV Code Chapter 19)

Fund 7304 FY 2018 Org 0707

1	Personal Services and Employee Benefits....00100	\$	256,665
2	Current Expenses .....	13000	93,335
3	Other Assets .....	69000	<u>5,000</u>
4	Total.....	\$	355,000

*253 - Racing Commission –**General Administration*

(WV Code Chapter 19)

Fund 7305 FY 2018 Org 0707

1	Personal Services and Employee Benefits....00100	\$	2,271,339
2	Current Expenses .....	13000	566,248
3	Repairs and Alterations.....	06400	7,000
4	Other Assets .....	69000	<u>50,000</u>
5	Total.....	\$	2,894,587

*254 - Racing Commission –**Administration, Promotion, Education, Capital Improvement**and Greyhound Adoption Programs**to include Spaying and Neutering Account*

(WV Code Chapter 19)

Fund 7307 FY 2018 Org 0707

1	Personal Services and Employee Benefits ....00100	\$	864,474
2	Current Expenses .....	13000	214,406
3	Other Assets .....	69000	<u>200,000</u>
4	Total.....	\$	1,278,880

*255 - Alcohol Beverage Control Administration –*

*Wine License Special Fund*

(WV Code Chapter 60)

Fund 7351 FY 2018 Org 0708

1	Personal Services and Employee Benefits ....00100	\$	122,339
2	Current Expenses .....	13000	69,186
3	Repairs and Alterations.....	06400	7,263
4	Equipment.....	07000	10,000
5	Buildings.....	25800	100,000
6	Other Assets.....	69000	<u>100</u>
7	Total.....	\$	308,888

To the extent permitted by law, four classified exempt positions shall be provided from Personal Services and Employee Benefits appropriation for field auditors.

*256 - Alcohol Beverage Control Administration*

(WV Code Chapter 60)

Fund 7352 FY 2018 Org 0708

1	Personal Services and Employee Benefits ....00100	\$	5,413,237
2	Current Expenses .....	13000	2,890,577

3	Repairs and Alterations.....06400	91,000
4	Equipment.....07000	108,000
5	Buildings.....25800	375,100
6	Purchase of Supplies for Resale.....41900	72,500,000
7	Transfer Liquor Profits and Taxes .....42500	16,000,000
8	Other Assets.....69000	125,100
9	Land.....73000	<u>100</u>
10	Total.....	\$ 97,503,114

The total amount of these appropriations shall be paid from a special revenue fund out of liquor revenues and any other revenues available.

The above appropriations include the salary of the commissioner and the salaries, expenses and equipment of administrative offices, warehouses and inspectors.

The above appropriations include funding for the Tobacco/Alcohol Education Program.

There is hereby appropriated from liquor revenues, in addition to the above appropriations as needed, the necessary amount for the purchase of liquor as provided by law and the remittance of profits and taxes to the General Revenue Fund.

*257 - State Athletic Commission Fund*

(WV Code Chapter 29)

Fund 7009 FY 2018 Org 0933

1	Current Expenses .....	13000	\$	30,000
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**DEPARTMENT OF TRANSPORTATION**

*258 - Division of Motor Vehicles –*

*Dealer Recovery Fund*

(WV Code Chapter 17)

Fund 8220 FY 2018 Org 0802

1	Current Expenses .....	13000	\$	189,000
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*259 - Division of Motor Vehicles –*

*Motor Vehicle Fees Fund*

(WV Code Chapter 17B)

Fund 8223 FY 2018 Org 0802

1	Personal Services and Employee Benefits....	00100	\$	3,362,799
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2	Current Expenses .....	13000		4,374,083
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3	Repairs and Alterations.....	06400		16,000
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4	Equipment.....	07000		75,000
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5	Other Assets.....	69000		10,000
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6	BRIM Premium.....	91300		<u>73,629</u>
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7	Total.....		\$	7,911,511
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*260 - Division of Highways –*

*A. James Manchin Fund*

(WV Code Chapter 22)

Fund 8319 FY 2018 Org 0803

1	Current Expenses .....	13000	\$	1,650,000
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**DEPARTMENT OF VETERANS’ ASSISTANCE**

*261 - Veterans’ Facilities Support Fund*

(WV Code Chapter 9A)

Fund 6703 FY 2018 Org 0613

1	Personal Services and Employee Benefits ....00100	\$	94,210
2	Current Expenses .....	13000	2,255,997
3	Repairs and Alterations.....06400		10,000
4	Equipment.....07000		10,000
5	Other Assets.....69000		<u>10,000</u>
6	Total.....	\$	2,380,207

*262 - Department of Veterans' Assistance –**WV Veterans' Home –**Special Revenue Operating Fund*

(WV Code Chapter 9A)

Fund 6754 FY 2018 Org 0618

1	Current Expenses .....	13000	\$	700,000
2	Repairs and Alterations.....06400			<u>50,000</u>
3	Total.....		\$	750,000

**BUREAU OF SENIOR SERVICES***263 - Bureau of Senior Services –**Community Based Service Fund*

(WV Code Chapter 22)

Fund 5409 FY 2018 Org 0508

1	Personal Services and Employee Benefits ....00100	\$	151,290
2	Current Expenses .....	13000	<u>10,348,710</u>

3 Total..... \$ 10,500,000

The total amount of these appropriations are funded from annual table game license fees to enable the aged and disabled citizens of West Virginia to stay in their homes through the provision of home and community-based services.

### **HIGHER EDUCATION POLICY COMMISSION**

*264 - Higher Education Policy Commission –*

*System –*

*Tuition Fee Capital Improvement Fund*

*(Capital Improvement and Bond Retirement Fund)*

*Control Account*

(WV Code Chapters 18 and 18B)

Fund 4903 FY 2018 Org 0442

1	Debt Service.....	04000	\$ 27,716,974
2	General Capital Expenditures .....	30600	5,000,000
3	Facilities Planning and Administration.....	38600	<u>421,082</u>
4	Total.....		\$ 33,138,056

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.Va. Code §18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for Debt Service, may be transferred to special revenue funds for capital improvement projects at the institutions.

*265 - Tuition Fee Revenue Bond Construction Fund*

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2018 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.Va. Code §18-12B-8, which have since been refunded.

*266 - Community and Technical College –**Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2018 Org 0442

Any unexpended balance remaining in the appropriation for Capital Improvements – Total (fund 4908, appropriation 95800) at the close of fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

The total amount of this appropriation shall be paid from the sale of the 2009 Series A Community and Technical College Capital Improvement Revenue Bonds and anticipated interest earnings.

*267 - West Virginia University –**West Virginia University Health Sciences Center*

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2018 Org 0463



1	Personal Services and Employee Benefits ....00100	\$ 10,274,340
2	Current Expenses .....	13000 4,524,300
3	Repairs and Alterations.....06400	425,000
4	Equipment.....07000	512,000
5	Buildings.....25800	150,000
6	Other Assets.....69000	<u>50,000</u>
7	Total.....	\$ 15,935,640

### MISCELLANEOUS BOARDS AND COMMISSIONS

#### *268 - Board of Barbers and Cosmetologists –*

#### *Barbers and Beauticians Special Fund*

(WV Code Chapters 16 and 30)

Fund 5425 FY 2018 Org 0505

1	Personal Services and Employee Benefits ....00100	\$ 504,497
2	Current Expenses .....	13000 <u>239,969</u>
3	Total.....	\$ 744,466

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Board of Barbers and Cosmetologists as provided by law.

#### *269 - Hospital Finance Authority –*

#### *Hospital Finance Authority Fund*

(WV Code Chapter 16)

Fund 5475 FY 2018 Org 0509

1	Personal Services and Employee Benefits ....00100	\$ 85,981
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2	Unclassified.....	09900	1,450
3	Current Expenses .....	13000	<u>57,740</u>
4	Total.....		\$ 145,171

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the Code.

*270 - WV State Board of Examiners for Licensed Practical Nurses –*

*Licensed Practical Nurses*

(WV Code Chapter 30)

Fund 8517 FY 2018 Org 0906

1	Personal Services and Employee Benefits ....	00100	\$ 430,324
2	Current Expenses .....	13000	<u>53,133</u>
3	Total.....		\$ 483,457

*271 - WV Board of Examiners for Registered Professional Nurses –*

*Registered Professional Nurses*

(WV Code Chapter 30)

Fund 8520 FY 2018 Org 0907

1	Personal Services and Employee Benefits ....	00100	\$ 1,081,694
2	Current Expenses .....	13000	295,339
3	Repairs and Alterations.....	06400	3,000
4	Equipment.....	07000	19,500
5	Other Assets.....	69000	4,500

6	Directed Transfer .....	70000	<u>0</u>
7	Total.....		\$ 1,404,033

*272 - Public Service Commission*

(WV Code Chapter 24)

Fund 8623 FY 2018 Org 0926

1	Personal Services and Employee Benefits ....	00100	\$ 11,807,314
2	Unclassified.....	09900	147,643
3	Current Expenses .....	13000	2,594,398
4	Repairs and Alterations.....	06400	55,000
5	Equipment.....	07000	160,000
6	PSC Weight Enforcement.....	34500	4,370,453
7	Debt Payment/Capital Outlay .....	52000	350,000
8	BRIM Premium.....	91300	<u>150,040</u>
9	Total.....		\$ 19,634,848

The total amount of these appropriations shall be paid from a special revenue fund out of collections for special license fees from public service corporations as provided by law.

The Public Service Commission is authorized to transfer up to \$500,000 from this fund to meet the expected deficiencies in the Motor Carrier Division (fund 8625, org 0926) due to the amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

*273 - Public Service Commission –*

*Gas Pipeline Division –*

*Public Service Commission Pipeline Safety Fund*

(WV Code Chapter 24B)

Fund 8624 FY 2018 Org 0926

1	Personal Services and Employee Benefits ....00100	\$	284,198
2	Unclassified.....09900		3,851
3	Current Expenses .....13000		93,115
4	Repairs and Alterations.....06400		<u>4,000</u>
5	Total.....	\$	385,164

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies as provided by law.

*274 - Public Service Commission –**Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8625 FY 2018 Org 0926

1	Personal Services and Employee Benefits ....00100	\$	2,243,526
2	Unclassified.....09900		29,233
3	Current Expenses .....13000		577,557
4	Repairs and Alterations.....06400		23,000
5	Equipment.....07000		<u>50,000</u>
6	Total.....	\$	2,923,316

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as provided by law.

*275 - Public Service Commission –**Consumer Advocate Fund*

(WV Code Chapter 24)

Fund 8627 FY 2018 Org 0926

1	Personal Services and Employee Benefits ....00100	\$	743,372
2	Current Expenses .....	13000	276,472
3	Equipment .....	07000	9,872
4	BRIM Premium.....	91300	<u>4,660</u>
5	Total.....	\$	1,034,376

The total amount of these appropriations shall be supported by cash from a special revenue fund out of collections made by the Public Service Commission.

*276 - Real Estate Commission –**Real Estate License Fund*

(WV Code Chapter 30)

Fund 8635 FY 2018 Org 0927

1	Personal Services and Employee Benefits ....00100	\$	582,413
2	Current Expenses .....	13000	285,622
3	Repairs and Alterations.....	06400	5,000
4	Equipment.....	07000	<u>10,000</u>
5	Total.....	\$	883,035

The total amount of these appropriations shall be paid out of collections of license fees as provided by law.

*277 - WV Board of Examiners for Speech-Language*

*Pathology and Audiology –*

*Speech-Language Pathology and Audiology Operating Fund*

(WV Code Chapter 30)

Fund 8646 FY 2018 Org 0930

1	Personal Services and Employee Benefits ....00100	\$	73,190
2	Current Expenses .....	13000	<u>65,623</u>
3	Total.....	\$	138,813

*278 - WV Board of Respiratory Care –*

*Board of Respiratory Care Fund*

(WV Code Chapter 30)

Fund 8676 FY 2018 Org 0935

1	Personal Services and Employee Benefits ....00100	\$	79,643
2	Current Expenses .....	13000	51,047
3	Repairs and Alterations.....06400		<u>400</u>
4	Total.....	\$	131,090

*279 - WV Board of Licensed Dietitians –*

*Dietitians Licensure Board Fund*

(WV Code Chapter 30)

Fund 8680 FY 2018 Org 0936

1	Personal Services and Employee Benefits ....00100	\$	15,950
2	Current Expenses .....	13000	<u>17,050</u>

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3 Total..... \$ 33,000

*280 - Massage Therapy Licensure Board –*

*Massage Therapist Board Fund*

(WV Code Chapter 30)

Fund 8671 FY 2018 Org 0938

1 Personal Services and Employee Benefits ....00100 \$ 104,418

2 Current Expenses .....13000 22,648

3 Total..... \$ 127,066

*281 - Board of Medicine –*

*Medical Licensing Board Fund*

(WV Code Chapter 30)

Fund 9070 FY 2018 Org 0945

1 Personal Services and Employee Benefits ....00100 \$ 1,187,752

2 Current Expenses .....13000 988,789

3 Repairs and Alterations.....06400 20,000

4 Total..... \$ 2,196,541

*282 - West Virginia Enterprise Resource Planning Board –*

*Enterprise Resource Planning System Fund*

(WV Code Chapter 12)

Fund 9080 FY 2018 Org 0947

1 Personal Services and Employee Benefits ....00100 \$ 6,713,066

2 Unclassified.....09900 232,000

3	Current Expenses .....	13000	20,140,134
4	Repairs and Alterations.....	06400	300
5	Equipment.....	07000	213,000
6	Buildings .....	25800	2,000
7	Other Assets.....	69000	<u>199,500</u>
8	Total.....		\$ 27,500,000

*283 - Board of Treasury Investments –*

*Board of Treasury Investments Fee Fund*

(WV Code Chapter 12)

Fund 9152 FY 2018 Org 0950

1	Personal Services and Employee Benefits ....	00100	\$ 782,889
2	Unclassified.....	09900	14,850
3	Current Expenses .....	13000	650,714
4	BRIM Premium.....	91300	36,547
5	Fees of Custodians, Fund Advisors		
6	and Fund Managers.....	93800	<u>3,500,000</u>
7	Total.....		\$ <u>4,985,000</u>

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the Consolidated fund of the State as provided in Article 6C, Chapter 12 of the Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

Total TITLE II, Section 3 – Other Funds



(Including claims against the state) ..... \$ 1,629,216.710

**Sec. 4. Appropriations from lottery net profits.** — Net profits of the lottery are to be deposited by the director of the lottery to the following accounts in the amounts indicated. The Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the Director of the Lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 3390, and Fund 3514 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, and Fund 3514 for that purpose. Upon receipt of reimbursement of amounts so transferred, the Director of the Lottery shall deposit the reimbursement amounts to the following accounts as required by this section.

*284 - Education, Arts, Sciences and Tourism –*

*Debt Service Fund*

(WV Code Chapter 5)

Fund 2252 FY 2018 Org 0211

	<b>Appro-</b>	<b>Lottery</b>
	<b>priation</b>	<b>Funds</b>
1 Debt Service – Total .....	31000	\$ 10,000,000

*285 - West Virginia Development Office –*

*West Virginia Tourism Office (WV Code Chapter 5B)*

Fund 3067 FY 2018 Org 0304

1	Tourism – Telemarketing Center .....	46300	\$	82,080
2	Tourism – Advertising (R).....	61800		1,822,407
3	Tourism – Operations (R).....	66200		<u>3,951,872</u>
4	Total.....		\$	5,856,359

Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund 3067, appropriation 61800), and Tourism – Operations (fund 3067, appropriation 66200) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

*286 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 3267 FY 2018 Org 0310

1	Personal Services and Employee Benefits ....	00100	\$	2,090,941
2	Current Expenses .....	13000		23,000
3	Pricketts Fort State Park.....	32400		106,560
4	Non-Game Wildlife (R).....	52700		365,540
5	State Parks and Recreation Advertising (R).....	61900		<u>494,578</u>
6	Total.....		\$	3,080,619

Any unexpended balances remaining in the appropriations for Unclassified (fund 3267, appropriation 09900), Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

*287 - State Board of Education*

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2018 Org 0402

1	FBI Checks.....	37200	\$	108,860
2	Vocational Education			
3	Equipment Replacement.....	39300		800,000
4	Assessment Program (R).....	39600		2,946,059
5	21st Century Technology Infrastructure			
6	Network Tools and Support (R) .....	93300		<u>13,868,262</u>
7	Total.....		\$	17,723,181

Any unexpended balances remaining in the appropriations for Unclassified (fund 3951, appropriation 09900), Current Expenses (fund 3951, appropriation 13000), Assessment Program (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

*288 - State Department of Education –**School Building Authority –**Debt Service Fund*

(WV Code Chapter 18)

Fund 3963 FY 2018 Org 0402

1	Debt Service – Total .....	31000	\$	6,414,437
2	Directed Transfer .....	70000		<u>11,585,563</u>
3	Total.....		\$	18,000,000

The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W.Va. Code §29-22-18.

*289 - Department of Education and the Arts –**Office of the Secretary –**Control Account –**Lottery Education Fund**(WV Code Chapter 5F)*Fund 3508 FY 2018 Org 0431

1	Unclassified (R) .....	09900	\$	9,483
2	Current Expenses .....	13000		110,617
3	Commission for National and			
4	Community Service .....	19300		348,254
5	Statewide STEM 21st Century Academy .....	89700		130,000
6	Literacy Project (R).....	89900		<u>350,000</u>
7	Total.....		\$	948,354

Any unexpended balances remaining in the appropriations for Unclassified (fund 3508, appropriation 09900), Governor's Honors Academy (fund 3508, appropriation 47800), Arts Programs (fund 3508, appropriation 50000), and Literacy Project (fund 3508, appropriation 89900) at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

*290 - Division of Culture and History –**Lottery Education Fund**(WV Code Chapter 29)*Fund 3534 FY 2018 Org 0432

1	Huntington Symphony .....	02700	\$	59,058
2	Preservation WV (R).....	09200		466,921

3	Fairs and Festivals (R) .....	12200	1,346,814
4	Archeological Curation/Capital		
5	Improvements (R).....	24600	30,074
6	Historic Preservation Grants (R).....	31100	294,742
7	West Virginia Public Theater.....	31200	120,019
8	Greenbrier Valley Theater .....	42300	99,543
9	Theater Arts of West Virginia.....	46400	90,000
10	Marshall Artists Series .....	51800	36,005
11	Grants for Competitive Arts Program (R).....	62400	580,800
12	West Virginia State Fair.....	65700	31,241
13	Save the Music .....	68000	24,000
14	Contemporary American Theater Festival....	81100	57,281
15	Independence Hall .....	81200	27,277
16	Mountain State Forest Festival .....	86400	38,187
17	WV Symphony.....	90700	59,058
18	Wheeling Symphony.....	90800	59,058
19	Appalachian Children's Chorus.....	91600	<u>54,554</u>
20	Total.....		\$ 3,474,632

From the above appropriation for Preservation West Virginia (fund 3534, appropriation 09200) funding shall be provided to the African-American Heritage Family Tree Museum (Fayette) \$2,673, Aracoma Story (Logan) \$29,703, Arts Monongahela (Monongalia) \$11,881, Barbour County Arts and Humanities Council \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier)

\$46,899, Ceredo Historical Society (Wayne) \$1,166, Ceredo Kenova Railroad Museum (Wayne) \$1,166, Ceredo Museum (Wayne) \$720, Children's Theatre of Charleston (Kanawha) \$3,127, Chuck Mathena Center (Mercer) \$62,532, Collis P. Huntington Railroad Historical Society (Cabell) \$5,940, Country Music Hall of Fame and Museum (Marion) \$4,158, First Stage Children's Theater Company \$1,166, Flannigan Murrell House (Summers) \$3,780, Fort Ashby Fort (Mineral) \$891, Fort New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen Memorial Foundation (Berkeley) \$11,005, Grafton Mother's Day Shrine Committee (Taylor) \$5,049, Hardy County Tour and Crafts Association \$11,881, Heartwood in the Hills (Calhoun) \$5,040, Heritage Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic Middleway Conservancy (Jefferson) \$594, Jefferson County Black History Preservation Society \$2,970, Jefferson County Historical Landmark Commission \$4,752, Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society \$5,049, McCoy Theater (Hardy) \$11,881, Morgantown Theater Company (Monongalia) \$11,881, Mountaineer Boys' State (Lewis) \$5,940, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum (Berkeley) \$5,940, Old Opera House Theater Company (Jefferson) \$8,910, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House \$3,564, Raleigh County All Wars Museum \$5,940, Rhododendron Girl's State (Ohio) \$5,940, Roane County 4-H and FFA Youth Livestock Program \$2,970, Scottish Heritage Society/N. Central WV (Harrison) \$2,970, Society for the Preservation of McGrew House (Preston) \$2,079, Southern West Virginia Veterans' Museum \$3,393, Summers County Historic Landmark Commission \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian Center (Summers) \$5,310, Tug Valley Arts Council (Mingo) \$2,970, Tug Valley Chamber of Commerce Coal House (Mingo) \$1,188, Tunnelton Historical Society (Preston) \$1,188, Veterans Committee for Civic Improvement of Huntington (Wayne) \$2,970, West Virginia Museum of Glass (Lewis) \$3,713, West Virginia Music Hall of Fame (Kanawha) \$20,792, YMCA Camp Horseshoe (Tucker) \$59,405, Youth Museum of Southern

West Virginia (Raleigh) \$7,128, Z. D. Ramsdell House (Wayne) \$720.

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$2,970, Alderson 4th of July Celebration (Greenbrier) \$2,970, Allegheny Echo (Pocahontas) \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683, American Civil War (Grant) \$3,127, American Legion Post 8 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle Show (Lewis) \$891, Annual Birch River Days (Nicholas) \$1,296, Annual Don Redman Heritage Concert & Awards (Jefferson) \$938, Annual Ruddle Park Jamboree (Pendleton) \$4,690, Antique Market Fair (Lewis) \$1,188, Apollo Theater-Summer Program (Berkeley) \$1,188, Apple Butter Festival (Morgan) \$3,564, Arkansas Homemaker's Heritage Weekend (Hardy) \$2,079, Armed Forces Day-South Charleston (Kanawha) \$1,782, Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Barbour County Fair \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Bass Festival (Pleasants) \$1,099, Battelle District Fair (Monongalia) \$2,970, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$2,673, Belleville Homecoming (Wood) \$11,881, Bergoo Down Home Days (Webster) \$1,485, Berkeley County Youth Fair \$10,990, Black Bear 4K Mountain Bike Race (Kanawha) \$684, Black Heritage Festival (Harrison) \$3,564, Black Walnut Festival (Roane) \$5,940, Blast from the Past (Upshur) \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone County Fair \$5,940, Boone County Labor Day Celebration \$2,376, Bradshaw Fall Festival (McDowell) \$1,188, Brandonville Heritage Day (Preston) \$1,048, Braxton County Fair \$6,832, Braxton County Monster Fest / West Virginia Autumn Festival \$1,485, Brooke County Fair \$2,079, Bruceton Mills Good Neighbor Days (Preston) \$1,188, Buckwheat Festival (Preston) \$5,050, Buffalo 4th of July Celebration (Putnam) \$400, Buffalo October Fest (Putnam) \$3,240, Burlington Apple Harvest Festival (Mineral)

\$17,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970, Burnsville Harvest Festival (Braxton) \$1,407, Cabell County Fair \$5,940, Calhoun County Wood Festival \$1,188, Campbell's Creek Community Fair (Kanawha) \$1,485, Cape Coalwood Festival Association (McDowell) \$1,485, Capon Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs Ruritan 4th of July (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188, Cedarville Town Festival (Gilmer) \$684, Celebration in the Park (Wood) \$2,376, Celebration of America (Monongalia) \$3,564, Ceredo Freedom Festival (Wayne) \$700, Chapmanville Apple Butter Festival (Logan) \$684, Chapmanville Fire Department 4th of July (Logan) \$1,782, Charles Town Christmas Festival (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester Fireworks (Hancock) \$891, Chester 4th of July Festivities (Hancock) \$2,970, Chief Logan State Park-Civil War Celebration (Logan) \$4,752, Chilifest West Virginia State Chili Championship (Cabell) \$1,563, Christmas In Our Town (Marion) \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the Park (Brooke) \$2,970, Christmas in the Park (Logan) \$14,851, City of Dunbar Critter Dinner (Kanawha) \$5,940, City of Logan Polar Express (Logan) \$4,456, City of New Martinsville Festival of Memories (Wetzel) \$6,534, Clay County Golden Delicious Apple Festival \$4,158, Clay District Fair (Monongalia) \$1,080, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Country Roads Festival (Fayette) \$1,188, Cowen Railroad Festival (Webster) \$2,079, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079, Doddridge County Fair \$4,158, Dorcas Ice Cream Social (Grant) \$3,564, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Elkins Randolph County 4th of July Car Show (Randolph) \$1,188, Fairview 4th of July Celebration (Marion) \$684, Farm Safety Day (Preston) \$1,188, Farmer's Day Festival (Monroe) \$2,330, Farmers' Day Parade (Wyoming) \$720, Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$11,881, Flatwoods Days (Braxton) \$700, Flemington Day Fair and Festival (Taylor) \$2,079, Follansbee



Community Days (Brooke) \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison) \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton) \$4,456, Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W. R. Sharpe Hospital (Lewis) \$2,970, Frontier Days (Harrison) \$1,782, Frontier Fest/Canaan Valley (Taylor) \$2,970, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,485, Gassaway Days Celebration (Braxton) \$2,970, Gilbert Elementary Fall Blast (Mingo) \$2,188, Gilbert Kiwanis Harvest Festival (Mingo) \$2,376, Gilbert Spring Fling (Mingo) \$3,595, Gilmer County Farm Show \$2,376, Grant County Arts Council \$1,188, Grape Stomping Wine Festival (Nicholas) \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, Greater Quinwood Days (Greenbrier) \$781, Guyandotte Civil War Days (Cabell) \$5,940, Hamlin 4th of July Celebration (Lincoln) \$2,970, Hampshire Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July Celebration \$11,881, Hampshire County Fair \$5,002, Hampshire Heritage Days (Hampshire) \$2,376, Hancock County Oldtime Fair \$2,970, Hardy County Commission - 4th of July \$5,940, Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970, Heat'n the Hills Chilifest (Lincoln) \$2,970, Heritage Craft Festival (Monroe) \$1,044, Heritage Days Festival (Roane) \$891, Hilltop Festival (Cabell) \$684, Hilltop Festival of Lights (McDowell) \$1,188, Hinton Railroad Days (Summers) \$4,347, Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432, Hundred 4th of July (Wetzel) \$4,307, Hundred American Legion Earl Kiger Post Bluegrass Festival (Wetzel) \$1,188, Hurricane 4th of July Celebration (Putnam) \$2,970, Iaeger Town Fair (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair \$2,970, Jamboree (Pocahontas) \$2,970, Jane Lew Arts and Crafts Fair (Lewis) \$684, Jefferson County Fair Association \$14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire) \$684, John Henry Days Festival (Monroe) \$4,698, Johnnie Johnson Blues and Jazz Festival

(Marion) \$2,970, Johnstown Community Fair (Harrison) \$1,485, Junior Heifer Preview Show (Lewis) \$1,188, Kanawha Coal Riverfest-St. Albans 4th of July Festival (Kanawha) \$2,970, Keeper of the Mountains-Kayford (Kanawha) \$1,485, Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, Keystone Reunion Gala (McDowell) \$1,563, King Coal Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, L. Z. Rainelle West Virginia Veterans Reunion (Greenbrier) \$2,970, Lady of Agriculture (Preston) \$684, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$5,940, Larry Joe Harless Community Center Spring Middle School Event (Mingo) \$2,970, Last Blast of Summer (McDowell) \$2,970, Lewis County Fair Association \$2,079, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival \$4,752, Lincoln County Winterfest \$2,970, Lindsie Veterans' Day Parade \$720, Little Levels Heritage Festival (Pocahontas) \$1,188, Lost Creek Community Festival (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley) \$2,813, Mannington District Fair (Marion) \$3,564, Maple Syrup Festival (Randolph) \$684, Marion County FFA Farm Fest \$1,485, Marmet Labor Day Celebration (Kanawha) \$3,078, Marshall County Antique Power Show \$1,485, Marshall County Fair \$4,456, Mason County Fair \$2,970, Mason Dixon Festival (Monongalia) \$4,158, Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County \$11,881, McDowell County Fair \$1,485, McGrew House History Day (Preston) \$1,188, McNeill's Rangers (Mineral) \$4,752, Meadow Bridge Hometown Festival (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer Bluestone Valley Fair (Mercer) \$1,188, Mercer County Fair \$1,188, Mercer County Heritage Festival \$3,474, Mid Ohio Valley Antique Engine Festival (Wood) \$1,782, Milton Christmas in the Park (Cabell) \$1,485, Milton 4th of July Celebration (Cabell) \$1,485, Mineral County Fair \$1,040, Mineral County Veterans Day Parade \$891, Molasses Festival (Calhoun) \$1,188, Monongahfest (Marion) \$3,752, Moon Over Mountwood Fishing Festival (Wood) \$1,782, Morgan County Fair-History Wagon \$891, Moundsville Bass Festival (Marshall) \$2,376, Moundsville July 4th Celebration

(Marshall) \$2,970, Mount Liberty Fall Festival (Barbour) \$1,485, Mountain Fest (Monongalia) \$11,881, Mountain Festival (Mercer) \$2,747, Mountain Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music Festival (McDowell) \$1,485, Mountain State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) \$26,732, Mountaineer Hot Air Balloon Festival (Monongalia) \$2,376, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia (Kanawha) \$11,881, Music and Barbecue - Banks District VFD (Upshur) \$1,278, New Cumberland Christmas Parade (Hancock) \$1,782, New Cumberland 4th of July (Hancock) \$2,970, New River Bridge Day Festival (Fayette) \$23,762, Newburg Volunteer Fireman's Field Day (Preston) \$684, Nicholas County Fair \$2,970, Nicholas County Potato Festival \$2,079, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$3,564, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair \$5,346, Ohio River Fest (Jackson) \$4,320, Ohio Valley Beef Association (Wood) \$1,485, Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Central City Fair (Cabell) \$2,970, Old Century City Fair (Barbour) \$1,250, Old Tyme Christmas (Jefferson) \$1,425, Paden City Labor Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Patty Fest (Monongalia) \$1,188, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970, Pendleton County 4-H Weekend \$1,188, Pendleton County Committee for Arts \$8,910, Pendleton County Fair \$6,253, Pennsboro Country Road Festival (Ritchie) \$1,188, Petersburg 4th of July Celebration (Grant) \$11,881, Petersburg HS Celebration (Grant) \$5,940, Piedmont-Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$891, Pine Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair \$2,970, Poca Heritage Days (Putnam) \$1,782, Pocahontas County Pioneer Days \$4,158, Point Pleasant Stern Wheel Regatta (Mason) \$2,970, Pratt Fall Festival (Kanawha) \$1,485, Princeton Autumnfest (Mercer) \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair \$2,970, Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand

Community Center Festival (Kanawha) \$1,485, Randolph County Community Arts Council \$1,782, Randolph County Fair \$4,158, Randolph County Ramp and Rails \$1,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier) \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair and Exposition \$2,970, Ritchie County Pioneer Days \$684, River City Festival (Preston) \$684, Roane County Agriculture Field Day \$1,782, Rock the Park (Kanawha) \$3,240, Rocket Boys Festival (Raleigh) \$1,710, Romney Heritage Days (Hampshire) \$1,876, Ronceverte River Festival (Greenbrier) \$2,970, Rowlesburg Labor Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of July (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on the Water (Wetzel) \$1,782, South Charleston Summerfest (Kanawha) \$5,940, Southern Wayne County Fall Festival \$684, Spirit of Grafton Celebration (Taylor) \$5,940, Springfield Peach Festival (Hampshire) \$738, St. Albans City of Lights - December (Kanawha) \$2,970, Sternwheel Festival (Wood) \$1,782, Stoco Reunion (Raleigh) \$1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, Storytelling Festival (Lewis) \$400, Strawberry Festival (Upshur) \$17,821, Sylvester Big Coal River Festival \$1,944, Tacy Fair (Barbour) \$684, Taste of Parkersburg (Wood) \$2,970, Taylor County Fair \$3,267, Terra Alta VFD 4th of July Celebration (Preston) \$684, The Gathering at Sweet Creek (Wood) \$1,782, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$8,910, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town of Fayetteville Heritage Festival (Fayette) \$4,456, Town of Matoaka Hog Roast (Mercer) \$684, Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield - Putnam County Homecoming \$3,240, St. Albans Train Fest (Kanawha) \$6,120, Treasure Mountain Festival (Pendleton) \$14,851, Tri-County Fair (Grant) \$22,548, Tucker County Arts Festival and Celebration \$10,692, Tucker County Fair \$2,821, Tucker County Health Fair \$1,188, Tunnelton Depot Days (Preston) \$684, Tunnelton Volunteer Fire Department Festival (Preston) \$684,

Turkey Festival (Hardy) \$1,782, Tyler County Fair \$3,088, Tyler County 4th of July \$400, Tyler County OctoberFest \$720, Union Community Irish Festival (Barbour) \$648, Uniquely West Virginia Festival (Morgan) \$1,188, Upper Kanawha Valley Oktoberfest (Kanawha) \$1,485, Upper Ohio Valley Italian Festival (Ohio) \$7,128, Upshur County Youth Livestock Show \$1,440, Valley District Fair (Preston) \$2,079, Veterans Welcome Home Celebration (Cabell) \$938, Vietnam Veterans of America # 949 Christmas Party (Cabell) \$684, Volcano Days at Mountwood Park (Wood) \$2,970, War Homecoming Fall Festival (McDowell) \$891, Wardensville Fall Festival (Hardy) \$2,970, Wayne County Fair \$2,970, Wayne County Fall Festival \$2,970, Webster County Fair \$3,600, Webster County Wood Chopping Festival \$8,910, Webster Wild Water Weekend \$1,188, Weirton July 4th Celebration (Hancock) \$11,881, Welcome Home Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke) \$4,456, Wellsburg Apple Festival of Brooke County \$2,970, West Virginia Blackberry Festival (Harrison) \$2,970, West Virginia Chestnut Festival (Preston) \$684, West Virginia Coal Festival (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum (Mercer) \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Fireman's Rodeo (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach Festival (Hampshire) \$3,240, West Virginia Polled Hereford Association (Braxton) \$891, West Virginia Poultry Festival (Hardy) \$2,970, West Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia State Folk Festival (Gilmer) \$2,970, West Virginia Water Festival - City of Hinton (Summers) \$9,144, Weston VFD 4th of July Firemen Festival (Lewis) \$1,188, Wetzel County Autumnfest \$3,267, Wetzel County Town and Country Days \$10,098, Wheeling Celtic Festival (Ohio) \$1,166, Wheeling City of Lights (Ohio) \$4,752, Wheeling Sternwheel Regatta (Ohio) \$5,940, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action (Fayette) \$1,485, Wileyville Homecoming (Wetzel) \$2,376, Wine Festival and Mountain Music Event (Harrison) \$2,970, Winter Festival of the Waters (Berkeley) \$2,970, Wirt County Fair \$1,485, Wirt County Pioneer Days

\$1,188, Wyoming County Civil War Days \$1,296, Youth Stockman Beef Expo (Lewis) \$1,188.

Any unexpended balances remaining in the appropriations for Preservation West Virginia (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200), Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic Preservation Grants (fund 3534, appropriation 31100), Grants for Competitive Arts Program (fund 3534, appropriation 62400), and Project ACCESS (fund 3534, appropriation 86500) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

Any Fairs & Festivals awards shall be funded in addition to, and not in lieu of, individual grant allocations derived from the Arts Council and the Cultural Grant Program allocations.

*291 - Library Commission –*

*Lottery Education Fund*

(WV Code Chapter 10)

Fund 3559 FY 2018 Org 0433

1	Books and Films .....	17900	\$	360,784
2	Services to Libraries .....	18000		550,000
3	Grants to Public Libraries .....	18200		9,439,571
4	Digital Resources .....	30900		219,992
5	Infomine Network.....	88400		<u>852,729</u>
6	Total.....		\$	11,423,076

Any unexpended balance remaining in the appropriation for Libraries – Special Projects (fund 3559, appropriation 62500) at the close of fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

## 292 - Bureau of Senior Services –

*Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2018 Org 0508

1	Personal Services and Employee Benefits ....00100	\$	193,505
2	Current Expenses .....	13000	332,095
3	Repairs and Alterations .....	06400	1,000
4	Local Programs Service Delivery Costs .....	20000	2,435,250
5	Silver Haired Legislature .....	20200	18,500
6	Transfer to Division of Human Services		
7	for Health Care and Title XIX Waiver		
8	for Senior Citizens .....	53900	19,723,029
9	Roger Tompkins Alzheimer's Respite Care .....	64300	2,296,601
10	WV Alzheimer's Hotline .....	72400	45,000
11	Regional Aged and Disabled		
12	Resource Center .....	76700	425,000
13	Senior Services Medicaid Transfer .....	87100	8,670,000
14	Legislative Initiatives for the Elderly .....	90400	9,671,239
15	Long Term Care Ombudsman .....	90500	297,226
16	BRIM Premium .....	91300	7,152
17	In-Home Services and Nutrition		
18	for Senior Citizens .....	91700	<u>4,320,941</u>

19 Total..... \$ 48,436,583

Any unexpended balance remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

Included in the above appropriation for Current Expenses (fund 5405, appropriation 13000), is funding to support an in-home direct care workforce registry.

The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens (appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

*293 - Higher Education Policy Commission –*

*Lottery Education –*

*Higher Education Policy Commission –*

*Control Account*

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2018 Org 0441

1	RHI Program and Site Support (R).....03600	\$ 1,912,491
2	RHI Program and Site Support –	
3	RHEP Program Administration .....03700	146,653
4	RHI Program and Site Support – Grad Med	
5	Ed and Fiscal Oversight (R) .....03800	87,110
6	Minority Doctoral Fellowship (R) .....16600	129,604
7	Health Sciences Scholarship (R).....17600	220,690



8	Vice Chancellor for Health Sciences –	
9	Rural Health Residency Program (R).....60100	62,725
10	WV Engineering, Science, and	
11	Technology Scholarship Program.....86800	<u>452,831</u>
12	Total.....	\$ 3,012,104

Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (fund 4925, appropriation 03800), Minority Doctoral Fellowship (fund 4925, appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation 60100) at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

The above appropriation for WV Engineering, Science, and Technology Scholarship Program (appropriation 86800) shall be transferred to the West Virginia Engineering, Science and Technology Scholarship Fund (fund 4928, org 0441) established by W.Va. Code §18C-6-1.

*294 - Community and Technical College –*

*Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2018 Org 0442

1	Debt Service – Total .....	31000	\$ 5,000,000
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Any unexpended balance remaining in the appropriation for Capital Outlay and Improvements – Total (fund 4908, appropriation 84700) at the close of fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*295 - Higher Education Policy Commission –**Lottery Education –**West Virginia University – School of Medicine*

(WV Code Chapter 18B)

Fund 4185 FY 2018 Org 0463

1	WVU Health Sciences –		
2	RHI Program and Site Support (R).....	03500	\$ 1,107,466
3	MA Public Health Program and		
4	Health Science Technology (R).....	62300	52,387
5	Health Sciences Career		
6	Opportunities Program (R) .....	86900	319,587
7	HSTA Program (R) .....	87000	1,630,169
8	Center for Excellence in Disabilities (R) .....	96700	<u>292,554</u>
9	Total.....		\$ 3,402,163

Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

*296 - Higher Education Policy Commission –**Lottery Education –**Marshall University – School of Medicine*

(WV Code Chapter 18B)

Fund 4896 FY 2018 Org 0471

1	Marshall Medical School –		
2	RHI Program and Site Support (R).....03300	\$	396,249
3	Vice Chancellor for Health Sciences –		
4	Rural Health Residency Program (R).....60100		<u>163,858</u>
5	Total.....	\$	<u>560,107</u>

Any unexpended balances remaining in the appropriations for Marshall Medical School – RHI Program and Site Support (fund 4896, appropriation 03300) and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4896, appropriation 60100) at the close of fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

Total TITLE II, Section 4 – Lottery Revenue..... \$ 130,917,133

**Sec. 5. Appropriations from state excess lottery revenue fund.**

— In accordance with W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following appropriations shall be deposited and disbursed by the Director of the Lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are sufficient to meet all the appropriations required made pursuant to this section, then the Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

*297 - Lottery Commission –*

*Refundable Credit*

Fund 7207 FY 2018 Org 0705

**Excess      Appro-**  
**Lottery      priation**  
**Funds**

- 1 Directed Transfer .....70000 \$ 10,000,000

The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.Va. Code §11-21-21. The amount of the required transfer shall be determined solely by the state tax commissioner and shall be completed by the director of the lottery upon the commissioner’s request.

*298 - Lottery Commission –*

*General Purpose Account*

Fund 7206 FY 2018 Org 0705

- 1 General Revenue Fund – Transfer .....70011 \$ 65,000,000

The above appropriation shall be transferred to the General Revenue Fund as determined by the Director of the Lottery in accordance with W.Va. Code §29-22-18a.

*299 - Higher Education Policy Commission –*

*Education Improvement Fund*

Fund 4295 FY 2018 Org 0441

- 1 PROMISE Scholarship – Transfer .....80000 \$ 29,000,000

The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to

provide for the award of scholarships within the limits of available appropriations.

*300 - Economic Development Authority –*

*Economic Development Project Fund*

Fund 9065 FY 2018 Org 0944

1 Debt Service – Total .....31000 \$ 19,000,000

Pursuant to W.Va. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the economic development project fund pursuant to section four of this title and W.Va. Code §29-22-18, subsection (f).

*301 - Economic Development Authority –*

*Cacapon and Beech Fork State Parks –*

*Lottery Revenue Debt Service*

Fund 9067 FY 2018 Org 0944

1 Debt Service.....04000 \$ 3,000,000

*302 - Department of Education –*

*School Building Authority*

Fund 3514 FY 2018 Org 0402

1 Debt Service – Total .....31000 \$ 19,000,000

*303 - West Virginia Infrastructure Council –*

*West Virginia Infrastructure Transfer Fund*

Fund 3390 FY 2018 Org 0316

1 Directed Transfer .....70000 \$ 46,000,000

The above appropriation shall be allocated pursuant to W.Va. Code §29-22-18d and §31-15-9.

*304 - Higher Education Policy Commission –  
Higher Education Improvement Fund*

Fund 4297 FY 2018 Org 0441

1 Directed Transfer .....70000 \$ 15,000,000

The above appropriation shall be transferred to fund 4903, org 0442 as authorized by Senate Concurrent Resolution No. 41.

*305 - Division of Natural Resources*

*State Park Improvement Fund*

Fund 3277 FY 2018 Org 0310

1	Current Expenses (R) .....	13000	\$ 2,438,300
2	Repairs and Alterations (R) .....	06400	2,161,200
3	Equipment (R).....	07000	200,000
4	Buildings (R).....	25800	100,000
5	Other Assets (R).....	69000	<u>100,500</u>
6	Total.....		\$ 5,000,000

Any unexpended balances remaining in the above appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Unclassified (fund 3277, appropriation 09900), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

*306 - Racing Commission –*

Fund 7308 FY 2018 Org 0707

## 1 Special Breeders Compensation

2 (WVC §29-22-18a, subsection (l)) .....21800 \$ 2,000,000

*307 - Lottery Commission –**Distributions to Statutory Funds and Purposes*Fund 7213 FY 2018 Org 0705

1	Parking Garage Fund – Transfer.....	70001	\$	500,000
2	2004 Capitol Complex Parking Garage			
3	Fund – Transfer.....	70002		254,147
4	Capitol Dome and Improvements			
5	Fund – Transfer.....	70003		2,155,201
6	Capitol Renovation and Improvement			
7	Fund – Transfer.....	70004		2,795,627
8	Development Office Promotion			
9	Fund – Transfer.....	70005		1,524,887
10	Research Challenge Fund – Transfer.....	70006		2,033,184
11	Tourism Promotion Fund – Transfer .....	70007		5,659,115
12	Cultural Facilities and Capitol Resources Matching			
13	Grant Program Fund – Transfer.....	70008		1,433,371
14	Workers’ Compensation Debt Reduction			
15	Fund – Transfer.....	70009		2,750,000
16	State Debt Reduction Fund – Transfer.....	70010		20,000,000
17	General Revenue Fund – Transfer .....	70011		9,763,472

18	West Virginia Racing Commission Racetrack		
19	Video Lottery Account .....	70012	4,066,363
20	Historic Resort Hotel Fund .....	70013	34,200
21	Licensed Racetrack Regular Purse Fund .....	70014	<u>6,111,678</u>
22	Total.....		\$ 59,081,245

*308 - Governor's Office*

(WV Code Chapter 5)

Fund 1046 FY 2018 Org 0100

Any unexpended balance remaining in the appropriation for Publication of Papers and Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*309 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 3170 FY 2018 Org 0307

Any unexpended balances remaining in the appropriations for Unclassified – Total (fund 3170, appropriation 09600), Recreational Grants or Economic Development Loans (fund 3170, appropriation 25300), and Connectivity Research and Development – Lottery Surplus (fund 3170, appropriation 92300) at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018.

*310 - Higher Education Policy Commission –*

*Administration –*

*Control Account*

(WV Code Chapter 18B)



Fund 4932 FY 2018 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

*311 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2018 Org 0511

1 Medical Services.....18900 \$ 45,506,170

*312 - Division of Corrections –**Correctional Units*

(WV Code Chapters 25, 28, 49 and 62)

Fund 6283 FY 2018 Org 0608

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 6283, appropriation 75500) at the close of the fiscal year 2017 is hereby reappropriated for expenditure during the fiscal year 2018.

Total TITLE II, Section 5 – Excess Lottery Funds... \$ 317,587,415

**Sec. 6. Appropriations of federal funds.** — In accordance with Article 11, Chapter 4 of the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2018.

**LEGISLATIVE***313 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 8738 FY 2018 Org 2300

	<b>Appro-</b>	<b>Federal</b>
	<b>priation</b>	<b>Funds</b>
1 Economic Loss Claim Payment Fund.....	33400	\$ 2,360,125

**JUDICIAL***314 - Supreme Court*Fund 8867 FY 2018 Org 2400

1 Personal Services and Employee Benefits....	00100	\$ 2,008,000
2 Current Expenses .....	13000	<u>1,992,000</u>
3 Total.....		\$ 4,000,000

**EXECUTIVE***315 - Governor's Office*

(WV Code Chapter 5)

Fund 8742 FY 2018 Org 0100

1 Current Expenses – Total.....	13000	\$ 225,000
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*316 - Department of Agriculture*

(WV Code Chapter 19)

Fund 8736 FY 2018 Org 1400

1 Personal Services and Employee Benefits....	00100	\$ 1,563,760
2 Unclassified.....	09900	50,534
3 Current Expenses .....	13000	3,828,661
4 Repairs and Alterations.....	06400	650,000

5	Equipment.....07000	910,500
6	Other Assets.....69000	<u>50,000</u>
7	Total.....	\$ 7,053,455

*317 - Department of Agriculture –*

*Meat Inspection Fund*

(WV Code Chapter 19)

Fund 8737 FY 2018 Org 1400

1	Personal Services and Employee Benefits....00100	\$ 610,830
2	Unclassified.....09900	8,755
3	Current Expenses .....13000	136,012
4	Repairs and Alterations.....06400	5,500
5	Equipment.....07000	<u>114,478</u>
6	Total.....	\$ 875,575

*318 - Department of Agriculture –*

*State Conservation Committee*

(WV Code Chapter 19)

Fund 8783 FY 2018 Org 1400

1	Personal Services and Employee Benefits....00100	\$ 97,250
2	Current Expenses .....13000	<u>14,099,974</u>
3	Total.....	\$ 14,197,224

*319 - Department of Agriculture –*

*Land Protection Authority*

Fund 8896 FY 2018 Org 1400

1	Personal Services and Employee Benefits ....00100	\$	46,526
2	Unclassified.....09900		5,004
3	Current Expenses .....13000		<u>448,920</u>
4	Total.....	\$	500,450

*320 - Secretary of State –*

*State Election Fund*

(WV Code Chapter 3)

Fund 8854 FY 2018 Org 1600

1	Personal Services and Employee Benefits ....00100	\$	210,240
2	Unclassified.....09900		7,484
3	Current Expenses .....13000		415,727
4	Repairs and Alterations.....06400		15,000
5	Other Assets .....69000		<u>100,000</u>
6	Total.....	\$	748,451

**DEPARTMENT OF COMMERCE**

*321 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2018 Org 0305

1	Personal Services and Employee Benefits ....00100	\$	1,578,347
2	Unclassified.....09900		51,050
3	Current Expenses .....13000		5,232,560

4	Repairs and Alterations.....06400	155,795
5	Equipment.....07000	100,000
6	Other Assets.....69000	<u>1,808,300</u>
7	Total.....	\$ 8,926,052

*322 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 8704 FY 2018 Org 0306

1	Personal Services and Employee Benefits ....00100	\$ 54,432
2	Unclassified.....09900	2,803
3	Current Expenses .....13000	195,639
4	Repairs and Alterations.....06400	5,000
5	Equipment.....07000	7,500
6	Other Assets.....69000	<u>15,000</u>
7	Total.....	\$ 280,374

*323 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 8705 FY 2018 Org 0307

1	Personal Services and Employee Benefits ....00100	\$ 745,981
2	Unclassified.....09900	50,000
3	Current Expenses .....13000	<u>4,504,019</u>
4	Total.....	\$ 5,300,000

*324 - West Virginia Development Office –*

*Office of Economic Opportunity*

## (WV Code Chapter 5)

Fund 8901 FY 2018 Org 0307

1	Personal Services and Employee Benefits ....00100	\$	497,289
2	Repairs and Alterations.....06400		250
3	Equipment.....07000		6,000
4	Unclassified.....09900		106,795
5	Current Expenses .....13000		<u>10,069,166</u>
6	Total.....	\$	10,679,500

*325 - Division of Labor*

## (WV Code Chapters 21 and 47)

Fund 8706 FY 2018 Org 0308

1	Personal Services and Employee Benefits ....00100	\$	384,072
2	Unclassified.....09900		5,572
3	Current Expenses .....13000		167,098
4	Repairs and Alterations.....06400		<u>500</u>
5	Total.....	\$	557,242

*326 - Division of Natural Resources*

## (WV Code Chapter 20)

Fund 8707 FY 2018 Org 0310

1	Personal Services and Employee Benefits ....00100	\$	7,912,218
2	Unclassified.....09900		107,693
3	Current Expenses .....13000		5,556,594

4	Repairs and Alterations.....06400	289,400
5	Equipment.....07000	1,815,182
6	Buildings.....25800	951,000
7	Other Assets.....69000	4,951,000
8	Land.....73000	<u>6,001,000</u>
9	Total.....	\$ 27,584,087

*327 - Division of Miners' Health,*

*Safety and Training*

(WV Code Chapter 22)

Fund 8709 FY 2018 Org 0314

1	Personal Services and Employee Benefits....00100	\$ 613,177
2	Current Expenses.....13000	<u>150,000</u>
3	Total.....	\$ 763,177

*328 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 8835 FY 2018 Org 0323

1	Unclassified.....09900	\$ 5,127
2	Current Expenses.....13000	507,530
3	Reed Act 2002 –	
4	Unemployment Compensation.....62200	2,850,000
5	Reed Act 2002 – Employment Services.....63000	<u>1,650,000</u>
6	Total.....	\$ 5,012,657

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.Va. Code §21A-9-9, the above appropriation to Unclassified and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of administration of the state’s unemployment insurance program or job service activities, subject to each and every restriction, limitation or obligation imposed on the use of the funds by those federal and state statutes.

*329 - Division of Energy*

(WV Code Chapter 5B)

Fund 8892 FY 2018 Org 0328

1	Personal Services and Employee Benefits....00100	\$	411,574
2	Unclassified.....09900		7,350
3	Current Expenses .....13000		<u>2,816,076</u>
4	Total.....	\$	3,235,000

**DEPARTMENT OF EDUCATION**

*330 - State Board of Education –*

*State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2018 Org 0402

1	Personal Services and Employee Benefits....00100	\$	5,628,855
2	Unclassified.....09900		2,000,000
3	Current Expenses .....13000		212,367,820
4	Repairs and Alterations.....06400		10,000
5	Equipment.....07000		10,000



6	Other Assets .....	69000	<u>10,000</u>
7	Total .....		\$ 220,026,675

*331 - State Board of Education –*

*School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2018 Org 0402

1	Personal Services and Employee Benefits ....	00100	\$ 1,812,648
2	Unclassified.....	09900	1,150,500
3	Current Expenses .....	13000	143,281,265
4	Repairs and Alterations.....	06400	20,000
5	Equipment.....	07000	100,000
6	Other Assets .....	69000	<u>25,000</u>
7	Total.....		\$ 146,389,413

*332 - State Board of Education –*

*Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2018 Org 0402

1	Personal Services and Employee Benefits ....	00100	\$ 1,519,972
2	Unclassified.....	09900	155,000
3	Current Expenses .....	13000	14,320,081
4	Repairs and Alterations.....	06400	10,000
5	Equipment.....	07000	10,000

6	Other Assets .....	69000	<u>10,000</u>
7	Total .....		\$ 16,025,053

*333 - State Board of Education –*

*Aid for Exceptional Children*

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2018 Org 0402

1	Personal Services and Employee Benefits ....	00100	\$ 3,344,940
2	Unclassified .....	09900	1,000,000
3	Current Expenses .....	13000	108,346,390
4	Repairs and Alterations .....	06400	10,000
5	Equipment .....	07000	10,000
6	Other Assets .....	69000	<u>10,000</u>
7	Total .....		\$ 112,721,330

***DEPARTMENT OF EDUCATION AND THE ARTS***

*334 - Department of Education and the Arts –*

*Office of the Secretary*

(WV Code Chapter 5F)

Fund 8841 FY 2018 Org 0431

1	Personal Services and Employee Benefits ....	00100	\$ 416,675
2	Current Expenses .....	13000	5,587,325
3	Repairs and Alterations .....	06400	<u>1,000</u>
4	Total .....		\$ 6,005,000

*335 - Division of Culture and History*

(WV Code Chapter 29)

Fund 8718 FY 2018 Org 0432

1	Personal Services and Employee Benefits ....00100	\$	743,046
2	Current Expenses .....	13000	1,947,372
3	Repairs and Alterations.....06400		1,000
4	Equipment.....07000		1,000
5	Buildings.....25800		1,000
6	Other Assets.....69000		1,000
7	Land .....	73000	<u>360</u>
8	Total.....	\$	2,694,778

*336 - Library Commission*

(WV Code Chapter 10)

Fund 8720 FY 2018 Org 0433

1	Personal Services and Employee Benefits ....00100	\$	333,648
2	Current Expenses .....	13000	1,076,162
3	Equipment.....07000		<u>543,406</u>
4	Total.....	\$	1,953,216

*337 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 8721 FY 2018 Org 0439

1	Equipment.....07000	\$	750,000
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338 - State Board of Rehabilitation –

Division of Rehabilitation Services

(WV Code Chapter 18)

Fund 8734 FY 2018 Org 0932

1	Personal Services and Employee Benefits ....00100	\$ 11,248,930
2	Current Expenses .....13000	54,485,940
3	Repairs and Alterations.....06400	350,400
4	Equipment.....07000	<u>1,275,870</u>
5	Total.....	\$ 67,361,140

339 - State Board of Rehabilitation –

Division of Rehabilitation Services –

Disability Determination Services

(WV Code Chapter 18)

Fund 8890 FY 2018 Org 0932

1	Personal Services and Employee Benefits ....00100	\$ 13,730,634
2	Current Expenses .....13000	11,383,206
3	Repairs and Alterations.....06400	1,100
4	Equipment.....07000	<u>83,350</u>
5	Total.....	\$ 25,198,290

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

340 - Division of Environmental Protection

(WV Code Chapter 22)

Fund 8708 FY 2018 Org 0313

1	Personal Services and Employee Benefits ....00100	\$ 29,177,068
2	Current Expenses .....13000	190,201,007
3	Repairs and Alterations.....06400	738,283
4	Equipment.....07000	1,725,238
5	Unclassified.....09900	2,201,827
6	Other Assets .....69000	2,154,416
7	Land .....73000	<u>100,000</u>
8	Total.....	\$ 226,297,839

**DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES**

*341 - Consolidated Medical Service Fund*

(WV Code Chapter 16)

Fund 8723 FY 2018 Org 0506

1	Personal Services and Employee Benefits ....00100	\$ 750,876
2	Unclassified.....09900	73,307
3	Current Expenses .....13000	<u>6,630,103</u>
4	Total.....	\$ 7,454,286

*342 - Division of Health –*

*Central Office*

(WV Code Chapter 16)

Fund 8802 FY 2018 Org 0506

1	Personal Services and Employee Benefits ....00100	\$ 13,744,404
2	Unclassified.....09900	947,948
3	Current Expenses .....13000	79,110,551
4	Equipment.....07000	456,972
5	Buildings.....25800	155,000
6	Other Assets.....69000	<u>380,000</u>
7	Total.....	\$ 94,794,875

*343 - Division of Health –*

*West Virginia Safe Drinking Water Treatment*

(WV Code Chapter 16)

Fund 8824 FY 2018 Org 0506

1	West Virginia Drinking Water Treatment	
2	Revolving Fund – Transfer .....68900	\$ 16,000,000

*344 - West Virginia Health Care Authority*

(WV Code Chapter 16)

Fund 8851 FY 2018 Org 0507

1	Unclassified.....09900	\$ 9,966
2	Current Expenses .....13000	<u>986,649</u>
3	Total.....	\$ 996,615

*345 - Human Rights Commission*

(WV Code Chapter 5)

Fund 8725 FY 2018 Org 0510

1	Personal Services and Employee Benefits ....00100	\$ 625,349
2	Unclassified.....09900	5,482
3	Current Expenses .....13000	<u>140,389</u>
4	Total.....	\$ 771,220

*346 - Division of Human Services*

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2018 Org 0511

1	Personal Services and Employee Benefits ....00100	\$ 68,943,213
2	Unclassified.....09900	22,855,833
3	Current Expenses .....13000	72,070,005
4	Medical Services.....18900	3,234,265,405
5	Medical Services Administrative Costs .....78900	132,045,119
6	CHIP Administrative Costs.....85601	3,333,752
7	CHIP Services.....85602	47,422,974
8	Federal Economic Stimulus .....89100	<u>20,000,000</u>
9	Total.....	\$3,600,936,301

**DEPARTMENT OF MILITARY AFFAIRS AND  
PUBLIC SAFETY**

*347 - Office of the Secretary*

(WV Code Chapter 5F)

Fund 8876 FY 2018 Org 0601

1	Personal Services and Employee Benefits ....00100	\$ 439,636
2	Unclassified.....09900	250,000

3	Current Expenses .....	13000	24,307,690
4	Repairs and Alterations.....	06400	3,000
5	Other Assets .....	69000	<u>5,000</u>
6	Total.....		\$ 25,005,326

*348 - Adjutant General –*

*State Militia*

(WV Code Chapter 15)

Fund 8726 FY 2018 Org 0603

1	Unclassified.....	09900	\$ 982,705
2	Mountaineer ChalleNGe Academy.....	70900	4,550,000
3	Martinsburg Starbase .....	74200	410,000
4	Charleston Starbase.....	74300	400,000
5	Military Authority.....	74800	<u>91,927,900</u>
6	Total.....		\$ 98,270,605

The adjutant general shall have the authority to transfer between appropriations.

*349 - Adjutant General –*

*West Virginia National Guard Counterdrug Forfeiture Fund*

(WV Code Chapter 15)

Fund 8785 FY 2018 Org 0603

1	Personal Services and Employee Benefits....	00100	\$ 1,350,000
2	Current Expenses .....	13000	300,000
3	Equipment.....	07000	<u>350,000</u>



4 Total..... \$ 2,000,000

*350 - Division of Homeland Security and*

*Emergency Management*

(WV Code Chapter 15)

Fund 8727 FY 2018 Org 0606

1	Personal Services and Employee Benefits ....00100	\$	721,650
2	Current Expenses .....13000		20,429,281
3	Repairs and Alterations.....06400		5,000
4	Equipment.....07000		<u>100,000</u>
5	Total.....	\$	21,255,931

*351 - Division of Corrections*

(WV Code Chapters 25, 28, 49 and 62)

Fund 8836 FY 2018 Org 0608

1	Unclassified.....09900	\$	1,100
2	Current Expenses .....13000		<u>108,900</u>
3	Total.....	\$	110,000

*352 - West Virginia State Police*

(WV Code Chapter 15)

Fund 8741 FY 2018 Org 0612

1	Personal Services and Employee Benefits ....00100	\$	2,435,539
2	Current Expenses .....13000		2,125,971
3	Repairs and Alterations.....06400		42,000

4	Equipment.....	07000	2,502,285
5	Buildings.....	25800	750,500
6	Other Assets.....	69000	144,500
7	Land.....	73000	<u>500</u>
8	Total.....		\$ 8,001,295

*353 - Fire Commission*

(WV Code Chapter 29)

Fund 8819 FY 2018 Org 0619

1	Current Expenses.....	13000	\$ 80,000
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*354 - Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 8803 FY 2018 Org 0620

1	Personal Services and Employee Benefits....	00100	\$ 1,056,170
2	Unclassified.....	09900	25,185
3	Current Expenses.....	13000	18,774,373
4	Repairs and Alterations.....	06400	<u>1,750</u>
5	Total.....		\$ 19,857,478

**DEPARTMENT OF REVENUE**

*355 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2018 Org 0704

1	Current Expenses.....	13000	\$ 3,000,000
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**DEPARTMENT OF TRANSPORTATION***356 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2018 Org 0802

1	Personal Services and Employee Benefits ....00100	\$	501,394
2	Current Expenses .....	13000	13,671,640
3	Repairs and Alterations.....06400		<u>500</u>
4	Total.....	\$	14,173,534

*357 - Division of Public Transit*

(WV Code Chapter 17)

Fund 8745 FY 2018 Org 0805

1	Personal Services and Employee Benefits ....00100	\$	702,637
2	Current Expenses .....	13000	9,161,605
3	Repairs and Alterations.....06400		2,500
4	Equipment.....07000		4,726,958
5	Buildings.....25800		750,000
6	Other Assets.....69000		<u>250,000</u>
7	Total.....	\$	15,593,700

*358 - Public Port Authority*

(WV Code Chapter 17)

Fund 8830 FY 2018 Org 0806

1	Current Expenses .....	13000	\$	0
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**DEPARTMENT OF VETERANS' ASSISTANCE***359 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2018 Org 0613

1	Personal Services and Employee Benefits ....00100	\$ 2,751,100
2	Current Expenses .....13000	3,925,900
3	Repairs and Alterations.....06400	50,000
4	Equipment.....07000	200,000
5	Buildings.....25800	600,000
6	Other Assets.....69000	100,000
7	Land .....73000	<u>100,000</u>
8	Total.....	\$ 7,727,000

*360 - Department of Veterans' Assistance –**Veterans' Home*

(WV Code Chapter 9A)

Fund 8728 FY 2018 Org 0618

1	Personal Services and Employee Benefits ....00100	\$ 877,915
2	Current Expenses .....13000	844,092
3	Repairs and Alterations.....06400	220,000
4	Equipment.....07000	198,000
5	Buildings.....25800	296,000
6	Other Assets.....69000	20,000
7	Land .....73000	<u>10,000</u>

8	Total.....	\$ 2,466,007
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### BUREAU OF SENIOR SERVICES

#### *361 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 8724 FY 2018 Org 0508

1	Personal Services and Employee Benefits ....00100	\$ 721,393
2	Current Expenses .....13000	13,811,853
3	Repairs and Alterations.....06400	<u>3,000</u>
4	Total.....	\$ 14,536,246

### MISCELLANEOUS BOARDS AND COMMISSIONS

#### *362 - Public Service Commission –*

*Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8743 FY 2018 Org 0926

1	Personal Services and Employee Benefits ....00100	\$ 1,286,913
2	Current Expenses .....13000	368,953
3	Repairs and Alterations.....06400	40,000
4	Equipment.....07000	<u>750,000</u>
5	Total.....	\$ 2,445,866

#### *363 - Public Service Commission –*

*Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2018 Org 0926

1	Personal Services and Employee Benefits ....00100	\$	596,600
2	Current Expenses .....	13000	124,628
3	Equipment.....	07000	3,000
4	Unclassified.....	09900	<u>4,072</u>
5	Total.....	\$	728,300

*364 - National Coal Heritage Area Authority*

(WV Code Chapter 29)

Fund 8869 FY 2018 Org 0941

1	Personal Services and Employee Benefits ....00100	\$	159,235
2	Current Expenses .....	13000	631,365
3	Repairs and Alterations.....	06400	5,000
4	Equipment.....	07000	3,000
5	Other Assets.....	69000	<u>2,000</u>
6	Total.....	\$	<u>800,600</u>
7	Total TITLE II, Section 6 - Federal Funds ...		<u>\$ 4,874,926,288</u>

**Sec. 7. Appropriations from federal block grants.** — The following items are hereby appropriated from federal block grants to be available for expenditure during the fiscal year 2018.

*365 - West Virginia Development Office –**Community Development*Fund 8746 FY 2018 Org 0307

1	Personal Services and Employee Benefits ....00100	\$	648,117
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2	Unclassified.....09900	375,000
3	Current Expenses .....13000	<u>36,476,883</u>
4	Total.....	\$ 37,500,000

*366 - Department of Commerce*

*West Virginia Development Office –*

*Office of Economic Opportunity –*

*Community Services*

Fund 8902 FY 2018 Org 0307

1	Personal Services and Employee Benefits ....00100	\$ 362,389
2	Unclassified.....09900	125,000
3	Current Expenses .....13000	12,002,111
4	Repairs and Alterations.....06400	1,500
5	Equipment.....07000	<u>9,000</u>
6	Total.....	\$ 12,500,000

*367 - WorkForce West Virginia –*

*Workforce Investment Act*

Fund 8749 FY 2018 Org 0323

1	Personal Services and Employee Benefits ....00100	\$ 2,112,606
2	Unclassified.....09900	23,023
3	Current Expenses .....13000	39,263,511
4	Repairs and Alterations.....06400	1,600
5	Equipment.....07000	500

6	Buildings .....	25800	<u>1,100</u>
7	Total .....		\$ 41,402,340

*368 - Division of Health –*

*Maternal and Child Health*

Fund 8750 FY 2018 Org 0506

1	Personal Services and Employee Benefits ....00100		\$ 2,124,294
2	Unclassified.....09900		110,017
3	Current Expenses .....	13000	<u>8,767,420</u>
4	Total .....		\$ 11,001,731

*369 - Division of Health –*

*Preventive Health*

Fund 8753 FY 2018 Org 0506

1	Personal Services and Employee Benefits ....00100		\$ 162,320
2	Unclassified.....09900		22,457
3	Current Expenses .....	13000	1,895,366
4	Equipment.....07000		<u>165,642</u>
5	Total .....		\$ 2,245,785

*370 - Division of Health –*

*Substance Abuse Prevention and Treatment*

Fund 8793 FY 2018 Org 0506

1	Personal Services and Employee Benefits ....00100		\$ 822,766
2	Unclassified.....09900		115,924



3	Current Expenses .....	13000	<u>10,653,740</u>
4	Total.....		\$ 11,592,430

*371 - Division of Health –*

*Community Mental Health Services*

Fund 8794 FY 2018 Org 0506

1	Personal Services and Employee Benefits ....	00100	\$ 936,557
2	Unclassified.....	09900	33,533
3	Current Expenses .....	13000	<u>2,383,307</u>
4	Total.....		\$ 3,353,397

*372 - Division of Human Services –*

*Energy Assistance*

Fund 8755 FY 2018 Org 0511

1	Personal Services and Employee Benefits ....	00100	\$ 1,514,312
2	Unclassified.....	09900	350,000
3	Current Expenses .....	13000	<u>33,181,300</u>
4	Total.....		\$ 35,045,612

*373 - Division of Human Services –*

*Social Services*

Fund 8757 FY 2018 Org 0511

1	Personal Services and Employee Benefits ....	00100	\$ 14,231,684
2	Unclassified.....	09900	171,982
3	Current Expenses .....	13000	<u>2,870,508</u>

4	Total.....	\$ 17,274,174
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*374 - Division of Human Services –*

*Temporary Assistance for Needy Families*

Fund 8816 FY 2018 Org 0511

1	Personal Services and Employee Benefits ....00100	\$ 18,297,327
2	Unclassified.....09900	1,250,000
3	Current Expenses .....13000	<u>105,847,136</u>
4	Total.....	\$ 125,394,463

*375 - Division of Human Services –*

*Child Care and Development*

Fund 8817 FY 2018 Org 0511

1	Personal Services and Employee Benefits ....00100	\$ 4,676,841
2	Unclassified.....09900	350,000
3	Current Expenses .....13000	<u>31,999,456</u>
4	Total.....	\$ 37,026,297

*376 - Division of Justice and Community Services –*

*Juvenile Accountability Incentive*

Fund 8829 FY 2018 Org 0620

1	Personal Services and Employee Benefits ....00100	\$ 1,648
2	Current Expenses .....13000	48,351
3	Repairs and Alterations.....06400	<u><u>1</u></u>
4	Total.....	<u>\$ 50,000</u>

5	Total	TITLE II,	Section 7	–	Federal Block	
6	Grants.....					<u>\$ 334,386,229</u>

**Sec. 8. Awards for claims against the state.** — There are hereby appropriated for fiscal year 2018, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$930,143, special revenue funds in the amount of \$458,733, and state road funds in the amount of \$802,735 for payment of claims against the state.

**Sec. 9. Appropriations from general revenue surplus accrued.** — The following item is hereby appropriated from the state fund, general revenue, and is to be available for expenditure during the fiscal year 2018 out of surplus funds only, accrued from the fiscal year ending June 30, 2017, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus as of July 31, 2017 from the fiscal year ending June 30, 2017, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2017, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available as of the date mandated to meet the appropriation in this section.

*377 - Division of General Services*

(WV Code Chapter 5A)

Fund 0230 FY 2018 Org 0211

1	Capital Outlay, Repairs and	
2	Equipment – Surplus.....67700	<u>\$ 8,000,000</u>
3	Total TITLE II, Section 9 – Surplus Accrued .....	<u>\$ 8,000,000</u>

**Sec. 10. Appropriations from lottery net profits surplus accrued.** — The following item is hereby appropriated from the

lottery net profits, and is to be available for expenditure during the fiscal year 2018 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2017, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2017.

In the event that surplus revenues available from the fiscal year ending June 30, 2017, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

*378 - Bureau of Senior Services –*

*Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2018 Org 0508

1	Senior Services Medicaid Transfer –	
2	Lottery Surplus .....	68199 \$ <u>8,000,000</u>
3	Total TITLE II, Section 10 – Surplus Accrued...	\$ <u>8,000,000</u>

**Sec. 11. Appropriations from state excess lottery revenue surplus accrued.** — The following item is hereby appropriated from the state excess lottery revenue fund, and is to be available for expenditure during the fiscal year 2018 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2017, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2017.

In the event that surplus revenues available from the fiscal year ending June 30, 2017, are not sufficient to meet the appropriation

made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

*379 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2018 Org 0511

1	Medical Services – Lottery Surplus .....	68100	\$ <u>32,000,000</u>
2	Total TITLE II, Section 11 – Surplus Accrued...		\$ <u>32,000,000</u>

**Sec. 12. Special revenue appropriations.** — There are hereby appropriated for expenditure during the fiscal year 2018 appropriations made by general law from special revenues which are not paid into the state fund as general revenue under the provisions of W.Va. Code §12-2-2: Provided, That none of the money so appropriated by this section shall be available for expenditure except in compliance with the provisions of W.Va. Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending unit has filed with the director of the budget and the legislative auditor prior to the beginning of each fiscal year:

(a) An estimate of the amount and sources of all revenues accruing to such fund; and

(b) A detailed expenditure schedule showing for what purposes the fund is to be expended. During Fiscal Year 2018, the following funds are hereby available and are to be transferred to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund (fund 5185) from available balances per the following:

*380 - Treasurer's Office –*

*Banking Services Fund*

(WV Code Chapter 12)

Fund 1322 FY 2018 Org 1300

1 Directed Transfer .....70000 \$ 1,209,197.40

*381 - Department of Administration -*

*Office of the Secretary -*

*State Employee Sick Leave Fund*

(WV Code Chapter 5)

Fund 2045 FY 2018 Org 0201

1 Directed Transfer .....70000 \$ 540,659.06

*382 - Department of Administration -*

*Office of the Secretary -*

*Gifts, Grants and Donations*

(WV Code Chapter 5A)

Fund 2046 FY 2018 Org 0201

1 Directed Transfer .....70000 \$ 80,000

*383 - Department of Administration -*

*Division of Personnel -*

*Civil Service Emergency Employment Fund*

(WV Code Chapter 29)

Fund 2444 FY 2018 Org 0222

1 Directed Transfer .....70000 \$ 264.96

*384 - Department of Health and Human Resources -*

*Division of Health -*

*Breast and Cervical Diagnostic and Treatment Fund*

(WV Code Chapter 16)

Fund 5197 FY 2018 Org 0506

1	Directed Transfer .....	70000	\$	1,500,000
2	Total TITLE II, Section 12 –			
3	Directed Transfer .....			<u>\$3,330,121.42</u>

**Sec. 13. State improvement fund appropriations.** — Bequests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2018, for the purpose of making studies and recommendations relative to improvements of the administration and management of spending units in the executive branch of state government, shall be deposited in the state treasury in a separate account therein designated state improvement fund.

There are hereby appropriated all moneys so deposited during the fiscal year 2018 to be expended as authorized by the Governor, for such studies and recommendations which may encompass any problems of organization, procedures, systems, functions, powers or duties of a state spending unit in the executive branch, or the betterment of the economic, social, educational, health and general welfare of the state or its citizens.

**Sec. 14. Specific funds and collection accounts.** — A fund or collection account which by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful demands upon the fund or collection account and shall be expended according to the provisions of Article 3, Chapter 12 of the Code.

**Sec. 15. Appropriations for refunding erroneous payment.** — Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid, for refund to the proper person.

When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of

the proper amount. The Auditor shall issue his or her warrant to the Treasurer and the Treasurer shall pay the warrant out of the fund into which the amount was originally paid.

**Sec. 16. Sinking fund deficiencies.** — There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance fund of the West Virginia housing development fund which is under the supervision and control of the municipal bond commission as provided by W.Va. Code §31-18-20b, or in the funds of the municipal bond commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the municipal bond commission as may be necessary for these purposes.

The municipal bond commission shall reimburse the state of West Virginia through the Governor from the first remittance collected from the West Virginia housing development fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

**Sec. 17. Appropriations for local governments.** — There are hereby appropriated for payment to counties, districts and municipal corporations such amounts as will be necessary to pay taxes due counties, districts and municipal corporations and which have been paid into the treasury:

- (a) For redemption of lands;
- (b) By public service corporations;
- (c) For tax forfeitures.

**Sec. 18. Total appropriations.** — Where only a total sum is appropriated to a spending unit, the total sum shall include personal services and employee benefits, annual increment, current expenses, repairs and alterations, buildings, equipment, other



assets, land, and capital outlay, where not otherwise specifically provided and except as otherwise provided in TITLE I – GENERAL PROVISIONS, Sec. 3.

**Sec. 19. General school fund.** — The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.Va. Code §18-9A-16.

### TITLE III – ADMINISTRATION

**Sec. 1. Appropriations conditional.** — The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state government, are conditioned upon the compliance by the spending unit with the requirements of Article 2, Chapter 11B of the Code.

Where spending units or parts of spending units have been absorbed by or combined with other spending units, it is the intent of this act that appropriations and reappropriations shall be to the succeeding or later spending unit created, unless otherwise indicated.

**Sec. 2. Constitutionality.** — If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.

Following discussion,

The question being on the adoption of Senator Hall's amendment to the bill, the same was put and prevailed.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2018), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—22.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—12.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2018) passed with its title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

**Eng. House Bill 3022**, Relating to the reporting of fraud, misappropriation of moneys, and other violations of law to the commission on special investigations.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. House Bill 3022**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-16; to amend said code by adding thereto a new section, designated §8-9-4; and to amend said code by adding

thereto a new section, designated §30-1-5a, all relating to the reporting of fraud, misappropriation of moneys, and other violations of law relating to the public trust to the commission on special investigations; requiring reporting when a county commission, or any of a county's boards, committees, or certain other county entities obtain certain information regarding misappropriation, fraud or violations of law relating to the public trust; requiring reporting when a municipality, or any of a municipality's boards, committees, or certain other municipal entities obtain certain information regarding misappropriation, fraud or violations of law relating to the public trust; requiring reporting when certain professional and occupational boards of the state obtain certain information regarding misappropriation, fraud or violations of law relating to the public trust; and clarifying that the reporting requirements do not prevent, relieve or replace a report to law-enforcement where appropriate or warranted.

On motion of Senator Ferns, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed House Bill 3022, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: Prezioso and Unger—2.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3022) passed with its House of Delegates amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

**Eng. Com. Sub. for House Bill 2711**, Abolishing regional educational service agencies and providing for the transfer of property and records.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for House Bill 2711**—A Bill to repeal §18-2-26a of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2-26 of said code; to amend and reenact §18-2E-1a and §18-2E-5 of said code; to amend and reenact §18-5-13 and §18-5-45 of said code; to further amend said code by adding thereto two new sections designated §18-5-13b and §18-5-13c; to amend and reenact §18-5A-5 of said code; to amend and reenact §18-9A-8a of said code; and to amend and reenact §18A-4-14 of said code, all relating generally to education; repealing requirement for biennial meetings of county boards by region; providing for dissolving regional educational service agencies by certain date; allowing for modification and dissolving by cooperative agreement before said date; providing for the transfer, liquidation or disbursement of property and records; requiring state board to constructively engage with the legislative oversight commission on education accountability prior to adopting certain standards and prior to adoption of a new statewide summative assessment; requiring certain state board actions before full implementation of a new accountability system; modifying state board prohibitions and duties as part of its on-going responsibility for developing and implementing a program of standards, assessments and a program

of accountability; clarifying responsibilities and authority of Legislature and state board with respect to process for improving education and purposes and intent of system of accountability; modifying areas for which the state board is required to adopt high-quality education standards; modifying statewide assessment program; modifying annual performance measures for accreditation; requiring county board use of statewide electronic information system; modifying process for assessing school and school system performance; eliminating office of education performance audits and authorizing employment of experienced education professionals with certain duties; modifying school accreditation and removing authorization for state board intervention in school operations; modifying school system approval and processes for state board intervention; modifying processes for improving capacity; modifying process for building leadership capacity of system during intervention; expanding county board authority for entering into cooperative agreements; establishing the County Superintendents' Advisory Council; setting forth the council's authority and responsibilities, including the formation of four geographic quadrants to carry out the work of the council; requiring certain meetings and reports; authorizing county board agreements to establish educational services cooperatives; providing references to regional education service agencies mean cooperatives; providing priorities for transfer, liquidation and disbursement of regional education service agency property, equipment and records upon dissolution; providing for governing council of educational services cooperatives; providing for powers and duties; providing for cooperative annual plan and optional programs and services; providing for selection of fiscal agent county board and annual audit; providing for staff and member expenses; providing for member compensation; defining minimum length of instructional day; defining instruction delivered through alternative methods; allowing equivalent instructional time alternative to one hundred eighty separate instructional days; authorizing county board to increase length of instructional day by certain amount and use instructional time gained for certain purposes; authorizing delivery of instruction through alternative methods upon plan approved by state board and counting as instructional and employment days; designating one

noninstructional day for teachers as a preparation day for opening school and another for teachers as a preparation day for closing school; allowing teacher preparation days to be used for certain other purposes at teacher's discretion; increasing number of two-hour blocks for faculty senate meetings from four to six; removing requirement that faculty senate meetings be held once every forty-five days; modifying requirement for rescheduling days to be used for instruction to reflect instructional time gained by lengthening instructional day; exempting certain days from rescheduling when instructional day lengthened; authorizing decrease of instructional term in county subject to emergency or disaster declaration by Governor; reducing foundation allowance for regional education service agencies; removing requirement for planning period to be within instructional day; requiring educators to receive uninterrupted time for planning periods each day; prohibiting administrators from requiring a teacher to use the planning period time to complete duties beyond instructional planning; and making technical improvements and removing obsolete provisions.

On motion of Senator Ferns, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 2711, as amended, was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 2711 pass?"

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Beach, Facemire, Jeffries, Ojeda, Romano and Stollings—6.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2711) passed with its House of Delegates amended title.

*Ordered*, That The Clerk communicate to the House of Delegates the action of the Senate.

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The midnight hour having arrived, the President stated all unfinished legislative business, with the exception of the budget bill, had expired due to the time element.

A series of messages from the House of Delegates having been received at his desk, the following communications were reported by the Clerk:

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for Senate Bill 76**, Creating WV Second Chance for Employment Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

**Eng. Com. Sub. for Senate Bill 116**, Authorizing MAPS promulgate legislative rules.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

**Eng. Com. Sub. for Senate Bill 134**, Authorizing Bureau of Commerce to promulgate legislative rules.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, to take effect July 1, 2017, as to

**Eng. Senate Bill 172**, Eliminating salary for Water Development Authority board members.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, of

**Eng. Com. Sub. for Senate Bill 204**, Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for Senate Bill 220**, Relating to offenses and penalties under Uniform Controlled Substances Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, of

**Eng. Com. Sub. for Senate Bill 224**, Repealing requirement for employer's bond for wages and benefits.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended, with its House of Delegates amended title, of



**Eng. Com. Sub. for Senate Bill 240**, Creating crime of nonconsensual distribution of sexual images.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for Com. Sub. for Senate Bill 333**, Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendment to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for Senate Bill 441**, Establishing Municipal Home Rule Pilot Program.

A message from the Clerk of the House of Delegates announced that that body had receded from its amendments to, and the passage as amended by deletion, of

**Eng. Senate Bill 444**, Establishing Court Advanced Technology Subscription Fund.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report, as to

**Eng. Senate Bill 554**, Relating to false swearing in legislative proceeding.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for Senate Bill 606**, Relating to minimum wage and maximum hours for employees.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

**Eng. Com. Sub. for Senate Bill 630**, Establishing Accessibility and Equity in Public Education Enhancement Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendment to, and the adoption as amended, of

**Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 6**, Roads to Prosperity Amendment of 2017.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

**Senate Concurrent Resolution 33**, US Army Ranger SGT Richard E. Arden Memorial Bridge.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

**Senate Concurrent Resolution 42**, Five Champ Brothers Bridge.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of

**Senate Concurrent Resolution 49**, Erecting signs in Kanawha County declaring Home of Ralph Maddox 1980 NHPA Hall of Fame.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2001**, Relating to ethics and transparency in government.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2002**, Relating to parental notification of abortions performed on unemancipated minors.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2109**, Relating to the West Virginia Land Reuse Agency Authorization Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, to take effect from passage, of

**Eng. Com. Sub. for House Bill 2219**, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2303**, Increasing criminal penalties for littering.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2359**, Relating to offenses and penalties for practicing osteopathic medicine without a license.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

**Eng. Com. Sub. for House Bill 2402**, Relating to abandoned antique vehicles.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2428**, Establishing additional substance abuse treatment facilities.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2479**, Uniform Deployed Parents Custody and Visitation Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

**Eng. Com. Sub. for House Bill 2552**, Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2620**, West Virginia Drug Overdose Monitoring Act.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2637**, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

**Eng. Com. Sub. for House Bill 2674**, Relating to access to and receipt of certain information regarding a protected person.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. House Bill 2684**, Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2781**, Requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2801**, Expiring funds to the unappropriated balance in the State Fund from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

**Eng. Com. Sub. for House Bill 2804**, Removing chiropractors from the list of medical professions required to obtain continuing

education on mental health conditions common to veterans and family members.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, of

**Eng. Com. Sub. for House Bill 2805**, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2851**, Updating fee structure provisions for broker-dealers.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2935**, Relating to state flood protection planning.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

**Eng. Com. Sub. for House Bill 3080**, Requiring instruction in the Declaration of Independence and the United States Constitution.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 3096**, Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect from passage, of

**Eng. House Bill 3103**, Making a supplementary appropriation to the Department of Health and Human Resources.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

**House Concurrent Resolution 21**, 1SG Carl J. Crabtree Memorial Road.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

**House Concurrent Resolution 35**, Arnold Miller Memorial Bridge.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

**House Concurrent Resolution 58**, William C. Campbell Memorial Highway.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

**House Concurrent Resolution 62**, Webster County Veterans Highway.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

**House Concurrent Resolution 63**, William B. Burgess Memorial Road.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

**House Concurrent Resolution 65**, Hobert G. ‘Hobie’ Underwood Memorial Bridge.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

**House Concurrent Resolution 68**, James Earl Gibson Memorial Road.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

**House Concurrent Resolution 73**, U S Army Air Corps PVT William James Irwin, Memorial Bridge.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

**House Concurrent Resolution 118**, Craddock Brothers Bridge.

On motion of Senator Ferns, the Senate adjourned until tomorrow, Sunday, April 9, 2017, at 6 p.m. for an extended session to complete action on the annual state budget, under authority of the Governor’s proclamation issued April 5, 2017, extending the first annual session of the eighty-third Legislature until and including the ninth day of April, two thousand seventeen, solely for that purpose, as being the only permissive legislation within constitutional purview.

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## SUNDAY, APRIL 9, 2017

The Senate met at 6 p.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by the Honorable Randy E. Smith, a senator from the fourteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan J. Ferns, a senator from the first district.

Pending the reading of the Journal of Saturday, April 8, 2017,

At the request of Senator Prezioso, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Trump, the Senate recessed for ten minutes.

Upon expiration of the recess, the Senate reconvened and proceeded to the fourth order of business.

Senator Boley, from the Committee on Confirmations, submitted the following report, which was received:

Your Committee on Confirmations has had under consideration

**Senate Executive Message 6**, dated March 29, 2017, requesting confirmation by the Senate of the nominations mentioned therein. The following list of names from Executive Message 6 is submitted:

1. For Director, Division of Homeland Security, James J. Gianato, Kimball, McDowell County, to serve at the will and pleasure of the Governor.

2. For Secretary, Department of Military Affairs and Public Safety, Jeff Sandy, Vienna, Wood County, to serve at the will and pleasure of the Governor.

3. For Secretary, Department of Environmental Protection, Austin Caperton, Daniels, Raleigh County, to serve at the will and pleasure of the Governor.

4. For Secretary, Department of Revenue, Dave Hardy, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

5. For Commissioner, Division of Tourism, Chelsea A. Ruby, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

6. For Superintendent, West Virginia State Police, Jan Cahill, Lewisburg, Greenbrier County, to serve at the will and pleasure of the Governor.

7. For Secretary, Department of Health and Human Resources, Bill J. Crouch, Poca, Putnam County, to serve at the will and pleasure of the Governor.

8. For Secretary, West Virginia Department of Veterans Assistance, Dennis Davis, Dunbar, Kanawha County, to serve at the will and pleasure of the Governor.

9. For Director, West Virginia Lottery, Alan H. Larrick, Daniels, Raleigh County, to serve at the will and pleasure of the Governor.

10. For Secretary, Department of Education and the Arts, Gayle C. Manchin, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

11. For Secretary, Department of Administration, John A. Myers, Scott Depot, Putnam County, to serve at the will and pleasure of the Governor.

12. For Commissioner, West Virginia Division of Motor Vehicles, Pat Reed, Beckley, Raleigh County, to serve at the will and pleasure of the Governor.

13. For Commissioner, Tax Division, Dale Steager, South Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

14. For Secretary, Department of Commerce, H. Wood Thrasher, Bridgeport, Harrison County, to serve at the will and pleasure of the Governor.

15. For Adjutant General, Major General James A. Hoyer, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

16. For Member, West Virginia Board of Physical Therapy, Robert A. Haas, Lewisburg, Greenbrier County, for the term ending June 30, 2019.

18. For Director, Miners' Health, Safety and Training, James G. Norman, Pineville, Wyoming County, to serve at the will and pleasure of the Governor.

19. For Secretary/Commissioner, Department of Transportation/Division of Highways, Thomas J. Smith, Hurricane, Putnam County, to serve at the will and pleasure of the Governor.

20. For Member, Pierpont Community and Technical College Board of Governors, L. Eugene Weaver, Fairmont, Marion County, for the term ending June 30, 2020.

21. For Member, West Virginia Investment Management Board of Trustees, Randy E. Snider, Parkersburg, Wood County, for the term ending January 31, 2023.

22. For Member, West Virginia Investment Management Board of Trustees, Jack Rossi, Charleston, Kanawha County, for the term ending January 31, 2023.

23. For Member, West Virginia Racing Commission, Anthony E. Figaretti, Wheeling, Ohio County, for the term ending April 1, 2020.

24. For Member, West Virginia Racing Commission, Kenneth F. Lowe, Jr., Shepherdstown, Jefferson County, for the term ending April 1, 2020.

25. For Member, West Virginia Board of Education, Miller Hall, Beckley, Raleigh County, for the term ending November 4, 2019.

26. For Member, West Virginia Board of Education, Harold L. Hatfield, Jr., Hurricane, Putnam County, for the term ending November 4, 2025.

27. For Member, West Virginia Board of Education, Barbara Whitecotton, Moorefield, Hardy County, for the term ending November 4, 2024.

28. For Member, West Virginia Parole Board, Mike McCarthy, Huntington, Cabell County, for the term ending June 30, 2022.

29. For Member, West Virginia Board of Education, The Honorable David G. Perry, Oak Hill, Fayette County, for the term ending November 4, 2020.

30. For Member, West Virginia Board of Physical Therapy, Jack Spatafore, Bridgeport, Harrison County, for the term ending June 30, 2019.

31. For Member, West Virginia Board of Physical Therapy, Jack Brautigam, Morgantown, Monongalia County, for the term ending June 30, 2018.

32. For Member, West Virginia Board of Physical Therapy, Steve Young, Summersville, Nicholas County, for the term ending June 30, 2017.

33. For Director, Division of Natural Resources, Stephen S. McDaniel, Hendricks, Tucker County, to serve at the will and pleasure of the Governor.

34. For Member, Aeronautics Commission, Scott Miller, Charleston, Kanawha County, for the term ending June 30, 2020.

35. For Member, Southern West Virginia Community and Technical College Board of Governors, Latisha Marcum, Williamson, Mingo County, for the term ending June 30, 2018.

36. For Member, Family Protection Services Board, Emily S. Larkins, Parkersburg, Wood County, for the term ending June 30, 2019.

37. For Member, West Virginia Board of Architects, Adam Krason, Charleston, Kanawha County, for the term ending June 30, 2017.

38. For Executive Director, Housing Development Fund, Erica L. Boggess, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

39. For Member, Housing Development Fund, David Gardner, Charleston, Kanawha County, for the term ending October 30, 2020.

40. For Member, Housing Development Fund, John B. Gianola, Charleston, Kanawha County, for the term ending October 30, 2020.

41. For Member, Housing Development Fund, Robert L. Nistendirk, Charleston, Kanawha County, for the term ending October 30, 2020.

42. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Gary L. Poling, Beckley, Raleigh County, for the term ending June 30, 2019.

43. For Commissioner, Division of Labor, David Mullins, Ripley, Jackson County, to serve at the will and pleasure of the Governor.

44. For Commissioner, Alcohol Beverage Control Commission, Fredric L. Wooton, Beckley, Raleigh County, to serve at the will and pleasure of the Governor.

45. For Member, Water Development Board, Marie L. Prezioso, Charleston, Kanawha County, for the term ending June 30, 2018.

46. For Member, West Virginia Council for Educational Opportunity for Military Children, Christopher P. Cmiel, Belle, Kanawha County, for the term ending June 30, 2019.

47. For Member, West Virginia Housing Development Fund, Mary Agnes Kern, Charleston, Kanawha County, for the term ending October 30, 2018.

48. For Member, West Virginia Library Commission, Betty Gunnoe, Martinsburg, Berkeley County, for the term ending June 30, 2020.

49. For Member, West Virginia Library Commission, Debra K. Sullivan, Charleston, Kanawha County, for the term ending June 30, 2020.

50. For Member, Fire Commission, Martin Hess, Sand Fork, Gilmer County, for the term ending June 30, 2018.

51. For Member, Southern West Virginia Community and Technical College Board of Governors, Mason E. White II, Logan, Logan County, for the term ending June 30, 2017.

52. For Member, Property Valuation Training and Procedures Commission, Harvey Young, Fayetteville, Fayette County, for the term ending June 30, 2020.

53. For Member, Property Valuation Training and Procedures Commission, Dick Waybright, Ravenswood, Jackson County, for the term ending June 30, 2020.

54. For Member, Property Valuation Training and Procedures Commission, Joseph M. Alongi, New Cumberland, Hancock County, for the term ending June 30, 2020.

55. For Member, Property Valuation Training and Procedures Commission, John P. Cavendish, Charleston, Kanawha County, for the term ending June 30, 2020.

56. For Member, Property Valuation Training and Procedures Commission, Drema B. Evans, Beckley, Raleigh County, for the term ending June 30, 2020.

57. For Chief Executive Officer, Center for Professional Development, Lorrie A. Smith, Gassaway, Braxton County, to serve at the will and pleasure of the Governor.

58. For Member, West Virginia Northern Community and Technical College Board of Governors, Eran T. Molz, Martins Ferry, Ohio, for the term ending June 30, 2017.

59. For Member, West Liberty University Board of Governors, Teresa C. Toriseva, Wheeling, Ohio County, for the term ending June 30, 2020.

60. For Member, West Virginia Board of Veterinary Medicine, William Ross Peery, Beckley, Raleigh County, for the term ending June 30, 2021.

61. For Member, Broadband Enhancement Council, Richard Cavender, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

62. For Member, Veterans' Council, Kenneth D. Boggs, Keyser, Mineral County, for the term ending June 30, 2022.

63. For Member, West Virginia Municipal Bond Commission, Linda K. Epling, Beckley, Raleigh County, for the term ending July 7, 2017.

64. For Member, West Virginia Municipal Bond Commission, Stephen T. Williams, Huntington, Cabell County, for the term ending July 7, 2019.

65. For Member, Jobs Investment Trust Board, Gale L. Gray, Charleston, Kanawha County, for the term ending June 30, 2017.

66. For Member, Jobs Investment Trust Board, Ann R. Starcher, Charleston, Kanawha County, for the term ending June 30, 2018.

67. For Member, West Virginia Municipal Pensions Oversight Board, Emily R. Lambright, Charleston, Kanawha County, for the term ending January 1, 2022.

68. For Member, West Virginia Municipal Pensions Oversight Board, David W. Lanham, Charleston, Kanawha County, for the term ending January 1, 2020.

69. For Member, Board of Accountancy, Jon Cain, Sr., Parkersburg, Wood County, for the term ending June 30, 2019



70. For Member, Board of Accountancy, Robin M. Baylous, Washington, Wood County, for the term ending June 30, 2019.

71. For Member, Board of Accountancy, Richard A. Riley, Jr., Morgantown, Monongalia County, for the term ending June 30, 2019.

72. For Commissioner, Division of Financial Institutions, Dawn E. Holstein, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

73. For Commissioner, Insurance Commission, Allan L. McVey, St. Albans, Kanawha County, to serve at the will and pleasure of the Governor.

74. For Member, West Virginia Board of Physical Therapy, Ashley Mason, Hurricane, Putnam County, for the term ending June 30, 2018.

75. For Member, Unemployment Compensation Board of Review, Les Facemyer, Ripley, Jackson County, for the term ending January 1, 2023.

76. For Member, Capitol Building Commission, Jenelle Armstrong, South Charleston, Kanawha County, for the term ending June 30, 2018.

77. For Member, West Virginia Board of Education, Frank S. Vitale, Morgantown, Monongalia County, for the term ending November 4, 2018.

78. For Member, West Virginia Board of Education, Jeffrey D. Flanagan, Dunbar, Kanawha County, for the term ending November 4, 2022.

79. For Member, Lottery Commission, The Honorable William R. Laird IV, Oak Hill, Fayette County, for the term ending June 30, 2021.

80. For Member, West Virginia Public Employees Grievance Board, William Burdette, Huntington, Cabell County, for the term ending June 30, 2019

81. For Member, West Virginia Public Employees Grievance Board, Kris Mallory, St. Albans, Kanawha County, for the term ending June 30, 2019.

82. For Member, West Virginia Public Employees Grievance Board, John Myers, Scott Depot, Putnam County, for the term ending June 30, 2018.

83. For Member, West Virginia Public Employees Grievance Board, Dale Lee, Princeton, Mercer County, for the term ending June 30, 2018.

And reports the same back with the recommendation that the Senate do advise and consent to all of the nominations listed above.

Respectfully submitted,

Donna J. Boley,  
*Chair.*

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The time having arrived for the special order of business to consider the list of nominees for public office submitted by His Excellency, the Governor, the special order thereon was called by the President.

Thereupon, Senator Carmichael (Mr. President) laid before the Senate the following executive message:

**Senate Executive Message 6**, dated March 29, 2017 (*shown in the Senate Journal of Thursday, March 30, 2017, pages 1813 through 1822, inclusive*).

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in the foregoing report from the Committee on Confirmations, except the

nomination of Harold L. Hatfield, Jr., to the West Virginia Board of Education (being nomination number 26 in Executive Message 6), the nomination of Barbara Whitecotton to the West Virginia Board of Education (being nomination number 27 in Executive Message 6) and the nomination of Marie L. Prezioso to the Water Development Board (being nomination number 45 in Executive Message 6).

The question being on the adoption of Senator Boley's aforestated motion,

The roll was then taken; and

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Clements, Maroney, Sypolt and Woelfel—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and that all the executive nominations referred to in the foregoing report from the Committee on Confirmations, except the nomination of Harold L. Hatfield, Jr., to the West Virginia Board of Education (being nomination number 26 in Executive Message 6), the nomination of Barbara Whitecotton to the West Virginia Board of Education (being nomination number 27 in Executive Message 6) and the nomination of Marie L. Prezioso to the Water Development Board (being nomination number 45 in Executive Message 6) had been confirmed.

Senator Boley then moved that the Senate advise and consent to the nomination of Marie L. Prezioso to the Water Development Board (being nomination number 45 in Executive Message 6).

Prior to the call of the roll, Senator Prezioso moved to be excused from voting under rule number forty-three of the Rules of the Senate, which motion prevailed.

The roll was then taken; and

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Clements, Maroney, Sypolt and Woelfel—4.

Excused from voting: Prezioso—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and the nomination of Marie L. Prezioso to the Water Development Board had been confirmed.

Senator Mullins then moved that the Senate advise and consent to the nomination of Frank L. Blackwell as Executive Director of the School Building Authority (being nomination number 17 in Executive Message 6).

Senator Boso requested a ruling from the Chair as to whether he should be excused from voting under Senate Rule 43, as he has a consulting engineering practice currently engaged with the Nicholas County Board of Education on a project funded by the School Building Authority.

The Chair replied that any impact on Senator Boso would be as a member of a class of persons and that he would be required to vote.

Senator Mullins then moved the previous question.

The previous question having been ordered, that being on the adoption of Senator Mullins' motion that the Senate advise and

consent to the nomination of Frank L. Blackwell as Executive Director of the School Building Authority (being nomination number 17 in Executive Message 6).

The roll was then taken; and

On this question, the yeas were: Beach, Facemire, Hall, Jeffries, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Takubo and Unger—18.

The nays were: Azinger, Blair, Boley, Boso, Cline, Ferns, Gaunch, Karnes, Swope, Trump, Weld and Carmichael (Mr. President)—12.

Absent: Clements, Maroney, Sypolt and Woelfel—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Mullins' motion had prevailed and the nomination of Frank L. Blackwell as Executive Director of the School Building Authority had been confirmed.

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Consideration of executive nominations having been concluded,

Without objection, the Senate returned to the third order of business.

### **Executive Communications**

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, regarding annual reports, which communication was received and filed with the Clerk:

**Jim Justice**  
**Governor of West Virginia**

April 8, 2017

**Executive Message 8**  
**2017 Regular Session**

The Honorable Mitch Carmichael  
President, West Virginia State Senate  
State Capitol, Rm 229M  
Charleston, WV 25305

Dear Mr. President:

Pursuant to the provisions of section twenty, article one, chapter five of the Code of West Virginia, I hereby certify that the following annual reports have been received in the Office of the Governor:

Board of Medicine, State of West Virginia — Annual Report for July 1, 2014-June 30, 2016

Corrections, West Virginia Division of – Annual Report 2016

Court of Claims, West Virginia – Annual Report 2017

Energy, West Virginia Division of – Annual Report December 1, 2015-November 30, 2016

Federal Communications Commission Task Force on Optimal Public Safety Answering Point

Architecture – Supplemental Reports/Recommendations

Federal Financial Institutions Examination Council- Appraisal Subcommittee – Annual Report 2015

James “Tiger” Morton Catastrophic Illness Commission-West Virginia Department of Health and Human Resources – Annual Report 2016

Lottery, West Virginia – Comprehensive Annual Financial Report, Fiscal Year Ending June 30, 2016 and 2015

National Shooting Sports Foundation – Firearms and Ammunition Industry Economic Impact Report 2017

Natural Resources, West Virginia Division of – Annual Report 2015-2016

Office of Inspector General, West Virginia Department of Health and Human Resources

Nursing Home and Assisted Living Facilities in West Virginia – Annual Report, October 1, 2015-September 30, 2015

Public Defender Services, West Virginia – Annual Report 2016

Public Service Commission Consumer Advocate Division – West Virginia, Annual Report 2017

Respiratory Care, West Virginia State Board of – Annual Report, July 1, 2015-June 30, 2016

Sanitarians, West Virginia State Board of – Annual Report 2016

State Police, West Virginia – Annual Report, FY 2015-2016

Water Development Authority, West Virginia – Annual Report, FY 2016

West Virginia University West Virginia Assistive Technology System – Annual Report 2016

Women’s Commission, West Virginia – Annual Report 2016

Workforce Planning Council, Governor’s Office – Annual Report 2016

Sincerely,

Jim Justice  
Governor

cc: Clark Barnes, Clerk, West Virginia State Senate  
Division of Culture and History

Senator Carmichael (Mr. President) then laid before the Senate the following communication from His Excellency, the Governor:

**Jim Justice**  
**Governor of West Virginia**

April 8, 2017

**Senate Executive Message No. 9**  
**Regular Session 2017**

TO: The Honorable Members of the  
West Virginia Senate

Ladies and Gentlemen:

I respectfully withdraw the following nomination from Senate Executive Message No. 6, Regular Session 2017:

- 27. For Member, West Virginia Board of Education, Barbara Whitecotton, Moorefield, Hardy County, for the term ending November 4, 2024.

Thank you for correcting your records.

Sincerely,

Jim Justice  
Governor

Cc: Secretary of State  
Senate Clerk

Which communication was received and referred to the Committee on Confirmations.

Senator Carmichael (Mr. President) next laid before the Senate the following communication from His Excellency, the Governor, which was read by the Clerk:

**Jim Justice**  
**Governor of West Virginia**

April 8, 2017



**VIA HAND DELIVERY**

The Honorable Mitch Carmichael  
President, West Virginia Senate  
Room 229M, Building 1  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Senate Bill 437

Dear President Carmichael:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute to Senate Bill 437 because legal challenge to this legislation, would put the state's FY2018 budget in jeopardy, and for the substantial loss of employment to our citizens. My top priority is to create jobs, not lose them. Senate Bill 437 is job-killing legislation, and therefore I reject it.

The bill would decimate the greyhound racing industry, cost hardworking people their jobs and turn away tourists to our great state. Dog racing brought the casinos into existence; not the other way around. It is not right to go back on the promise that was made to the people of West Virginia and shut down the state's dog tracks.

Because voters in the affected counties authorized the passage of video lottery (slots) and table games through a local option election, citizens of those affected counties could challenge whether the Legislature can unilaterally and without local voter approval, authorize slots and gaming to continue at a free-standing casino with no licensed pari-mutuel racing. Further legal challenge, I believe will come from the casinos themselves, in the unconstitutional unequal treatment of casinos with no racing events from those that are required to hold racing events in order to have a license. These challenges would jeopardize the continuation of video lottery and pari-mutuel racing revenues in our state, which could impact the July 1, 2017 state budget.

I cannot support any legislation that would jeopardize the health of the state's casino industry, the state's FY2018 budget and the livelihood of so many of our citizens.

For the foregoing reasons, I disapprove and return the bill.

Sincerely,

Jim Justice  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. Mac Warner  
Secretary of State

Senator Ferns offered the following pre-adjourment resolution:

**Senate Resolution 74**—Raising a committee to notify His Excellency, the Governor, that the Senate is ready to adjourn *sine die*.

*Resolved by the Senate:*

That the President be authorized to appoint a committee of three to notify His Excellency, the Governor, that the Senate has completed its labors and is ready to adjourn *sine die*.

At the request of Senator Ferns, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Under the provisions of the foregoing resolution, Senator Carmichael (Mr. President) appointed the following committee to notify His Excellency, the Governor, that the Senate was ready to adjourn:

Senators Prezioso, Ferns and Hall.

Senators Prezioso, Ferns and Hall, comprising the Senate committee, then proceeded to the executive offices to notify His

Excellency, the Governor, of imminent legislative adjournment, and receive any message he might desire to transmit to the members of the Senate.

On motion of Senator Maynard, the Joint Committee on Enrolled Bills was directed after it has examined, found truly enrolled and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of the regular sixty-day and extended session of the Legislature, to file its reports with the Clerk of bills so enrolled, showing the date such bills were presented to the Governor; said reports to be included in the final Journal, together with Governor's action on said bills.

In accordance with the foregoing motion, the following reports of the Joint Committee on Enrolled Bills were filed as follows:

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 10th day of April, 2017, 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 Com. Sub. for S. B. 173)**, Relating generally to autocycles.

**(Com. Sub. for S. B. 230)**, Relating to certain WV officials carrying concealed firearm nationwide.

**(S. B. 349)**, Repealing outdated code related to Division of Corrections.

**(S. B. 400)**, Regarding appointments to WV Infrastructure and Jobs Development Council.

**(Com. Sub. for S. B. 522)**, Relating to pharmacy audits.

**(Com. Sub. for S. B. 575)**, Relating generally to shooting ranges.

And,

**(H. B. 2522)**, Nurse licensure compact.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 11th day of April, 2017, 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. 2603)**, Relating to municipal policemen's or firemen's pension and relief funds that are funded at one hundred and twenty-five percent or more.

**(H. B. 2691)**, Allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber.

**(Com. Sub. for H. B. 2709)**, Authorizing the City of South Charleston to levy a special district excise tax.

**(Com. Sub. for H. B. 2734)**, Authorizing a method for the collection and remittance of property taxes related to dealers' heavy equipment inventory.

**(Com. Sub. for H. B. 2792)**, Requiring the Library Commission to survey the libraries of the state.

**(Com. Sub. for H. B. 2797)**, Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records.

**(H. B. 2833)**, Specifying the contents and categories of information for inclusion in annual reports.

**(H. B. 2963)**, Eliminating tax lien waiver requirement for estates of nonresidents.

And,

**(H. B. 3053)**, Relating to motor vehicle lighting.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 13th day of April, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for S. B. 4)**, Allowing licensed professionals donate time to care of indigent and needy in clinical setting.

**(S. B. 25)**, Creating farm-to-food bank tax credit.

**(Com. Sub. for S. B. 116)**, Authorizing MAPS promulgate legislative rules.

**(Com. Sub. for S. B. 125)**, Authorizing DHHR and Health Care Authority promulgate legislative rules.

**(Com. Sub. for S. B. 151)**, Authorizing Department of Administration promulgate legislative rules.

**(S. B. 169)**, Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants.

**(S. B. 170)**, Repealing state hemophilia program.

**(S. B. 171)**, Repealing Programs of All-Inclusive Care for Elderly.

**(Com. Sub. for S. B. 180)**, Relating to PSC jurisdiction over certain telephone company and internet services.

**(Com. Sub. for Com. Sub. for S. B. 186)**, Adjusting date when children become eligible for certain school programs and school attendance requirements.

**(S. B. 198)**, Expanding Health Sciences Program to allow certain medical practitioners in underserved areas.

**(Com. Sub. for S. B. 221)**, Relating to composition of PEIA Finance Board.

**(S. B. 256)**, Relating to prohibiting aiding and abetting of sexual abuse by school personnel.

**(Com. Sub. for S. B. 280)**, Moving administration of Civil Air Patrol to Adjutant General.

**(Com. Sub. for S. B. 288)**, Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person.

**(Com. Sub. for S. B. 299)**, Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH.

**(Com. Sub. for S. B. 300)**, Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel.

**(Com. Sub. for S. B. 303)**, Supplemental appropriation of public moneys from Treasury to DHHR.

**(Com. Sub. for S. B. 305)**, Supplemental appropriation of public moneys from Treasury to Fire Commission.

(**S. B. 321**), Reporting requirements of employee information to CPRB.

(**Com. Sub. for S. B. 337**), Hiring correctional officers without regard to placement on correctional officer register.

(**Com. Sub. for Com. Sub. for S. B. 344**), Relating to application of payments on consumer credit sale and loans.

(**Com. Sub. for S. B. 350**), Allowing licensed professional counselors be issued temporary permit.

(**Com. Sub. for S. B. 358**), Relating generally to trustee sale of timeshare estates.

(**S. B. 364**), Incorporating changes to Streamlined Sales and Use Tax Agreement.

(**S. B. 365**), Maintaining solvency of Unemployment Compensation Fund.

(**Com. Sub. for S. B. 386**), Creating WV Medical Cannabis Act.

(**S. B. 392**), Relating to Municipal Police Officers and Firefighters Retirement System.

(**Com. Sub. for S. B. 398**), Creating Emergency Volunteer Health Practitioners Act.

(**Com. Sub. for S. B. 454**), Providing more efficient collection and submission of state moneys received from court transactions or court services.

(**Com. Sub. for Com. Sub. for S. B. 461**), Exempting WV State Police from state purchasing requirements.

(**S. B. 493**), Providing increase in compensation for conservation officers.

(**S. B. 495**), Relating to regulation of events by State Athletic Commission.

**(Com. Sub. for S. B. 505)**, Providing five-year reclamation period following completion of well pads for horizontal wells.

**(Com. Sub. for S. B. 533)**, Relating to taxes on wine and intoxicating liquors.

**(Com. Sub. for S. B. 563)**, Relating to Consumer Credit and Protection Act.

**(S. B. 564)**, Relating to Statewide Independent Living Council.

**(S. B. 566)**, Claims against state.

**(Com. Sub. for S. B. 581)**, Relating generally to administration of trusts.

**(Com. Sub. for S. B. 588)**, Relating to reproduction, distribution and sale of tax maps.

**(S. B. 608)**, Clarifying lawful business structures are unaffected by enactment of prohibitory legislation.

**(Com. Sub. for S. B. 636)**, Authorizing State Fire Commission establish program to address problems facing VFDs.

**(S. B. 658)**, Establishing procedure for retitling mobile and manufactured homes.

**(S. B. 667)**, Limiting authority of Attorney General to disclose certain information provided by Tax Commissioner.

**(Com. Sub. for S. B. 671)**, Relating to WV Anatomical Board.

**(S. B. 690)**, Authorizing WV State Police impose and collect fees for agencies and entities using their facilities.

**(S. B. 694)**, Expiring funds to unappropriated surplus balance in General Revenue fund to Department of Administration.

**(Com. Sub. for H. B. 2006)**, Increasing the penalties for violating the Whistle-blower Law.



**(Com. Sub. for H. B. 2018)**, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

**(Com. Sub. for H. B. 2404)**, Barring persons who are convicted of certain criminal offenses from acquiring property from their victims.

**(H. B. 2427)**, Requiring agencies listed in the online state phone directory to update certain employee information.

**(Com. Sub. for H. B. 2453)**, Expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp.

**(Com. Sub. for H. B. 2801)**, Expiring funds to the unappropriated balance in the State Fund from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund.

And,

**(H. B. 3103)**, Making a supplementary appropriation to the Department of Health and Human Resources.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 17th day of April, 2017, 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:

**(H. B. 2119)**, Repealing West Virginia Health Benefit Exchange Act.

**(Com. Sub. for H. B. 2195)**, Relating to requiring comprehensive drug awareness and prevention program in all public schools.

**(Com. Sub. for H. B. 2319)**, Relating to candidates or candidate committees for legislative office disclosing contributions.

**(H. B. 2348)**, Eliminating any requirement that class hours of students be consecutive.

**(Com. Sub. for H. B. 2475)**, Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents.

And,

**(Com. Sub. for H. B. 2503)**, Relating to the rulemaking authority for Board of Osteopathic Medicine.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 18th day of April, 2017, 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. 2364)**, Prohibiting electioneering within or near early voting locations during early voting periods.

(**Com. Sub. for H. B. 2373**), Authorizing school bus drivers trained in administration of epinephrine auto-injectors to administer auto-injectors.

(**H. B. 2446**), Relating to the requirement that all executive branch agencies maintain a website that contains specific information.

(**Com. Sub. for H. B. 2494**), Providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request.

(**Com. Sub. for H. B. 2520**), Prohibiting the use of a tanning device by a person under the age of eighteen.

(**Com. Sub. for H. B. 2620**), West Virginia Drug Overdose Monitoring Act.

(**H. B. 2628**), Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine.

(**Com. Sub. for H. B. 2631**), Relating to time standards for disposition of complaint proceedings.

(**Com. Sub. for H. B. 2646**), Terminating the Women's Commission and discontinue its functions.

(**Com. Sub. for H. B. 2674**), Relating to access to and receipt of certain information regarding a protected person.

(**Com. Sub. for H. B. 2676**), Transferring the Security office under the Division of Culture and History to the Division of Protective Services.

(**Com. Sub. for H. B. 2721**), Removing the cost limitation on projects completed by the Division of Highways.

(**Com. Sub. for H. B. 2726**), Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order.

(**Com. Sub. for H. B. 2781**), Requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks.

(**Com. Sub. for H. B. 2846**), Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee.

(**Com. Sub. for H. B. 2850**), Relating to product liability actions.

(**Com. Sub. for H. B. 2898**), Authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature.

(**Com. Sub. for H. B. 2935**), Relating to state flood protection planning.

(**Com. Sub. for H. B. 2939**), Relating to the sale of items in the State Police Academy post exchange to the public.

(**Com. Sub. for H. B. 2941**), Requiring the Commissioner of the Division of Highways to utilize the Attorney General for all legal assistance and services.

(**Com. Sub. for H. B. 2961**), Relating generally to charitable bingo games and charitable raffles.

(**H. B. 3037**), Removing the Division of Energy as an independent agency.

And,

(**Com. Sub. for H. B. 3048**), Relating to collection of Tier II fees for chemical inventories.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 20th day of April, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(S. B. 28)**, Creating new system for certain contiguous counties to establish regional recreation authorities.

**(Com. Sub. for S. B. 76)**, Creating WV Second Chance for Employment Act.

**(Com. Sub. for S. B. 134)**, Authorizing Bureau of Commerce to promulgate legislative rules.

**(S. B. 172)**, Eliminating salary for Water Development Authority board members.

**(S. B. 174)**, Exempting transportation of household goods from PSC jurisdiction.

**(Com. Sub. for S. B. 187)**, Providing for confidentiality of patients' medical records.

**(Com. Sub. for S. B. 204)**, Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.

**(Com. Sub. for S. B. 219)**, Relating to conspiracy to commit crimes under Uniform Controlled Substances Act.

**(Com. Sub. for S. B. 224)**, Repealing requirement for employer's bond for wages and benefits.

**(S. B. 235)**, Relating to motorcycle registration renewal.

**(Com. Sub. for S. B. 239)**, Limiting use of wages by employers and labor organizations for political activities.

(**Com. Sub. for S. B. 255**), Relating generally to filling vacancies in elected office.

(**Com. Sub. for Com. Sub. for S. B. 339**), Creating Legislative Coalition on Chronic Pain Management.

(**Com. Sub. for S. B. 441**), Establishing Municipal Home Rule Pilot Program.

(**Com. Sub. for Com. Sub. for S. B. 345**), Allowing certain hunting and trapping on private lands on Sundays.

(**Com. Sub. for Com. Sub. for S. B. 360**), Creating Legislative Coalition on Diabetes Management.

(**Com. Sub. for S. B. 362**), Authorizing redirection of certain amounts to General Revenue Fund.

(**Com. Sub. for S. B. 402**), Relating to covenants not to compete between physicians and hospitals.

(**Com. Sub. for S. B. 419**), Creating special revenue fund sources for Division of Labor to meet statutory obligations.

(**S. B. 433**), Permitting counties increase excise tax on privilege of transferring real property.

(**S. B. 444**), Establishing Court Advanced Technology Subscription Fund.

(**Com. Sub. for Com. Sub. for S. B. 486**), Relating to health care provider taxes.

(**S. B. 490**), Clarifying standard of liability for officers of corporation.

(**Com. Sub. for S. B. 515**), Relating to parole requirements for hearings and release.

(**Com. Sub. for S. B. 523**), Converting to biweekly pay cycle for state employees.

(**Com. Sub. for S. B. 535**), Reorganizing Division of Tourism.

(**S. B. 547**), Modifying fees paid to Secretary of State.

(**S. B. 554**), Relating to false swearing in legislative proceeding.

(**S. B. 578**), Relating generally to copies of health care records furnished to patients.

(**Com. Sub. for S. B. 602**), Creating uniform system of recording and indexing fictitious names used by sole proprietors.

(**Com. Sub. for S. B. 606**), Relating to minimum wage and maximum hours for employees.

(**Com. Sub. for S. B. 622**), Relating generally to tax procedures and administration.

(**Com. Sub. for S. B. 630**), Establishing Accessibility and Equity in Public Education Enhancement Act.

(**Com. Sub. for S. B. 631**), Prosecuting violations of municipal building code.

(**Com. Sub. for S. B. 637**), Relating to private club operations requirements.

(**Com. Sub. for S. B. 656**), Relating to Student Data Accessibility, Transparency and Accountability Act.

(**S. B. 686**), Exempting facilities governed by DHHR that provide direct patient care.

(**S. B. 687**), Relating generally to coal mining, safety and environmental protection.

And,

(**S. B. 691**), Relating to off-road vehicles.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Gaunch, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 20th day of April, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for S. B. 40)**, Requiring inclusion of protocols for response to after-school emergencies in school crisis response plans.

**(Com. Sub. for S. B. 220)**, Relating to offenses and penalties under Uniform Controlled Substances Act.

**(Com. Sub. for S. B. 240)**, Creating crime of nonconsensual distribution of sexual images.

**(Com. Sub. for Com. Sub. for S. B. 333)**, Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database.

**(Com. Sub. for H. B. 2001)**, Relating to ethics and transparency in government.

**(Com. Sub. for H. B. 2002)**, Relating to parental notification of abortions performed on unemancipated minors.

**(Com. Sub. for H. B. 2083)**, Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing.

**(Com. Sub. for H. B. 2109)**, Relating to the West Virginia Land Reuse Agency Authorization Act.



(**Com. Sub. for H. B. 2219**), Authorizing miscellaneous boards and agencies to promulgate legislative rules.

(**Com. Sub. for H. B. 2303**), Increasing criminal penalties for littering.

(**Com. Sub. for H. B. 2359**), Relating to offenses and penalties for practicing osteopathic medicine without a license.

(**Com. Sub. for H. B. 2367**), Establishing a criminal offense of organized retail crime.

(**Com. Sub. for H. B. 2402**), Relating to abandoned antique vehicles.

(**Com. Sub. for H. B. 2428**), Establishing additional substance abuse treatment facilities.

(**Com. Sub. for H. B. 2447**), Renaming the Court of Claims the state Claims Commission.

(**Com. Sub. for H. B. 2479**), Uniform Deployed Parents Custody and Visitation Act.

(**Com. Sub. for H. B. 2561**), Relating to public school support.

(**Com. Sub. for H. B. 2589**), Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school.

(**Com. Sub. for H. B. 2637**), Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage.

(**Com. Sub. for H. B. 2679**), Relating to the possession of firearms in parks and park facilities.

(**Com. Sub. for H. B. 2683**), Relating to West Virginia Insurance Guaranty Association Act.

(**Com. Sub. for H. B. 2702**), Relating to excused absences for personal illness from school.

**(Com. Sub. for H. B. 2704)**, Prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from holding certification or license valid in public schools.

**(Com. Sub. for H. B. 2720)**, Allowing the School Building Authority to transfer funds allocated into the School Construction Fund.

**(Com. Sub. for H. B. 2722)**, Eliminating the financial limitations on utilizing the design-build program for highway construction.

**(Com. Sub. for H. B. 2724)**, Relating to creating a pilot program under the Herbert Henderson Office of Minority Affairs.

**(Com. Sub. for H. B. 2739)**, Relating to supplemental Medicaid provider reimbursement.

**(Com. Sub. for H. B. 2759)**, Creating Statewide Interoperable Radio Network.

**(Com. Sub. for H. B. 2767)**, Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks.

**(Com. Sub. for H. B. 2771)**, Relating to temporary teaching certificates for Armed Forces spouses.

**(Com. Sub. for H. B. 2804)**, Removing chiropractors from the list of medical professions required to obtain continuing education on mental health conditions common to veterans and family members.

**(Com. Sub. for H. B. 2805)**, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state.

**(Com. Sub. for H. B. 2857)**, West Virginia Safer Workplaces Act.

**(Com. Sub. for H. B. 2897)**, Raising the amount required for competitive bidding of construction contracts by the state and its subdivisions.

(**H. B. 2967**), Relating generally to administration of estates and trusts.

(**H. B. 3018**), Adding definition of correctional employee to the list of persons against whom an assault is a felony.

(**Com. Sub. for H. B. 3064**), Allowing vehicles of a size and weight exceeding certain specifications to operate over specified routes.

(**Com. Sub. for H. B. 3080**), Requiring instruction in the Declaration of Independence and the United States Constitution.

(**Com. Sub. for H. B. 3093**), Establishing Broadband Enhancement and Expansion Policies.

And,

(**Com. Sub. for H. B. 3096**), Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state.

Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Gaunch, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st day of April, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(**Com. Sub. for S. B. 388**), Relating to dangerous weapons.

And,

**(Com. Sub. for H. B. 2555)**, Relating to tax credits for apprenticeship training in construction trades.

Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
Steve Westfall,  
*Vice Chair, House Committee.*

Senator Gaunch, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st day of April, 2017, 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. 2196)**, Relating to the secondary schools athletic commission.

**(Com. Sub. for H. B. 2509)**, Relating to the practice of telemedicine.

**(H. B. 2548)**, Relating to the use of outside speakers by persons licensed to manufacture, sell, possess for sale, transport or distribute nonintoxicating beer.

**(Com. Sub. for H. B. 2601)**, Relating to municipal policemen's or municipal firemen's pension and relief funds.

**(Com. Sub. for H. B. 2839)**, Updating the procedures for legislative review of departments and licensing boards.

**(Com. Sub. for H. B. 2851)**, Updating fee structure provisions for broker-dealers.

**(Com. Sub. for H. B. 2949)**, Exempting specified Division of Natural Resources' contracts for some replacement, repair or design for repairs to facilities from review and approval requirements.

And,

**(H. B. 3022)**, Relating to the reporting of fraud, misappropriation of moneys, and other violations of law to the commission on special investigations.

Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Prezioso, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st day of April, 2017, 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. 2329)**, Prohibiting the production, manufacture or possession of fentanyl.

**(Com. Sub. for H. B. 2526)**, Classifying additional drugs to Schedules I, II, IV and V of controlled substances.

**(Com. Sub. for H. B. 2552)**, Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund.

**(Com. Sub. for H. B. 2579)**, Increasing the penalties for transporting controlled substances.

**(Com. Sub. for H. B. 2585)**, Creating felony crime of conducting financial transactions involving proceeds of criminal activity.

**(Com. Sub. for H. B. 2619)**, Risk Management and Own Risk and Solvency Assessment Act.

**(H. B. 2684)**, Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license.

**(Com. Sub. for H. B. 2711)**, Abolishing regional educational service agencies and providing for the transfer of property and records.

**(Com. Sub. for H. B. 2731)**, Clarifying civil actions heard in circuit court.

**(Com. Sub. for H. B. 2815)**, Relating to higher education governance.

**(Com. Sub. for H. B. 2948)**, Establishing timelines for taking final action on certain permits.

**(H. B. 2962)**, Enlarging the authority of the Tax Commissioner to perform background investigations of employees and contractors.

And,

**(Com. Sub. for H. B. 2980)**, Relating to civil lawsuit filing fees for multiple defendant civil action.

Respectfully submitted,

Roman W. Prezioso, Jr.,  
*Member, Senate Committee.*  
Steve Westfall,  
*Vice Chair, House Committee.*

### **Executive Communications**

Under authorization of Senate approval therefor in prior proceedings today, to include in this day's Journal communications showing the Governor's action on enrolled bills presented to him in post-session reports, the following are inserted hereinafter:

The Clerk then presented communications from His Excellency, the Governor, advising that on April 10, 2017, he had

approved **Enr. Committee Substitute for House Bill 2459, Enr. Committee Substitute for House Bill 2486, Enr. House Bill 2878 and Enr. House Bill 3106**; on April 11, 2017, he had approved **Enr. Committee Substitute for Senate Bill 5, Enr. Committee Substitute for Senate Bill 36, Enr. Senate Bill 41, Enr. Senate Bill 164, Enr. Committee Substitute for Senate Bill 206, Enr. Committee Substitute for Senate Bill 214, Enr. Committee Substitute for Senate Bill 225, Enr. Committee Substitute for Senate Bill 233, Enr. Committee Substitute for Senate Bill 247, Enr. Committee Substitute for Senate Bill 261, Enr. Committee Substitute for Senate Bill 442, Enr. Committee Substitute for Senate Bill 445, Enr. Committee Substitute for Senate Bill 455, Enr. Committee Substitute for Senate Bill 456, Enr. Committee Substitute for Senate Bill 473, Enr. Committee Substitute for Senate Bill 497, Enr. Committee Substitute for Senate Bill 531, Enr. Committee Substitute for Senate Bill 634, Enr. Senate Bill 684, Enr. Committee Substitute for House Bill 2180, Enr. House Bill 2518, Enr. Committee Substitute for House Bill 2519, Enr. Committee Substitute for House Bill 2586, Enr. House Bill 2653, Enr. House Bill 2706, Enr. House Bill 2796 and Enr. House Bill 2856**; on April 14, 2017, he had approved **Enr. Committee Substitute for Senate Bill 299, Enr. Committee Substitute for Senate Bill 300, Enr. Committee Substitute for Senate Bill 303, Enr. Committee Substitute for Senate Bill 305, Enr. Senate Bill 349, Enr. Senate Bill 400, Enr. Committee Substitute for Senate Bill 575, Enr. Senate Bill 694, Enr. Committee Substitute for House Bill 2603, Enr. House Bill 2691, Enr. Committee Substitute for House Bill 2792, Enr. Committee Substitute for House Bill 2797, Enr. Committee Substitute for House Bill 2801, Enr. House Bill 3053 and Enr. House Bill 3103**; on April 18, 2017, he had approved **Enr. Committee Substitute for Senate Bill 116, Enr. Committee Substitute for Senate Bill 151, Enr. Senate Bill 170, Enr. Senate Bill 171, Enr. Committee Substitute for Committee Substitute for Senate Bill 173, Enr. Committee Substitute for Committee Substitute for Senate Bill 186, Enr. Senate Bill 198, Enr. Committee Substitute for Senate Bill 288, Enr. Senate Bill 321, Enr. Committee Substitute for Senate Bill 350, Enr. Committee Substitute for Senate Bill 358, Enr. Senate Bill 364, Enr. Senate**

**Bill 365, Enr. Senate Bill 392, Enr. Committee Substitute for Senate Bill 398, Enr. Committee Substitute for Senate Bill 454, Enr. Committee Substitute for Senate Bill 505, Enr. Senate Bill 566, Enr. Committee Substitute for Senate Bill 581, Enr. Committee Substitute for Senate Bill 588, Enr. Committee Substitute for Senate Bill 636, Enr. Committee Substitute for Senate Bill 671, Enr. Senate Bill 690, Enr. Committee Substitute for House Bill 2006 and Enr. House Bill 2427; on April 19, 2017, he had approved, Enr. Committee Substitute for Senate Bill 386; on April 20, he had approved Enr. Committee Substitute for Senate Bill 4, Enr. Senate Bill 25, Enr. Committee Substitute for Senate Bill 125, Enr. Senate Bill 169, Enr. Committee Substitute for Senate Bill 230, Enr. Committee Substitute for Senate Bill 337, Enr. Senate Bill 444, Enr. Committee Substitute for Senate Bill 522, Enr. Senate Bill 564, Enr. Committee Substitute for House Bill 2373 and Enr. Committee Substitute for House Bill 2404; on April 21, 2017, he had approved Enr. Committee Substitute for Senate Bill 280, Enr. Senate Bill 490, Enr. Senate Bill 495, Enr. Committee Substitute for Senate Bill 563, Enr. House Bill 2119, Enr. Committee Substitute for House Bill 2631 and Enr. House Bill 2833; on April 24, 2017, he had approved Enr. Senate Bill 174, Enr. Committee Substitute for Senate Bill 224, Enr. Senate Bill 235, Enr. Committee Substitute for Senate Bill 240, Enr. Senate Bill 256, Enr. Committee Substitute for Committee Substitute for Senate Bill 339, Enr. Committee Substitute for Committee Substitute for Senate Bill 344, Enr. Committee Substitute for Committee Substitute for Senate Bill 345, Enr. Committee Substitute for Committee Substitute for Senate Bill 360, Enr. Senate Bill 433, Enr. Committee Substitute for Senate Bill 523, Enr. Committee Substitute for Senate Bill 535, Enr. Senate Bill 547, Enr. Senate Bill 608, Enr. Committee Substitute for Senate Bill 631, Enr. Senate Bill 691, Enr. House Bill 2188, Enr. Committee Substitute for House Bill 2303, Enr. Committee Substitute for House Bill 2329, Enr. Committee Substitute for House Bill 2479, Enr. Committee Substitute for House Bill 2555, Enr. Committee Substitute for House Bill 2601, Enr. Committee Substitute for House Bill 2674, Enr. Committee Substitute for House Bill 2683, Enr. Committee Substitute for**



House Bill 2704, Enr. Committee Substitute for House Bill 2720, Enr. Committee Substitute for House Bill 2721, Enr. Committee Substitute for House Bill 2722, Enr. Committee Substitute for House Bill 2724, Enr. Committee Substitute for House Bill 2771, Enr. Committee Substitute for House Bill 2805, Enr. Committee Substitute for House Bill 2851, Enr. Committee Substitute for House Bill 2939, Enr. House Bill 2967, Enr. Committee Substitute for House Bill 2980 and Enr. House Bill 3037; on April 25, 2017, he had approved Enr. Committee Substitute for Senate Bill 76, Enr. Committee Substitute for Senate Bill 134, Enr. Committee Substitute for Senate Bill 180, Enr. Committee Substitute for Senate Bill 187, Enr. Committee Substitute for Senate Bill 362, Enr. Committee Substitute for Senate Bill 419, Enr. Senate Bill 493, Enr. Committee Substitute for Committee Substitute for Senate Bill 486, Enr. Committee Substitute for Senate Bill 515, Enr. Committee Substitute for Senate Bill 533, Enr. Senate Bill 578, Enr. Committee Substitute for Senate Bill 602, Enr. Committee Substitute for Senate Bill 637, Enr. Senate Bill 658, Enr. Senate Bill 667, Enr. Committee Substitute for House Bill 2083, Enr. Committee Substitute for House Bill 2109, Enr. Committee Substitute for House Bill 2219, Enr. Committee Substitute for House Bill 2402, Enr. Committee Substitute for House Bill 2428, Enr. Committee Substitute for House Bill 2447, Enr. Committee Substitute for House Bill 2453, Enr. Committee Substitute for House Bill 2475, Enr. Committee Substitute for House Bill 2494, Enr. House Bill 2522, Enr. Committee Substitute for House Bill 2637, Enr. Committee Substitute for House Bill 2676, Enr. Committee Substitute for House Bill 2684, Enr. Committee Substitute for House Bill 2702, Enr. Committee Substitute for House Bill 2759, Enr. Committee Substitute for House Bill 2767, Enr. Committee Substitute for House Bill 2815, Enr. Committee Substitute for House Bill 2839 and Enr. Committee Substitute for House Bill 2961; and on April 26, 2017, he had approved Enr. Committee Substitute for Senate Bill 40, Enr. Committee Substitute for Senate Bill 204, Enr. Committee Substitute for Committee Substitute for Senate Bill 219, Enr. Committee Substitute for Senate Bill 220, Enr. Committee Substitute for Senate Bill 221, Enr. Committee

Substitute for Committee Substitute for Senate Bill 333, Enr. Committee Substitute for Senate Bill 388, Enr. Committee Substitute for Senate Bill 402, Enr. Committee Substitute for Committee Substitute for Senate Bill 461, Enr. Senate Bill 554, Enr. Committee Substitute for Senate Bill 630, Enr. Senate Bill 686, Enr. Senate Bill 687, Enr. Committee Substitute for House Bill 2001, Enr. Committee Substitute for House Bill 2002, Enr. Committee Substitute for House Bill 2195, Enr. Committee Substitute for House Bill 2319, Enr. House Bill 2348, Enr. Committee Substitute for House Bill 2359, Enr. Committee Substitute for House Bill 2364, Enr. Committee Substitute for House Bill 2367, Enr. Committee Substitute for House Bill 2503, Enr. Committee Substitute for House Bill 2509, Enr. Committee Substitute for House Bill 2520, Enr. Committee Substitute for House Bill 2526, Enr. House Bill 2548, Enr. Committee Substitute for House Bill 2552, Enr. Committee Substitute for House Bill 2561, Enr. Committee Substitute for House Bill 2579, Enr. Committee Substitute for House Bill 2585, Enr. Committee Substitute for House Bill 2619, Enr. Committee Substitute for House Bill 2620, Enr. House Bill 2628, Enr. Committee Substitute for House Bill 2679, Enr. Committee Substitute for House Bill 2709, Enr. Committee Substitute for House Bill 2711, Enr. Committee Substitute for House Bill 2726, Enr. Committee Substitute for House Bill 2731, Enr. Committee Substitute for House Bill 2734, Enr. Committee Substitute for House Bill 2739, Enr. Committee Substitute for House Bill 2781, Enr. Committee Substitute for House Bill 2804, Enr. Committee Substitute for House Bill 2846, Enr. Committee Substitute for House Bill 2850, Enr. Committee Substitute for House Bill 2857, Enr. Committee Substitute for House Bill 2897, Enr. Committee Substitute for House Bill 2898, Enr. Committee Substitute for House Bill 2935, Enr. Committee Substitute for House Bill 2941, Enr. Committee Substitute for House Bill 2948, Enr. Committee Substitute for House Bill 2949, Enr. House Bill 2962, Enr. House Bill 2963, Enr. House Bill 3018, Enr. House Bill 3022, Enr. Committee Substitute for House Bill 3048, Enr. Committee Substitute for House Bill 3064, Enr. Committee Substitute for House Bill 3080, Enr. Committee Substitute for

**House Bill 3093 and Enr. Committee Substitute for House Bill 3096.**

**Veto Messages**

**Jim Justice**  
**Governor of West Virginia**

April 12, 2017

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Senate Bill 347

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 to Senate Bill 347. This bill strikes the existing requirement that a physician assistant must maintain National Commission on Certification of Physician Assistants certification as a condition of renewal of their licensure, while also allowing physician assistants to work in “collaboration” with rather than under the “supervision” of a physician. The unfortunate effect of this bill is that it weakens existing professional safeguards governing the medical knowledge and skills of physician assistants that have been serving the public interest for years, even as it grants greater autonomy to physician assistants.

My first objection to the Bill is the striking of the following language from West Virginia Code § 30-3E-4:

**“(5) Has a current certification from the National Commission on Certification of Physician Assistants;”**

My second objection to the Bill is striking of the following language from West Virginia Code § 30-3E-6:

**“(3) Proof that he or she is currently certified and has been continuously certified during the preceding licensure period by the National Commission on Certification of Physician Assistants; and”**

I appreciate the importance of enabling physician assistants to practice to the fullest extent of their training and of promoting patient access to health care. However, if the goal of the Bill is to modernize physician assistant practice to reflect current needs, we must also ensure that patients continue to receive treatment by health care providers who are operating with current clinical knowledge. By removing the state’s requirement that physician assistants maintain national certification as a condition of renewing their license, the interests of West Virginia patients are not being protected as strongly as they should be.

For the foregoing reasons, I disapprove and return the Enrolled Committee Substitute for Senate Bill 347.

Sincerely,

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Tim Armstead  
Speaker of the House of Delegates

**Jim Justice**  
**Governor of West Virginia**

April 13, 2017

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State

State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 248

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 Senate Bill 248. This bill purports to clarify the composition and chairmanship of the Commission on Special Investigations. It exhibits, however, certain technical flaws which may compromise future investigations and actions by the Commission on Special Investigations.

The bill is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W. Va. 154, 191 S.E.2d 610 (1972) (requiring bill title to provide notice of bill's contents). Specifically, there are two sections that are not reflected in the title: (1) That the director may issue subpoenas on the Commission's behalf, (P. 6, line 16-17) and (2) that the agency head is required to appear before the Commission to answer why an employee has failed to appear or failed to produce requested or subpoenaed material and address the basis for failure to comply. (P. 6, line 26-30).

As a result of these issues, I disapprove and return Enrolled Committee Substitute for Senate Bill 248.

Sincerely,

Jim Justice  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate

**Jim Justice**  
**Governor of West Virginia**

April 13, 2017

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for House Bill 2018

Dear Secretary Warner:

Pursuant to section fifty-one, article VI of the Constitution of the State of West Virginia, I hereby veto Enrolled Committee Substitute for House Bill 2018 (the “Budget Bill”) in its entirety.

When I presented my vision for West Virginia during the State of the State address in February, I submitted a proposed budget for fiscal year 2018 (“FY2018”) that not only was balanced but guaranteed that we would “Save Our State” and not kill the patient. My proposed budget responsibly addressed the \$497 million hole currently projected for FY2018 and would have put West Virginia on a pathway to prosperity.

I am proud of the fact that my proposed budget for FY2018 did not take one penny from the Revenue Shortfall Reserve Fund (“Rainy Day Fund”). It ensured that all sectors of the State would participate in solving our budget crisis and would jump-start the economy with approximately 48,000 new jobs by investing in our roads and bridges. The Budget Bill presented to me today bears no resemblance to my original proposal. It is a reckless spending plan that guarantees future budget shortfalls just one year from now and every year thereafter.

Moreover, it relies on revenue from bills that I have vetoed or did not pass. Among other measures, the Budget Bill irresponsibly

uses \$225 million in one-time money, including \$90 million from the Rainy Day Fund to “balance” the FY2018 budget. The Budget Bill includes minimal revenue enhancements and does not address, to any meaningful extent, the structural hole that we face.

The Legislature’s spending plan will not save the patient. The Budget Bill that I am vetoing today only kicks the can further down the road. It does not give our classroom teachers a pay raise, nor does it boost investments in infrastructure or tourism. Not only does it not create the 48,000 jobs, it does not even create one job. In fact, it creates an even bigger hole in the bucket. Quite simply, the Budget Bill has no tools to jump-start our economy. It even abandons the most vulnerable population of our State by cutting the Medicaid program without any plan to make it whole again in the future.

Finally, the Budget Bill’s effective date is problematic because the Legislature did not secure the votes to make it effective from passage. The bill does not become effective until July 8, 2017, over a week into the fiscal year. Notwithstanding assurances to the contrary, this will cause a state government shutdown. Perhaps that was the leadership in the Legislature’s goal, but it is a nonstarter for me. We must all work together, not as Republicans and Democrats, but as West Virginians, to enact a bipartisan budget that is in place starting July 1, 2017.

I hereby veto the Budget Bill in its entirety. There is time, however, for compromise and responsible action. Let’s get serious. Let’s get to work.

Sincerely,

Jim Justice

Governor of West Virginia

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Tim Armstead  
Speaker of the House of Delegates

**Jim Justice**  
**Governor of West Virginia**

April 21, 2017

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Senate Bill 28

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill No. 28.

Enrolled Senate Bill No. 28 permits unrestricted recreational trail development anywhere in West Virginia where two or more contiguous counties show an interest in establishing a new recreational trail system. The stated legislative purpose of Enrolled Senate Bill No. 28 is to promote economic development through recreational trail development. However, I have concerns that this bill will not achieve the desired outcome and may actually work against its stated purpose.

We have already learned from the skiing and whitewater rafting industries that there is not an unlimited demand for recreational activities. Unlimited and unrestricted State sponsored recreational trail development would create an environment where you might increase total ridership, but actually decrease economic development by spreading those riders and visitors over a much broader geographic area. Before private capital will be brought to the marketplace in support of a recreational trail system, a density of trail ridership must be demonstrated and sustained over a period of years to warrant the investment.



The State and private sector have already invested millions of dollars in existing recreational trail systems and those public and private dollars would be put at risk by unrestricted and unregulated expansion. The State of West Virginia already competes with the Spearhead Trail System established by the Commonwealth of Virginia and the Commonwealth of Kentucky just recently authorized the establishment of a new trail system in eastern Kentucky, all competing for the same visitors.

Any expansion of the State's recreational trail systems must be strategic and require a showing that the new trail system would not only expand visitation, but would not materially detract from the visitation and ridership on existing trail systems where numerous private and public investments have already been made.

For these reasons, I must veto Enrolled Senate Bill No. 28.

Sincerely,

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Tim Armstead  
Speaker of the House of Delegates

**Jim Justice**  
**Governor of West Virginia**

April 25, 2017

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 622

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 Senate Bill 622 for technical reasons. The bill's title is defective because it does not include one of the code sections contained in the body of the bill, W. V. Code §38-10C-2.

For the foregoing reason, I disapprove and return the bill.

Sincerely,

Governor Jim Justice

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate

**Jim Justice**  
**Governor of West Virginia**

April 25, 2017

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled House Bill 2446

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 2446.

This bill is very broad in its application, requiring “contact information of each staff member, including office location”. Some state employees work in undercover positions and their office locations are in their personal homes or in locations that are confidential for their safety. Requiring that their complete contact information be disclosed on an agency’s website could put their safety and the safety of their coworkers in jeopardy. Allowing personal location information to be published on agency websites, especially for law enforcement officers, could act as a valuable resource for criminals who wish to do harm to the officers or their families.

Although I understand the importance of providing the public with easy access to the information required by this bill, I believe the spirit and intent of this legislation can be accomplished administratively by simply working with all our state agencies. I plan to direct these agencies to publish the relevant contact information on their websites just as soon as possible.

For the foregoing reason, I disapprove and return the bill.

Sincerely,

Governor Jim Justice

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate

**Jim Justice**  
**Governor of West Virginia**

April 26, 2017

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K

State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Senate Bill 172

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill 172.

In the title, Enrolled Senate Bill 172 claims to eliminate “the salary for appointed board members [of the Water Development Authority] effective July 1, 2017.” Instead, the bill arguably increases the compensation for board members by requiring that they be paid the same daily rates as legislators for attending official meetings and engaging in official duties *in addition to the \$12,000 per year salary*. The bill does not explicitly eliminate the salary for Water Development Authority members.

Because the contents of Senate Bill 172 do not reflect the bill’s stated objective, I disapprove and return Enrolled Senate Bill 172.

Sincerely,

Jim Justice  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate

**Jim Justice**  
**Governor of West Virginia**

April 26, 2017

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State

State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 239

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 Senate Bill 239.

This bill creates a significant hardship on employers and employees for a convenient practice that has become commonplace in today's society, authorizing employee payroll deductions. Payroll deductions are used for a variety of purposes, such as employee benefit payments, donations to non-profit organizations (i.e., the United Way), and employee membership dues. Current law requires an employee to complete a payroll deduction authorization prior to any deduction being made by an employer from the employee's paycheck. The authorization continues until the employee changes or discontinues it.

Enrolled Committee Substitute for Senate Bill 239 modifies the definition of deduction to exclude amounts for authorized credit unions, charities, outside savings plans, or union or club dues. It places an unnecessary burden on businesses, and an inconvenience on employees and organizations receiving deductions, by mandating the creation of a new wage assignment *every year* to continue the authorization.

Therefore, I disapprove and return Enrolled Committee Substitute for Senate Bill 239.

Sincerely,

Jim Justice  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate

**Jim Justice**  
**Governor of West Virginia**

April 26, 2017

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 255

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 Senate Bill 255.

In this bill, the Legislature adopts the overarching policy that the political party of the person appointed to fill a vacancy in an Executive Constitutional Office, the West Virginia Legislature, or a county commissioner or clerk office is dependent on which political party the individual “was affiliated *at the time the vacancy occurred.*” (emphasis added) In *State ex. rel. Biafore v. Tomblin*, 782 S.E.2d 223 (2016), the Supreme Court of Appeals of West Virginia interpreted the West Virginia Code to require that, for the vacancy of a State Senator who was elected as a Democrat but switched his party registration to Republican, the Governor was required to appoint a Republican to fill his office. The Supreme Court stated that its “decision is grounded in law, not in ideology or politics.” *Id.* at 232. Yet, the Legislature would use the holding of this case to justify codifying current law and public policy.

Unfortunately, the current law makes for short-sighted public policy. It rewards political tomfoolery rather than the will of the voters in the previous election. If applied to a situation where a Republican or Democrat switches his or her party registration to the Communist Party before vacating the office, Enrolled Committee Substitute for Senate Bill 255 would require the Governor to appoint a replacement from the Communist Party. That unfathomable scenario is possible under this bill, and I cannot sign it into law.

For the foregoing reasons, I disapprove and return Enrolled Committee Substitute for Senate Bill 255.

Sincerely,

Jim Justice  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate

**Jim Justice**  
**Governor of West Virginia**

April 26, 2017

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 441

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 Senate Bill 441. This well-intentioned legislation establishes the Municipal Home Rule Pilot Program as a permanent program, provides all 234 West Virginia municipalities an opportunity to participate in the program, and resolves a pending legal issue before the Supreme Court of Appeals of West Virginia regarding the authority of municipalities to pass ordinances for the licensing and certification of certain public employees.

But Enrolled Committee Substitute for Senate Bill 441 expands the obligations of the Municipal Home Rule Board *without* addressing the costs or potential liabilities associated with these expanded obligations. The bill fails to address legal issues that have surfaced during the Pilot Program, including the Board's inability to retain legal counsel when necessary and the limits of a municipality's authority to adopt ordinances that supersede State statutes regarding the restrictions that can be placed on roadways under the jurisdiction of the Division of Highways. These shortcomings in the legislation require a veto of the bill.

Therefore, I disapprove and return Enrolled Committee Substitute for Senate Bill 441.

Sincerely,

Jim Justice  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate

**Jim Justice**  
**Governor of West Virginia**

April 26, 2017



**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 606

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 Senate Bill 606 for public policy reasons.

Senate Bill 606 provides an exemption to the Minimum Wage — Maximum Hour Act for recreational establishments that meet a business duration or average receipt condition and that pay employees in an annual amount at least equal to the WV minimum wage (\$8.75) times 2080 hours. The annual payment amount condition reads “on a salary basis in an annual amount of not less than” \$18,200.00 (\$8.75 x 2080 hours). To calculate this exemption, the employer must wait until either the end of the calendar year or upon the employee’s termination, which opens the employer up to possible back wages owed to the employee. The calculation of the annual salary condition is a complex and complicated calculation that could be confusing to businesses trying to qualify for the exemption.

Further, if there is confusion in the application of this condition and employees’ salaries are incorrect, it could pose a significant burden to a group of West Virginia workers that can least afford an error in their pay — minimum wage workers.

Because of potential confusion by businesses in the implementation of the conditions for the exemption and the importance of protecting the minimum wage component for West

Virginia workers, I disapprove and return Enrolled Committee Substitute for Senate Bill 606.

Sincerely,

Governor Jim Justice

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate

**Jim Justice**  
**Governor of West Virginia**

April 26, 2017

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 656

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 Senate Bill 656. This bill would expressly grant a student assessment vendor the authority to sell student data without appropriate privacy protections in place.

Enrolled Committee Substitute Senate Bill 656 gives a student assessment vendor the right to sell student data to third parties if consent is obtained either from the student (15 years of age or older) or from the parents (under 15). This bill does not include

appropriate privacy safeguards and, therefore, I disapprove and return Enrolled Committee Substitute for Senate Bill 656.

Sincerely,

Jim Justice  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate

**Jim Justice**  
**Governor of West Virginia**

April 26, 2017

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2196

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 2196. This bill would allow home school, private school, and parochial school students to be eligible to participate in Secondary School Activities Commission (SSAC) interscholastic activities.

The bill is unnecessary due to Enrolled Committee Substitute for Senate Bill 630 being signed into law. Specifically, Enrolled Committee Substitute for Senate Bill 630 permits home school and

private school students to participate in co-curricular and extracurricular activities in a school district if enrolled in a virtual school program, and it further requires students enrolled in a virtual school program to be counted in the net enrollment of the school district for the purposes of calculating and receiving state aid. I believe this would more effectively assist counties with offsetting any costs incurred for non-public school students that opt to participate in SSAC co-curricular and extracurricular activities.

I believe Enrolled Committee Substitute for Senate Bill 630 provides a better solution to address this issue moving forward and, therefore, I disapprove and return Enrolled Committee Substitute for House Bill 2196.

Sincerely,

Jim Justice  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate

**Jim Justice**  
**Governor of West Virginia**

April 26, 2017

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2589

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 2589. This bill requires county boards of education to equally enroll home school and private school students in vocational school course offerings and further prohibits counties from charging for the additional admission of home school and private school students.

Enrolled Committee Substitute for House Bill 2589 restricts counties ability to make local education decisions. Specifically, the bill requires counties to enroll home school and private school students in vocational school course offerings, without school district approval or consideration of current class capacity, which would place a financial burden on our counties. Current state law already permits home school students to participate in public school course offerings, including Career and Technical Education courses offered at vocational schools and, therefore, the provisions of Enrolled Committee Substitute for House Bill 2589 are duplicative.

I disapprove and return Enrolled Committee Substitute for House Bill 2589 for the aforementioned reasons.

Sincerely,

Jim Justice  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate

**Jim Justice**  
**Governor of West Virginia**

April 26, 2017

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State

Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2646

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 2646. The WV Women's Commission exists to encourage better health and wellbeing for women in West Virginia through educational, political and economic participation. Women in West Virginia rank near the bottom nationally both in political participation (48th) and employment and earnings (51st). They also have unhealthy rankings nationally in poverty and education (49th) and health and well-being rates (44th)<sup>1</sup>.

Now more than ever, the Women's Commission is needed in West Virginia and should not be terminated. Critical to the success of West Virginia women is the continued work of the Women's Commission. Our state's women are too important to be allowed to fall behind in our state's economy. West Virginia needs the women of our state to succeed. Without their success, West Virginia cannot succeed.

For the foregoing reasons I disapprove and return the Enrolled Committee Substitute for House Bill 2646.

Sincerely,

Governor Jim Justice

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate

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<sup>1</sup> All data taken from the 2015 Institute for Women's Policy Research, Status of the Women in the States report.

All business of the sixty-day and extended session now being concluded,

Senator Prezioso, from the select committee to notify His Excellency, the Governor, that the Senate is ready to adjourn *sine die*, returned to the chamber and was recognized by the President. Senator Prezioso then reported this mission accomplished.

Thereupon,

On motion of Senator Ferns, the Senate adjourned *sine die*.

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### ERRATA

On April 8, 2017, A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2704**, Prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from holding certification or license valid in public schools.

On April 9, 2017, A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

**Eng. Com. Sub. for House Bill 2018**, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

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*We hereby certify that the foregoing Senate record of the proceedings of the regular sixty-day and extended session of the Eighty-Third Legislature, 2017, is the Official Journal of the Senate for said session.*

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*President of the Senate*

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*Clerk of the Senate*



## Appendix – Remarks

REMARKS OF  
HONORABLE  
RONALD F. MILLER

\_\_\_\_\_  
*Wednesday, February 8, 2017*

SENATOR MILLER: Thank you, Mr. President.

I'm not going to remark what you think I'm going to remark about. I want to talk about a bill that was introduced today and where it went. It took me awhile to figure out where it went. It's Senate Bill 184 (*Transitioning WV School of Osteopathic Medicine to nonprofit corporation*), which is transferring one of the most successful schools in the State of West Virginia to private ownership, nonprofit private ownership.

First of all, this bill was not introduced from anybody from my region—most of the folks from my region are opposed to it. But the other problem I have—and this is why I wasn't going to stand up and say anything until I saw where it went—this bill did not go to Education. And it is an education facility that we're talking about—one of the best education facilities in the State of West Virginia—West Virginia School of Osteopathic Medicine. Instead this is going to Government Organization and Finance. And it makes no sense to me why we are taking a bill that's dealing with education and dealing with education of doctors in this state and we're moving it to Finance and Government Organization. The sponsor is from Government Organization, maybe that is the reason. But that doesn't make it right. We're not looking at this from an education standpoint, we're looking at this from other reasons, I suppose. I'm not sure of the reasons. But I can tell you that in my

region there are people that were afraid this would happen because there was talk about this last summer and people have called me throughout the fall. I said we will probably not do that again and now I'm seeing that it was one of the first bills introduced, for that to take place. And for it not to go to Education, the senator from our region who serves as the chair of Education will not hear this bill in his committee. And I find this appalling, I find this very Machiavellian, I just have problems with this taking place the first day. I intended to be good this year but I don't want to start this way because this is wrong doing it this way. If we want to move it to Education and Finance that's where it should be, we'll discuss it. If it goes to Gov Org—and I'll get a shot to discuss it in Gov Org—but it's still wrong to do it this way. And I feel that I need to draw your attention to it. This will be a fight. And I appreciate the opportunity to let you know ahead of time. You'll see my smiling face many more times on this issue.

Thank you.

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REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL

\_\_\_\_\_  
*Wednesday, February 8, 2017*

SENATOR WOELFEL: Thank you, Mr. President.

I had not intended to rise on this first day, however . . . . Some of you know that I grew up in Greenbrier County on my grandparents' farm and we sold eggs at the old GMS which is now the Osteopathic

School of Medicine. And I just stand before you and echo the eloquent remarks of my colleague from Greenbrier. The Osteopathic School of Medicine provides great opportunities for our state, for the folks that go there and receive their education, for the greater community in Lewisburg . . . . And I . . . I just would hate to see that leave the area.

There's an old train station in Lewisburg that hasn't been used in 75, 80 years—little tiny train station that ran from Ronceverte to Lewisburg—and this summer, they moved that train station. They put it up on some kind of a truck. I don't know how they did it, but they moved it right out of Lewisburg. It's an amazing feat to see how they could do that.

Well, that's what's going to happen to the Osteopathic School. A private, nonprofit can leave the area. Can you imagine the money that we generated down in Charlotte if you have a very high regarded, successful medical school and you bring it into Charlotte or some other place, Atlanta, can you imagine the economic engine that you would move away from Greenbrier County? So, if somebody wants to pay the tens of millions of dollars that have been invested in the Osteopathic School in Lewisburg, if some group wants to raise that money and buy it, so be it. But I'm just telling you, there will be a battle over this.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL

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*Thursday, February 16, 2017*

SENATOR WOELFEL: Thank you, Mr. President.

In honor of Homeschool Day, I'd like to remind everyone of the story of Hansel and Gretel. They were homeschooled by the way. You recall that Hansel was wise enough to take that slice of bread and to carry it with him but to leave the breadcrumbs to find his way back out of the woods. Right?

So, I rise in opposition to Senate Bill 184. And, what I ask you to do is to follow the breadcrumbs or, in this case, follow the money. This is the proposed privatization of the Osteopathic School of Medicine in Lewisburg which has a, I'm told, a \$57 million surplus in its operating account that we're going to give away. I'm also not clear . . . and I'd like . . . I challenge the members to determine how much money is in the Development Fund that we would give away. I also have a question about what appraisals there are out there of real estate that we're going to give away. And, if you look at the bill, there's no provision in the bill that would prevent, once the deed of conveyance goes to the nonprofit, that nonprofit from leveraging all the equity in that real estate, all those beautiful buildings and all those beautiful grounds that the state has bought and paid for and maintained these many years, leveraging that money, going to the bank, borrowing against it. So, let's . . . before we jump on board to privatization, I'd like us to follow the money.

Thank you.

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**Recognizing centennial year of  
City of Nitro**

*(Adoption of Senate Resolution 15)*

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REMARKS OF  
HONORABLE  
C. EDWARD GAUNCH

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*Monday, February 20, 2017*

SENATOR GAUNCH: Thank you, again, Mr. President.

Members of the Senate, today is Nitro day at the Senate and we highlight the one hundredth anniversary celebration of this historical city. And, I'd like to share some background information and, perhaps, a brief history lesson with you.

The United States entered World War I in April of 1917 attempting, after attempting two and a half years to stay out of it, President Woodrow Wilson had much public support for keeping the country neutral in the war which began in Europe in 1914. To avoid making the United States seem like a military threat, President Wilson made only limited preparations for war. He kept the U. S. Army at its small, peacetime level. However, early in 1917, Germany resumed all-out submarine warfare against all commercial ships headed for Britain. Even though that threatened to get the United States involved in the war when it became known that Germany offered to help Mexico regain territory it had lost in the Mexican-American War at the same time that German submarines began sinking American ships, the American public became outraged and President Wilson had to act. He asked Congress for a declaration of war to make the world safe for democracy. On April 6, 1917, Congress declared war on Germany and also on the Austrian-Hungarian Empire. Thus, the United States entered what was supposed to be a war to end all wars.

Because the United States had tried so hard to stay out of war, it was not ready for war and had to hurry preparations. Among the country's deficiencies was insufficient production capacity for gunpowder and ammunition needed to supply combat troops. As a result, Congress met in an emergency session, passed the Deficiency Appropriations Act on October 6, 1917,

to provide for the construction of three large production centers with the goal of producing 500,000 pounds of gunpowder per day. Soon, the War Department chose an area about 14 miles downstream from Charleston along the Kanawha River for one of those production centers. At the time, the area was rural, bottomland with two hamlets known as Lock 7 and Sattes. Some reports suggested that the new community would be called Crawford City but instead a team from the Ordnance Department chose the name Nitro. It was derived from nitrocellulose, a substance used in the manufacture of gunpowder. Ground was broken in 1917 and work proceeded quickly over the next several months on what was not only an ammunition plant but an entire city meant to support its operations. It included barracks, bungalows, stores, utilities and a 400-bed hospital. But, although work on building Nitro went quickly, the end of the war came at a faster pace. Just as Nitro was about to be ready for full production of gunpowder and still more buildings were planned, World War I ended on November 11, 1918. Within two weeks, about 12,000 people left Nitro leaving such a shortage of manpower that others had to be hired to close the operations. Many planned facilities were never built.

After the war, Nitro became an industrial center. Several companies located in the community, most notably American Viscose Corporation which manufactured rayon and located there in 1921. And by 1939, more than twelve hundred people worked at the American Viscose Plant. The plant's production more than doubled in 1948 with the plant expansion in a modernization project. In 1963, FMC bought American Viscose and operated the plant until 1978. A subsequent owner operated the plant until 1980 when it shut down. Other companies that operated in Nitro in the twentieth century included Rubber Services Laboratories, Monsanto and Fike Chemicals.

In the twenty-first century, Nitro is celebrating its past as a living memorial to World War I while also evolving as a retail industrial center with developable land and easy access to river, road and rail transportation. Certain former industrial sites are remediated brownfields lands ready for redevelopment. With good schools, affordable housing, great parks and other amenities, Nitro is a great place to live and work.

There are several display tables in the lobby for you to visit today and I commend to you the new museum that Nitro has opened, downtown Nitro. I congratulate Nitro on their one hundredth anniversary and I invite you to visit this historical gem. It's a living monument to the sacrifices made by our World War I veterans.

Mr. President, on behalf of the Junior Senator from the Eighth, I'm pleased to recommend adoption of this resolution.

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**Designating week of March 5-11, 2017,  
as MS Awareness Week**

*(Adoption of Senate Resolution 18)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

*Wednesday, February 22, 2017*

SENATOR STOLLINGS: Thank you, Mr. President, members of the body.

Multiple Sclerosis is a very unpredictable, disabling disease of the central nervous system. It interrupts the flow of information within the brain and between the brain and the body. And symptoms range from simply numbness and tingling to blindness and paralysis. The progress and severity and

the specific symptoms of multiple sclerosis in any one person cannot be predicted. It's so unpredictable. And there are 3,000 West Virginians suffering from multiple sclerosis. The National Multiple Sclerosis Society has been committed for over 70 years to have a world free of multiple sclerosis. It's putting billions of dollars in research . . . hoping someday that we can find a cure and stop this.

The folks that we're honoring here today are pushing for, I think, modest gains. They simply want to be in their homes, as independent as possible, and requesting things just like a tax credit to repurpose their home so they can stay there and not be a burden, further burden, to society. And they want to talk about step therapy protocols and expedite exceptions.

With that in mind, I applaud them being here today and urge passage of the resolution.

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**Designating week of March 5-11, 2017,  
as MS Awareness Week**

*(Adoption of Senate Resolution 18)*

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**REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II**

*Wednesday, February 22, 2017*

SENATOR OJEDA: Thank you, thank you, Mr. President. I, too, rise in support of this resolution. I have a brother-in-law who suffers from MS.

Those who suffer from MS have very difficult symptoms, including muscle stiffness, spasms, pain and insomnia. I am honored to support the MS community and

help raise awareness of MS. I also want to take the opportunity to point out that a study from the Clinical Neurology Research Group found that sufferers of MS experienced a twofold improvement and relief when treated with medicinal marijuana. I hope this body will rise to the occasion and legalize medicinal marijuana this session to help those suffering from MS and other conditions. I remind you that there's a bill pending in the House committee, Senate Bill 386 (*Creating WV Medical Cannabis Act*), which would authorize medicinal marijuana and I hope we will see it on the floor of the Senate soon.

Again, thank you, Mr. President, I'm honored to support this resolution.

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REMARKS OF  
HONORABLE  
ROMAN W. PREZIOSO, JR.

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*Wednesday, February 22, 2017*

SENATOR PREZIOSO: Thank you, Mr. President.

I just want to alert members on an occurrence that happened yesterday that's going to have dire consequences not only to the fiscal implications of this budget but for many future budgets. Many of you may read or heard on the news that Moody's downgraded our bond rating. And, this is not the first time it happened. Matter of fact, this is the third time in three years. In April, Standard & Poor's downgraded us from AA to AA-minus. Fitch downgraded us in September to AA-minus to AA. And now Moody's weighed in and, also, downgraded us.

You know, Mr. President, this is going to have some ramifications throughout the economy in the ability to go out and build

our infrastructure. And, I don't have to tell the members of this Senate that we have a tremendous infrastructure need in our roads and bridges, some of our buildings, some of our water and sewer projects . . . and we're not able to encumber those dollars either through fees or tax increases and we're going to have to go to the bond market. I mean, I don't think there's any question we're going to have to give ourself a loan to give us a boost to get beyond this critical situation that we're in. And in order to do that, we're going to have to have at least some type of mechanism to acquire those dollars where we don't pay such outrageous interest rates. But, as our bond rating continues to fail—and we've talked about this many times when I was Chair of Finance, and many times throughout the last couple of years—that this was almost inevitable to happen and there are . . . the bond rating agencies have very clearly told us that there are ways that we can ramify this. And, as I look at what Moody's said in recent year trend of growing structural imbalance between the annual expenditures and available resources this creates a serious problem. And, I know we put a lot of emphasis on our Rainy Day Fund to have that savings account. We're going in this year and we're going to take \$125 million out to pay for the shortfall that we have in the fiscal '17 budget. You know, I believe, that last purview of the Rainy Day Fund, it had about \$632 million. We're going to take \$125 out. We're getting critically low in our savings account of about \$500 million. I think, more importantly, Moody's has told us that they've given us a clear path that they want some stabilization, they want a mechanism where we can go ahead and cover our debt and go accordingly. Mr. President, I think it's imperative that, you know, we begin the process of the budget. The more we fail to address that issue, the more questions are going to be asked, the more the bond rating agencies will look at us and, not a negative effect, but they're in a wait and see. You know, where are we going

to go, what decisions are we going to make that are going to stabilize our economy and give us the further ability to pay our debt?

So, I would encourage all members to put aside their differences. Let's come together and work on this issue because the future of our state depends on it and they depend on us to get the job done.

Thank you, Mr. President.

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REMARKS OF  
**HONORABLE  
COREY PALUMBO**

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*Wednesday, February 22, 2017*

SENATOR PALUMBO: Thank you, Mr. President. This is sort of a follow up on the comments from the Senator from Marion.

I was reading an article on MetroNews today about the Governor's announcement about the decreased bond ratings and I saw a couple of comments from, Mr. President, you and the Speaker. And, I'll just read your comments: "The old policies of simply raising taxes and spending more will only lead to further structural deficiencies and continuing downgrade." And the Speaker said: "The failed tax and spend policy of the past will not solve this problem." And I'm not sure how far in the back you and the Speaker are harkening, but I know as long as you and I have been here and the Speaker's been here, that's not been the way of the Legislature. We've increased the tobacco tax twice in the last 20 years, that I can recall, and that's been the only tax increase that we've passed in this Legislature. In the early 2000s, we took it from 30 to 55 cents. And last year, we took it from 55 cents to a dollar twenty, a dollar twenty-five, a dollar twenty. So, I think these comments, and I know they're

sort of made in response to comments the Governor's made—he's called us all knuckleheads—but I don't think they're helpful to the process. I think when I go out there and talk to my constituents, they're tired of this kind of stuff. They're tired of the finger-pointing. They're tired of the partisan politics. They want us to work together to solve these problems. And I think when we're calling each other names, when we're pointing fingers at each other about why we're in the certain situations that we're in, people don't like that. People I've talked to don't like that. They want us to shut up and do our work and get this problem solved.

So, I would encourage everyone to do just that. Let's work on this together. Let's solve the problem and let's stop these comments of calling people names and pointing fingers and criticizing each other and just get the job done.

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REMARKS OF  
**HONORABLE  
CRAIG BLAIR**

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*Wednesday, February 22, 2017*

SENATOR BLAIR: Thank you, President.

I somewhat agree with the Senator's statement, from Kanawha, just now. And, you know, it was just outside this chamber the other day we had our Governor calling, not the Republicans or not just the Democrats "knuckleheads," he called each and every one of us in here "knuckleheads". You made a great point and I'm glad you allowed me to segue into this by saying that.

I was on the radio here not too long ago, and the first question they asked me, they

asked me, “Do you feel betrayed by the Governor because, you know, he’s come out with all . . .”—it was the following day after the State of the State—“where he campaigned on that there wasn’t going to be any tax increases, he was going to go in and cut government, you know, this was the surgery” and his comments over and over was “It’s not hard.” And . . . but I was asked if I was betrayed. And I said, “No, I don’t feel betrayed. I didn’t vote for the man. If I had voted for the man, I would have felt betrayed.” I was disappointed. I was disappointed because his Chief of Staff, Nick Casey, was out saying that there was going to be \$395 million to \$606 million in cuts that was coming down the road out of the Governor’s Office. That’s what we heard. Understand, I have no problems with that many cuts . . . \$606 . . . I would have voted for it. And it’s because of the fact that I understand that if we would have went out and made those cuts of \$606 million, what would have happened would’ve been that we would’ve had these agencies coming in and saying, “Hey, don’t cut us that much. If you do this or you do that we can live on half of that.” But if we work from the other premise, that we bring them in and ask for them, “What can we do, what can you do?” Well, I’ve witnessed this. “Oh, we can’t do anything.” That’s unacceptable. This Governor needs to understand that. He’s brought before us the largest budget that we’ve ever had. He’s also brought before us the largest tax increase that we’ve ever had. And I can tell you right now, my vote is not going to be part of that. We can go in here and literally take—and keep in mind the Governor has the ability to go in and deal with these agencies with a scalpel and know where the savings are so that the people of West Virginia can actually say, “Wait a minute, that’s a good idea, we needed to get control of how many state vehicles we have.” The list goes on and on on what we could have been doing, what the Governor can do. We, on the other hand, are limited to

60 days. We have a macro approach when we go about doing things. It would take 600 days to do the job that the Governor could actually do himself in 60 days because of how things are handled.

Now look, I am offended by his budget because I think, frankly, any eighth grader in the State of West Virginia could have put together that budget. It doesn’t take a whole lot of work. If you are going to get ready and do nothing but tax increases and \$26.6 million in reductions, is actually insulting to this body and the one down on the other end of the building.

Moody’s downgrading us . . . do you not think for a minute that Moody’s didn’t take an opportunity to downgrade us because of the comments and the behavior that we’ve received from our Governor? I could tell you right now, I’m quite confident that played a role. Look, how can we go and expect our people in the State of West Virginia to take another half a percent on the sales tax and two tenths of a percent on the gross of every business and a lot of businesses out here work on volume . . . low profit, high volume. That one there in itself is not going to be \$200 million. It could probably end up being \$400 million when it’s over and done with to the cost of businesses in the State of West Virginia which we’re trying to bring here. And he wants to do that.

Taxes do two things: Raise revenue and deter behavior. And if you think for a minute that that two tenths of a percent is not going to deter the behavior, in other words, deter businesses from coming here to West Virginia or staying here in West Virginia or expanding here in West Virginia, you are sorely mistaken.

This is coming from a guy on my newspaper today: Governor’s companies owe West Virginia \$4.4 million. It’s on your desk . . . the Governor . . . this is front page today . . . the same man that is asking all the

rest of us to do two tenths of one percent on the gross and its sounds little, it sounds like a little number. It's not a little number. If you do a million dollars in sales, it's \$2,000 and it applies across the board. It's a terrible regressive tax. I'm not done.

I've been working because I feel that you can't stand up here and talk about reducing government unless you've actually attempted to work on some of that yourself. And I have a story I want to share in this chamber. In the very opening day that we were here, well, I got nailed by two members here because of the work that I have been working with on the Osteopathic School and allowing them to flourish. Yes, there was some concerns out there on what happens to the property. I share those concerns. I tried to actually put that into the legislation and I am malleable from that standpoint of correcting that legislation so it does address those concerns. If we would have given the Osteopathic School the flexibility to travel a different course rather than being under the thumb of our state government, it had the potential to save the state \$4 to \$7 million a year in perpetuity, without hurting them at all in my opinion. That was the goal, let's put it that way. Clearly, the goal that . . . . And, see, that's what calculators are for, ladies and gentlemen, is that you put the numbers in and you add 'em up . . . add 'em up . . . add 'em up.

Now, the Governor never called me or talked to me whatsoever on this but he made the decision, that he sent a telegraph message out from the very beginning—early—he was going to veto that legislation because, basically, it was in his backyard. Ladies and gentlemen, we all got something in our backyard that we are going to have to deal with. It went further than that though. There was a board member that—Chairman of the Board I believe he is, name's Dave Rader—that the day before the Confirmations committee was supposed to

meet, Rader's name was actually withdrawn by our Governor. Earl Ray had put him up, or excuse me, Governor Tomblin had put David Rader's name up for reappointment for the Osteopathic Board. The day before the Confirmations committee meeting—and, actually, I think it was one day after the Governor said that he was going to veto that bill if it ever made it to his desk—he withdrew Dave Rader's name. And I'm not so sure that he's even capable of doing that. Now, Dave Rader doesn't live in the State of West Virginia. He lives in Florida. But Dave Rader was one of the men that helped take us from a state-owned system of workers' comp to privatizing workers' comp which has been phenomenally good for the State of West Virginia. It just goes to show that the state has no business being in insurance business period, across the board. That should lead us on a path to going through and dealing with all of these other ones that are out here, whether it's PEIA, and the list goes on and on, our pension system—we need to be out of that game in my opinion, humble opinion.

Rader, though—notice I said Florida. Florida. Ahh! The state that doesn't have any income tax. The same newspaper, front page, it's on your desk today, unscientific poll, "Would you like to see the state's income tax eliminated?" Seventy percent "yes", 30 percent "no". That's a message to you, Senator. You're on the right path. The tax reform that we need in the State of West Virginia to get people the pay that they deserve and the job opportunities they need are taking place right now in your Select Committee on Tax Reform. It is a good thing happening. And make no mistake about it, it'll never ever, ever happen if we were living in the times of prosperity. You have to take these times of economic despair and look at the opportunities to be able change what we do in this state for the people. And we are doing just that, Mr. President. We are taking this opportunity



to move forward and do that. Make the structural changes for our state and for our people. To talk about the past, you just need to remember the behavior of the past and that's it. And look to the future and give our people that opportunity. And the bill that we're . . . Senate Bill 222 (*Relating to disqualification for unemployment benefits*) . . . here this morning, I believe was the number . . . I am totally supportive of that bill. And the reason for it is, is that 80 percent of businesses are nonunion businesses, but those are the people . . . the businesses are who pays the unemployment . . . not the employees . . . the businesses do. The taxpayers don't do it. They would only loan them the money to keep it afloat . . . so . . . and that fiscal note proved that it needed to be done and it could be worse than that depending on which company has got striking workers, whatever. Now, if they're locked out, I'm all in favor, that's different, they deserve unemployment. But those of us, like my business and 70 percent of other small businesses in the State of West Virginia say "good for us" because we're the ones that are subsidizing it. It's our tax dollars . . . or, not tax dollars but our profits that go into that to pay the unemployment for the employees.

I'm going to go one more step than I'm done. You want to save \$75 million? It's real easy. Shepherd College is the lowest funded four-year institution in the State of West Virginia. Now, hear me out on this because you're right when you're shaking your head no. But you're also wrong and the reason for this is that we're going to look at it as per student funding. We've actually got three schools in this state that have lower school populations than what any high school does in Berkeley County. Three of them. But Shepherd gets \$3,087 per student in funding; West Virginia University gets \$3,621; Marshall is \$3,986; Bluefield gets \$4,690. My argument would be, and Shepherd's not in my district, but it's from the Eastern Panhandle, I'm not

coming here asking for more money for Shepherd or Blue Ridge and Blue Ridge is third largest school in the state but I'm saying why don't we just take everybody else's funding level down to what they're getting at Blue Ridge and Shepherd and, if you do that, there's your money. Otherwise, then should we not be funding Shepherd and Blue Ridge up to the levels of the rest of the state? I'm just saying where the money's at and, if we did this with higher ed, I'm quite confident that they'll come to us . . . I've already got one piece of legislation in the pipeline that will give us the flexibility to take the thumb of government, our state government, off of our higher ed and two-year institutions . . . no different from what I was trying to do with the Osteopathic School because it is, without a question, a shining star in our state. But we can no longer afford this and we can't go to the well and ask our taxpayers for more money when they can't afford it now, including our Governor.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
C. EDWARD GAUNCH**

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*Wednesday, February 22, 2017*

SENATOR GAUNCH: Thank you, Mr. President.

I promise not to call names or cast dispersions. And I'm inspired to do this, these remarks today, by my good friend from Cabell, stood yesterday to ask about what he correctly called the one action that this Senate is required to do: Pass a budget bill. And I believe the good Senator is a reflection of the anxiousness that most of us feel about this subject.

This will be the third budget bill that I've been participating in. Some of you have participated in many more and, for me, there is certainly an anxiousness and a frustration because we never seem to get it done. We tend to do the same thing every year—at least in my three years. We try to backfill revenue so that we can cover the spending. Last year we used Rainy Day funds; we used one-time dollars and it's put us into this situation we're in this year, partly. For some of us, it's a revenue problem; for others, it's a spending problem. The correct answer is probably somewhere in the middle as it usually is.

Governor Justice has proposed hundreds of millions of dollars in new taxes. He has also presented an alternative with a list of what I would call very dramatic spending cuts. I don't believe either of those options is viable. And, as I observe both chambers of the Legislature, I'm pretty sure they aren't.

My colleague, the esteemed Minority Leader, spoke about the Moody's report. And I have it here today, too. He's right. We were downgraded and it says that we have a multiyear trend of growing structural imbalance between the annual expenditures and available resources. It's true. It's what it says. It also says the state's debt burden could increase under the Governor's new infrastructure proposal. Those are in the kind of negative comments. Then I honed in on the bottom part which says the factors that could lead to an upgrade in our bond rating—that's what we ought to be concentrating on, what can we do to get an upgrade from Moody's, not just to play defense to keep from getting another downgrade? And what it says number one is that long-term growth and diversification of our state economy would lead to that. Now, the Governor said in his State of the State speech that his ultimate goal is to eliminate the personal income tax. I applaud that. The truth is though I think we can do that

sooner than later. I really do. I've spent much of the last 18 months pondering and anticipating this very dilemma that we have today, including my time as a member of the Joint Select Committee on Tax Reform and, currently, a member of the Senate Select Committee appointed by the President. And what I've determined is the primary goal of any comprehensive tax reform—which I hope we'll consider here—should be to drive economic growth which should result in a bond upgrade ultimately.

And, according to the majority, the great majority, the testimony we heard in those select committees, the West Virginia growth is being impeded by two obstacles: State income taxes and personal property taxes. Senate Bill 335 (*Creating the 2017 Tax Reform Act*) has been introduced. It deals with personal income tax and a broadened consumption tax base and it's been introduced, as I said, and referred to the Select Committee. Once it's scored and has a credible fiscal note, I'm hopeful it'll be passed out of that Select Committee to Finance. I believe that can occur within the next 10 days or so.

Now, I've heard all the fear, I've heard the skepticism, I've heard the criticism, the cynicism, the questions that surround this bill . . . it's putting the tax back on the food, people are scared of that. The border counties have concerns. Is it a dependable revenue estimate? What about pyramiding of these taxes? Concerns about regressiveness is the one I hear the most. The truth is I think we can deal with the bill positively with each one of those concerns. So here is what I would ask all of you today: Please give this proposal a good, fair review, absent party labels, personalities or pre-conceived notions. It will be a heavy lift. There's no doubt. But I believe it can be transformational for our state. A new bedrock, if you will. It can also provide budget answers for the next couple of years. I believe that, too. As well as set us on a course for potential economic growth,

well into the future, long past when I serve in this chamber. This has the potential to become one of those demarcation moments that everyone will point to as the time West Virginia started to progress and become what it can be.

And I know this body is capable of doing hard things. As a citizen, I watched many of you do a hard thing when you fixed our broken workers' comp system. This can be such a time as that.

I'm also reminded of Sir Winston Churchill when he faced his cabinet and had to announce to them that the French had capitulated to the Germans and with sullen and solemn and sad faces, he sat down and smiled, lit a cigar, and said, "I find this rather inspiring." Ladies and gentlemen, I find this rather inspiring. When people say, "Are you enjoying your time in the Senate?" And I say, "In a sick sort of way." But that's what it is, that's how I find this. It inspires us. The Senator from the Sixteenth is right. It is in these kind of times that we do hard things, we make hard decisions and we do it in a bipartisan way. Senator, I'm with you. I don't want to be here in the last days fretting over a budget. I certainly don't want to be doing it in an extended or special session.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
MIKE HALL**

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*Wednesday, February 22, 2017*

SENATOR HALL: Just a brief comment.

I wasn't here yesterday and I've heard comments today, so I just want to make a report to the body as to where we are on

the budget. But just preface that with, you know, the normal process. If you read the Constitution, you see the Governor is to meet with these agencies and present us a budget, institutions, and present us a budget. To quote "balanced budget plan", he doesn't have to give us a balanced budget, some dispute that. It didn't come as a balanced budget this year. We as the Legislature can, it's optional, meet with the agencies to determine what questions we may have of them based on the budget that we have. The tradition of doing that are these budget hearings. And, so, we've got them scheduled to about the first . . . I was looking, I think we go to March 8. So, in the past, what I've observed, I've been on finance committees in the House, I've also been over here and now I'm Chairman of Finance committee. And what we've done is we've gone through the hearings and in theory what you're supposed to be doing there is sitting there, like we did yesterday with the Superintendent of Schools, and going through their budget line and asking them questions about why you spending this money and why you spending that money in order to build a budget document. That's the theory of it. Then when you get to the second half of the session, the Finance chairman usually, and it depends on how it's done in the past. In the House I've served where I've been given accounts to work on . . . and then other times Finance chairmen kind of do it themselves. And you wait then until about the sixtieth, toward the end of the session, you give the budget document to the body, you vote on it, you're waiting really to see if there's any change in law that might affect the budget before you actually do it to final passage and then on the sixtieth day you appoint the coveted conference committee. The numbers of people who want to be on, you know, five, seven. Everybody wants to be on that they say. I don't know why, but they do. It's prestigious or whatever, it's not as much as you think, if you've ever been on it. The Constitution permits an extended regular session as the Governor himself

would determine the amount of time, in his judgment or her judgment, it would take to complete the process. That's the past. This year, in week one, I began to meet with different members of the Finance committee. We are working on it. We're trying to get the budget expenditures actually agreed to by day 30, or about the end of the budget hearings. That's where we are. We're going to do that. We'll have the capacity to bring a budget bill to you probably as quick as it's ever been done. And that's why we've broken up the Finance committee into three or four committees to take a look. It is not an easy thing to do to know what an agency's, where the waste may be and so forth, but to take a look and report back and build a budget. Four groups working it, building the budget. And we've announced those committees and they'll start to meet formally . . . . You know, the actual fact is that we've been going line by line through each one of these sections and, today, you know, I'll announce this later but, you know, the Department of Administration and the Department of Commerce will be upstairs for a hearing. Now, you'd have to be a little bit not paying attention to the news, if you didn't know that the Department of Commerce has proposed a \$105 million Save Our State line. I would say that members of the Finance committee might be interested to hear about that. And the purpose of the committee is to publicly discuss those kinds of things. Tomorrow, we have DMAPS . . . which is a big account, that's our public safety. So that when we meet, in theory, I guess it's just a formality some would view it or a waste or whatever, but, in my opinion, the Constitution anticipates that we as the Finance committee would meet with people like this and decide what their budget ought to be.

So, where we are, I would say, is way ahead. Because we know that the state wants us to give you a budget. We are not wasting our time. I just don't come out and, you know, make an announcement every day but

I thought I would make a little preliminary report as to where the effort is and what the attempt is to get to a expenditure document. The budget is an appropriation document. It just says, folks, here's the money you're allowed to spend whether you have it or not. If you got it, you can spend it, if you don't have it, obviously, you can't. And, obviously, the . . . . So, we have to balance the general revenue section, that's what we're doing. And I wanted to report that we're working on it. Talk to my staff. We're working on it. All members of Finance and even nonmembers of Finance are willing to come up and find out where we are, ask questions. These hearings give our committee an opportunity to formally ask. I thought there were some things said yesterday that were surprising, possible places to find some extra money in that hearing. So . . . .

I just wanted to make those comments. They're just . . . they're not intended to be partisan or anything, it's just a report of where we are and why we're trying to stay way ahead of the game. So say to the public, you know, we're running way ahead of the game here, we're not sitting around doing nothing. We're working really hard to get the document, the spending document done. At that point, you know, we'll look at revenue, we have to, but, you know, we're looking at the expenditure side. That'll get a lot done and then we can go from there on how to manage what we have to do.

Mr. President, I just wanted to make a brief comment about that. Tell everybody that we're not just sitting around here doing nothing. It is a top priority this year. Thank you.

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REMARKS OF  
HONORABLE  
JOHN R. UNGER II  
AND  
HONORABLE  
MITCH CARMICHAEL

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Wednesday, February 22, 2017

SENATOR UNGER: Thank you, Mr. President.

My understanding . . . I'm going to have a point of inquiry to you, Mr. President.

MR. PRESIDENT: Gentleman may state his point.

SENATOR UNGER: So . . . so, I've heard a lot of criticism about the Governor's proposal. And, frankly, I don't like it either. He's been in office . . . well, he knew he was going to take office in two months after the election, if you count December and, of course, then January, and then we gave him a month, so a total, I guess, three, that he was able to gear up and prepare.

But I do know, Mr. President, that there was a Joint Government Accountability and Transparency and Efficiency Committee that's met, I don't know, for a year or so. And, you chaired that. And, I'm just wondering, that purpose of that committee was to look in and see where we could have cuts and where there's waste and things like that. I'm not on it. No one put me on that. So, I'm just trying to get information on, update on that, because, surely, there's probably a report that's getting ready to be prepared or given to us that would outline those cuts that we could look at and come back for. If we don't like the Governor's plan, then I guess I'm wanting to know what our plan is and since that Committee met, and I understand met a lot, could you give us an update on where we are on that and what type of cuts are available?

MR. PRESIDENT: To the Senator, thank you for the point of inquiry. There are several reports available that we will make available to you as a result of the work that that committee has accomplished and contemplated during its meetings. So, we will make that report available. I don't feel

at liberty to talk about it from the podium, but we will make those reports available to you. Further inquiry?

SENATOR UNGER: Well . . . so that will be made available to everyone? At least what the committee is recommending as far as the cuts and things like that that they come up with. Not just me, but I'd like for everyone to have that and the public. So, I appreciate that. And, so, thank you, Mr. President.

Also, now, just a few remarks. Again, I think that we start off with the tone that we want to try to, well, we do want to work together, matter of fact, I think the people demand that. You know, Monday was President's Day and sometimes the Senator from Morgan does an eloquent speech on Lincoln and he didn't do it this year and I was kind of bummed out about that. But George Washington is another President and, in his farewell address, one of the things he warned us about is this hyper-partisan that's going to destroy this country. And I think that most people see that that's happening in a lot of ways where we're very divided. We're very divided. Matter of fact, *Frontline* did a piece called "The Divided States of America" that was a four-hour series and it didn't take a shot at Democrats or Republicans, it took a shot at everybody, that the reason why we're here today is because certain decisions and certain things said led us to a time when we're really divided. I know from talking with people throughout the state and there's a real concern that our Republic is crumbling, of what George Washington warned about when he was leaving, of this partisan aspect. And, if we don't learn to come together, I mean, we are going to die. The one thing the Governor, I think, brought, at least to his State of the State to me, was a state of a sense of urgency . . . a sense of urgency . . . I mean, the patient's on the table, dying, and we got to do something to save the state and what

is it that we can do? I mean, it's code blue and everybody needs to come around and start doing this. So, the Governor offers up a solution, at least through his point, and it's not very good, he says, "I don't really like it, but here's what I'm offering up." And okay, that's fine, that's a start. But we also have a responsibility to come up with an alternative of what we don't like because just saying no is not going to save the State of West Virginia. We got to start looking at things we can do. I mean, you know, there was made a comment about the Governor making, you know, calling nincompoops, and, Mr. President, I know you jokingly said, "I'm one of those." I think when you talked to the crowd, you tried to brush it off. The name calling . . . you know, that's not necessary. But, you know, the way I see it, is sticks and stones may break my bones, but words will never hurt me. I am going to tell you folks if we don't get to the sticks and stones on this budget, that's what's going to hurt us. It's not the words going back and forth. We got to start coming down and, you know, we can sit there and tell the Governor we don't like your plan, but another thing I was always taught is when you're pointing your finger at someone, there's three pointing back at you. We have a responsibility to come up with alternatives if we don't like what's there. Folks, we got to get this done. The people are nervous and scared. Let me tell you, the bond ratings are going down because it shows we're going in the wrong direction as far as trending's concerned. Now, I'm not saying we're not trying to do things to try to reverse that but, right now, the trends are starting to go down. And, also, financial markets, my understanding of it, they get very nervous when they can't see a stable path forward. And so far, there is no indication coming from this body, I'm not talking about the Legislature in general, of any stable path forward. There is a lot of uncertainty that we may not even finish a budget at the end of this session.

We may be driven into June again, trying to wrestle out a budget, and heaven's forbid, and I hope my prediction's wrong because I don't want this to happen, we may have a shutdown of government come July 1 because the rhetoric that is going back and forth, there is no clear path or nothing in which we can see of how we can come to consensus because too many people have drawn the line and says, "I am not going to cross over it, I'm not going to compromise, I'm going stay here." And if that's the position we have and we're not willing to work together on this, then the government will shut down and we will see what will happen to the people of West Virginia.

Now, people are scared and they elected us to be leaders and leaders lead. Mr. President, we got to lead. You know, we can't keep on trying to send out little things on the desk about people owing taxes and trying to yell about I'm disappointed and just berating individuals by saying stuff like, "An eighth grader can put it together, a budget like this." Folks, a kindergartener could put together the budget we got now because we don't have anything. We don't have anything that we're proposing except for what the Governor's presented and we got to start moving on this. We are passing stuff . . . I mean, I know there was a bill introduced over in the House, I guess—I hope it wasn't introduced here—that made Bible as the official book of West Virginia. Well, the Bible is my official book as clergy, yes. And I'm sure there are people very concerned about that. I don't think my parishioners are that concerned but it's their official book, too. But here we are introducing things like this that distract us from the real work and the hard work that we need to get done. Mr. President, I say we put our partisanships aside. If we don't, we are dying, we're dying as a state, we are going to die as a country. This is what made this country great is that we were able to come together and George

Washington brought us together as the first President of the United States and brought very, very strong egos of John Adams and Alexander Hamilton and Thomas Jefferson and all these folks. They were very strong egos and they were passionate and they fought like cats and dogs and they really went at it. But at the end of the day, they knew they had a job to do and they had to get it done. And they did it. They did it. And they got us through a period of time where we are the greatest country in the world. But I am going to tell you, just like Rome and Senator Byrd, God rest his soul, always talked about the Roman Empire where it was the greatest empire in our world history and it didn't fall from outside of the Barbarians attacking at the gates, it didn't fall because terrorists were coming in blowing things up in the City of Rome . . . Rome fell because the Roman Senate fell and was totally crumbled that took the whole society with it. The Roman Senate, civilization from within. They couldn't get along. That's why Rome fell. We need to learn the lessons of our history so that we don't repeat it today, Mr. President. So I beg, I pray to God and I beg you and everyone here, let's reduce the rhetoric, let's try to eliminate the distractions from us, and let's get to work on this budget right away and, I think that, Mr. President, with the gate and everything we have, I think we have everything we need in front of us and if we don't, we'll go get it. I think we have all the information we have in front of us. Now it's time to make the tough decisions and let's move the budget forward.

Thank you, Mr. President.

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**Recognizing WV School of  
Osteopathic Medicine**

*(Adoption of Senate Resolution 20)*

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**REMARKS OF  
HONORABLE  
RONALD F. MILLER**

*Thursday, February 23, 2017*

SENATOR MILLER: Mr. President, I'd like to speak to that resolution today.

We honor what can be wonderfully called—in West Virginia, when the state works together to make great things happen—we honor, today, a school which is a leader, not just in West Virginia, but throughout the country, in providing quality physicians to communities in need of doctors.

Dr. Roland Sharp of Pocahontas County was the founding president of WVSOM in the early seventies. And in his autobiography, Roland Sharp, Dr. Sharp, titled *Roland Sharp Country Doctor*, wrote about the reason he and a group of other physicians started the school. This is a quote, “Our idea of establishing a medical school to train family physicians was considerably different from what established medical schools in the past had done. All they had been trying to see was who had the largest and best hospitals and who had the most research. Our idea was forget about hospitals, forget about research until we got going well and train some family physicians for the state. And there were plenty of counties back then, at that time, that had one or less doctors.” Since that founding with Dr. Sharp and others, the school has consistently ranked very high among med schools, not only in West Virginia, but in the country. And family practicing has produced many physicians who serve and are leaders in this state, one in this body, even.

The school almost disappeared from existence in the very beginning but, under the visionary wisdom—and it does

hurt me to say this—of former Governor Arch Moore, the Republican governor, he brought the school under the state umbrella. This school has grown and flourished in continuing its mission in training doctors for not only all of America but it has particularly provided great growth for the number of doctors serving in West Virginia. The school lives true today to the vision of Governor Moore as it provides for the people of the state and it is, again, a great example of what this state and its people can accomplish if we work together and strive together for the best.

I urge adoption of this resolution.

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**Recognizing WV School of  
Osteopathic Medicine**

*(Adoption of Senate Resolution 20)*

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REMARKS OF  
**HONORABLE  
TOM TAKUBO**

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*Thursday, February 23, 2017*

SENATOR TAKUBO: Thank you, Mr. President. I, too, stand to support the resolution.

Lewisburg, being an alum, holds a very special place in my heart. I remember . . . not only is it a great school, it's just a wonderful community. And when I was first traveling up there and looking for a place to live when you're getting ready to start school we almost thought it was in some kind of sci-fi movie how pleasant everyone that greeted us was, even the gas station, to the school, to the people in town. It was just always, "Hi, howdy, how are you," wanting to know about us. But it's hard to not just mention the wonderful accolades that our school has

done. It truly is one of the gems and they set the standard for everything that is done right. West Virginia State Osteopathic School has been in the *U. S. News & World Report* 18 consecutive years. We all look at the *U. S. News & World Report* to see our top colleges and pharmacy schools and medical schools. The top 50 for 18 consecutive years. I mean, they are the Steelers and Cowboys and Patriots all wrapped into one. They've also ranked nationally in rural medicine, primary care medicine, family medicine. They've been recognized by the Chronicle for Higher Education for six consecutive years for a great college to work at. And the employees, when you go through and talk to them, they love being at Lewisburg. It's more than a job, it's a family.

They're the number one provider for physicians throughout rural West Virginia but also throughout Appalachia as Senator Miller alluded to. They are the leading producer of primary care physicians and they currently provide half of all primary care physicians throughout the State of West Virginia. So, they took the charge back in the early 1970s and they have absolutely ran with it under excellent leadership. And I just can't stand here and say enough how proud I am to be alum of the school.

In addition to all that, there's a wonderful financial footprint that they do for the state. They are not only in Greenbrier County but they have six branches throughout the state and regional offices. They provide third and fourth year students the rural health initiative where they send students out all across the state to learn about coal mining. I mean these guys gear up and they're down in the bottom of the coal mine so that later on when they're seeing that patient they can understand it. They know what they've been through. They go with loggers. So many wonderful stories and opportunities they provide to continue with the philosophy of a D.O. which is mind, body, spirit, treat that person as a whole.



Understand where they're coming from so that you can provide the best care to them. Their overall economic impact to this state is \$73.2 million with creation of over 836 jobs. So, it's not just the economic impact they do for Greenbrier County but it's for the whole State of West Virginia.

I'm very proud of them and I'm proud to support the resolution. Thank you.

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**Designating February 23, 2017, as  
WV Local Foods Day**

*(Adoption of Senate Resolution 21)*

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**REMARKS OF  
HONORABLE  
RONALD F. MILLER**

*Thursday, February 23, 2017*

SENATOR MILLER: Thank you, Mr. President. I'd like to speak to this resolution also.

Today, I stand and speak for the resolution of the Farm and Food Coalition. I'm sure that some of you in this body are old enough, maybe not all of you, to remember the old Hee Haw show. And one segment of that show with Grandpa Jones you would find him standing in front of a window and the crowd would yell, "Hey Grandpa, what's for supper?" And he would answer something like, "Spoon bread and pintos and all kinds of greens, and a good dish for old folks as well as the teens. Carrots and cauliflower and apples baked whole and a pitcher of buttermilk all you can hold." Well, the crowd would respond back, "Yum, yum." I think that's what they said, I sometimes thought they said, "Yuck, yuck" but I think they said, "Yum, yum."

I share that today to say that it is important for us to resolve in this body and in West Virginia that small farms and their production are a great future for us as a state and as a people. The West Virginia Food and Farm Coalition works to promote changes in agriculture policy, and to promote access to local foods as well as helping small farms who are struggling survive and grow, new farmers survive and grow. They're working to build strong and safe local food economies for all the people of this state. That which is grown locally, and that which is consumed locally, certainly makes for healthier and better tasting food. The Governor stressed this in his inaugural address. It's something which he believes and promotes if you remember him talking about tomatoes. He doesn't only talk about such important items as that, but he does so even in his small hotel in Greenbrier County we know as The Greenbrier.

So today, stand with me please in support of this resolution. "Hey Grandpa, what's for supper?" "Chicken and dumplings made from scratch, a big 'ol meatloaf, oh what a match. Lima beans and turnip greens, you know they're good, fried okra and cornbread both are as crispy as they should. I got some sweet iced tea for us to drink and a pumpkin pie cooling on the sill above the sink." A very good resolution, yum, yum. Let's stand for that today.

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**Designating February 23, 2017, as  
WV Local Foods Day**

*(Adoption of Senate Resolution 21)*

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**REMARKS OF  
HONORABLE  
PATRICIA PUERTAS RUCKER**

*Thursday, February 23, 2017*

SENATOR RUCKER: I just want to speak in support of this resolution.

I have gotten to know the West Virginia Farmer's Association and the food banks and they are doing such great work helping local farmers, encouraging new entrepreneurship in the area of farming and agriculture in our state. I know that our new Agricultural Commissioner is very much in support of what's going on. And this is just going to help our economy. It's going to help find jobs where there isn't any and it's just a good thing all around for the community.

I just want to highly ask all of you to please appreciate the hard work that they do and the opportunities are opening up because of what they have done for West Virginia.

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**Expressing support for confirmation  
of Judge Neil M. Gorsuch to  
US Supreme Court**

*(Adoption of Senate Resolution 19)*

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

*Friday, February 24, 2017*

SENATOR TRUMP: Thank you, Mr. President.

As of all us know, in the election in November of last year, Candidate Donald Trump received the overwhelming support of the citizens of this great state, citizens of West Virginia. He carried every one of our 55 counties and overall by an enormous margin—really unprecedented in presidential electoral history—70

percent of the vote. There may be any number of reasons for that but, in my belief, one of the reasons for that, clearly, was his commitment, his promise to the American people that when he exercised the presidential prerogative of appointing people to the judiciary, the federal judiciary, and particularly, the United States Supreme Court, that he was going to appoint, nominate for appointment, confirmation by the Senate, conservative jurists, originalists, people in the mold of the great Antonin Scalia whom tragically we lost last year. And the President of the United States, Mr. President, has fulfilled that commitment that he made to the American people with his nomination of Neil Gorsuch to fill Justice Scalia's vacancy on the United States Supreme Court. Now, I will confess, that even though I'm a lawyer, I didn't know much at all about Judge Gorsuch before his nomination. But—and I'm sure maybe others have focused on this and looked at it—this is an incredible candidate for the United States Supreme Court. He is a graduate of Columbia University, Phi Beta Kappa; Harvard Law School, cum laude; Oxford University. He is serving currently in the Tenth Circuit Court of Appeals and has been for a little over a decade now and he has a record of great accomplishment. He was confirmed for the Tenth Circuit Court of Appeals unanimously by the United States Senate, the members of both parties. So, this is a person of enormous talent and ability who has been nominated by the President of the United States to fill that vacancy on the U. S. Supreme Court.

So, this resolution is intended, if adopted by this body, to express the sentiment of this body, the West Virginia Senate, to the United States Senate and, in particular, our United States senators, the Honorable Joe Manchin, the Honorable Shelley Moore Capito, to tell them that we want them to vote to confirm Judge Gorsuch. We

want them to vote against filibusters or parliamentary tactics that would seek to delay or impede his confirmation to that seat on the United States Supreme Court.

So, Mr. President, I urge adoption of the resolution.

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**Congratulating Cabell Midland golf team on winning 2016 Class AAA golf tournament**

*(Adoption of Senate Resolution 22)*

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REMARKS OF  
**HONORABLE  
MICHAEL A. WOELFEL**

*Monday, February 27, 2017*

SENATOR WOELFEL: Thank you, Mr. President. I rise in support of the resolution.

Cabell Midland High School is one of the finest institutions in our state when it comes to instruction regarding public service, character, academics and athletics. The folks that we have here today as our guests have succeeded in winning two AAA golf championships but, equally as important, they're going to be productive members of our community as a state and our future leaders.

So, it's with great honor that I ask you to welcome them today.

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REMARKS OF  
**HONORABLE  
JEFF MULLINS**

*Monday, February 27, 2017*

SENATOR MULLINS: Thank you, Mr. President.

I'd just like to make a few comments about our new and improved confirmation process. It seems that a lot of the members on this committee's been watching a lot of TV. I feel like we're trying to act like Washington, D. C. when a lot of these people that's coming before the committee are from our hometowns. Good people, work hard, like Bucky Blackwell. That guy, between new schools and renovations, almost \$200 million in projects, a good man, good man. And we've got to try to catch him up in "gotcha" questions. And, you know, I think we're sending the wrong message here. You know, we should be looking at working together with the Governor's appointees and try to, instead of trying to get you with "gotcha" questions. And, if you think about it, all of us have conflict of interest. Every one of us in here. There's some time or another that we go through the day or the week or the month or the session and there's conflicts of interest. That's just how it is in this business. But we get through it, we excuse ourself and move forward. So, instead of trying to get people caught up in "gotcha" questions, I think we need to be better at being bipartisan and working together.

Thank you.

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REMARKS OF  
**HONORABLE  
CHARLES S. TRUMP IV**

*Monday, February 27, 2017*

SENATOR TRUMP: Thank you, Mr. President.

I wanted to talk a little bit more about workplace freedom and it was sort of, you

know, the constitutional questions sort of outside the bill that we just sent out of the Senate, Senate Bill 330 (*Relating to WV Workplace Freedom Act*), but there is, you know, there is a constitutional question pending. And I want to take this opportunity to talk a little bit about it.

In the decision rendered by the Circuit Court of Kanawha County in the case that I described a moment ago, the legal challenge to the state's right to work bill that we passed last year, the court found that the right to work law was an unconstitutional taking. The language in the court's opinion said the unions have a duty to fairly represent all members of the collective bargaining unit regardless of union membership, indeed providing services and negotiating, enforcing and administering contracts costs money, requiring unions to provide services to free riders while simultaneously prohibiting unions from charging for those services necessarily take union funds and directs them to be expended on behalf of third parties. Ultimately, the court adopted that argument and found that our right to work bill passed last year is a taking. And the court would be right if what the court said were true. But what the court said, the premise, the fundamental premise underlying that argument, in this decision, is not true. Is not true. In the United States Supreme Court, in the case of *Retail Clerks International Association v. Lion Dry Goods, Inc.*, this is—nope, I'm citing the wrong case there—yeah—the court recognized this is a 1962 case, so it's been the law, recognized by the U. S. Supreme Court for 55 years now. I will read from the opinion of the court: Members-only contracts have long-been recognized. Members-only contracts. So, no union has to bargain for every employee. Unions have the right to choose to negotiate on behalf solely of their members. And so, the fundamental premise behind this decision of the circuit court of Kanawha County is incorrect. That legal position has been

reiterated numerous times and upheld. I've got an NLRB opinion here from just 2010. This is Dana Corporation and International Union, others, AFL-CIO, December 6, 2010, and it says, among one of the things it says, it says the board and courts have long recognized that various types of agreements and understandings between employers and unrecognized unions fall within the framework of permissible cooperation, notably, employers and unions may enter into members-only agreements which establish terms and conditions of employment only for those employees who are members of the union. That was the decision of the Indiana Supreme Court. And a constitutional challenge to their right to work bill just two years ago, November of 2014, the union's obligation to represent all employees in a bargaining unit is optional. Is optional. So, you know, if you create the legal fiction that a union has to represent everybody then, yeah, it flows from that that you allow people to receive the benefit of that without paying dues could amount to a taking. But it's a legal fiction. The law allows members-only negotiations and contracts. And so, you know, as I said earlier when we were talking about Senate Bill 330, ultimately, the judicial branch of our government will make the final decision as to what the Constitution permits and requires. I had no problem in voting for that bill in its original incarnation believing that it was fully constitutional and does not effect a taking of any kind from any union. Unions choose to try to negotiate for an entire class of employees and it makes perfect sense why they make that choice, why they want to do it that way. Number one, they want dues from as many people as possible. Number two, you know, if you're a labor union and you represent only the employees of, who are members of the union, if someone else is able to negotiate a better employment agreement for himself, could cause problems within the membership for the leadership of the

union. You know, why does this person have a better deal than we got? You know, and then, the corollary question is, what are you really doing for us? Mr. President, in my opinion, the current state of the law effects a taking. When you take a citizen who has a constitutional right to free assembly, free association, and force that person to belong to an organization or pay dues to an organization to which he or she does not want to be a member, that is an unconstitutional taking. And so, again, what was disappointing to me, most disappointing to me, about the recent decision as I read it, I didn't see any mention of this body of law in the opinion. No reference whatsoever to that Supreme Court decision from 55 years ago, no reference to any of these more recent iterations, discussions of the law, and I hope that when this matter arrives in the East Wing of this building for review by our Supreme Court, and I believe it will, that they will be circumspect and review all the law that relates to this question.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
ROBERT KARNES**

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*Monday, February 27, 2017*

SENATOR KARNES: Thank you, Mr. President.

I wanted to do a couple things. I wanted to call the members' attention to the fact that today we had a meeting of the Tax Reform committee where the committee substitute that's got a few changes in it was more directly introduced and that committee substitute is on the system if people would like to take a look at it.

Also, I want to point something out. We hear a lot of times people talk about the United States as sort of like 50 different experiments running around this country and so I wanted to offer a comparison of West Virginia to a different state. And it's interesting because West Virginia, as most of you know, are the thirty-fifth state in the Union and this is the thirty-sixth state in the Union. So, the thirty-sixth state in the Union, right after West Virginia, 16 months later, came into being and it shares a lot of commonalities with West Virginia. It doesn't have a single saltwater beach. So, a lot of times we hear we can't grow 'cause we don't have a beach. Well, this state doesn't have a beach either. Does have a lot of lakes like we have, a lot of beautiful lakes people like to go out. It's got a lot of beautiful mountains. It's got ski resorts. It's got casinos. Its economy originally was based on mining. Resource extraction, very similar to West Virginia. A lot of tourism in this state. A lot of farming and ranching in this state. That's about where the similarities end, though, today. If we look at this state in 1998, I should say one more similarity, in 1998 this state had the same population that West Virginia does, or did in 1998. Now since 1998, we've added 28,000 people. This state has added over a million people since 1998. In fact, one of the questions I hear related to raising the sales tax and lowering or eliminating the income tax is that we have to worry about being a border county, so many border counties in West Virginia that that's a big threat. Well, in this particular state, 80 percent of the growth has occurred in one county and it's a border county. Over 800,000 people have moved into one county in this state since 1998. It's got the highest sales tax in the state. This one county has the highest sales tax in the state and the sales tax is over eight percent. So, we're talking about eight percent, this county has a sales tax of over eight percent. And this county has added almost a million people to its population since 1998. And

the state that I'm talking about is the state of Nevada. Another thing that it does that's a little bit different than what we do is it doesn't have an income tax. So, one of the highest sales taxes in the country, in this particular county higher sales tax than what we're proposing and, yet, this is the fastest-growing state in the country today and this particular county has grown by 50 percent of the population of the State of West Virginia in just the last 19 years.

So, I just thought that was something as we're talking about tax reform how we build a growth-oriented economy, why we look at other states and see what works and what doesn't work. Here's a state where no income tax, even with the higher sales tax, is not just working, it's working phenomenally well. And it's a model that we can look at as we go forward, so I just wanted to take a minute and bring that to everyone's attention, Mr. President.

Thank you.

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

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*Monday, February 27, 2017*

SENATOR ROMANO: Thank you, Mr. President.

I just wanted to stand briefly in response to my friend from Morgan and the comments he made today, Senator from Morgan, thank you. You know, what we're doing here today I think is of little consequence. Right to work was passed last year, there was, you know, much debate about it. And certainly you all have the majority, you have the right to pass that. I will say that I disagree with his reading of the law. I believe that the law clearly states

that unions have to represent all members within their company including on grievances. But lawyers often disagree and that's why this case is in the third branch of government, the judiciary, for a decision. My concern that I want to make everybody aware of is I think it's a bad precedent for us to be able to be changing laws in order to address court cases. It disrupts the court system, it disrupts the constitutional separation of powers amongst the three branches. Because what we do is, we go in and change the playing field after the courts have spent enormous amounts of time and resources in order to come to an answer. I too read the opinion of the judge I thought on a preliminary injunction which has three standards that you have to meet. I thought she addressed those and I thought she met them. Certainly, there will be a whole bunch more evidence taken but there's already been a lot of evidence taken. Surely there will be further decisions that will be subject to appeal but when we interject ourselves into the third branch of government, I think we make a mistake both morally and constitutionally.

Thank you.

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**Congratulating Chapmanville Lady  
Tigers Softball team  
for winning 2016 Class AA state  
championship**

*(Adoption of Senate Resolution 24)*

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REMARKS OF  
**HONORABLE  
RON STOLLINGS**

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*Tuesday, February 28, 2017*

SENATOR STOLLINGS: Thank you, Mr. President.

It's my pleasure to recommend adoption of this resolution. The Chapmanville regional Lady Tigers have won the 2016 Class A championship with a 33 and 6 record. They have been dominant not only in 2016, but they've won state titles in 1999, 2004, 2007, 2009, 2010 and 2016.

They are coached by the legendary head coach, Ronnie Ooten and assistant coaches, Barb Ooten, Dave Elkins, John Carter and D. A. Harless. They routinely whip up on my Scott Skyhawks, Lady Skyhawks, but it's always a competitive area that they come from.

I am very pleased to say that the Logan County Commission, and we up here, have tried to provide the best athletic facilities available to them and they are used not only by the student athletes, by the entire community to better their health.

So, with that, I am pleased to recommend adoption of this resolution.

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**Congratulating Chapmanville Lady  
Tigers Softball team  
for winning 2016 Class AA state  
championship**

*(Adoption of Senate Resolution 24)*

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REMARKS OF  
**HONORABLE  
RICHARD N. OJEDA II**

*Tuesday, February 28, 2017*

SENATOR OJEDA: Thank you, Mr. President.

I, too, stand in support of this resolution as a person who actually teaches at Chapmanville Regional High School. I see

how hard these young ladies have worked to be able to accomplish this feat.

Also, I would like to state that the coach, Ronnie Ooten, has been recently named National Coach of the Year. These people absolutely go above and beyond for what they do; the coaches go above and beyond for what they do for these students. And, I'm very proud to say that I belong to the organization, the school, that these wonderful people serve at every day.

Thank you, Mr. President.

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**Congratulating Chapmanville Lady  
Tigers Softball team  
for winning 2016 Class AA state  
championship**

*(Adoption of Senate Resolution 24)*

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REMARKS OF  
**HONORABLE  
MARK R. MAYNARD**

*Tuesday, February 28, 2017*

SENATOR MAYNARD: Thank you, Mr. President.

They're not technically in my district, but my daughter was a varsity pitcher for the Wayne Pioneers. So, I have seen these ladies in action and they deserve this honor.

Thank you.

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**Congratulating Jeffrey Stutler as  
WV Outstanding Tree Farmer for 2017**

*(Adoption of Senate Resolution 25)*

REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO

*Tuesday, February 28, 2017*

SENATOR ROMANO: Thank you, Mr. President, if I may speak to the resolution.

Today, we honor the Outstanding Tree Farmer for 2017, Jeff Stutler. Jeffrey Stutler hails from the great county of Harrison, which is the reason I get the honor of introducing him and this resolution today.

Mr. Stutler owns a 315-acre farm in Harrison County and he is committed to the West Virginia Tree Farm Program. That means he's made a commitment to sound forestry management practices, and that commitment will result in the improvement of wildlife habitat, water resources, timberlands and recreational practices—it's the kind of farmer we need in West Virginia.

Nominated by West Virginia Forester Juergen Wildman, and selected by the West Virginia Forestry Service, will you please congratulate and vote for the resolution for Jeffrey Stutler as West Virginia Outstanding Tree Farmer for 2017.

**Recognizing Holly Boggs on winning  
2016 Earle S. Dillard  
Insurance Agent of the Year**

*(Adoption of Senate Resolution 26)*

REMARKS OF  
HONORABLE  
RONALD F. MILLER

*Wednesday, March 1, 2017*

SENATOR MILLER: Thank you, Mr. President. I'd like to speak to that resolution.

The Independent Insurance Agents of West Virginia announced, just recently, that Holly D. Boggs of Ed Delong Insurance Marketplace in White Sulphur Springs was presented the Earle S. Dillard Agent of the Year Award at their annual convention held last October in the Greenbrier. I could tell you a little bit about that Dillard Award, I'm not going to go that. It's gives to the person who typifies what's best in the industry, typifies involvement in the community, involvement in their work, and everything else.

Let me tell you a little bit about Holly instead. Holly is the Vice President of Ed DeLong Insurance Marketplace. I hadn't seen Holly in a long time and when I saw her, I had to make sure it was Holly. She was one of my students when I taught school many years ago, and, I haven't gotten any older, she has. She's done a great job. One of the things Holly has done beautifully in Greenbrier County—besides raise two wonderful children—she's been very active in the life of the community. She's been a volunteer with Girl Scouts, a very active leader in Girl Scouts and still remains that way. She was awarded recently the Leader of the Year Award in past years. Holly was actively involved in the floods in our region this past summer. She lost a house, property in those floods, too, and they lost friends in that flooding. If you had flooding in your area, you know how devastating it could have been. In White Sulphur, it was extremely devastating. And, Holly's been involved and she's still involved, she and her family in the cleanup, involved in getting peoples' lives back together, involved in her business which was also affected by those floods.

So today, it is a great opportunity, not just to honor her for her work as an independent



insurance agent, but to honor her work as a person who is part of our communities, who is part of who we are as West Virginians, a person who works hard, contributes to the community, she shops locally, she's involved locally. Her daughter who is 21, we were talking, just opened up a small boutique in White Sulphur—a 21-year-old doing that—local business trying to succeed in this state.

So today, it's a great honor that I stand and ask us to please welcome today, Holly Bogs, the winner of this award. Thank you.

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**Recognizing Holly Bogs on winning  
2016 Earle S. Dillard  
Insurance Agent of the Year**

*(Adoption of Senate Resolution 26)*

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REMARKS OF  
**HONORABLE  
ROBERT H. PLYMALE**

*Wednesday, March 1, 2017*

SENATOR PLYMALE: Thank you, Mr. President.

It's rare that I get up to speak on a resolution, but, Holly, I wanted to tell you that the shoes that you fill in Earle Dillard . . .

Earle Dillard is a person that I've known, until his passing, a long time, and the Dillard family from Huntington that ran Bloss & Dillard Insurance Company. But Earle was involved in the community. He was a person that everyone looked up to and he was very active in everything. And, to receive this award and, particularly, after the name of Earle Dillard, is quite an accomplishment for you. But, to know about Earle Dillard, you come very well respected and the person that he was is unbelievable.

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**Designating March 1, 2017, as Cancer  
Survivorship Day in WV**

*(Adoption of Senate Resolution 27)*

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REMARKS OF  
**HONORABLE  
C. EDWARD GAUNCH**

*Wednesday, March 1, 2017*

SENATOR GAUNCH: Thank you, Mr. President.

This is March 1. . . has been designated Cancer Survivorship Day in West Virginia and I'm interested to tell you that there's 107,520 some cancer survivors in West Virginia. All of us would be fearful of the day when we see our health care provider and we're told that we have cancer. It takes a great deal of fortitude and courage to survive it. And, today, we're here to celebrate the folks who have—cancer survivors in West Virginia because of the efforts of researchers, health care providers and volunteers.

I'm happy to rise in support of this resolution.

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**Designating March 1, 2017, as Cancer  
Survivorship Day in WV**

*(Adoption of Senate Resolution 27)*

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REMARKS OF  
**HONORABLE  
RON STOLLINGS**

*Wednesday, March 1, 2017*

SENATOR STOLLINGS: Thank you, Mr. President. I rise in support of this resolution.

And, many of you all know that I am a cancer survivor. I was in this body but one term, and I was faced with whether to go ahead and have the treatment done prior to the session. And, I talked to several of my doctors and they said, "I think it'll be okay to wait until after the session." And, that's what I did.

And by one millimeter, they got it all. And so, I'll tell you, it changes your perspective. It really puts things in bright focus . . . that what's important in your life. And, it even changes how you vote in this chamber to be honest with you. It really says, "Look, I don't have . . ." You know, I might have not even been here because of the type of prostate cancer I had was a fairly aggressive type. And so, it is a life changing, family changing event in your life. And I'll tell you, any time I've had to tell somebody that they have cancer as a provider, I know the Junior Senator from the Seventeenth, you know, it's so sad. I mean, I've even had patients that I break down and cry when I tell them that it's probably cancer. I've had cancer patients that I've told they have cancer and they put their arm around me while I'm crying and the cancer patient themselves says, "Doc, it's okay. You told me I should quit smoking or something. It's okay. We'll get through this." And so, that's the kind of people there are that do survive and stay productive members in our society.

So, I certainly support the resolution. Thank you.

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REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV

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*Wednesday, March 1, 2017*

SENATOR TRUMP: Thank you, Mr. President.

Brief remark. I think this moment should not go without notice on the floor of the West Virginia Senate. I think, maybe, the members know . . . and he would be modest. . . he wouldn't want to talk about it on the floor but, our colleague, the distinguished Senator from Greenbrier County, was the recipient of a prestigious award, the Chuck Chambers Award, by the West Virginia Environmental Council. And, in my opinion, knowing him, it's well deserved. And I think we should honor him with a round of applause for that.

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**Designating March 2, 2017, as All Kinds  
Are Welcome Here Day**

*(Adoption of Senate Resolution 28)*

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REMARKS OF  
HONORABLE  
RONALD F. MILLER

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*Thursday, March 2, 2017*

SENATOR MILLER: Thank you, Mr. President.

Senator Palumbo was going to do this resolution today, he is out of town, so I'm doing it in his place. I cannot do it as adequately as he could. All kinds are welcome here today. When I grew up, as a young man, we used to sing a song in our church, "red and yellow, black and white, they are precious in His sight . . ." We didn't have a lot of red people where I lived or yellow people where I lived, lot of white people, very few black people. And, the song was nice to sing, it had a nice melody to it, we

enjoyed singing it. As I grew older, I realized what that really meant: That everyone is precious, every person has a reason to be, every person is important to who we are and what we are and what we do. Sometimes in politics we like to differentiate ourselves from other people and that's wrong.

Today, all kinds are welcomed here today. Thirty-five, probably thirty-seven, organizations throughout West Virginia are saying that we're promoting that all kinds of people are welcomed here. Martin Luther King said there's only one race, it is the human race. And I am proud today that we, as a Senate body, can resolve to welcome everyone to our body, to welcome everyone to be part of our state, to contribute to who we are as a Mountain State, contributing that all kinds of people are welcomed here—welcomed here to create good jobs, welcomed here to create clean drinking water, welcomed here to create air that we can breathe, welcomed here creating an opportunity for each of us to succeed.

So, I encourage the Senate today to make welcome this resolution and stand with us as we support All Kinds Are Welcome Here today.

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**Recognizing WV Association of Retired  
School Employees  
for dedicated public service**

*(Adoption of Senate Resolution 29)*

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REMARKS OF  
**HONORABLE  
RONALD F. MILLER**

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*Thursday, March 2, 2017*

SENATOR MILLER: Thank you, Mr. President. I'd like to speak to the resolution.

My resolutions come in pairs every week—I have two on Thursday, I think is what it is.

When I was a Circuit Clerk in Greenbrier County many years ago, we called a juror by the name of Miss Mary Wilson. She called my office and she said, "Mr. Miller, I don't think I can come in. I'm 96 years old and I don't think I can get there to jury duty." And I said, "Miss Wilson, you're excused because you're over 65 if you want to be excused." I said, "You don't know who I am do you?" And she said, "I sure do know who you are. You're Ronnie Miller, I had you in the first grade."

Miss Wilson, retired school employee; Miss Powell, retired school employee; Miss Hayes; Miss Snadegar; Miss Harrah; Miss Halstead; Miss Coffelt, who used to whistle to get our attention because she had had a stroke and then came back into the classroom; Mrs. Warren; Coach Banton; Coach Sawyers, who was here just recently; Mr. Gray, who works with AARP, he was a Vo-Ag teacher; Coach Zopp; Mr. Ford; Mr. Hume; Billy Legg, my school bus driver; Mr. Pusey, school bus driver; Mr. Deeds, who cut my hair and drove the school bus; Mark Hannah, who was the janitor at school. I could go on and name after name after name. There are people who have retired now, people who are no longer even with us. But they were school employees who were proud to serve the State of West Virginia. And, as retired school teachers, retired aides, retired janitors, retired cooks, they've helped feed us; they've helped educate us; they've helped move us forward to where we are today. And we must never forget them.

This resolution today reminds us they are a vital part of who we are and what we're about. So, I, again today, stand asking us all to stand with these retired school employees this day.

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**Recognizing WV Association of Retired  
School Employees  
for dedicated public service**

*(Adoption of Senate Resolution 29)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

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*Thursday, March 2, 2017*

SENATOR STOLLINGS: Thank you, Mr. President.

I'm sure that every member of this body has had a teacher that impacted their entire life. I mean, I can think of two or three that really are the reason I'm standing here and able to stand in this august body. And, so, I stand in support of this resolution.

I also know that on a fixed income it's hard to make it. We, you know, haven't given any cost-of-living increase or anything like that because of our, you know, our budget situation. It's tough. We're fiscally responsible. At the same time, when I see these folks in my office, understanding that it's really hard to make it and there's nowhere to go, what are they going to do, go out and get a second job? They can't. So, that's why I put in a bill that's on today's introduction of bills, Senate Bill 498, that would dedicate five-tenths percent annual severance tax on Marcellus and Utica natural gas to retired public employees. That would help them out so that they could have more spending money, more money to pay for those high deductibles on their health care costs and stuff like that.

So, I certainly rise in support of the resolution.

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**Repealing requirement for employer's  
bond for wages and benefits**

*(Adoption of Senator Jeffries' amendment  
to Com. Sub. for Senate Bill 224)*

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**REMARKS OF  
HONORABLE  
GLENN D. JEFFRIES**

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*Friday, March 3, 2017*

SENATOR JEFFRIES: Thank you, Mr. President.

Mr. President, we've heard lengthy discussion in the two committees that had this bill and why it is a bad idea to eliminate the wage bond requirement for construction and the mining industry. We did not hear any presentations from people who think eliminating the protection for wages and benefits was a good idea. As the bill currently stands, it would repeal the wage bond requirement for new companies. Mr. President, rather than repeal the wage bond, my amendment would keep the requirements intact, but instead reduce the number of years for the bond from five to three years.

I've done some checking with companies here in West Virginia and the failure rate for companies that require this bond is usually in the first three years and that's the reason that I'm asking that we move it from five to three.

I urge adoption on the amendment.

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**Repealing requirement for employer's  
bond for wages and benefits**

*(Adoption of Senator Jeffries' amendment  
to Com. Sub. for Senate Bill 224)*

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO

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*Friday, March 3, 2017*

SENATOR ROMANO: Thank you, Mr. President. I rise in support of the gentleman's amendment.

You know, most of us live a pretty good life. We don't live paycheck to paycheck. Most working people do live paycheck to paycheck. And you know, you miss a paycheck, you're in debt. Your house is at risk. Your car's at risk. Your kids' education is at risk. What we are doing is we're about to take away a protection that has been around since the 1980s. And you know why this Legislature came up with it? Because construction companies were coming in from out of state, and working our people, and then skipping out on their last four weeks of pay. Coal companies were setting up fly-by-night operators who would mine the coal, take the money and then skip out on the workers' last four weeks' wages.

Now, if you get a surety bond for \$10,000 in wages, it costs \$200. And that's a burden, don't get me wrong. It's a burden that, maybe, we certainly should look at lessening, and lessening it to three years I think is an excellent move. I want you to keep in mind, over the last 10 years the Department of Labor has collected an average of \$130,000 a year in wages that would have otherwise gone unpaid. That . . . not more than four weeks' wages for any one person. It's not like a year's wages. At most, that's four weeks' wages. In the last 21 months, they've collected \$373,000 in wages. And, as I asked the gentleman in Mercer during the committee hearing, if those were your wages or my wages, you would want this bond to be in place.

I ask for full support of the gentleman's amendment. Thank you, Mr. President.

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**Repealing requirement for employer's  
bond for wages and benefits**

*(Adoption of Senator Jeffries' amendment  
to Com. Sub. for Senate Bill 224)*

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REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV

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*Friday, March 3, 2017*

SENATOR TRUMP: Thank you, Mr. President.

I rise in opposition, respectfully, to the gentleman's amendment. And I will say at the outset this notion of taking a wage bond from five years down to three was not something that we debated or considered in the committee so I will not represent to the President or to the body that the committee has already passed upon the question, it did not. But I do rise in opposition to the amendment.

We heard testimony, Mr. President, from representatives of the Division of Labor that, currently, the Division of Labor is holding some 4,400 wage bonds from employers in this state. And the testimony was further, and the information we have is that it is in aggregate exceeding \$200 million which has been posted as wage bonds by various employers who are subject to this restriction. And let's just talk about what we're talking about here which is . . . it's an anti-competitive measure, the current law, that puts West Virginia out of step and at a comparative disadvantage to our surrounding states except Kentucky. Kentucky also has it, but Maryland does

not, Virginia does not, Ohio does not require an employer to post any kind of bond like this. And so, we have a division of our state government sitting on \$200 million that should be deployed in the economy, that could be deployed in the economy. Now, if, you know, I understand its purpose, so, we asked the Division of Labor how often does it happen? The testimony was, Mr. President, that it was about four times per year over the last decade. Four times a year there's had to be a forfeiture or liquidation of a wage bond. And yet, they're going to hold and tie up \$200 million that could be deployed in creating jobs in this economy because these bonds are not all surety bonds. People have to post cash sometimes, they have to write a check for the amount to the Division of Labor, or provide a letter of credit which you obtain from a bank and a bank is generally going to require some kind of collateral or a certificate of deposit, that's the other method the Division of Labor permits. So, people are taking, employers are taking their money, their cash money, and giving it to the state government to sit there, the vast majority of times, the overwhelming majority of times, for no purpose other than for this government to sit on the money.

Four times, four per year. Think about this now: The number is 4,400 wage bonds held currently by the Division of Labor and, on average, four times a year they have to be liquidated. And let's not kid ourselves about how quickly that process works for employees even when it happens. It's not instantaneous. It's not because there's a wage bond you get an instant check for wages that your employer didn't pay you. There's a legal process involved in that.

And so, with my greatest respect and, to my colleague from the Eighth who's offered the amendment and to those who support it, I think it is bad policy. I think the elimination of this requirement that renders West Virginia at a competitive disadvantage with our neighboring states is the right policy.

So, I urge rejection of the amendment.

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**Repealing requirement for employer's bond for wages and benefits**

*(Adoption of Senator Jeffries' amendment to Com. Sub. for Senate Bill 224)*

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REMARKS OF  
**HONORABLE  
DOUGLAS E. FACEMIRE  
AND  
HONORABLE  
CHARLES S. TRUMP IV**

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*Friday, March 3, 2017*

SENATOR FACEMIRE: Thank you, Mr. President. Would the Senator from Morgan yield?

MR. PRESIDENT: The Senator from Morgan yield? The Senator does yield.

SENATOR FACEMIRE: Senator, I'm not on Judiciary, so I didn't get to hear any of these arguments, but I got a couple questions. You say that it's only been used four times a year?

SENATOR TRUMP: The Division of Labor told us 40 times over 10 years and so what I'm saying is that's an average of four times a year. Their aggregate number was 40 times over the past 10 years and so there may be years when it was higher or lower than four but the aggregate was 40 times over 10 years.

SENATOR FACEMIRE: Right. But, we also heard from the Senator of Harrison, I don't think the number of times is as important as the amount of money. It could only be one time but it could affect 1,000 employees, is that correct?

SENATOR TRUMP: Well, the testimony we had, and I don't recall the Division of Labor or anybody from the Division of Labor saying what the maximum single bond was that they held, but their testimony was that the vast majority of them were in the vicinity of \$10,000.

SENATOR FACEMIRE: Alright. So, what we're doing here, we're taking away the working man's protection if his employer goes out of business. Now . . .

SENATOR TRUMP: If that's a question, I disagree with that.

SENATOR FACEMIRE: Well, how's he supposed to get his pay?

SENATOR TRUMP: He still has the absolute rights that he has now under the Wage Payment Collection Act which requires, if he's successful, the employer to pay also his attorney's fees and costs of recovery.

SENATOR FACEMIRE: Right. But . . . I would say that there's a pretty good chance if that employer does not make the payroll good he's probably going to file for bankruptcy.

SENATOR TRUMP: I don't know that, you know, I will say to my friend from Braxton County, I'd say that's probably not an unreasonable supposition, there probably is an increased likelihood anyway.

SENATOR FACEMIRE: So, let's say that that happens and there's an employer, an employee and this happens to his, from his employer. Now, what's that employee have to do to recoup his wages? What would be the process that he would have to go through to get his wages?

SENATOR TRUMP: If the employer is in bankruptcy, an employee would have to . . . like any other creditor, you file a claim, a proof of a claim with a bankruptcy court . . .

SENATOR FACEMIRE: Right.

SENATOR TRUMP: . . . and relevant to this particular topic and procedure, it should be noted that although I'm not an expert in the United States Bankruptcy Code, wages of workers are a priority claim. They are given priority over the claims of other general creditors. I think they may be below a company's tax obligations, but they're above, you know, general creditors' claims in terms of priority. So, unpaid workers get paid before other general creditors in bankruptcy . . .

SENATOR FACEMIRE: Except for the government on taxes.

SENATOR TRUMP: I think the government of the United States is always first and I think maybe the state is second, but again, you know, it's . . .

SENATOR FACEMIRE: So, what the employee would have to do is he'd have to come to someone like yourself, as a lawyer, and he would have to say, "Look, I've got a couple checks here for \$1,000, \$1,500" or whatever the reasonable number would be. Now what would you advise that? If I came to you with that exact situation and I said, "Look, I've worked for this company, they owe me two checks, they owe me \$1,500, I don't have any money but I want to hire you to collect this." What would you say?

SENATOR TRUMP: Yeah, I would say it's a pretty easy procedure to file a proof of claim in bankruptcy. If the company's not in bankruptcy, I would, you know, consider taking that as a civil action, you know, if it's not in bankruptcy, you can have recourse through the circuit courts of this state for a civil action for damages, the unpaid wages, liquidated damages and attorney's fees and costs under the West Virginia Wage Payment and Collection Act and I would take that case.

SENATOR FACEMIRE: Okay. But the fact of the matter is, like I said earlier, there's a very higher, the percentage of the companies going to be in bankruptcy. When you go to bankrupt and payroll checks you're in bad trouble, and so, you're probably going to file for bankruptcy. Now, let's assume that the higher majority of these case are going to be in bankruptcy. So, what would you tell me?

SENATOR TRUMP: I would tell you in that hypothetical, I'd say you have a right to file proof of claim. That really is, almost . . .

SENATOR FACEMIRE: No, would you take that? If I came to you for \$1,500 in damages, the company's in bankruptcy, do you think it would be for my best interest to pursue that with an attorney to try to get this money out of bankruptcy knowing that I'm not going to get the full amount. I'm only going to get a penny on the dollar or whatever the bankruptcy's going to settle me with?

SENATOR TRUMP: Well, you never know when you file proof of claim in bankruptcy, but the answer to the Senator's question is yes, it really is not a terribly difficult ordeal. It is filling out what is essentially a one-page form, a proof of claim, and I would probably do it for somebody, help somebody with that without charge. Let them file it. Lots of creditors in bankruptcy cases file their proofs of claims without lawyers at all.

SENATOR FACEMIRE: Well, I've tried to collect several debts out of bankruptcy and I've yet to have the one that's as simple as you just explained right there. And I've certainly yet to have one that attorney fee would be less than a \$1,000 or \$1,500. The point of the matter of this whole thing is it is our job as legislators to protect the people. Is that correct?

SENATOR TRUMP: It's our job what?

SENATOR FACEMIRE: As legislators, to pass legislation to protect the people.

SENATOR TRUMP: We do. We also have an obligation—but let me answer the gentleman's question—we also have an obligation to pass legislation that allows people to start businesses in West Virginia without unreasonably expensive barriers. We need jobs in this state.

SENATOR FACEMIRE: Yes.

SENATOR TRUMP: We need to promote that economic development and this bill will do that.

SENATOR FACEMIRE: Senator, I agree with you but the fact of the matter is and the truth of the matter is is this: If you don't have enough financial weatherall [sic] to get a \$200 bond, you shouldn't be in a business and put people in the liability situation that you're going to put them in. And we seem to understand that \$1,500 might be the difference in keeping a man's house or things like that and it just seems to me like that the good to come out of this is not worth the problem and liability that we could cause the working people who don't have the ability to do the other things. See, something like this could actually force them now to have to file bankruptcy.

SENATOR TRUMP: If I could answer the gentleman's question—to the extent that that is a question—this way. I would say that, first of all, let's not be under any illusion that a wage bond means an employee who didn't get paid gets to just snap his fingers and the money lands in his lap. That's not what happens. And in the vast majority of those situations, people are going to have to get counsel to file claim on a bond. If it's a surety company, they can fight that, resist that. If it's a cash or CD or letter of credit that is held by the Division of Labor, there's going to be an adjudicative process for that. It's not like instantaneous



money that solves the problem. Some of those, I dare say, would be recovered anyway whether there's a wage bond or not, through these other processes. So, that's number one, my response to that.

SENATOR FACEMIRE: And I would agree with that, but do we know of any instances where there was a wage bond in effect that the employees did not eventually receive their pay?

SENATOR TRUMP: Do I personally know of any? No. What we did learn during our committee's consideration of this is that when people file these wage bonds, it's in the beginning when they start up in business, they fill out a form to indicate how many employees they have. And the bond that they're assessed is, under current law, is based on that number of employees. And the statute as it exists contemplates that bond changing over time depending on whether you're adding or losing employees. Now, what we think, there have been occasions where it's happened that the amount of the bond didn't keep up with growth of a business and it could happen. It's the Division of Labor, I guess, is responsible under current law to monitor that on an ongoing basis.

SENATOR FACEMIRE: I mean, it could happen. The guy who stiffed him on the wages could, a few weeks later, decide he's done something wrong and take them and send him their money. The odds of that happening though probably isn't very good. The only thing about this is, I just think, once you're in business over five years you don't have to cover the bond any longer, is that correct?

SENATOR TRUMP: That's current law. Of course, if the gentleman's amendment is adopted, the bond would be preserved but reduced to, as I understand the amendment, a maximum term of three years.

SENATOR FACEMIRE: Which would even make it better. But . . . I mean, stop and think about what we're doing here . . . asking a new employer to cover these people for three years and then it's over and he's going . . . and I think that we have a bigger responsibility. If we're talking about the numbers of people we're protecting it would be thousands to one, working people versus business owners, that we're protecting with this bill and being that lopsided of a number, I just think that it would be silly to throw a thousand, or whatever that number would be, but it would be significantly more employers than there is businesses to put them at jeopardy to save a handful of businesses because, like you said, we're just talking about a small number here that's going to be covered for that. And for the period of three years, I mean, it's almost, and your argument of capital tied up, we could use that on liability insurance, we could use that on all kinds of things that employers have to cover. But there's a reason that they make us cover these things and this wage bond is one of them. It's for protection of people against businesses that are doing business. And, like I said, I've had a little experience in this. I've got about 450 employees and I understand these things pretty well. And I'm just saying this, Senator, I think that the good way, way outweighs the bad in keeping this in place for those people who go to work every day and the only thing they're guilty of is showing up. They done their job, they done what they were supposed to do and I think they're entitled to their pay.

SENATOR TRUMP: Well . . . and of course, my distinguished colleague from Braxton is entitled to his opinion. And I will concede this point: If you look at it solely from the perspective of a worker whose employer didn't pay his wages, he or she would say, "Yeah, it's worth it." But I believe our responsibility is to look

at the greater good for the whole. For the economy, for the state as a whole. And I think the opposite. I disagree with my colleague. I think that West Virginia needs to move in the direction of Maryland, Pennsylvania, Virginia, and eliminate this expense and impediment to people that would start these businesses in West Virginia. I want the jobs.

SENATOR FACEMIRE: And I appreciate your opinion and mine's just the opposite. I'm proud of our state. I don't worry about Maryland, Virginia and Pennsylvania, but I do worry about the citizens of West Virginia and I am proud of our state and the law that we have in place today to protect our employees. And any time that we change a law to help a very small percentage at the expense of a big number, I don't think it makes sense. But, I do appreciate your yielding. Me and you could argue this probably till tomorrow and I don't think people want to hear anymore. But I appreciate . . .

SENATOR TRUMP: I'm happy always to answer questions from my colleague. And I would just say on that subject, if the gentleman's argument is correct, then why don't we require wage bonds of every employer in West Virginia? Why is it limited? Why is it limited to, you know, one or two businesses, Mr. President? I would say let's, if it's a good idea, let's protect every worker in West Virginia. Let's make everybody who wants to employ anybody in this state give \$10,000 to the government. We'll sit on it here, be trillions of dollars. Billions, at least, maybe dozens of billions. We'll sit on it here and see how many employers choose to start up a business in West Virginia with that as the economic milieu. I love West Virginia, Mr. President. I want our citizens to have jobs. This bill will help. I urge rejection of the amendment.

SENATOR FACEMIRE: The only thing I want to say about the last remark is if you want to join me on that, me and you

will sponsor that bill. But the reason that we do it on this class of businesses is these two classes of businesses by far have the most bankruptcies of any new start-ups of businesses that get started. That's the reason for that protection. And the other side of the coin is, is just like I said. Think about what we're doing here for a small, little bit of burden on an employer . . . people that go to work every day. And all I want you to do before you push this button is ask yourself this question: If you went to work every day, do you want to know that you're going to get paid?

Thank you.

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**Repealing requirement for employer's bond for wages and benefits**

*(Adoption of Senator Jeffries' amendment to Com. Sub. for Senate Bill 224)*

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**REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II**

*Friday, March 3, 2017*

SENATOR OJEDA: Thank you, Mr. President.

My honorable Senator from the Eleventh, he said that it's our responsibility as legislators to protect the people. And my honorable Senator from the Eighth said he agrees with that. But he also said that it's important for us to create an environment that brings business to our state. Where is the balance? We've got to find that balance. We're going to have to get together and work together to find that balance because, if it's all about trying to bring business to this state, then why don't we go ahead, let's go ahead and lower the—what is it, the word I'm looking for—I want to go ahead and lower the standards for our water. And what

businesses would we bring into this state if we lowered those standards? Businesses that probably don't care if they dump stuff in our water. Why don't we go ahead and lower the quality of the air that we breathe, that our children breathe, because that will bring the businesses into this state that are interested in probably putting pollutants in our air. That's a fact. Why don't we go ahead and make it really great for these businesses and go ahead and tell them, why don't you come to West Virginia and you can print your own money and we'll call it scrip. And you can go ahead and create jobs by building company stores so that everybody that works for you can only spend their money in your company store and you can jack up the prices on bread, water, milk and everything else. Why don't we do that? Because then, I guarantee you, we'll have people come from all over to West Virginia. I pray that my children never have to owe their soul to the company store.

Ladies and gentlemen, his amendment is not going to kill anybody. It's basically saying, like he says, you're talking about groups of people who historically are the ones that go bankrupt more than anybody else. This is trying to make sure that those two guys up there in that corner can feed their families and don't have to daggone chase somebody across the state line and then only get pennies on the dollar. This is something that will protect the working man.

Guys, hey, I'm with you. I'm willing to work with you. I'm willing to throw the "D" and the "R" out in the garbage. Let's work together for the people of this state. I want to see businesses come. I want to see every single coal miner out there working in the coal mine and I think we can find that balance. But we've got to work together.

Thank you, Mr. President.

**Repealing requirement for employer's bond for wages and benefits**

*(Adoption of Senator Jeffries' amendment to Com. Sub. for Senate Bill 224)*

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REMARKS OF  
**HONORABLE  
GLENN D. JEFFRIES**

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*Friday, March 3, 2017*

SENATOR JEFFRIES: Thank you, Mr. President.

You know, this bill, when it came up, it bothered me, because, where I came from, I came from the working families. I've been out into the trenches and I understand what it means to get up every morning, to go out there and work for an employer. But I also look at it and I see, from an employer's standpoint, how I got to be a business owner. It was that employee that made me who I was, made my company who it was. You know, there's two of us in here that understand the business: The Senator from Mercer and myself. We may differ on how we feel about wage bonds, but I think that they're important. There's a reason that those wage bonds were put in place. This industry, the construction and the mining industry and the quarry industries and so forth, the extractions, they are vulnerable business, construction especially. In a five-year period, 38 percent of the businesses are still open. Thirty-eight percent. Someone's going to lose their wages or something's going to happen.

I was looking over some of these reports and even in our committee meetings we talked about how the Department of Labor would investigate and check wage bonds and so forth. I got a report here that says that in 2016, Department of Labor had 4,071 investigations. Four thousand and seventy-one investigations. They found 334 of them that were in violation. This year alone, there's been 2,540 investigations.

Already, 192 of them in violation. That's employees, men and women, that get out there and work that have not gotten their money. And the Department of Labor is taking care of that.

You know, we talked about the draws and forfeitures. Almost \$1.1 million, \$1.1 million of wages that was collected for West Virginia working people. Now that may not sound like a lot of money to some people, but that is a lot of money. That could be a car payment. That could be a house payment. It could be an insurance payment. It could be food put onto their table. That's why I think these wage bonds are important. I did check, as I said in my opening, that the failure rate is in the first three years. It's not an impediment upon companies opening up. I haven't heard no one in my twenty-some years of being in business that this is a problem. Maybe you have, but I haven't.

Mr. President, I think it's important, \$1.1 million in wages that was collected for West Virginia working people. What kind of a message are we going to send to the workers out there that is in this industry? I ask for yeas and nays.

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**Designating month of March as  
American Red Cross Month**

*(Adoption of Senate Resolution 30)*

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

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*Monday, March 6, 2017*

SENATOR ROMANO: Thank you, Mr. President. I rise in favor of this resolution.

The American Red Cross is somebody that we're all very familiar with. Since 1881, it's been around helping people of West Virginia and across the country. Whether it's an injured serviceman or somebody in a pool that needs help from the lifeguard, the American Red Cross is there. They support victims every year and were instrumental during the floods of the past summer.

West Virginia helps sustain the Red Cross through charitable contributions and I believe the Senate should stand in support of this fine organization.

Thank you, Mr. President.

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**Designating month of March as  
American Red Cross Month**

*(Adoption of Senate Resolution 30)*

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REMARKS OF  
**HONORABLE  
GREGORY L. BOSO**

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*Monday, March 6, 2017*

SENATOR BOSO: Thank you, Mr. President.

You know, being chaplain of a fire department, at 2 o'clock in the morning when somebody is burnt out or somebody is stranded alongside the road, we've had situations where we've had to pick up the phone and call the American Red Cross and ask them to come and help. Surprisingly not, they are there, just as the gentleman from Harrison . . . . Anytime that we've had those situations, those smiling faces, those red vests, show up and they are there working side by side with people who are burnt out, who are struggling just to figure out what they're going to do for the next

two or three days even when the home is destroyed. But more importantly, we saw them on the ground during the June 23 flooding in Richwood. They were there with cots, they were there with rescue boxes, everything necessary to move people out of the nursing home in Richwood and move them into a refuge center so that they could be provided for. They were there.

And so, Mr. President, based on their demonstrated proof of performance throughout history, I would urge passage of this resolution.

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**Recognizing contributions of southern WV to entire state**

*(Adoption of Senate Resolution 31)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

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*Monday, March 6, 2017*

SENATOR STOLLINGS: Thank you, Mr. President. Obviously, I rise in support of this resolution.

It is with all my heart that I'm thankful to be a southern West Virginia man—to live where I think is the best place in the world to live, among the best people in the world, and enjoy every day of it. Yesterday, in fact, we did a little four-wheel riding outside and it was an incredible day. Great friends.

You know, I attended a chairman's leadership forum in New Zealand. And I think, you know, New Zealand's one of these countries that's an island, obviously, and they want to be as green as they can. They have every form of energy there, but they have two coal-fired power plants. One

on the north and when it gets real hot they turn that on—when it gets real cold they turn it on. And they have one on the South Island which smelts aluminum.

You know, coal is southern West Virginia. I'm proud of that. Coal has, literally, propped up the State of West Virginia in the form of coal severance tax. Some \$470 million a few years ago, now it's down to a little over \$100 million. But these counties of Boone, Logan, Mingo, Wyoming, Lincoln, McDowell, they pump so much money into our General Revenue Fund and have forever and, yet, when I'm driving on the roads down there sometimes I'm a little disappointed in what we have to show for it. Sure, we have U. S. Route 119, Corridor G. That is the main artery. And that's where the Corridor G Regional Economic Development Authority Board of Directors focuses that. They've done strategic planning so that we can use our now developable land to the good of not only southern West Virginia but the entire state. We can diversify this economy that badly needs diversified. You all remember the former Senator from Pocahontas when he was Senate Finance Chairman, Senator Helmick, would say when we were trying to get a little bit more of the coal severance tax to stay locally, he said, "We're going to blow off a mountain in Boone County and send the profits up to my county, Pocahontas County,"—because they had six state parks, we don't have any state parks. We sent a lot of money for infrastructure development along the I-79 corridor and I'm glad we've been able to, don't get me wrong. This is, this is something that we've been able to do because of coal and, and again . . . but then when I'm listening to some of my transportation and infrastructure folks talk about what a terrible idea it is to develop the Rock Creek project, the Hobet project . . . . And I'm telling you, it gets, it gets my ire that, you know, when we can send all the money and build the Bill Stewart

interchange which, again, I'm so glad we're able to do that, but when we're chastised when we want to help diversify and grow our economy. And folks, if you haven't been down to Mingo County, they have done so many great things with post-mine land use. They have a 7,000 foot runway, they have a interstate caliber highway that goes along Mingo Central, and all they have to do really is to pave that other side and it'd be an interstate highway, the 73-74 corridor.

We heard the other day from the DEP secretary that land reclamation's not going to be all that big of a problem, but the water reclamation could potentially bankrupt this state from the industry. So, it's so important that we understand just what we have pumped into this economy. And I tried to get the numbers, it's billions of dollars over the many years of severance tax. But I'm just going to tell you one county, and that's my county of Boone, that I've done research on: 2005 — \$53 million, 2006 — \$56 million, 2007 — \$62 million, 2008 — \$60 million, \$46 million, \$78 million, \$69 million, \$65 million, \$45 million, and in 2014 with the downturn, \$39,500,000, and, even in 2015, when the unemployment rate in Boone County and southern West Virginia was skyrocketing, we still pumped \$29,642,000 into the general revenue economy.

In Kentucky, 50 percent stays local and 50 percent goes to the General Revenue Fund. We were able to phase in on top of the six percent that went to the county of origin, up to twelve percent now, and we dedicated that only to infrastructure and economic development which, frankly, I wish we could have gone back in time and had a future fund that we all talk about and we could have dedicated more back to the county of origin because those are the areas that are impacted by the industry. Jefferson County's not impacted, Senator from Jefferson, not by the industry. The

water there is not impacted. But we are and we get to keep 12 cents on the dollar now locally. It used to be six cents.

So I hope, when you, you know, vote on this resolution that you think about just how much we propped up the State of West Virginia over the years. Glad to do it but now we have a window of opportunity that we don't want to be a drain on you. We do not want to siphon dollars out of the rest of West Virginia down to where the people no longer have jobs and are getting a transfer check. We don't want to be that. We want to grow and diversify our economy through post-mine land use and using our severance tax wisely so that this whole state can grow. It's got all the potential in the world.

I urge adoption of the resolution.

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**Designating March 7, 2017, as WV  
Alzheimer's Association Day**

*(Adoption of Senate Resolution 32)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

*Tuesday, March 7, 2017*

SENATOR STOLLINGS: Thank you, Mr. President. I rise in support of the resolution.

My day job is that I'm an internal medicine doctor and I've had added qualifications in geriatrics for 10 years. I see this painful disease on a daily basis. It's a devastating diagnosis because it is a terminal illness and it impacts the families, the state, the entire community, and, ladies and gentlemen, it impacts our budget. Medicaid costs for caring for people with

Alzheimer's in 2016 in West Virginia was \$368 million. The number of deaths in West Virginia in 2013 was 590 million. The folks from the Alzheimer's Association have successfully lobbied Congress to increase funding for research which is truly what needs to happen. We have to shine a bright light on this because it has the potential for bankrupting not only West Virginia but the United States. So, I certainly appreciate all the help that the Alzheimer's Association are doing.

When I have someone with a diagnosis, the family immediately wants to know where can I go for, for help and support. And I certainly send them to you all and your robust websites and things like that. And I appreciate all that the people dressed in purple are doing today and it's a great cause.

I urge adoption of the resolution.

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**Designating March 8, 2017, as  
Disability Advocacy Day**

*(Adoption of Senate Resolution 33)*

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REMARKS OF  
**HONORABLE  
C. EDWARD GAUNCH**

*Wednesday, March 8, 2017*

SENATOR GAUNCH: Thank you, Mr. President.

You know, this morning I got up at 6 o'clock, took my shower, ate breakfast, got dressed, when out to my car, got in it, drove to work, walked up to my office and arrived here. Over 400,000 of our West Virginia citizens don't take those activities for granted. Four hundred plus residents of

our state have disabilities and today we're honoring those people and remembering those others with a day that we're calling "Disability Advocacy Day". And the folks here today representing those other 400,000 West Virginians are looking for an opportunity to live and work and fully participate in their communities, to realize their dreams, just like we do, and asking for support that they to exercise their self-determination, achieve independence and become productive employees in the workplace.

Mr. President, several bills have been introduced to deal with those issues. We've passed some of them, some are still in the process. These folks are here today to advocate for those bills. They've banded together in a collective group that they call the Fair Shake Network to help bring their concerns to the forefront of our awareness and to the public.

Mr. President, I believe it's fitting and proper that we acknowledge and honor our fellow citizens in this way by calling this day "Disability Advocacy Day". I'm honored to be the lead sponsor and I advocate for your vote for this resolution.

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**Designating March 8, 2017, as  
Disability Advocacy Day**

*(Adoption of Senate Resolution 33)*

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REMARKS OF  
**HONORABLE  
MICHAEL A. WOELFEL**

*Wednesday, March 8, 2017*

SENATOR WOELFEL: Thank you, Mr. President.

Aptly, at the front of the line here, are Michelle Norweck and her handsome son, Christopher, who are welcomed here today by my Senior Senator and I. But for those of us that have lived with a close family member with exceptional challenges, this is really a bright day and I want to thank the Senator from Kanawha for his eloquent words there. We get caught up in the budget issues and this issue and that issue but this is a very important issue and I'm enthusiastically in support of the resolution.

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REMARKS OF  
HONORABLE  
MIKE HALL

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*Wednesday, March 8, 2017*

SENATOR HALL: Well, last time I checked, my name's not Isaiah or Jeremiah. I'm not a prophet, I can't totally predict the future. I can say this, that the committee organized itself from the very first day to look at the expenditures of the state budget. And, you know, we began with the Governor's introduced bill and we have actually looked at several scenarios on how to deal with the revenue estimates versus the expenditures, which is really your question. And I don't think that any one group yet has coalesced around an answer to the revenue question. There are, obviously, there's the Tax Reform committee in this body, there's a tax, similar Tax Reform proposal. I have some things in my head in terms of somewhat of a reform as well, you know, playing off of the Tax Reform committee. But there's actually been nothing said, but I can say this, I'd say this to you or anyone else, that the numbers are pretty well, I mean, we're close to an agreement. Any day that we finally agree on the numbers, one day later we can have a budget bill on your desk. But, wisdom would have

it as the Constitution is very clear about something that I wish everybody would at least read once on the budget section. The public, everybody would read it. It says, the Governor shall introduce a budget bill. And it anticipates . . . and it actually says a plan and allows him not to give us a balanced budget in and of itself. This is where we're kind of got one arm tied behind our back. We've been given a \$4 billion, \$4.055 billion revenue estimate. Actually, the average spending of this state has been above \$4.2 billion the last three years. So, we've been given a revenue estimate that exceeds . . . that's underneath the actual spending by \$200 million, somewhere in that range. And we've been given a budget of \$4.5 billion. And told by the Governor, as all Governors have been doing since I've been Finance Chairman, here's the balanced budget, but really it should say balanced budget plan. The budget's not balanced. If you're spending more money than you say you've got, how's that balanced? It's not balanced when he gives it to us, it's \$500 million out of balance. So, we're being asked to . . . now, we, as the Legislature, have 60 days, back to the Constitution, for the only bill that the Constitution requires to be introduced, we have 60 days or it can be extended—it's not a special session—I would tell everybody, if it's extended, it's not a special session. The Constitution says the Governor can extend the Session when in his or her judgment it would take to complete the budget. And I contend that we shouldn't leave town until it's done. And I think we violated the Constitution last year. So, give me an opportunity to, you know, say what I've wanted to say for a while. Now, where are we? Well, there are proposals. The Governor's given us two lists of tax increases. There are revenue measures being proposed in the Tax Reform plan. There's been no . . . we haven't coalesced around it, but so . . . it's . . . Obviously, I would like to have the answer to that question as you would. I



would like to know what this body in general would like to do as they agree on how to fill the revenue gap. I mean there's any number of ways you might be able to do that. You could do it with cash, and you could do with new tax, and we could go two or three years more, you know, just going back to the 4.2 or 4.2 and a half billion-dollar expenditure. Fill it in with Rainy Day money, Revenue Shortfall Reserve Fund money—actually, that's what it's called—it was established for revenue shortfalls. And, that's why it was established. So . . . Or there could be some revenue measures, so, I think, you know . . . But I will say this, we're far ahead than we've ever been in terms of once those questions are settled in 24 to 48 hours, depending on whether my analysts stay all night here or not or we give them a couple days to do it. Because you have . . . that's a complex bill. There is no template for it. You have to write everything, write the language and so forth. So we're very close and day 30, I wanted to be somewhere, what I said from the very beginning. That we would be right on or very close to what our expenditures should be and I think we're there. And, you know, and I've got a document upstairs—we'll be happy to give to anybody—that shows you pretty close to where we are on that, you know . . . So, I hope that answers the question.

You know, I don't know about, you know, the future in terms of how we fill the gap but, obviously, we're going to have to. And I hope we do it within sixty days.

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REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II

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*Wednesday, March 8, 2017*

SENATOR OJEDA: Thank you, Mr. President.

I want to kind of take this to a lighter note. My honorable Senator from Nicholas County was talking about the firefighting facility that is going to be here Friday. I would recommend that everyone, if you have the opportunity, to please promote that because I spent 24 years in the military. I'm a combat soldier, I'm a combat engineer. Ok, now I will tell you that, Senate Clerk, he knows exactly what I'm talking about because he too was an engineer. And when you're talking about wearing full battle rattle, with a rucksack that's got everything that you have—you've got all your weapons and ammo, water—engineers also carry the mines and explosives.

I will tell you that I went and paid a visit to the facility when it come down to Logan County. And, I didn't think much of it when I started donning the equipment but, when I started donning the equipment, I realized how much it reminded me of the weight that we carried in Iraq. Once heat was added to the mix . . . I remember doing hundreds of operations in Iraq where the temperatures got up to 152 degrees, but that's not fire. I'm going to tell you, you will get so much of a better understanding and a respect for what our men and women that fight fires do by just going to that facility. Even if you don't feel you want to get undressed and put on that, go and spend some time watching a few people go through it and you will see what these people do. To be able to go through a building that is on fire where immediately your mask fogs up. As soon as you turn that water on, you can feel hundreds of pounds of pressure starting to push you back. It's completely dark, you have the man behind you with his hand on your shoulder and you're communicating like that. And I'm going to tell you, to think what these people do when they show up on a scene and they don't have the floor plans. And it's a three-story building. And they know that there's possibly people, children

and animals trapped in that facility and they still go inside.

Since the towers fell on 9/11—I remember where I was and I’m sure everybody here remembers where you were—since those towers fell on 9/11, I never, and I no longer look at firemen in any other way than I do an infantryman that’s charging towards a machine gun nest. Because that’s one of the only professions that you will find when everybody’s running away, they’re the ones running toward the danger. No different than the combat soldier running towards the sounds of guns.

These people deserve the utmost respect from all of us and I really do recommend everyone to at least go watch what they do. These people, God bless them all, everyone.

Thank you, Mr. President.

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*(Adoption of Senator Prezioso’s amendment to Senator Boley’s motion to confirm certain executive nominations)*

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REMARKS OF  
HONORABLE  
ROMAN W. PREZIOSO, JR.

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*Thursday, March 9, 2017*

SENATOR PREZIOSO: Thank you, Mr. President.

These two ladies here are appointed to the Unemployment Compensation Board of Review and, you know, I want to say from the onset, that I remind everybody in this body that, you know, the Governor has a difficult choice as I look down through these lists of nominees to appoint people to positions. And, a lot of times he struggles and time elapses to fill those positions, but in the event here that they

are filled, you know, they should be given due consideration. And I would think that the Governor, upon seeking applicants to fill positions, certainly would glean the applicant, review their history and be sure that there are no conflicts. I know for a fact that the Governor, the first thing he asks, he says, “Is there anything in here that’s going, with your nomination, that would embarrass me?” And if there is something in the past, a conflict with a member of this body or such, you know, they won’t be nominated.

But in this particular case, he has chosen to nominate two individuals who I know personally and a lot of you know one of the nominees. And as I look down through the list of requirements for this particular position, I see that one of the requirements: They have no full-time employment, and neither do. I believe that one actually worked for me when I was an administrator in a Marion County School System. She did an excellent job, she was in a classroom daily. You know, one of the words that keep coming up is adjudicated. And I don’t know the specific legal term for that but I would assume anyone that works in a classroom has to adjudicate with students on a daily basis. You know, plan, lesson plans, resource material and things like that and make a lot of decisions to meet the needs of individuals that they serve. And this one, in applicant number 74, I can attest has done that and she did an admirable job. Again, none of them are working in full-time positions and that is one of the requirements.

The other thing that we talked about in the Confirmations committee, and we discussed at some length, was the particular phrase the statute does not require experience. You don’t have to have any experience. How many in this body had experience as a legislator before they came? The section says, rather speaks of a person’s ability and fitness. I think everyone

in here has the ability and fitness to serve in this body and these two ladies have the ability and fitness to serve in this body. Of course they don't have any experience. They've never been on this board before. You know, when I look at the Majority Leader, that does an admirable job, he had no experience being the Majority Leader but when he stepped into this position he certainly did have the ability and the fitness to do the job. So, you know, I would hope that there are a few other things in here that were discussed. One of the applicants put "none" on her application and I believe it was in reference to making reference to federal and state hearings. How many of you in this body have any, besides the lawyers, have any experience with state and federal hearings? You know, not many people do.

Mr. President, I hope we would, you know, take a step back, we've got a lot of work to do. I heard you and the Speaker this morning, you know, elaborate your vision for the future here. You said that, in your nomination speech, that you certainly wanted to work with the minority party. We want to do that. I think when we do something like is proposed here by taking these two Governor's nominees out, it certainly creates a divide that sometimes will cause hard feelings and be able to overcome and so I just hope to step back and you can support my amendment.

Thank you, Mr. President.

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*(Adoption of Senator Prezioso's amendment to Senator Boley's motion to confirm certain executive nominations)*

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REMARKS OF  
HONORABLE  
RYAN J. FERNS

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*Thursday, March 9, 2017*

SENATOR FERNS: Thank you, Mr. President.

I'll be brief here and I appreciate the kind remarks from my good friend, the Minority Leader. I'm just going to reiterate some things that I said in the Confirmations committee yesterday. We have two candidates here, and two fine ladies, nothing personal against either one of them. But I do want to point out a few things. I feel like it's our duty to pay close attention to the code in this case and I have a feeling that we're going to disagree on this point as we did in Confirmations the other day.

But, the Minority Leader mentioned the level of employment. One of these candidates is not employed, the other has part-time employment. And in §21A-4-1 it says they shall devote their entire time to the duties of their offices. I think that can be interpreted that they can't have any other employment. So that would be an issue for one of these candidates. And for the other, or for both of them, under qualifications—I mentioned this when we were in committee the other day—it says the members of the board shall be selected with special reference to their ability and fitness to adjudicate claims. It goes on to say selection shall be upon a nonpartisan merit basis. The Governor shall not appoint a person who's identified with interests of either employers or employees. And, to the Minority Leader's point, he mentioned here the ability and fitness but I think it's important to look at the words prior to that where it says "selected with special reference." We had three appointees to this position and, looking through their applications, one of them I think did meet these qualifications that are outlined in code. I feel that the other two did not and that was my reason for the motion to remove those two. And as I said before, two very fine ladies, it's with no disrespect to

either one of them. We just feel like that the code outlines clearly for us in this case the qualifications.

And, therefore, I urge opposition against the amendment.

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*(Adoption of Senator Prezioso's amendment to Senator Boley's motion to confirm certain executive nominations)*

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO  
AND  
HONORABLE  
RYAN J. FERNS

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*Thursday, March 9, 2017*

SENATOR ROMANO: Thank you, Mr. President. Would the gentleman from Ohio yield?

MR. PRESIDENT: Senator yield? Senator does yield.

SENATOR ROMANO: Thank you, sir. I'm not on conferees [sic] so I didn't really get the full flavor of the discussion. The word we got in the summary was that you did not believe these two ladies met the requirements for ability and fitness for the job, is that correct? I heard you just now, it sounded like you said the same thing.

SENATOR FERNS: Well, I said special reference to their ability and fitness to adjudicate claims.

SENATOR ROMANO: Mind if I ask you, sir, what definition did you apply for ability in assessing these two candidates?

SENATOR FERNS: I would say to be able. But what I was saying in my statement actually is—I don't want to take any of those words out of context—I think it's

important to look at the entire sentence and the words leading up to that.

SENATOR ROMANO: Well, I agree with you 100 percent. But, I mean, could you tell me what qualities of ability you used to assess whether or not they could do this job because, I got to tell you, I'm familiar with the Unemployment Board. I don't think you can find anybody out there that has experience in the Unemployment Board so the special reference to their ability and fitness to adjusting claims, I'm just wondering what basis did you have to assess their ability to adjudicate claims?

SENATOR FERNS: Well, since you mentioned not being able to find anybody with those type of qualifications, I'll call your attention to the third candidate that was appointed to this board and this is an example that I'll use as what I believe is qualifications. On his application he put pertinent experience. He's the chairman or past chairman of the West Virginia Unemployment Insurance Board of Review, the commissioner, past commissioner, of the West Virginia Department of Employment Security and previous president-elect of Interstate Conference of Employment Security Administrators. So, that was the reason that we didn't call the third candidate in because it was clear to me, I should say, that via his application that he had past experience in . . . .

SENATOR ROMANO: I understand he's been on the board for several years. But again, what qualifications were you looking for that candidates 74 and 75 didn't possess to have the ability and fitness to adjudicate claims? What do you want your candidate to have? What abilities do these two not have that you're looking for in your next candidate?

SENATOR FERNS: Well, I didn't know their professional experience and so, you know, I think there's a number

of possibilities. I asked both of them in committee, one of them actually replied, well on the application, replied “none” as far as the answer to the question related to that ability and the other referenced some work in the oil and gas industry that didn’t seem to me to link up with any experience related to adjudicating claims.

SENATOR ROMANO: Thank you, sir, and I appreciate that but my question is what abilities—and let me give you the definition of ability, it’s to possess—and I looked this up in Webster’s so don’t think I’m spitting this out on my own—possession of the means or skills to do something. So what means or skills do you think a candidate for this board has that 74 and 75 do not have?

SENATOR FERNS: Again, I think there could be a number of past professional experiences. I don’t have specific examples for you other than the one gentleman I already named. I don’t know either the professional experiences, I was hoping they were going to provide something that I could look at and say, “Ok, this links up with this list of qualifications.”

SENATOR ROMANO: You know . . . and I appreciate that. To me, you know, the abilities that you would need to possess . . . I don’t think you think either one of them is unfit for the position, didn’t I hear you say that? They’re both fit for the position, you just question their abilities.

SENATOR FERNS: No, I didn’t say that. I said they’re both fine ladies.

SENATOR ROMANO: Thank you, I thought so. But if you don’t know what abilities you want them to possess, how could you reasonably judge that these two don’t possess those abilities?

SENATOR FERNS: Well, again, I don’t know of specific examples. I think

that a lot of folks come to these positions with a number of past life experiences, professional and otherwise, neither of them provided examples in this case that, you know, as I said, the one mentioned none and the other mentioned work in the oil and gas field. Neither of those matched up with this in my opinion.

SENATOR ROMANO: You know the qualifications of the individuals on the board that these two were called to replace?

SENATOR FERNS: No.

SENATOR ROMANO: Okay, so you don’t know if they had any special qualifications . . . ?

SENATOR FERNS: I wasn’t present here in the Senate at the time they were confirmed.

SENATOR ROMANO: Okay.

SENATOR FERNS: I didn’t research people who were leaving the board, only those being appointed to the board and I felt like that was my duty.

SENATOR ROMANO: Again, what I’m concerned about is, you know, if you don’t know what abilities they need to possess, any decision you make to the contrary is really kind of arbitrary and capricious because you’ve got to be able to know what abilities you’re looking for. I would think you’d need to be able to read and write and be fair in adjudicating unemployment claims because it’s not brain surgery. I mean it’s really kind of a little bit along the legal sense, but there’s no other qualifications in the statute other than the ability and fitness to do the job, right?

SENATOR FERNS: To adjudicate claims.

SENATOR ROMANO: Yeah, and without any specific things, specific means

that you were looking for I don't know how you could refuse to approve these two individuals because it seems to me that without those, without anything in mind, without any examples you could give me, your decision was simply based on something other than ability.

SENATOR FERNS: Well, again, the only thing I can do is repeat that I wasn't looking, I don't want to attempt to list a number of arbitrary examples. None were provided by either of the candidates and that was the reason for choosing not to confirm them.

SENATOR ROMANO: Did you have any doubt that these two have the education necessary to do the job?

SENATOR FERNS: Specific education in schooling?

SENATOR ROMANO: Well, I mean, did they have sufficient education to do the job?

SENATOR FERNS: If education was the only requirement.

SENATOR ROMANO: Well, I was going to run down a few. I mean, did you confirm they could both read and write?

SENATOR FERNS: They both passed schooling. I would make an assumption they can read and write. I didn't test them on that.

SENATOR ROMANO: I'm sure. Did you think either one of them would be unfair to the claimants that they would be adjudicating?

SENATOR FERNS: I didn't have any reason to believe that.

SENATOR ROMANO: I really can't think of any other abilities that either one would have to possess, sir, but thank you for answering my questions.

SENATOR FERNS: Thank you.

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*(Adoption of Senator Prezioso's amendment to Senator Boley's motion to confirm certain executive nominations)*

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REMARKS OF  
HONORABLE  
RONALD F. MILLER

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*Thursday, March 9, 2017*

SENATOR MILLER: Thank you, Mr. President.

I would ask the senator to yield, but I don't think I will do that. It appears to me that the primary word that we're using here is ability and fitness to adjudicate. And I asked in committee what we were looking for in adjudication. What did we mean by that? And I wasn't never given really an answer. I was given the answer these people don't have that ability. So I looked up "adjudicate" just to get a definition. "To act as a judge in a competition; to make a formal judgment or decision about a problem or disputed matter."

Let me tell you, the one, number 76, or whatever the numbers are, I can't keep those numbers straight, 74 and 75. Number 74 was a teacher, an administrator, a person who's been involved in the education system. She's a mother. If she can't make decisions or judgments and reading problems, I would be highly shocked at that. The other has been involved, after her appointment, and I think the first one probably too—she didn't talk about it—the second one has been involved in at least 60 decisions since her appointment. Sixty decisions. And probably by now 100 decisions. They meet about every 10 days and work on these decisions. And if she's

not able to adjudicate, I would be shocked at that also because that's what she's been doing.

I'm also concerned that what we are attempting to do here for whatever reason we're doing it and it seems that we have . . . let me first . . . I am on Confirmations. And let me say first of all, I appreciate our chairperson. She's done a very good job in running this committee. She is my friend and I honor her as a great senator, even though we may differ politically, she's a good senator. And she's got the idea, as you have, Mr. President, to make Confirmations work. We listen, we bring in, we talk, who the Governor appoints to make sure that those persons are capable of doing the job. After we left the meeting with the interview of 74 and 75, or 75 and 76, whoever numbers it may be, I don't think there could have been a person in that room that would have not have felt that they were capable of adjudicating and have the ability and the fitness to make a decision in the job.

So, I have to ask myself the first thing that goes through my mind, and I feel that I'm probably wrong in this, but the first thing that went through my mind is that they're women. Now, I know that I have to be wrong in that because surely we would not discriminate against women in this body. But that was the first thing I thought about. The fact that there were three being considered, one man and two women, and we bring the women in and question them and we say the man truly is qualified because he's been there forever and he knows what he's doing. That concerns me. Fifty-one percent of our population are women. And one of the reasons women are not seen involved in the political process and not seen in our halls as they should be and we as Democrats on this side are bad about that. One of the reasons they're not seen there so very often is that we don't appoint those folks to boards and commissions. They don't get those appointments where

they interact and they learn and they grow in what they're doing. This position is one of those places where we have two women who are capable, two women who are able, two women who meet the definition to make a formal judgment or decision about a problem or disputed matter. I have no doubt in their ability to do so. I listened to them, I talked with them, I have no doubt. I didn't know one of them before we even had the first meeting but I understand afterwards when I heard what they had to say.

Now the question comes up, the questionnaire that went out, I don't have the questionnaire in front of me but when you read the questionnaire it is not the code section we're quoting in the questionnaire. Can you adjudicate federal cases and labor cases, and those, that's not what the code says. The ability to adjudicate, the ability and fitness to adjudicate and to hear and to be fair and not to have conflict. And both of these persons have stated they did not have conflict. They were very strong in that statement.

So, I would hope today, instead of making this a political matter, and I don't—and it's not, that's not what it's about, it's about ability and fitness to adjudicate—I would hope today that we would do the right thing and appoint, bring these two back on the list to appoint. These were vetted by the Governor's office, they were sent to us. I asked the Governor's office, "Do you just pull them out of a hat and pick folks to send up to us?" and they grinned and said, "No. We go through these people and we study these people to make sure we get the right person for the job." I think the Governor does a good job of doing that. Whether it's Governor Tomblin or Governor Justice. Let me tell you right here in this body, in this body, the Governor has appointed folks. Governor Tomblin, Governor Justice, who have done good jobs. We have a senator from Nicholas County who got appointed by Governor Tomblin and, again, we

may differ politically on things but we're brothers in many ways, other ways. He does a good job. We have a senator from Wetzel County that got appointed by Justice, Governor Justice. He was appointed, we didn't ask about the qualifications, he came in and he does a great job. Now, for some reason, it must be me, because I said they all disagree with me but that's okay. He does a great job. Senator Beach was appointed and I could probably go through this body and pick many others who had been appointed by a governor who vetted, did the job of putting them there.

I think today we need to put these two persons back on this list because they have the ability and the fitness to adjudicate, they match what needs to be done and I think it's important that they be considered.

Thank you.

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*(Adoption of Senator Prezioso's amendment to Senator Boley's motion to confirm certain executive nominations)*

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**REMARKS OF  
HONORABLE  
GREGORY L. BOSO**

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*Thursday, March 9, 2017*

SENATOR BOSO: Thank you, Mr. President.

As we sit here, you know, I hear the passion of the esteemed gentlemen from Marion and from Greenbrier and from Harrison. The problem I have is I've been involved in this process before. As a forensic expert, my qualifications are tendered to the court on a frequent basis to determine whether or not I'm capable and qualified to serve as an expert. And I will

tell you there have been those times where I've submitted it to firms for consideration and I've been excluded because I didn't have the requisite requirements.

Article VII of our Constitution says that the Governor will appoint and we as the Senate are required to advise and consent. I take that charge of the Senate's responsibility very dear to my heart. I recognize that in the instance of these two individuals, in my opinion, through the qualification statements that they filled out as well as during the questioning, that they didn't meet the requisite requirements here. And the reason I say that is because the requisite requirements are based on statute. We're asking these people to have the qualifications to legally take the cases that are presented to us—this is a legal proceeding—take the cases and be able to adjudicate based on what the law says, not what on personal preferences. And I had concerns about that. And, so, from that perspective, that's part of the reason that I concurred with the decision of our committee in this particular instance.

But I will tell you, as we get to looking at this, gender did not play a factor in my determination through this process. Shouldn't. Why? Because these people are being asked to step up and fill roles based on their qualifications and based on their abilities. And we are given that charge to make that determination, to make that evaluation. When you get to looking at the confirmation list, there's 16 names on this list that are females. Number six, Stephanie Harvey, for the Blue Ridge Community and Technical College. We consent to that particular appointment. Donna Smith, from Vienna, for the Parkersburg Board of Governors. For Kara Dense of Lewisburg, a member of Tourism. For Angela Rosser for the State Conservation Committee. For Cheryl Dawson, Real Estate Commission. Wendy Scatterday, for the Board of Architects. Marsha Starr for the Massage



Therapy Licensure Board. Laurie Lively from Lewisburg, also a member of the Massage Therapy Board. Anne Barth, someone that's been involved in the political process for a number of years, for the Economic Development Authority. Amy Runyon Meadows, to the Veterinary Medicine. Carrie Lakin, Board of Medicine. Cathy Burns, to the Mountwest Community and Technical College Board. Darlene Dunham, to the Real Estate Appraiser Licensing and Certification Board. Tracy Matthews, to the Board of Respiratory Care. Barbara Hayden, to the Board of Respiratory Care. Doris Burkey, to the Registered Professional Nurses. We are consenting because we recognize that they had the qualifications based on the information they provided to us. And we consent that the Governor's appointment of those particular individuals was proper and appropriate. But in this particular instance, for the two individuals that we're talking about right now, yes we say we don't consent. That's our process, constitutionally mandated, and there will be those times that we will disagree, respectfully.

You know, I appreciate your input, but in this particular matter, Mr. President, I would ask and urge that we reject the motion presented by the Minority Chair.

Thank you.

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*(Adoption of Senator Prezioso's amendment to Senator Boley's motion to confirm certain executive nominations)*

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO  
AND  
HONORABLE  
GREGORY L. BOSO

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*Thursday, March 9, 2017*

SENATOR ROMANO: Thank you, Mr. President. I would ask the gentleman from Nicholas to yield.

MR. PRESIDENT: Senator yield?

SENATOR BOSO: Sure.

MR. PRESIDENT: Senator does yield.

SENATOR ROMANO: I'm glad you stood up, Senator, because, you know, I'd ask the Senator from Ohio some questions and I don't think he articulated an answer. But it sounds like you've thought about this and thought about my question. So, I think, hopefully, you'll be able to answer them since you thought about this decision so clearly.

First of all, you started out by talking about experts in court. You and I both know that the standard for an expert in court is a really high standard. I mean, the court goes through tremendous mechanizations to make sure that the expert has enough experience and study, and all kinds of things, in the field that they're going to testify about. Right?

SENATOR BOSO: That's correct.

SENATOR ROMANO: That's wholly different than what we're doing here, isn't it?

SENATOR BOSO: That's correct.

SENATOR ROMANO: Okay, fair enough. And, I wanted to ask you, what abilities did candidates 74 and 75 fail to have—and you heard the definition of abilities—fail to have to serve on this board?

SENATOR BOSO: Well, you know, as they were speaking, I didn't hear anything that they had an understanding . . . . Obviously, I think it was 74, if I will . . . .

SENATOR ROMANO: Seventy-four was Ms. Chandler and 75 was Ms. Biafore, if that helps you.

SENATOR BOSO: I got them reversed. My apologies. Number 75, you know . . . and the Senator from Greenbrier indicated that she has, you know, served and taken care of over 60 cases. My point of reference is not what she's done since she's been there, but, more importantly, and I don't know what the—I haven't researched and investigated to determine whether or not I agree with the determinations that they've made within that board over those 60 cases—but, at the time that she was appointed, I was looking to see whether or not she had anything in her record, in anything that we asked her about, that indicated that she had any type of experience, an understanding of what the law was in being able to adjudicate those claims that came before them. And I didn't hear that.

SENATOR ROMANO: Did you talk to anybody at Unemployment before making your decision?

SENATOR BOSO: Did I talk with who?

SENATOR ROMANO: Anybody at Unemployment?

SENATOR BOSO: I did not.

SENATOR ROMANO: I mean, were there any written complaints? Were there any complaints at all against Ms. Biafore in her 60 decisions?

SENATOR BOSO: Well, and again, my point of reference was not what she's done since is what, at the point that she was appointed, and that's what we're acting upon, is at the time that the Governor made the appointment, did they have those requisites. And I don't believe they did.

SENATOR ROMANO: Certainly, then,

you didn't have any complaints against her? Correct?

SENATOR BOSO: I didn't.

SENATOR ROMANO: Okay. Mr. Canfield was the other individual on the board serving with her. Did you talk to him and see what kind of job she did?

SENATOR BOSO: I just went through, reviewed the information that was provided to us. He provided ample information that I didn't have a concern as he presented it with regard to their fitness and ability to take care of those claims as they were presented to them.

SENATOR ROMANO: You and I both are very familiar with the courtroom. We know what arbitrary and capricious means. It means not having any real basis to make a decision. So, I want to ask you again, what abilities did Ms. Biafore fail to present to you that you thought she needed in order to occupy this position on the Unemployment Board? What ability didn't she have?

SENATOR BOSO: Well, and again, as I stated before, I was looking for what qualifications, what abilities they had at the time that they were appointed and she talked about what she had done since she was appointed not before she was appointed. And I did not hear anything that told me that she had an understanding of what the law was at the time that she was appointed.

SENATOR ROMANO: Would you agree with me that Ms. Biafore had more experience on the Unemployment Board, other than Mr. Canfield, than anybody that served on the board previously? She had more experience than any other candidate that could have been proposed for this board because she had already adjudicated 60 of these cases.

SENATOR BOSO: Well, she was, I mean . . . but she has adjudicated . . . I'm not saying that at the time that she was appointed she had that experience. Obviously, you would agree with me, she didn't.

SENATOR ROMANO: Well, she didn't have any unemployment experience . . . but can you show me where in the statute it requires prior experience adjudicating unemployment cases in the statute? I can . . . .

SENATOR BOSO: Well . . . .

SENATOR ROMANO: I don't see that at all, Sir. I don't see anywhere where it says in here must have experience adjudicating prior unemployment cases. It says "the members of the board shall be selected with special reference to their ability and fitness to adjudicate claims." If they wanted experience, they would have said their ability and experience in adjudicating claims. But here, you had somebody that adjudicated 60 claims with no complaint.

SENATOR BOSO: And again, I'm going back at the point where they were appointed and I did not research to find out whether or not they had had any complaints. Obviously, I didn't go back through and research their decisions that they've made since then. I didn't think that that was appropriate at this point because the point where I was making my determination, again, is at the point where the Governor at the time appointed that particular individual.

SENATOR ROMANO: Well, I understand, you wanted to back up in time and make the decision but I would proffer to you that you had an opportunity to put an experienced judge on the board who had already adjudicated 60 claims. That should have been what you should have considered. Do you think?

SENATOR BOSO: No.

SENATOR ROMANO: You think that would have been better?

SENATOR BOSO: No. I think the key here in order to maintain the fitness of the process is that at the point that they are appointed to determine whether or not the Governor erred, and in this particular position, I believe he did in appointing the individuals because they didn't demonstrate the requisite capabilities and understanding of the position.

SENATOR ROMANO: Sir, I want to ask you one more time what capabilities was she lacking? Those are your words. They couldn't demonstrate the requisite capabilities. Can you enumerate three of the capabilities that you were looking for that neither of these candidates possessed?

SENATOR BOSO: And when you go to the code and you use it, and I interjected a term from that particular perspective but when I say capabilities I'm talking about the special reference to their abilities and fitness for the position.

SENATOR ROMANO: Well, I understand. Just give me three. Give me three factors that they lacked in capabilities. I'm using your words because, well obviously, we're not messing up on the words in the statute.

SENATOR BOSO: And again, I . . . as they were presenting, I went through and looked to see whether or not, in my opinion, and again, this is one of those situations that we have to look at but we have the opportunity to judge and these same individuals when they're sitting in their particular position in Unemployment are going to give an opinion as well just like our judiciary does on a particular instance and, in my opinion, they didn't demonstrate to me that at the time they were appointed

they had the abilities and the fitness based on what the code says to fill those roles.

SENATOR ROMANO: And Senator, with all due respect, you don't have to answer me, but I think my question is can you name me just three of the abilities, capabilities, means, whatever you want to call them, three things that either one of them lacked that caused you to vote against them?

SENATOR BOSO: I did not hear an understanding of the law at the time that they were appointed, and I recognize that, you know, number 75 has that 60 cases that she's talked about but she didn't have an understanding of what the law would have been at the time that she was appointed to the position.

SENATOR ROMANO: She didn't have an understanding four months ago but she had it now but we still voted against her. You agree?

SENATOR BOSO: But I'm going back to the point . . .

SENATOR ROMANO: I understand you are. But I'm just saying . . . you went back to the point four months ago . . .

SENATOR BOSO: And the other thing . . .

SENATOR ROMANO: You went back to the point four months ago, but she could demonstrate the requisite skill as she sat in the conferees [sic] committee because she's adjudicated 60 cases but you still chose to dismiss her.

SENATOR BOSO: I didn't hear from these individuals that they had an understanding of what the legal process is, due process is what we're guaranteed under the law and I didn't hear anything from that discussion with them that there

was anything that indicated that they had an understanding of that.

SENATOR ROMANO: I don't see due process in here. I don't see any of the things you're talking about. Ability is the possession or the means or skills to do something. Ms. Biafore has obviously demonstrated she has the . . . possesses the means and skills to do it. Fitness is the quality of being suitable to fulfill a particular role or task. You haven't told me they're unfit. I mean that is the definition of arbitrary and capricious. Just making a decision, deciding to go back in time when the woman had experience that nobody else that we're ever going to put up there has. Don't you agree? You made that decision without any real qualifications in mind.

SENATOR BOSO: No, again, and I said I went through and looked at what this says and based on what I heard whether or not they had those qualifications, whether or not they had an understanding of due process under the law, whether they had an understanding of the judicial process which is . . . this is the judicial process. And thirdly, do they have an understanding of what the law says.

SENATOR ROMANO: I have one more question, sir. How many people have to sit on the board to make a decision, do you know? What's the minimum number of board members that are required to adjudicate an unemployment claim?

Let me help . . . I'm not trying to put you on the spot.

SENATOR BOSO: I don't remember what it is right now.

SENATOR ROMANO: It would be two. You have to have two out of the three to have quorum. Now the conferees [sic] dismissed two candidates so now there's only one on the board, Mr. Canfield. What

is the Unemployment Board going to do to adjudicate claims until another two more candidates can be submitted and go through the conferee [sic] process, unemployment claims are going to come to a screeching halt aren't they?

SENATOR BOSO: No, there's nothing that bars the Governor from appointing a particular individual to fill into that position.

SENATOR ROMANO: Sure, we got to go through the process.

SENATOR BOSO: But, you know, they will be subjected to the conferee [sic] process, again . . .

SENATOR ROMANO: And they have to . . .

SENATOR BOSO: . . . in the year.

SENATOR ROMANO: I'm sorry, and they have to go through the Governor's vetting process too, that's a process.

SENATOR BOSO: Oh, absolutely.

SENATOR ROMANO: Yeah, and I mean and that's going to take time, and it's going to take time. We may be out of session, then what are they going to do?

SENATOR BOSO: Well, I understand what you're saying but I recognize, too, that we have a process that we have laid out in the Constitution . . . I'll follow that process . . .

SENATOR ROMANO: I'm just asking if the conferees [sic] considered that the Unemployment Board is going to come to screeching halt, the unemployment claims that are sent down there every day are simply going to pile up and pile up and pile up until we have a crisis there?

SENATOR BOSO: I personally didn't.

SENATOR ROMANO: Thank you, sir.

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*(Adoption of Senator Prezioso's amendment to Senator Boley's motion to confirm certain executive nominations)*

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO

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*Thursday, March 9, 2017*

SENATOR ROMANO: Thank you, Mr. President.

And I just want to speak in favor the gentleman's amendment. You know, you remember last session when we had kind of the melt down on conferees [sic] I brought something up, you know, which is called gridlock. And, you know, I discussed how, you know, when one party comes into power and we do things on an ideological basis that it begins the divide but then when we do something really arbitrary and capricious it creates a divide that we can't bridge that gap. Particularly, in this crisis-filled session where we're all going to need to come together one way or another at the end of this thing. And these kind of decisions really affect our ability to work together. They really affect our ability to trust each other. We're friends, all of us, but we're on different sides. We have different perspectives. We have different philosophies. And when the philosophy no longer is the basis for our decisions but it's something much more superficial, then that creates the divide that we're never going to be able to bridge when it becomes necessary.

Now, listen. We know what these boards are. My God, these people are sacrificing to serve on these boards. Pay's a pittance. And

they're hard work. And I don't know any time in the history of this body that members have just been arbitrarily or, excuse me, candidates have been arbitrarily denied the ability to sit on the board. The qualifications are very simple, it's the ability and fitness to adjudicate claims. Ms. Biafore has already proven she can do that. Let's be honest with each other. The other one, with her experience as a teacher, we know she can do that. Look at the prior candidates that we've all put up, both sides have put up for these boards. You know, and think about this, the Senator from Nicholas was so kind to answer me that there's absolutely no way this board can function with two missing board members. Let's put this stuff behind us. Let's not spend so much time on filling the Unemployment Board when we've got much bigger issues. Much bigger issues that are going to determine the future of this state. Let's put these people back on. Let's go to be working together in a bipartisan manner not a partisan manner and let's quit being silly.

Please approve the gentleman's amendment.

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*(Adoption of Senator Prezioso's amendment to Senator Boley's motion to confirm certain executive nominations)*

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**REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE**

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*Thursday, March 9, 2017*

SENATOR PLYMALE: Thank you, Mr. President. I rise in support of the Minority Leader's motion.

I also want to talk about a couple of things that, you know . . . let's not forget

that we were all elected. We all go through the same process. Just because at some points in time different people get into power doesn't mean that you have any more power than anybody else.

This board is an important board. If you've ever been through unemployment compensation and tried to get any compensation, you need people that will review this, be able to come and look at this and make a decision on what could be your future. This is what we're talking about. We're not . . .

Let's get out of this individual stuff. If I got up and spoke about every member that comes before Confirmations that I think "Gosh, I don't think they should be on there," it would have been half of the state board members. I mean, why in the world . . . I mean, we would be up here arguing forever. This is a process that we do. When you start taking people off . . .

First off, this is three-member board committee. When they come together, at least two of them have to agree. We, by our action, will reduce this to one. That person cannot make or take any action.

This process was built to be able to vet, and I understand the vetting, I understand people filling out the forms and all this kinds of things but the bottom line is these are people that were appointed by a Governor that's no longer here. That appointment has to be acted upon during this session. One of these members has actually been serving, if my memory serves me correct, since March. They've made 60 decisions, what they told us in Confirmations committee. I think that they would be qualified. The other person answered honestly that they did not have any experience relative to this but they had done things similar to this in many of the other jobs that they've done. That's satisfactory to me. I've heard many people come and tell me that. You know, if we, remember when

you go for a job, you remember the first time that you went for a job, what's the thing they asked you, "What's your experience?" We're only going to hire somebody with experience. Well, how in the world are you going to ever get experience unless somebody gives you a chance? You have to give these people chances. If, in a year, something's not right with one of the people, then you can remove them or ask them to be removed.

But this is a process that you go through and I was appalled last year the way we did it—and we reversed it. This one is equally appalling, the way that it's been done. And they can say, "Oh, I covered the process. I did this or I did that." You know, just because you cover it over and you paint it a certain way doesn't mean that's the color that it is.

Let's be ladies and let's be gentlemen in this body. Let's move on. We got a lot more important things to do than to raggle over confirmations because, guess what, we've got a lot of confirmations that are going to be coming up. And let's make this process work the way it's supposed to and let us allow the Governor to make these appointments whether you agree with them or not. But if they have something that they've done ethically, or anything like that, let's take them off. But let's not do it just in a quick fashion the way that we've done.

Thank you.

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*(Adoption of Senator Prezioso's amendment to Senator Boley's motion to confirm certain executive nominations)*

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REMARKS OF  
HONORABLE  
JOHN R. UNGER II  
AND  
HONORABLE  
RYAN J. FERNS

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*Thursday, March 9, 2017*

SENATOR UNGER: Senator, I just want to make clear I heard the Senator from Nicholas make a statement and I'm just trying to wrap my hands and my arms around this of understanding of why this is the case, why we are excluding two of these women from confirmations and we're not giving deference to the Governor on his appointment. But I heard him make a statement that we were confirmed that this was not a women's issue because we are confirming 16 women here today. Is that correct? Was that what he had said?

SENATOR FERNS: As best as I recall.

SENATOR UNGER: And, of course, I looked at this and that means we're confirming 16 women out of 77 individuals. I mean, so he listed all the 16, he didn't . . . you know, that's . . . but we're confirming 77 in a body that's predominantly white male. I'm just trying to understand that and I just want to make sure I'm thinking properly.

SENATOR FERNS: Well, you're describing the makeup of the list of the appointments chosen by the Governor.

SENATOR UNGER: Okay. And so . . . but, so . . . with . . . what I understand from this also and you serving on Confirmations and you're the Vice Chair and you made the motion so I'm trying to get to the (inaudible) by not appointing these two individuals because it's a three-member board leaving only one male on there but, in essence, we're going to cripple the Unemployment Compensation Board of Review because the one person will not be able to act. Is that your understanding?

SENATOR FERNS: I would have to respectfully disagree on that point . . .

SENATOR UNGER: Okay.

SENATOR FERNS: . . . for two reasons. One is that when, you know, the conversation between the Senator from Harrison and the Senator from Nicholas was about the appointment process and that anybody who was appointed would have to then go through the confirmations . . . but first be reviewed by the Governor and then be confirmed . . . but as we know, as we've discussed here today with one of the candidates when the Governor chooses that appointee they begin to serve in that role prior to our confirmation until we choose to confirm or not. And so, as soon as the Governor could choose and appoint somebody, that person would begin serving their role.

The second point, the second reason that I disagree with your point is that this Unemployment Compensation Review Board is actually a third level in the process of having a case heard. It goes first to a deputy, then to an administrative law judge, if it's then appealed then it goes to the Unemployment Compensation Review Board. It's my understanding, I'm told from people with more experience than myself, that very few of these cases are appealed to that third level which this is, you know, seeks to cover.

That's why I wouldn't agree with your point that it would cripple it. You know . . .

SENATOR UNGER: So, do you know the numbers of what is appealed to that board? I mean, I'd heard from the Senator from Harrison that one of the appointees here, Belinda Biafore, had heard at least 60 of these cases, maybe 100 by now, and so I'm just wondering if you have the numbers that go before there and if, you know, what's going to be piled up as regards to not having fully appointed that board? Do you know the workload?

SENATOR FERNS: I can't speak to the exact numbers. . . I don't the exact numbers off the top of my head.

SENATOR UNGER: Okay. So, in essence, our act here today will be crippling the Unemployment Compensation Board and those, we don't have the numbers of the people that we're going to impact out there in West Virginia. So, I mean, I think that . . .

SENATOR FERNS: Is that a question?

SENATOR UNGER: Yeah.

SENATOR FERNS: Okay. Again, I'd have to disagree with you if you're asking if I believe that it cripples the board, I do not, because the Governor can appoint somebody. As soon as he does that person begins serving in that role.

SENATOR UNGER: But it still would have to come for confirmations for us. Is that correct?

SENATOR FERNS: They would begin serving in the role prior to coming before Confirmations.

SENATOR UNGER: So, he could, in essence, just reappoint the people that we are not going to be confirming?

SENATOR FERNS: I don't know the . . . under the Constitution the Governor's not able to reappoint the same person but he could appoint someone else.

SENATOR UNGER: And then we would have to act on it as far as confirmations . . . ?

SENATOR FERNS: They would begin serving in that role as—I'm sorry—when we're next in session—but they would begin serving in that role prior to our confirmation. We would go through the confirmation process the next time that we're in session.

SENATOR UNGER: Okay, thank you, Senator.



SENATOR FERNS: Thank you.

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*(Adoption of Senator Prezioso's amendment to Senator Boley's motion to confirm certain executive nominations)*

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REMARKS OF  
HONORABLE  
JOHN R. UNGER II

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*Thursday, March 9, 2017*

SENATOR UNGER: Mr. President, I still don't understand why we have singled these two women out. I've heard—and I'm not on Confirmations—but I heard the discussions and I think everybody else in West Virginia has also heard these discussions and (inaudible), that really, I have not heard a compelling argument to not appoint these individuals. I think we're showing them great disrespect, as a body, of these two individuals if we're not having some write down definitive reasons why we're not going to do it. And I'll tell you, Mr. President, that's one of the reasons why we have a hard time trying to find people serving on boards and commissions in this state, particularly women. I mean, if they're going to be abused, publicly humiliated, brought to this floor saying that they're not competent or they're not capable of doing these types of works, I just . . . it's no wonder why people out there are outraged by our behavior here. And I see no reason why we have brought and highlighted these two good, capable individual West Virginians and why we have humiliated them on this Senate floor. And we ought to be ashamed of ourselves. Should be ashamed of ourselves, Mr. President. And you know what, this is an all-time low of this body since I've served here. We've always showed people [inaudible] the

respect from the State of West Virginia. This is the people's house. We think it's our house. It's not. It's the people's house and we showed disrespect to the people of West Virginia. And this is an example where we have singled out two very good people that these, that the Confirmation committee, individuals have taken them off the list, have really no reason except in their opinion. In their opinion.

It's a sad day, Mr. President, and, under your leadership, I thought things would be a little bit better. And I'm very, very concerned about it came to this point and, Mr. President, I would hope that you get control of this body and indicate that we ought to stop showing disrespect to West Virginians.

Thank you.

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*(Adoption of Senator Prezioso's amendment to Senator Boley's motion to confirm certain executive nominations)*

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REMARKS OF  
HONORABLE  
CRAIG BLAIR

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*Thursday, March 9, 2017*

SENATOR BLAIR: Thank you, Mr. President.

I didn't intend on standing up to speak but I also came prepared to. The Senator from the Sixteenth, his comments, borderline offend me.

I served on this committee. I come from the Eastern Panhandle. And I think almost everybody knows that I struggle even remember people's names. It's common knowledge around here that I struggle with that. I knew neither one of these candidates, 74 and 75, and I believe that that's the

way we've addressed them here today on this floor. Not by name, but by a number. Now, we took our duties seriously on this committee. In one section of the code here, §21A-4-1, it says, "They shall devote their entire time to the duties of their offices." Candidate number 75, when I look at the paperwork that's before me, it tells me that "Assistant Director, MC Economic Development". Disqualified in my opinion because of this form. If we're going to honor our constitutional duties to follow the statute, disqualified. I didn't know that that individual was, until later on in that meeting—and I know you guys aren't going to believe me, but I didn't know this—she's a former chairman of the minority party. State chairman. I didn't know that.

Now, we go over to candidate 74. And that comes down to §21A-4-3 ". . . shall be selected with special reference to [the] ability and fitness to adjudicate claims." Now there's been a lot of discussion about that. But the real interest is, is that it is in statute. That there's a requirement. If there was no requirement and anybody and everybody would be qualified to do this, these lines would not be in statute. And, by the way, this was in statute far before there was a switch in the State of West Virginia on leadership. This committee was exercising the duties of their committee to fulfill what's in statute on candidate number 74. And her response on the questionnaire, "What experience do you have with adjudicating claims in any state, federal board or agencies?" And her handwriting says "None." Again, I did not know this person, never met her before but I did not know that she was the daughter of the former state party chairman of the minority party. I also did not know that both of these positions pay \$17,000 a year. I wasn't aware of that.

I really became offended in committee when it got started talking about on yesterday was Women's Day, and that we

were doing it because they were women. Ladies and gentlemen, I see three of them on our side of the aisle, women, that I'm proud to serve with and they're just as equal as any man in this room and in this chamber. And, by the way, one of them was the chairman of this committee. It's not political either. We've confirmed way more Democrats than what we have Republicans on this and it makes no difference to me. It comes back to the statute that confined us. At least confined me to where my vote was going to be.

Mr. President, the Senate has a job to advise and consent the appointments of the Governor. We're not here just to rubber stamp. Those days are done. We take our job seriously. And the argument that has been made that they're not qualified—well, I can think of people that could be qualified that has experience and it could be CPAs, insurance adjusters, counselors, people that have set on review boards, people that have chaired commissions. There's only three of them. And I've got to nail one last thing on the way out: And we have the whole State of West Virginia—and I said this in committee, but it's worth saying here—the third member that we're talking about it is from Charleston. These two nominees are both from Marion County, Fairmont, according to their application. Now, maybe, we can only find people in Fairmont qualified to adjudicate. But I don't think so. I think the state has rich in talent that can come in and provide that to this and it's so important when you've only got three members on this to make sure that we get it right.

And, finally, it's been said two or three times already, the Governor can come in, pick out two more people and have them fill it in, that goes through the process again. The wheels will not come off the train because this is stopped. It is not about partisan politics in any way, but, statutorily, this is what prevents me, if I'm going to do

my constitutional job here, I have to vote “no”. And I will vote “no”. And I oppose the gentleman’s motion.

Thank you, Mr. President.

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*(Adoption of Senator Prezioso’s amendment to Senator Boley’s motion to confirm certain executive nominations)*

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REMARKS OF  
HONORABLE  
ROMAN W. PREZIOSO, JR.

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*Thursday, March 9, 2017*

SENATOR PREZIOSO: Thank you, Mr. President.

You know, I guess I’ve been pretty lucky over my professional career to be able to interview young administrators and teachers and even students in my tenure here as the Chair of the Intern committee. And everyone comes in, you look at their vision and how they present themselves and their dedication, that they want to do a good job and things of that sort . . . . And you don’t know if they’re going to make it or not. You know, I’ve been pretty lucky. I’ve not bat a thousand, but most of the people that I’ve hired in administrative positions and teacher positions and students for different programs, they’ve done pretty well. And none of them have had the experience in the classroom. They haven’t had any experience in the principal’s office or being a vice principal or a director. But, you know, you talk to these people and you have the opportunity to interview them . . . . and we had that opportunity to interview these people. And if there’s any doubt in anybody’s mind whether these people were dedicated and they were fit and they had the ability to do the job, I don’t think

that was a question. If there was a question (inaudible), did they have the experience or, you know, using daily experiences or work experience to get the job done we had the opportunity to ask that question.

I’ve been asked many times to give references for individuals, family, friends and things of that sort. That’s something that I take very seriously. There were times that, you know, I had a close friend that would call and said, “You know, Johnny needs a job. Can you help him?” Well, Johnny wouldn’t work in a pie factory. I’m not going to help him. You know, when he proves that he wants to do something and has the dedication and the intestinal fortitude to do something, then we’ll reconsider.

But we’ve got two individuals here from Fairmont. I didn’t see any demographic qualification that you had to be from, you know, Fairmont or Opaepski or wherever. What does that have to do with it? You know, these are two individuals that I would recommend, that I’ve had the opportunity to know over the years, obviously, Fairmont’s not a big metropolis, we know everyone there. Actually, I hired candidate number 74 because she came to me with the bright eyes and the willingness and she was sincere and she wanted to work with adults and at-risk students and it takes a special person to do that.

And, you know, we get hung up on the word “adjudicate”. I’m not an attorney, I can’t determine what that is. But you can’t tell me that any teacher—and we had teachers up in the gallery today—that’s in a classroom that don’t adjudicate problems daily. They determine situations that are beyond my comprehension at times. But they have the ability because they’re sincere. They want to do a good job. They want to help people. And that’s what these folks have to do when they get on this type of board or committee. You

know, they want to help people. They're willing to listen. You know, we talk about candidate number 75 having a part-time job. She works part-time for the county economic development or council, some job like that. She's got to make decisions on things daily. But in her position as chair of a state organization, don't you think she has to adjudicate problems daily? For any of you that have been a member of any executive committee, do things go smooth? Aren't there problems? Don't you have to adjudicate or make decisions?

Mr. President, you know, I don't take this lightly. I think that, you know, we're doing a disservice to the people that want to serve this state and I would hope that you would support my amendment and, Mr. President, I would request the yeas and the nays.

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**Memorializing Frank Cuomo, Jr.**

*(Adoption of Senate Resolution 34)*

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**REMARKS OF  
HONORABLE  
RYAN W. WELD**

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*Thursday, March 9, 2017*

SENATOR WELD: Thank you, Mr. President.

I think a lot of us in this body probably ask ourselves the question: When our time in office, our time here is done, is our community a better place? And I think that the answer for that question for Frank Cuomo is a yes. I mean, Frank left an indelible mark on our community and made it a much better place beginning in the sixties and until his passing away. And I think that maybe Frank wondered one day if he would ever be recognized by the State

Senate for his achievements and what he has done in the community—I wonder if he thought it would be from a Republican senator from Brooke County, and I don't if he ever envisioned that day—but I am more than happy to this. I got to know Frank as a law school student in Wellsburg and as a prosecutor and I enjoyed hearing his stories and I enjoyed hearing just how smart he was and intelligent he was about the law. And I think that he really did a lot for our community and it's my pleasure to do this today.

Thank you.

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**REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II**

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*Thursday, March 9, 2017*

SENATOR OJEDA: Thank you, Mr. President.

I want to speak a little bit this afternoon about a bond that exists between those who answer this nation's call. In the military, we have a saying that says, "When it comes right down to it, it's all about the man to your left and your right." In a firefight, your mother cannot save you. Neither can your father. But the person to your left and your right can.

This bond that is created between those who don their combat gear and go out on missions with one another every day far supersedes those friendships that are forged on playgrounds. Now, this doesn't mean that I don't still have friends from my younger days, it just means that once you have faced the enemy, placing your life in the hands of that soldier to your left and to your right, there is nothing that can break that bond.

Now, as a retired soldier, my days of carrying an M4 rifle are over. The days of having a 9mm strapped to my thigh are over as well. But, if I get a phone call tonight from Master Sergeant Schwartz telling me that he needs me, I will kiss my wife on the forehead, I will grab my rucksack and I will move out.

The reason I bring up this . . . the reason why I bring up this bond that exists between brothers- and sisters-in-arms is because every day 22 veterans commit suicide. As a combat vet, I know of a few who have taken their lives that may not have had they been given an opportunity to deal with their problems relating to their combat experiences. Before anyone starts thinking that the bill I sponsored, Senate Bill 386, allowing doctors to prescribe medicinal marijuana for patients and which has already shown great results for those who suffer from severe PTSD, it's nothing more than just giving vets the ability to have easy access to marijuana, I will say that until you have washed the blood out of a Humvee that used to be filled with your healthy brothers-in-arms or watched a fellow soldier carve a tracheotomy out of a 19-year-old on the side of the road in Baghdad, only to watch that 19-year-old die as you load him on a Black Hawk helicopter, you are sorely misguided. How about sleeping around one of your dead brothers-in-arms because everyone wanted to pull security on his lifeless body because you couldn't get a helicopter to come and remove him until morning. And then when they did, it was only to start the long process that would cause him to leave to eventually be reunited with his family in a flag-draped coffin.

I know introducing Senate Bill 386 (*Creating WV Medical Cannabis Act*) may cause anger in some but, as a soldier, I look at this as an opportunity for me to continue supporting my brothers- and sisters-in-arms and those West Virginians who have suffered way too long. Yet, here, tomorrow, we are

going to vote on a bill allowing the selling of naturally shed deer antlers. How is that going to benefit West Virginia economically?

I have another bill that's going to probably sit and die in a committee—and I hope that it doesn't—that's trying to assist correctional officers. Now, ladies and gentlemen, these are the people that keep the wolves at bay. These are the people that are paid the lowest salaries in the United States of America, starting at \$22,500 a year. They are verbally assaulted every day and, on average once a week, physically assaulted. And we wonder why we have a hard time keeping these people in our state.

All the while, there are patients suffering from health issues that legalized medicinal marijuana could address as well as also address economic issues across our state. Patients suffering from HIV who smoke cannabis saw less neuropathic pain. Patients suffering from Alzheimer's who had been prescribed medicinal marijuana have maintained weight and lessened agitated behavior many patients exhibit. In one study, researchers found that it slowed the progress of protein deposits in the brain that scientists think causes Alzheimer's. A study of 58 arthritic patients using derivatives of marijuana found they have less pain and sleep better. Animal studies show that marijuana extracts may kill certain cancer cells. Other studies show it stops cancer growth. And in mice, it improved the impact of radiation on cancer cells. Medicinal marijuana can combat chronic pain, Crohn's disease, epilepsy, glaucoma, Parkinson's, multiple sclerosis and more. Marijuana doesn't destroy communities but opioids do and they do it every day.

Please don't let my bill die in committee. Let's allow doctors to prescribe what's better to treat patients with not pharmaceutical companies. Marijuana is not illegal because it destroys families. It's illegal because it can treat post-traumatic

stress disorder, cancer, seizures, anxiety, depression, which means no money for the pharmaceutical industry. And that, ladies and gentlemen, is why it's illegal.

In the military, it is said in the absence of leadership, leaders will emerge. Ladies and gentlemen, let's be leaders. Let's break this opioid scourge. Let's be the legislative body that finally passes historic legislation that will help so many who suffer so much across our state.

Thank you, Mr. President.

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**Relating to conspiracy to commit crimes under Uniform Controlled Substances Act**

*(Adoption of Senator Miller's motion to refer Com. Sub. for Senate Bill 219 to the Committee on Finance)*

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REMARKS OF  
**HONORABLE  
RONALD F. MILLER**

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*Friday, March 10, 2017*

SENATOR MILLER: Thank you, Mr. President.

We worked on this last night in Judiciary, and this is a good start but, based on the data of the 2016 West Virginia Division of Corrections report, approximately half of the inmates incarcerated for actual drug offenses are there for offenses involving drugs that are addressed in this bill that we're discussing. Had these people received sentences under this bill, at the current cost of incarceration, we'd be facing an additional \$8.4 million per year for each year of a sentence above the currently imposed sentence—\$8.4 million per year. The bill currently requires judges to sentence even minor participants—we

changed that a little bit—to 30 years in prison if convicted. The cost of this bill triples, it's just exponential how it changes and changes the prison population and, quite frankly, may require new buildings for new prisons. It's in direct contradiction, I think, to the bipartisan opposition to mandatory minimum sentences in the justice reinvestment process. We talked a little bit about that yesterday, we recently completed.

This isn't a partisan bill. I think this is something we need to examine. But with all this in mind, I urge the body to send this bill to Finance for further consideration simply based on the cost for the State of West Virginia and the future cost for the State of West Virginia.

Thank you.

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**Relating to conspiracy to commit crimes under Uniform Controlled Substances Act**

*(Adoption of Senator Miller's motion to refer Com. Sub. for Senate Bill 219 to the Committee on Finance)*

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REMARKS OF  
**HONORABLE  
MIKE HALL**

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*Friday, March 10, 2017*

SENATOR HALL: I think it is the better part of wisdom on a bill of that nature to bring it upstairs.

You know, we have a crisis in our prison systems. We don't pay our correctional officers enough money. We're losing them. So, you know, if you're going to lean on the prison system even more, we're going

to have to, at some point, address that, even inside the limited amounts of money we have to spend this year. If there's an item we should prioritize, it should be that. So, you know, I believe, you know, something . . . . Normally, penalty bills that are relatively minor maybe could bypass us, but I think this is one of weight that probably we ought to take a look at.

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**Relating to conspiracy to commit crimes under Uniform Controlled Substances Act**

*(Adoption of Senator Miller's motion to refer Com. Sub. for Senate Bill 219 to the Committee on Finance)*

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**REMARKS OF  
HONORABLE  
MIKE HALL  
AND  
HONORABLE  
RYAN W. WELD**

*Friday, March 10, 2017*

SENATOR HALL: So, are you telling me that there's not going to be any more, the people are not going to spend any more time in prison? We're not going to have a growth in our prison population as a result of this piece of legislation?

SENATOR WELD: I think that we may but not to the extent that would require, that my friend from Greenbrier has, that would require it to go through the Finance committee.

SENATOR HALL: Well, my response to that would be, at a certain point, we're going to have to fund our prisons. Even though you might not be paying "X" amount of dollars like regional jail costs or whatever, that may go up . . . . But my

point would be that we're not going to kill the bill; and just the advantage of a second committee, that's not on Judiciary, seeing it in committee, means that by the time it gets to the floor, everybody will have seen it. And there's no harm in that, in my opinion. And, secondly, we're going to have to make a judgement . . . .

SENATOR WELD: Is that a question?

SENATOR HALL: . . . I'm sorry—wouldn't you agree with me on that?

SENATOR WELD: Not necessarily. No.

SENATOR HALL: Alright.

Well, okay. I won't ask any more questions. Do I have the floor to speak, to respond, at this point? Or does he have the floor, I forget?

MR. PRESIDENT: I'll ask for others to speak to the motion prior to recognizing you for a second time.

SENATOR HALL: Okay.

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**Relating to conspiracy to commit crimes under Uniform Controlled Substances Act**

*(Adoption of Senator Miller's motion to refer Com. Sub. for Senate Bill 219 to the Committee on Finance)*

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**REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO**

*Friday, March 10, 2017*

SENATOR ROMANO: Thank you, Mr. President.

First of all, let me say that, you know, in the midst of many crises, certainly, the drug epidemic that we're seeing is one in this state and, you know, my friend from Brooke has tried to craft a bill which addresses that. But, you know, we have to face reality—and the reality is, since 2010, West Virginia has led the nation in prison growth, prison population growth. And, you know, we're currently bursting at the seams. Our regional jails are two and three times over capacity. We're going to be building another jail, probably, under federal mandate.

I think this is a good bill on the right path. I think it needs to be coordinated with all the other sentencing bills that are coming over. I think we need to look at the cost of every bill that's coming over because we've put a lot of people in jail. In this country, we got more than two and a half million people in jail—and half of them are in there for drug crimes but, yet, we got plenty of drug dealers and plenty of drug users.

My concern with this bill is it's going to, in my humble opinion, it's going to radically increase the prison population which I think has to be estimated in this financially insecure time. A conspiracy is two people basically joining together to commit a crime, in the furtherance of a crime. So, if the drug dealer has enough weight, the minimum sentence for the top drug weights, and this is a minimum of 30 years. Now, we also topped that out as a maximum during committee discussions. But 30 years' minimum. And if you're a drug dealer that has enough weight to get a 30-year sentence and a petty drug dealer comes in and buys, you know, two or three grams off of you and goes out and sells it, he's guilty of conspiracy, he's going to prison for 30 years if he's convicted. Those kind of numbers, and you think about how that's going to lengthen the prison sentences and the population in our state,

need to be addressed or we're going to find ourselves with no money as the Senator from Greenbrier said. Just assuming that the individuals convicted of conspiracy in our prison system now, had they been convicted under this statute, would add \$8 million a year to our prison bill. Those are big numbers. I think Finance chair has made a great point and I don't think there's any harm in sending it up there for evaluation.

Thank you.

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**Relating to conspiracy to commit  
crimes under Uniform Controlled  
Substances Act**

*(Adoption of Senator Miller's motion to  
refer Com. Sub. for Senate Bill 219  
to the Committee on Finance)*

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**REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II**

*Friday, March 10, 2017*

SENATOR OJEDA: Mr. President, I stand in support of the amendment from my Senator from Greenbrier. I appreciate the fact that he thinks, immediately, on what this will do to the taxpayer. I appreciate the President of the Finance committee of being willing to stand up and speak in his support of it. But, I also speak in support of my Senator from Brooke in the fact that it's refreshing to see somebody who is really wanting to go after the worst of the worst because those are the people that come into our communities and also participate in ripping them apart.

But, what I want to say here, today, is I have had the opportunity to tour a regional



jail. And I mentioned this in Judiciary the other day. The regional jail in southern West Virginia was built for 250 inmates. It currently holds over 470. At any given time, there are 18 people on duty. There's five people in the towers. There's two people in the central portion of the jail so that if a tower or a pod gets overrun they can start controlling it. You have two lieutenants and one major and then the rest are the ones that actually go into the pods and do their everyday business with the workers, or the inmates themselves. These are people that, on average, are physically assaulted about once a week and, daily, verbally assaulted.

So, I know, I just want to throw this out there that there is a few bills out there that are meant to try to help correctional officers. I hope people look at those. But I also want to say this, I want to go back to the medicinal marijuana piece. I know a lot of people are not really wanting the recreational piece but, recently, yesterday, they shot down a bill in the House to try to move it from Schedule I to a lower class. Nobody here, I think, in this area should think that marijuana is anywhere as dangerous as crystal methamphetamine. So, once again, I just want to kind of say that I know that the medicinal marijuana bill is still out there. I hope you people are thinking of it and also thinking about these correctional officers.

Thank you, Mr. President.

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**Relating to conspiracy to commit crimes under Uniform Controlled Substances Act**

*(Adoption of Senator Miller's motion to refer Com. Sub. for Senate Bill 219 to the Committee on Finance)*

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**REMARKS OF  
HONORABLE  
RONALD F. MILLER**

*Friday, March 10, 2017*

SENATOR MILLER: Thank you, Mr. President.

I'm not saying anything against the bill. I think the bill has great, great merit. I'm not saying anything against the policy. I'm simply saying that we need to look at the financial implications of this piece of legislation as it relates to the state.

There's an organization called Right on Crime—funded by, and I can't believe that I'm quoting from the Koch brothers, but I am—and they said the average offender completed 51 percent more time served than those in 1990 costing the state in West Virginia another \$74.8 million. I tell you that to say that we have to look at this very carefully. We have a lot of folks around the nation who have looked at this issue in a lot of ways—the cost and other things. And, again, it was a bipartisan issue. I want to look at the crime very, very carefully. But I also want the Finance committee to look at it completely.

So, again, I encourage adoption of my motion.

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**Relating to conspiracy to commit crimes under Uniform Controlled Substances Act**

*(Adoption of Senator Miller's motion to refer Com. Sub. for Senate Bill 219 to the Committee on Finance)*

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**REMARKS OF  
HONORABLE  
ROMAN W. PREZIOSO, JR.**

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*Friday, March 10, 2017*

SENATOR PREZIOSO: Mr. President, I've been here for several years and I've never seen this action taken before. I think it's a common courtesy when the Finance chair of a major committee gets up and asks to review a bill to see if there's any financial implications, that you don't extend that courtesy to that individual. Not only to that individual, but to members of the Finance committee who will take time in a situation that's more compatible to looking at a bill, to discussing the bill, to have people up before the committee so they can ask questions. It's a simple, common courtesy. There's no way we're going to kill the bill. You know, I requested several times that bills come to my committee and they may have, maybe, 10 cents worth of financial implications . . . .

But, the Finance chair has a tremendous responsibility. His mission and his committee's mission is to produce a budget. And I commend the individual from Putnam for the stance that he's taken. All he wants to do is do what's right. He wants to look at the bill, see if there are any financial implications, be able to question agencies, bring people before to give testimony and make a decision on the fiscal implications of the bill. Generally, the Finance committee doesn't change policy. We don't supersede what the Judiciary committee does, you know, in a lot of instances. But what does it hurt to have 24 eyes on a bill? It doesn't hurt.

I'm very discouraged by the fact that we've not allowed the process to work. And I hope that this process doesn't continue because we have certainly more financial implications that we've got to look at. When you're looking at a state with \$500 million in arrears. You know, if we're going to start this, this pettiness back and forth, Mr. President, I'm deeply concerned what may happen the rest of this session.

**Relating to conspiracy to commit crimes under Uniform Controlled Substances Act**

*(Adoption of Senator Miller's motion to refer Com. Sub. for Senate Bill 219 to the Committee on Finance)*

REMARKS OF  
**HONORABLE  
ROBERT H. PLYMALE**

*Friday, March 10, 2017*

SENATOR PLYMALE: Thank you, Mr. President.

For many years, I've been here and it's no secret of how long anybody's been here. And we've had Judiciary committees try to run budgets in the past and we've caught it on the floor. A simple courtesy when a leader and chair of a committee asks to review that and I would say that I would take exception to what he did if we were in the fifty-fifth day, the fifty-sixth day or somewhere in that, if we were near the last week of the session, but we're not even near the cross-over date for when bills have to leave our floor. And I, as a Finance committee member, would like to see that. I will also say my brother, who knows more about prosecuting than anybody in this body, as a prosecutor, assistant prosecutor and prosecutor for 30 years, has told me many times: Be careful what you're doing, that you know what you're doing on a prosecution standpoint and from a fiscal standpoint, that you don't throw us in to where we're having to send everybody to the regional jail and we start blowing up the regional jail costs. The major issue that I had this past year when we were sitting down with the county commission in Cabell County is, please, look at what's going on on the jail cost.

I think the gentleman from Putnam offers a very reasonable approach to this

and never, in the time that I've been here, when a Finance chair has gotten up and asked that a bill be referred to it, that the chair of the committee that it came from didn't say, "Yeah, there could be some financial implications. Sure, you're a major chair, look at it."

Thank you.

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**Permitting collection and sale of naturally shed deer antlers**

*(Passage of Engrossed Com. Sub. for Senate Bill 473)*

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REMARKS OF  
**HONORABLE  
RICHARD N. OJEDA II**

*Friday, March 10, 2017*

SENATOR OJEDA: Thank you, Mr. President.

I want to stand and state my support for this bill. Thank you, Mr. President.

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REMARKS OF  
**HONORABLE  
SUE CLINE**

*Friday, March 10, 2017*

SENATOR CLINE: Thank you, Mr. President.

On this day in history, March 10, 1920, West Virginia became the thirty-fourth state to ratify the Nineteenth Amendment to the United States Constitution which

guaranteed the right of women to vote and, subsequently, allowed me, Senator Boley and Senator Rucker to sit in this seat in this Senate chamber today.

Thank you.

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REMARKS OF  
**HONORABLE  
MICHAEL A. WOELFEL**

*Saturday, March 11, 2017*

SENATOR WOELFEL: Thank you, Mr. President.

I had considered sort of getting off on a rant this morning in my support of my Finance chair but, since it's Saturday, I won't go there.

Marshall University basketball, well, Marshall University just in general . . . I know some of the folks up I-79, at the other end of I-79, think of Marshall as, maybe, a collection or home for, maybe, the unwashed mouth breathers, or I don't how they really . . . they don't look at us very favorably from time to time . . .

So, what I want to do is mention that, as I was a young man, we did have sports icons in Huntington, too. And, I just consulted *The Sports, The Pro Basketball Encyclopedia* to learn about the career of William Hall, Jr. William Hall, Jr., is a Marshall Hall of Fame member. He came from Washington, Pennsylvania; had a pro-basketball career after a sterling career at Marshall. So, if you . . . and today marks, it's 30 years since Marshall was in the NCAA tournament, so 8:30 tonight, if you've got a clicker, and I know you're watching some other event, potentially, but if you get a minute, take a look at the Thundering Herd and see if we make it back to the big dance.

Thank you.

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Thank you, Mr. President.

For those who don't know, I was a little too subtle. Bill Hall is the father of our Senate Finance chair, in case those of you did not know that.

Thank you.

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**Relating generally to procedures for  
drivers' license suspensions  
and revocations**

*(Passage of Eng. Com. Sub. for  
Senate Bill 212)*

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

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*Monday, March 13, 2017*

SENATOR TRUMP: Thank you, Mr. President.

The Committee Substitute for Senate Bill 212 is a fairly detailed piece of legislation rewriting and altering the procedures, some of the procedures, involved with driving under the influence offenses and, in particular, the adjudicative process regarding licenses, drivers' licenses. Under the basic structure of the bill, there are amendments to West Virginia Code §17C-5-2, §17C-5-2b, §17C-5-4, §17C-5-7 and §17C-5-12; and there are amendments to §17C-5A-1, §17C-5A-1a and §17C-5A-3; and then there's some new sections in the code §17C-5A-1b, §17C-5A-1c; and a couple new sections in . . . one new section in article five-c, that would be designated as §17C-5C-6; and there's an amendment and reenactment of a section, §17C-19-3.

Let me start with a short summary of what this does. First of all, it does not change in any way the penalties for driving under the influence. The felonies are still the felonies. The misdemeanors are still the misdemeanors. It does not change, it doesn't reduce any license revocations. It does provide for some additional license suspensions and I'll come to that. But, what we made clear in this bill, is that for the serious DUI offenses, the license revocation is in the exact same section as that which contains the criminal penalty. So, for instance, DUI causing death, current law provides for a ten-year revocation in a different article or chapter of the code, this is right here. It's in the code section as part of the penalty for DUI causing death. Makes it clear that life revocation is to be given when it's a subsequent offense. For DUI cases causing serious injury, it's a five-year revocation. That is a felony under current law and it remains so. DUI causing bodily injury, is, under current law, a misdemeanor—penalty remains the same. The DMV is required in that case to revoke a driver's license for two years, same as current law. You'd track down through the whole statute simple DUI, aggravated DUI—we have permitting someone else to drive your vehicle while he or she is under the influence of alcohol. All those offenses remain the same, defined the same way and providing for the same criminal offenses and license revocation.

What this bill does that is different from current law, this is a smaller government bill. This bill eliminates the Office of Administrative Hearings which was created by this Legislature in 2010. And, basically, what it says is we don't need duplication of two courts, two systems, people doing the exact same thing that they're doing now in magistrate courts and circuit courts of this state. The magistrate judges, our circuit judges adjudicate these DUI cases in the context of criminal statutes and so what

this bill does is eliminates the Office of Administrative Hearings that's, you know, a couple million-dollar-ticket in our state budget. West Virginia's, you know, out of the norm as far as its surrounding states go. Ohio doesn't have a dual-track system. Nor does Kentucky. Nor does Pennsylvania. Nor does Virginia. Maryland may. I think Maryland does but the others around us do not.

So, what the bill says simply is that when a person is convicted of one of these DUI offenses either in magistrate court or circuit court, the clerk of the court sends the judgement to the Division of Motor Vehicles and that drives the licensure action.

Now, in eliminating the Office of Administrative Hearings, there is one thing that they do adjudicate now that the magistrate courts and circuit courts do not and we had to create a structure for that to be adjudicated in magistrate court or circuit court because we're eliminating, if this bill passes, we're eliminating the tribunal which does it. And that is the situation where a driver refuses a secondary test. Current law—and this does not change in the bill—current law is that by taking a driver's license from the Division of Motor Vehicles you are granting implied consent to the State of West Virginia that if you get pulled over with probable cause and an officer has reason to believe that you're impaired or under the influence, you're taking of a license, you're holding one and taking it as your own, is implied consent to the State of West Virginia that you will submit, under those circumstances, to a secondary test of your blood, breath or urine. The test that all the police agencies designate in West Virginia is the breathalyzer. So, that's the test. And so, under our law, currently, current law, and this doesn't change, if you're pulled over by an officer, has probable cause to believe that you may be impaired, and given your

implied consent warning, you have to take the test or you lose your driver's license. And that's preserved in current law. We don't change that but what we do change is this bill says that has to be adjudicated in the magistrate court.

And there are, you know, the processes for that are laid out—the magistrate would conduct a hearing and so this is an additional hearing from those which the magistrates conduct now because these hearings are conducted when they're conducted and we'll talk about that in a minute but, when they're conducted, they're done by the Office of Administrative Hearings. They would now be in the magistrate court. And we had testimony in the Judiciary committee that the Magistrates Association had reviewed the bill and they're okay. And it does, I mean, quite frankly, it's . . . you know, it provides for a little bit of extra work on them in some of these cases where there's been a refusal. I don't think it creates any new work for them in a case where, you know, there's a normal DUI charge because they're hearing those cases now anyway but, they agreed to the bill, said they support the bill and, even though it may require in some cases them to conduct a hearing which, under our current law, would be done, if ever, by the Office of Administrative Hearings.

I want to talk a little bit about that. The evidence is pretty overwhelming that the Office of Administrative Hearings has failed in its duty to carry out the responsibilities that it has under the statutes. We heard testimony in the Judiciary committee that people whose criminal charges are years over and resolved are still waiting for a hearing—the Office of Administrative Hearings, about their driver's license. We heard testimony about hearings that have occurred but no order's been entered for over a year. And so what we've got now, right now, in West Virginia, and let's be clear about this, we have people who've

been driving, have never had their license revoked, effectively, for four or five years. Some of these cases go back to 2011 we were told in committee that they have never been able to resolve or dispose of. This bill will change all that because it's those issues, the drivers' license issues, are going to be resolved as an adjunct or ancillary to the criminal cases that are pending in the magistrate courts and circuit courts. And those cases move much more quickly than, apparently, this process with the Office of Administrative Hearings and more decisively.

Now, let me address, there's a section in here now that requires a report to the Legislature by the Bureau for Public Health. There is language in this bill that provides something that we don't have now, you know, we've talked a little bit about the problem of all this delayed response by the Office of Administrative Hearings and delayed licensure sanctions as a result of the inefficiency of that office, and, I think, I hope we would all agree, that a license revocation for DUI is appropriate and meaningful, meaningful only if it really happens and if it happens close in time to when the offense occurs. So, it is unbelievable to me, shocking to me, that we have cases where people were charged with DUI four or five years ago are still driving around, have never lost a day of driving privileges in their life and have not had any effective administrative response to their offense. Now, what this bill does for the first time is that for serious DUI offenses, the felonies: DUI death, DUI serious injury, this gives the magistrate authority at arraignment, at the time of arraignment, or defendant's first appearance in the magistrate court, to suspend that driver's license, right now. Right now, sir, you've been charged with driving under the influence causing death or driving under the influence causing injury, a serious DUI offense, you don't have a driver's license as

of today. Not three years, not four years, not five years, as of today.

Now, we preserved to everybody the right to contest that, to have it adjudicated, but, the magistrate can do it or a circuit judge can do it as a condition of bond or otherwise—pretrial, pretrial, for the first time ever. And, we have in this bill, a section that says—I think it's one of the last sections in the bill—it's contained in §17C-19-3, new language that says, “Whenever a person is arrested for any violation of section two, article five . . .” so that's our DUI statute, any violation of that statute, the “. . . officer shall request, and the person shall immediately surrender, his or her driver's license. The . . . officer shall submit the . . . driver's license to the court before which the person is taken to appear pursuant to subsection (a) . . .” So, the moment of arrest, the police are going to confiscate a driver's license and then the magistrate court will act—and I would submit act promptly, much more promptly than what we're getting with the Office of Administrative Hearings.

There's a cost to this dual-tier system we have. You know, and it's not just the budget of the Office of Administrative Hearings. The Attorney General has—I don't know how many, more than half a dozen—deputy assistants, attorneys general around the state who are designated to represent the DMV in these cases that will no longer be necessary. So, this is an opportunity for us to do, you know, two or three important things together. One: Downsize and streamline our government making it a little bit more efficient in a very important area with the savings that will be commensurate with that and have these things adjudicated by people who are already being paid salaries by the citizens of this state. Judges, magistrates, prosecuting attorneys to handle these cases. These cases are being litigated two times now under our system. Once in the criminal courts and once in the

Office of Administrative Hearings. It is inefficient, it is unnecessary, the majority of our surrounding states do not do it. Now, I wish I could tell the body that if we pass this bill we'll save all that money immediately. The truth is, it's going to take a little longer than that because there are cases that are with the Office of Administrative Hearings now and under this bill they're continued until . . . they retain jurisdiction 'til June of 2018. And, in truth, we have to do that. We have to give them time to wind out of their cases. But, after the effective date of this bill which would be July—the internal effective date—after July first of this year, all those kinds of cases will be heard in the magistrate courts and the circuit courts not the Office of Administrative Hearings.

Mr. President, I'll be happy to try to answer questions. Otherwise, I urge passage of the bill.

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**Relating generally to procedures for  
drivers' license suspensions  
and revocations**

*(Passage of Eng. Com. Sub. for  
Senate Bill 212)*

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**REMARKS OF  
HONORABLE  
RONALD F. MILLER**

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*Monday, March 13, 2017*

SENATOR MILLER: Thank you, Mr. President. I'd like to speak to the bill, please.

MR. PRESIDENT: Senator may proceed.

SENATOR MILLER: I've listened to the wonderful arguments made by the

Chairman of Judiciary, our esteemed Senator from Morgan County, and he's laid out his case quite well. In fact, I wouldn't want . . . I'm not a lawyer. I'd hate to be in a court with him to discuss that so I'm not going to ask him to yield to anything.

But, I want to speak against this bill in this fashion. This is not a bill to increase . . . . If you don't vote for this bill, in my opinion, you're increasing the DUI possibilities in our state—not DUIs, but DUI death possibilities in our state. The Office of Administrative Hearings has had trouble. There's no doubt about that. This started, it has not been manned properly, they have had a lot of backlogged cases, attorneys have asked for appeals—and they go on and on, not just attorneys also their office has asked for rescheduling of the dates. It has not been done very effectively. It has not been done very efficiently.

But let me tell you the difference. When we put the Office of Administrative Hearings and the DMV hearings in place, really the DMV hearings started in the 1980s, this was put in place and this was pushed for Mothers Against Drunk Drivers because of the DUI deaths that were happening on our highways. In the 1980s, the year before this was put in place, there were 240 plus deaths related to DUI on our highways. In 2016, the last year—I think its 2016 or 2015—the last year we have statistics on it, there were only 65 deaths to DUIs in our state. Now, somethings' working. Now, I admit, Office of Administrative Hearings has not worked very efficiently but they have now changed directors. The young lady from Mingo County, a former prosecutor down there, has come in. She is changing their schedule, she is changing their work and they are starting to finally resolve the cases that have been backlogged. They're trying to resolve their problems and trying to move forward.

I am not in favor of anything that would create DUI deaths. I'm in favor of

something that helps restrict those deaths from taking place. I think you would have to say the prosecutors of West Virginia would also not want to see anything that would increase DUI problems. They do not support this legislation. I think you would have to say that the Sheriffs' Association in West Virginia would not want to see anything increase DUI problems in this state. They do not support this legislation. If you talked to police officers all around this state, many of them will tell you—even in the West Virginia State Police who cannot speak to this because it's not on their agenda but, if you talk to them personally, they will tell you they do not favor this legislation.

There are many folks who understand the significance of changing these standards, basically, we're talking about an evidence standard from what a prosecutor hears to what the Office of Administrative Hearings hear. By changing those standards, I'm afraid that we are going down a very slippery slope for our future. Maybe we're saving a couple million dollars and that's good but what will it cost us when we lose the best and the brightest students who may be killed by a drunk driver driving home from school some night? What does it cost us when a father is injured or killed coming home from work and can't provide for his family because we have allowed someone to come through the system and there wasn't the evidence that needed for the criminal conviction but there was the evidence to take the license in an Office of Administrative Hearings program? What kind of cost is that to the people of West Virginia?

I think there's some good things in this piece of legislation and I think it's the right start. I would like to see another year for this office to kind of get their act together. I would like to see a little bit more time for us to be able to make this thing work. When we implemented this, we implemented it because it was badly needed. We have helped solve a problem. We've helped

bring those deaths down. And now we're wanting to change that again.

I can remember last year when this came up in committee, the Senator from Roane County, Senator Ashley, Republican from Roane County, and I both fought together to try to keep this from taking place—to keep this from disappearing. And twice in committee, we were able to bring attention to this and stop it. But, finally, the third time, it came to the floor and it passed out of the Senate and the House . . . I believe it died in the House last year.

I'm not for drunk drivers in any way. This is not being for drunk drivers; this is wanting to punish those who drink and drive. I heard in testimony—the one thing that stayed in my mind, that stuck with me after the testimony in committee—someone said, “Well, somebody makes a mistake and they have a drink and they're driving home and they get caught. In this they could lose their license for a long period of time if the Office of Administrative Hearings hears it and takes their license.” And I said, “That's good. I don't care if somebody just makes a mistake one time and they're drunk driving home because it's only one time when they hit the car carrying my family or your family, and kill a member of your family or my family.”

I think it's very, very, very important that we think about this if we push the green button on this, what it means. I think it's extremely important. I know the system has problems. Let's not throw the whole baby out with the bath water so to speak. Let's come back and fix the problems with this piece of legislation, fix the problems with the Office of Administrative Hearings. Let's fix it and make it right. But let's not make the situation worse for a couple million dollars in this state. Let's not make it worse for the family that loses a loved one. Let's not make it worse for someone who can be very productive for our future—gets killed by a drunk driver driving home from school.



So, I urge to vote “no” on this. I believe the Senator from Morgan is correct. This is a good start and a good direction, but let’s make sure we do this correctly and completely and make this right.

Thank you.

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**Relating generally to procedures for  
drivers’ license suspensions  
and revocations**

*(Passage of Eng. Com. Sub. for  
Senate Bill 212)*

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

*Monday, March 13, 2017*

SENATOR TRUMP: Thank you, Mr. President.

Not surprisingly, I hope, my dear friend from Greenbrier County expresses a fear that, if I shared this fear, if I shared his fear, I wouldn’t be supporting this legislation. If I thought this legislation was going to cause one more, just one more, fatality in this state, I wouldn’t be here on the floor supporting it. I think it will do the opposite. Let me tell you why.

First of all, we have no action by the Office of Administrative Hearings on these cases now. It goes for years and years and years. And people who have had DUIs are still driving around with no action on their license. This bill will empower the courts to act immediately at the time of arrest with suspension.

The fatality rate in West Virginia for DUI cases has dropped dramatically over the last

35 years as it has in every state. It’s dropped dramatically, even more dramatically, in our surrounding states that do not have a two-tiered system. Ohio has no two-tiered system. Their fatality rate is essentially the same as ours—percentage of DUI deaths as a percentage of all traffic fatalities. Kentucky’s is lower than ours. It doesn’t have a two-tiered system. Pennsylvania’s is essentially the same as ours. Virginia is essentially the same as ours. Actually, among our five surrounding states, the state with the highest rate of traffic fatalities that result from DUIs is Maryland, the only other state that has a two-tiered system.

Now, you cannot make the argument that the Office of Administrative Hearings has caused or its activities have caused the fatality rate to drop from the 1980s ’til now. The Office of Administrative Hearings has only existed since 2010. Now, I’ll concede that there was a predecessor and some of that activity was done under a two-tier system managed by the DMV. And, you know, but the Office of Administrative Hearings has only existed in West Virginia since 2010. What has lowered the DUI fatality rate in West Virginia and in all of our surrounding states over that period are a number of things that this Legislature and other legislatures and, quite frankly, the Congress have done. But, the creation of the Office of Administrative Hearings is not one of them.

What has occurred in the last 35 years? First of all, we went from, in West Virginia, the 0.1 standard being prima facie evidence of impairment to a per se offense. You know, it used to be a breath test, a blood alcohol result was prima facie evidence of impairment only, defendants could rebut it. West Virginia changed the law and said if your 0.1, doesn’t matter whether your impaired or not, it’s a violation of the law. You’re guilty of DUI. West Virginia, among many other states, then lowered that blood alcohol level from 0.1 to 0.08. Eight one hundredths of one percent. In other words, made it a tougher standard. In that period

of time, we have seen the law change so that persons under 21 cannot legally buy alcohol. That's the law in West Virginia, now, but it wasn't the law in West Virginia 35 years ago. It was 18. More recently, this Legislature has created an offense of aggravated DUI and said if you're at a blood alcohol level of 0.15, you're going to get a higher penalty. It's a more serious offense. Over the last 35 years, we've added felonies for DUIs causing injury, serious bodily injury, other offenses . . . . In the last 35 years, we've seen the development of things that didn't exist in our law at all 35 years ago: Interlock. You know, the technology, I don't know if the technology existed but it wasn't used or used regularly 35 years ago. Now we have that. You can put a device on somebody's car and prevent it from starting if they're blowing detectable alcohol. Safety and treatment programs that are a part of our law now were not part of the law 35 years ago. There are a number of reasons . . . and we should take some pride in it, in ourselves or our predecessors who were here, the people who sat in those seats for the actions that they took to bring down that fatality rate. And it has been brought down significantly by those actions not by the creation of the Office of Administrative Hearings and a dual-tiered system.

Under this bill, licensure actions will be swift. Right now. I have no doubt that the judges of this state, the magistrates of this state, the prosecutors of this state who are elected by the people are going to make this work and they will be much swifter, licensure action, then we're seeing now from the Office of Administrative Hearings.

And another important factor, Mr. President, is this, that instead of having to attend hearings in two different tribunals or jurisdictions, our police will be going to hearings one place, one time. And instead of sitting in a DMV office waiting for some hearing, they're going to have time then

to be out on the road working to stop and arrest drunk drivers.

Mr. President, this is a public safety bill. I urge its passage.

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**Congratulating Wirt High School  
wrestling team for 2017 Class A  
state championship**

*(Adoption of Senate Resolution 35)*

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REMARKS OF  
**HONORABLE  
DONNA J. BOLEY**

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*Tuesday, March 14, 2017*

SENATOR BOLEY: Thank you, Mr. President.

The Wirt Tigers wrestling team had an outstanding 2016-17 season which ended with the team winning its first state wrestling championship since 1968.

The team is led by head coach Danny Life; and assistant coaches Matt Dye and Todd Moore; and junior coaches Kaedon Sees and Peyton Dye.

The Wirt Tigers wrestling team consists of team members Hunter Poole, Cole Chevront, Wyatt Powell, Caleb Knopp, Colton Whipkey, Steven McClung, Ian Smith, Hunter Moore, Noah Garrett, Aaron Life, Joe Powell, Brendan Large, Mike Burns, Glenn McFee, Dylan Jenkins and Christian Cain.

The 2016-17 Wirt Tigers wrestling team will go down in state history as one of the best wrestling teams ever assembled in the State of West Virginia.

The team is a shining example to all West Virginians of what can be accomplished with dedication, commitment and teamwork.

Mr. President, I urge the adoption of the resolution.

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**Designating March 14, 2017, as WV  
State University Day**

*(Adoption of Senate Resolution 36)*

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REMARKS OF  
**HONORABLE  
C. EDWARD GAUNCH**

*Tuesday, March 14, 2017*

SENATOR GAUNCH: Mr. President, thank you.

This one's kind of personal for me. It was 53-some odd years ago that a young 17-year-old drove a '56 Chevrolet from Ridgeview in Boone County to Institute to start with a college education—the first in my family to have done so. And it was a life-changing experience for me. I could tell you stories—and I'll be glad to do that someday when you have time.

But, let me tell you about West Virginia State University. The first public higher education institution in West Virginia to gain accreditation and has been continuously accredited longer than any other public college or university in West Virginia. West Virginia State offers 72 academic program options leading to 23 baccalaureate degrees, five master's degrees. It's one of only a few colleges in our state with a growth in enrollment.

And I have to give you a reminder about two things. It's one of two land grant

institutions in our state. The other being West Virginia University. But it's the only land grant institution in our state where this Legislature and this government has basically refused to provide the matching funds necessary because of the land grant status. It's \$1.3 million that West Virginia State deserves but has never gotten from this Legislature.

The other thing I'd like to point out to you is another glaring omission. When the community and technical colleges were separated, West Virginia State really never got the funding like Fairmont State did. Marshall University did. . . got funding to fully keep their institution going like it had before the separation.

I'd like to encourage this Legislature, especially the Finance committee, to consider those two items for this wonderful institution.

Many distinguished alumni, present company excluded except for the Senator from Logan, have graduated from West Virginia State. Most recently, we've had the opportunity to acknowledge Katherine Johnson, the NASA mathematician. There's Earl Lloyd, the NBA great. There's 15 generals who have graduated from West Virginia State University.

Mr. President, it's a vibrant, modern campus in Institute and I'd love to have you be my guest someday and come and visit that campus.

I'm proud today to speak in favor of the resolution. I do so on behalf of the Senators from the Seventeenth, my Senator from Logan, my Junior Senator from the Eighth.

And I urge your passage of the resolution.

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**Designating March 14, 2017, as WV  
State University Day**

*(Adoption of Senate Resolution 36)*

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REMARKS OF  
**HONORABLE**  
**JOHN R. UNGER II**

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*Tuesday, March 14, 2017*

SENATOR UNGER: Thank you, Mr. President.

I also want to rise in support of this even though I'm from Berkeley and Jefferson counties. I want to mention that we have a large constituent group up in the Eastern Panhandle that are graduates of West Virginia State University. I didn't realize the magnitude and the support of the institution—even though it's located in Charleston—until many years ago when I offered up an amendment to a Governor's bill to change Shepherd College to Shepherd University. A large group of my constituents came down and said you got to include West Virginia State University. Actually, that amendment ended up making Fairmont State a university and Concord, also, a university. But, it showed me—that even though I said well, why aren't we just worried about Shepherd University, being from our area—the magnitude and the support that West Virginia State University has all over this state and even outside this state.

So, with that . . . that's why I wanted to co-sponsor this resolution and also honor the many graduates from my region as well.

So, thank you, Mr. President.

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**Designating March 14, 2017, as WV  
State University Day**

*(Adoption of Senate Resolution 36)*

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REMARKS OF  
**HONORABLE**  
**RICHARD N. OJEDA II**

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*Tuesday, March 14, 2017*

SENATOR OJEDA: I also rise in support of this resolution.

What I would like to say here is, you know, as a young 23-year-old sergeant in the United States Army who received the Green to Gold Scholarship, I come back to West Virginia and, obviously, I started looking around for colleges to spend my money at. And West Virginia State—at the time, West Virginia State College—was where I really truly felt like I was home. The classrooms were not large and the professors were absolutely amazing. But I want to also state that I got my commission from West Virginia State University. And I also want to make sure everyone also knows that West Virginia State University also has a Congressional Medal of Honor recipient.

Thank you, Mr. President.

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REMARKS OF  
**HONORABLE**  
**RICHARD N. OJEDA II**

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*Wednesday, March 15, 2017*

SENATOR OJEDA: Thank you, Mr. President.

I want to kind of bring up the fact that it's been a week since I spoke on the floor in terms of medicinal marijuana. My bill, Senate Bill 386 (*Creating WV Medical Cannabis Act*), is sitting on a committee. And, last night I was watching videos. I watched a video from a person that was suffering from Parkinson's disease. And, when you watch this video, you can't help

but see the benefits of medicinal marijuana. When that person takes medicinal marijuana and it stops the spasms—it slows them down to almost nothing . . . . Now, you imagine yourself having a family member that is suffering with Parkinson’s disease and you have this capability to help them.

I saw the video, once again, of the young girl that was striking herself repeatedly. This is a person that her parents have to basically hold her down to keep her from hurting herself. And you could see one side of her face was actually swelling up and starting to darken. Imagine being a parent that has a child that is suffering from an illness like that and there’s nothing that you can do other than hold your child down. But, if you have the ability to put a nebulizer in her face where she’s able to administer the vapors and within a minute she’s sitting in a chair rocking not hitting herself anymore, would you be willing to allow that to be offered to her?

I saw another video of a child that was having a seizure and the parent had a nasal spray that was medicinal marijuana. Squirted it in the child’s nose and within 30 seconds to a minute the child had stopped seizing. If that was your child, would you want that capability in your medicine cabinet to be able to treat your child?

Now, we’ve said that it comes with many different types of derivatives: Oils, gummies. There’s a lot of kids out there that are suffering from serious illnesses that this can help. In terms of people that are against the smoking of marijuana—I’m not a fan of smoking anything, I don’t even like cigarettes—but, if you are going through chemotherapy, you become very nauseous. The smoking of marijuana is the only thing that will give you immediate results on the spot.

So, I’m asking for this bill to come here to the floor. I’ve spoke with you,

Mr. President, you say, “Let’s let it hit the floor.” Then let’s let it hit the floor. If it goes to the committee, my Senior Senator from the Seventh who is also a sponsor of this bill, I’m sure he will be willing to help me with a few amendments. One amendment that allows for a percentage of funding that comes from this to go for recovery and education in our schools. The recovery of the majority of people that are right now having issues with opioids, not marijuana. Opioids. And then an amendment that says that when they do decide the growing of this capability, 10 percent of that must go through the veterans’ agriculture program which will help our veterans.

The last thing I want to hear is, “Well, the pharmaceutical companies don’t like it.” I don’t live in the pockets of pharmaceutical companies. I don’t live in the pockets of lobbyists. And neither should any of us.

Let’s do the right thing. Let’s get it on the floor. If they don’t like it over in the House, then let them make that decision. But I guarantee you that if it gets to the House, this bill can pass. I understand that there’s a significant percentage of them over there that are not happy. They think that marijuana should remain on the same Schedule I narcotic as heroin and methamphetamine. I don’t feel that way and I don’t think the majority of people here do. But I don’t think they can look past the fact that we’ve got thousands upon thousands of people in our state that are suffering severely that can receive relief upon us giving them the ability to utilize medicinal marijuana. Allowing doctors the ability to say, “Instead of giving oxycontin to my patient, I think they can best be treated with medicinal marijuana.” And I think it’s important that we give them that capability.

Thank you, Mr. President.

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**Recognizing Karen Donathan for  
winning Award for Teaching Excellence  
in Computer Science**

*(Adoption of Senate Resolution 38)*

REMARKS OF  
**HONORABLE  
COREY PALUMBO**

*Thursday, March 16, 2017*

SENATOR PALUMBO: Thank you, Mr. President. I'm proud to stand up here in support of this resolution today.

Karen Donathan won an award that . . . . It's really an incredible award. You know, every now and then we recognize people who win state awards. We rarely see anyone who's won a national award. Karen Donathan has won a worldwide award. One of 10 computer science teachers in the world to have won this award for outstanding teaching in computer science. She's won a \$10,000 award as one of those 10 awards and it is truly an incredible, incredible accomplishment.

I think we're very fortunate to have Ms. Donathan as a teacher of our kids at George Washington High School. I think we're incredibly, incredibly honored to have her teaching kids in this state. And it's a remarkable, remarkable accomplishment that she's achieved.

So I urge support of this resolution.

**Designating March 16, 2017, as  
Innovation and Entrepreneurship day**

*(Adoption of Senate Resolution 39)*

REMARKS OF  
**HONORABLE  
COREY PALUMBO**

*Thursday, March 16, 2017*

SENATOR PALUMBO: Thank you, Mr. President. I also rise in support of this resolution.

On Innovation and Entrepreneurship Day in the capitol, I think it's really important as the Legislature we focus on innovation and helping entrepreneurs.

I went to a conference that TechConnect had last spring and at that conference they had the CEO of Gallup. And, he made the point that he thinks that the recovery, economically, of our country is going to come from individual entrepreneurs creating businesses—small businesses being formed. And Gallup had developed a test to identify students who had the innate abilities to be successful entrepreneurs. And, it's not IQ or, you know, intelligence related necessarily, but innate characteristics that people have that can make them successful entrepreneurs. And, WVU right now is working with Gallup to try to get that test to our kids in West Virginia. I think it's important that we try to identify these kids who can be successful entrepreneurs and try to give them the other skills they need to be all they can be, to be job creators in our state.

So, on this Innovation and Entrepreneurship Day, I urge us to continue to stay focused on helping these kids and these entrepreneurs in our state.

And I rise in support of this resolution.

REMARKS OF  
**HONORABLE  
ROBERT H. PLYMALE**

*Thursday, March 16, 2017*

SENATOR PLYMALE: Thank you, Mr. President.

On behalf of the Senator from Cabell, the Senator from Boone, the Senator from Logan, the Senior Senator from the Sixth and the Junior Senator from the Sixth, it's our pleasure to have in the gallery to my left Coach Brad Dingess, Tim George, Greg Page and the Spring Valley High School team that, this year, had a marvelous run in the, towards the championship—fell a little short and, Senator from Martinsburg, that team, one of those teams there . . . . But they had a . . . . It was a great thing, in terms of . . . all three of my children graduated from Spring Valley High School. The oldest one was the first graduating class.

And, what I saw this year was the community really come together behind this group of young men right here. And it was a great thing for the community, it was a great thing for northern Wayne County, and I appreciate them being here in attendance.

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REMARKS OF  
**HONORABLE**  
**MICHAEL A. WOELFEL**

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*Thursday, March 16, 2017*

SENATOR WOELFEL: Thank you, Mr. President. I also rise in support of the amendment.

But I do want to point out and mention by name—I don't know who's here—Steve Morris is the principal of Spring Valley and he's been my friend for many years. Joy Bailey was the very, very successful volleyball coach, many championships. She's retired. My friend, Steve Morrison, is

the basketball coach. I could tell you this, when I was coaching in Huntington High School and we had Mayo and Patterson, one of the toughest games we had was against Spring Valley that year.

So, I tip my hat to the athletes, not only the athletes, the band, the academics, it's just one of the best high schools in the whole state. So, we thank you for joining us here today.

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REMARKS OF  
**HONORABLE**  
**KENNY MANN**

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*Thursday, March 16, 2017*

SENATOR MANN: Thank you, Mr. President.

I would like to address Senate Bill 524 just to make a few comments about the . . . on the Common Core. And I'll just say that this is truly my opinion and my research. I'll say it here on the floor that I am not a proponent of Common Core Standards in West Virginia but I do want to say because, I think, including myself, I am a . . . I have signed onto the bill. But I want to just say this . . . . Let me do a little history on what's . . . and catch everybody up to date.

I've done some pretty extensive research over the past several months and, of course, my biggest problem with the standards, personally, up until recently, the high-stakes testing that was just corrected, in my opinion, by the State Board.

Now, a little bit of history here. The West Virginia Board of Education adopted the Common Core Standards known as the Next Generation Standards in 2011. At the direction of the State Board and West Virginia Department of Ed, they conducted

an extensive review of the standards from July to November 2015. And I'm going to give you some stats on the review. They held, statewide, over eight regional town hall meetings receiving over 251,000 plus comments. Of that 251,000 plus comments, 84 percent of those comments were given by West Virginia educators. Eighty-four percent from West Virginia educators. They gave the input. Then they come together, they put the contents review teams together that took every one of those comments. They studied 'em, they researched 'em and then they came up with what is the now standards . . . is the West Virginia College and Career Readiness Standards.

Now, I've heard a lot of people say that they've been tweaked and just renamed and here and there but hear me out on this. I really—I learn by visual, okay, I'm a visual learner so I'm trying to comprehend . . . I don't know a lot what people are expecting to see when the standards now are trying to be what we're wanting 'em to be, you know, the actual visual part of seeing the actual repeal and then replace . . . I don't know if we was expecting maybe Building 6 to open up and guys dragging the trash bags out of the old standards and setting 'em out for the trash man and then maybe "Taps" was played. I don't know. And then the UPS delivers the new standards and brings 'em in on a silver platter and puts 'em in the trophy case . . . To have the new standards adopted . . . I don't know what was really seen there but I truly believe that a repeal was done to the opinion. I know that even back to where educators across the state was asked, you know, numerous questions and the multiplication charts got put in, the cursive writing got put back in. I've had teachers say, you know, the thing about it is, 30-year veteran teachers says we've never stopped teaching those. Maybe some did and I'm sure they did.

I'm not going to sit here and say every standard we have's perfect. I know

everything's here to try to . . . that we can always improve. But I truly believe and I know 'cause I was one of 'em that was a strong opposition to the previous Smarter Balanced Assessment Test that have been given as our assessment test in our schools. Now, the State Board is currently a step ahead. They have just repealed those tests, the Smarter Balance and the PARCC style testing. Now, for anyone out there in TV land that may be part of the Smarter Balance team, that test may have worked out wonders for other states but it didn't do our students justice here in West Virginia in my opinion.

Now, this was the problem that I've been having and I've told some people earlier that I had to really dig deep in my brain tissues to figure out where's my problem at with this, you know, 'cause we hear the word Common Core, Common Core, it's just become such the new cuss word. It's really, you know . . . people that's not even in education now are hearing Common Core and they just know immediately that's got to go, we got to get rid of that. And I agree. Common Core Standards have to go. But here's the thing. I think for myself—and I could probably say for a lot of other people—when you have a standard and our school systems look at it like this: The standards basically across the nation, honest to goodness, it doesn't matter what standard it is, they don't vary too awful . . . they're pretty much consistent. And I'll tell you why. Because we want our seniors by the time you go K through twelfth and hit that twelfth grade and you graduate, whatever college you choose to pick, we kind of want everybody about on the same page their freshman year in college. So, things are going to vary just a little bit. Now, you got your people like me that takes a little bit more time to catch on to things. You know, we all learn different. But, please, I think the confusion part for me is don't confuse standards with teaching



styles. There's a difference here. And this is really big. Don't confuse standards, any standards, with teaching styles and techniques. And the beautiful part about it here in West Virginia, that the flexibility that our teachers here have been given the flexibility to teach the style that they see fit to help each and every student reach the standard that we present to 'em. Once again, don't confuse the standards with the teaching methods. Because, let me give you an example. I'm thankful that they have that flexibility. Picture this: You got 20 kids in a classroom, just on average, you may give or take a few but you got 20 kids in a classroom and one teacher. You've got 20 different brains sitting there functioning at different levels. You've got all kinds of learning . . . people are learning at different . . . we're not robots. They have to come up with a few things to work for everybody. You've got Little Johnny over here that can get things just like that. You've got Maggie in the middle that can, you know, she catches on, she's doing pretty good but not as fast as Johnny. And then you got Little Kenny sitting over here. Little Kenny Mann. Now, he's just sitting here looking out the window. And it takes him a little bit more. And we love Kenny, too, I hope we do. And . . . so, therefore, the techniques and methods have to be developed in the classroom for each individual person. And, time's not on our side. These teachers have about an hour roughly to get their point across.

Now, one other thing we have here in West Virginia that's, you know, no matter I say what the standards are, with the standards that we have in place and the Smarter Balance gone and, in my opinion, I hope to see it replaced with an ACT-style testing, we still have social economic problems here in West Virginia that plays a huge factor in everything we do in our educational system. It places a burden on the educators and staff. It places a burden on

the students as well. But we've got to realize once and for all, that I truly believe, that the standards that are in now that our West Virginia educators have gotten together and voiced their opinion are where we need 'em to be. Now, they can tweak and adjust and go from that, they have that flexibility. They review, I think, every few years. Just remember this, if the standards change right now, they just would change three times in five years. Three times in five years. Our teachers are begging for consistency. We're not always going to always agree on the way things are taught but I've looked over some things in the standards that's there now and trying to compare . . . I looked at the early days in early education, they're still doing the same thing I was doing, you know, they're counting to 100 by ones: One, two, three, four, five, six, seven, all the way up. They're counting to 100 by tens: Ten, twenty, thirty, forty, fifty, sixty, on up. They're still doing that. They say, "Well, now they're doing things like them just getting to 100, show why 100. You know, give me some representation of 100." So kids are bringing in 100 marbles, 100 this, 100 that, on the hundredth day of school. Well, heck, when I was in the fifth grade I brought 100 toothpicks to school. We've been doing this kind of stuff. So, you've got your people that's going to see that multiplication chart that's nine times nine is 81. And they get it. You got some that just memorizes it, you know, and they know that it's 81 'cause they memorize it. But then you got a few people out there that just have to see the visual effects to this, to see the reasoning why they get 81.

So, I want to just say that, and like I said, this is me speaking on my behalf. I want to just see if we can trust our educators on this, trust our West Virginia educators and, hopefully, get people to realize that Common Core is dead.

I want to say this in closing. Governor Justice usually uses his white boards to

explain his points and I didn't get a white board today but I tell you as a licensed funeral director here in the State of West Virginia I do have another document here to kind of state my point. I have here a West Virginia death certificate. And I'm going to present that to the President of the Senate and I just want to let you know that right here, I want to just use this to say that Common Core is dead in West Virginia. I strongly believe that. With the Smarter Balance testing that is gone, that is out the window, that was the icing on the cake, man. If you'll just trust me on this. I'm putting my neck out on the line to say this because I believe in our West Virginia educators across this state that have had the input in here. Can we improve? Absolutely, we can improve. But I'm telling you right now Common Core is dead. I believe the cause of death was breach of contract and lack of ability to produce the positive learning for our students here in West Virginia. And the immediate cause was because it was repealed. I have it right here. That's my saying.

So Mr. President, I just want to say that it's my sympathetic duty to officially report to you, in the opinion of this Chair, that Common Core is dead and I would officially like to lay the standards to rest and let 'em rest in peace.

Thank you.

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REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE

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*Thursday, March 16, 2017*

SENATOR PLYMALE: Thank you, Mr. President.

I really was not planning on getting up and speaking but . . . One thing that I will tell you is . . . let's go back a little bit in

time and let's talk about how West Virginia did adopt those Common Core Standards. At the time when this was going on I was the NCSL Education Chair—the National Conference of State Legislatures—and, as the educator and as the Education Chair, I went to speak to the Chief State School Officers National Convention in Washington, D. C. And I talked to them about . . . they were presenting that they were looking at the Common Core Standards and I told them that I think that that was a mistake, that they would be bypassing the legislature in doing that and, oddly enough, right after that the National Governors Association came out and they formed a pact together—not one that goes against people, not the political action campaign but a pact together—that they were going to promote Common Core Standards. Now, this is nothing to do with politics because this is the National Governors Association led by a Republican governor and the National Association of Governors led by a Democrat governor . . . it went by two of them this way. In forming that pact, they decided to bypass the legislatures. Now, under the Tenth Amendment and the Fourteenth Amendment of the U. S. Constitution, I felt that that was an infringement upon state rights. And I fought this. And I fought it pretty hard. And I lost. I understand what losing is when you do and fight something pretty hard. But the bottom line is . . .

Now, let's go back to what we're talking about when we're talking about the bill that was proposed. I agree Common Core is dead and it should've been dead. It shouldn't have been proposed. And I did not agree with it at the time. I don't agree with it now. I do agree that education lives by standards. They've had standards, academic standards all the time that I can remember. Those standards are made by state people and that's the way it should be. Adopted by a state board not accepted by the Chief State School Officers

and National Governors Association and then forced upon a state. And that's the biggest issue I had before.

Now, but let's go back to the standards. Eighty percent of the Common Core Standards that they adopted were what the standards were before then. And I guarantee you, 80 percent of what we have now were in Common Core. Standards are standards. It's back to how you apply those standards in your teaching methods. And that's where we've been wrong because we've been trying to dictate from Charleston instead of emanate from the counties. And let's go back to that. Now, why would we do this—and this is the biggest opposition I had to this—to arbitrarily pick a 1997 math standard that was no longer used in California, and a 2001 language arts standard that was not used in Massachusetts. Now, I guarantee you, they are the harbor of conservatism in California and Massachusetts. And their standards . . . I was surprised that we would even consider adopting standards from those two states. But, at the time when they were done, they were good standards. Actually, when you review the math standards of California they're very generic in nature. When you go through the kindergarten, it tells you three or four different things that it tells you what you should be teaching.

We have to put these things to rest. And I'm glad the Senator from Monroe has presented a death certificate. I didn't know that we needed that here but if that officially puts this debate to close, I think that's great. Now let's get on to how do we let the teachers apply those standards, the College and Career Readiness Standards, as he indicated were adopted, how you apply those standards in teaching and how we raise student achievement in this state. But, more importantly, how we prepare the workforce for tomorrow which we aren't doing now. Thank you.

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**Designating March 17, 2017, as  
Corrections Day**

*(Adoption of Senate Resolution 40)*

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REMARKS OF  
**HONORABLE  
GREGORY L. BOSO**

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*Friday, March 17, 2017*

SENATOR BOSO: Thank you, Mr. President.

You know, our corrections officers are a vital part of our constitutional requirement within the State of West Virginia. When you get to reading the Constitution, it talks about . . . just a few brief sections of government that the Constitution mandates—corrections being one. These officers, every day, are faced with the worst of the worst, but they also get to influence in very positive ways. They do a wonderful job.

One of those, for instance, that is with us today who has gone through the difficult times in our correction facility is CPL Glen Johnson. For 27 years, CPL Johnson has received, or has served his fellow West Virginians as a correctional officer. On June 5, 2016, CPL Johnson was attacked by an inmate and injured at Huttonsville Correction Center which happens to be within my district. The inmate struck CPL Johnson from behind, knocking him to the ground. CPL Johnson briefly lost consciousness as the inmate continued to assault him. CPL Johnson was able to regain his senses and secure the inmate until other officers arrived. CPL Johnson's injuries included a concussion that kept him on medical leave for two weeks. He continued to experience headaches and blurry vision for months afterwards. He has returned to the job and is currently a member of the crisis negotiation team.

Mr. President, our corrections officers show up every day. They go to work. When we get to looking at, not just what they have to endure at the work environment, but also to understand that these, in many respects, and I have to admit, I think of them as heroes in many ways because they're standing in harm's way keeping the West Virginia public protected but, yet, when we look at the budget that we are faced with every day, unfortunately, their level of pay doesn't reflect that which they truly deserve.

I am honored to stand before you today to talk about these unsung heroes within the various locations throughout the State of West Virginia. Quietly, they show up and perform and protect us. And so, Mr. President, today, I am honored to stand and offer this resolution and I urge its passage.

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**Designating March 17, 2017, as  
Corrections Day**

*(Adoption of Senate Resolution 40)*

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REMARKS OF  
**HONORABLE  
RICHARD N. OJEDA II**

*Friday, March 17, 2017*

SENATOR OJEDA: Thank you, Mr. President.

I, too, gladly rise in support of this resolution. Any time we can recognize those great Americans that go above and beyond to keep the wolves at bay, I get excited. These men and women get up every day and enter a facility where the verbal assaults start at the door and physical assaults happen weekly.

Now, we heard of CPL Glen Johnson who now is suffering from traumatic brain injury. That's exactly what it is. And what that does is it attacks your memory, it attacks your balance and it causes you to have bouts of nausea—sometimes you have to lay in the floor. There was plans for an officer Tim Kittle to be here today but the doctor has not released him to attend any work functions due to his continued recovery from yet another brutal attack.

I think it is wonderful to highlight these warriors on the Senate floor, but let's not forget that West Virginia pays its correctional officers the lowest wages in America and making it impossible to receive overtime before the eighty-hour mark. Accidents happen when you are tired, ladies and gentlemen. And the wolves are always watching.

Hopefully, in the very near future, we can start seeing some of those bills that have been introduced—the ones that are in committee right now to help these men and women—to finally make their way to the Senate floor so we can really start improving the lives of our correctional workers and their families. To the correctional officers in attendance today and those on watch in those jails, prisons and juvenile centers across the state, God bless you and thank you all for your service. Airborne.

Thank you, Mr. President.

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**Designating March 17, 2017, as  
Corrections Day**

*(Adoption of Senate Resolution 40)*

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

*Friday, March 17, 2017*

SENATOR ROMANO: Thank you, Mr. President.

I stand, briefly, in support of the gentleman from Logan's comments. I mean, you know, a day for these correctional officers is a wonderful tribute. But let's be serious, we ought to be embarrassed at the pay that they receive for the dangerous job that they do. A correctional officer starting out in the State of West Virginia is eligible for food stamps the day they are hired. That's an embarrassment. This body who controls the budget should do something about that.

But, I laud these ladies and gentlemen who do so much for our state and am honored to stand in full support of the Corrections Day that we honor them with today.

Thank you.

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**Designating March 17, 2017, as  
Corrections Day**

*(Adoption of Senate Resolution 40)*

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REMARKS OF  
**HONORABLE  
RONALD F. MILLER**

*Friday, March 17, 2017*

SENATOR MILLER: Thank you, Mr. President.

I also stand today encouraging us to support our correctional officers as we take a picture with them. But let's not forget that we owe them more than a picture—more than a smile.

I've had legislation the past couple of, three years to give correctional officers a pay raise because it's so badly needed. Their starting salary is pathetic in our state. I had a correctional officer write me one time complaining about—not really complaining—wanting to know if we were going to do something about the salary. And I wrote back, "Well, my salary isn't great either." And I found out, part time here as a legislator, I make almost what they make working full time every day as a correctional officer. And that is obscene. I have a couple pieces of legislation this time dealing with correctional officer pay and dealing with juveniles that are held in juvenile facilities that need to be transferred to adult facilities, too.

So, I would encourage us to certainly smile for the picture, but let's also put those smiles to action and do something for these men and women who work hard for this great state. I know it's a difficult time, but they have a difficult job. So, let's do something.

Thank you.

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**Recognizing Pineville Middle School's  
Pineville Giving Tree project**

*(Adoption of Senate Resolution 41)*

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REMARKS OF  
**HONORABLE  
SUE CLINE**

*Friday, March 17, 2017*

SENATOR CLINE: On behalf of Senator Mullins and I, we would like to commend these students for the fabulous showing as to what can be done and how a community can come together to be helpful to others. Thank you very much. And we would also welcome the chaperones with them today sitting in the north gallery. And I would also like to commend these children again.

This shows you exactly what our youth is all over our state. And they make West Virginia proud and I thank you very much and we're proud of you.

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REMARKS OF  
**HONORABLE**  
**MARK R. MAYNARD**

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*Friday, March 17, 2017*

SENATOR MAYNARD: Thank you, Mr. President.

In reference to my intern, Mr. Alex Vance, he exceeded all my expectations and he was unbelievably efficient, professional, organized, prompt and patient. His military experience no doubt played a part in his ability to be so proficient in everything I asked of him. You mark my word, you will hear more about Alex Vance later in the future. Wherever you're at Alex, thank you so much for your help this week.

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**Repealing section related to wind  
power projects**

*(Passage of Engrossed Committee  
Substitute for Senate Bill 16)*

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REMARKS OF  
**HONORABLE**  
**COREY PALUMBO**

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*Saturday, March 18, 2017*

SENATOR PALUMBO: Thank you, Mr. President. I rise in opposition to this bill.

As I tried to point out yesterday, we provide this arbitrary, and arguably

unconstitutional, tax treatment to all different types of industries and objects. Why we're singling out one to pull the rug out from under them but we're continuing to provide that arbitrary and, potentially, unconstitutional tax treatment for all other kinds of industries and products is beyond my comprehension. If we're going to end that kind of treatment for folks out there, we should end it for everyone. But why we're going to single out one industry and stop it for them and allow it to continue for everyone else, to me makes no sense.

So, I urge rejection of this bill.

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REMARKS OF  
**HONORABLE**  
**PATRICIA PUERTAS RUCKER**

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*Saturday, March 18, 2017*

SENATOR RUCKER: Thank you, Mr. President.

The ending of Common Core is an issue that has stirred the passions of West Virginia voters. Voters have made it very clear that repealing Common Core is an issue that has consistently remained a top priority in West Virginia. In my own county, the local Republican executive committee unanimously passed a resolution urging the Legislature to honor the state GOP platform and end Common Core. A recent West Virginia press release said the following: Despite record spending nationwide, our students' results are lagging less developed nations and Common Core is choking off the excellent and creative teachers who serve us now. It went on to criticize those that stand in the way of abolishing Common Core.

Senate Bill 524 isn't quite as definitive as it could be with regard to what replaces Common Core. It, therefore, behooves us to

be diligent in following up to make sure that the replacement for Common Core truly serves the needs of students throughout the State of West Virginia. The Legislature, including we who serve in this Senate, must remain engaged and involved in observing and ensuring that the replacement process goes well and that our schools provide a quality education for all of our students. We must stand ready to intervene if this legislation is not implemented properly to the satisfaction of the voters of our great state.

Thank you.

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**Designating March 21, 2017, as Down Syndrome Awareness Day**

*(Adoption of Senate Resolution 44)*

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**REMARKS OF  
HONORABLE  
JEFF MULLINS**

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*Tuesday, March 21, 2017*

SENATOR MULLINS: Thank you, Mr. President.

As some of you know, today is World Down Syndrome Day. World Down Syndrome Day is celebrated on the twenty-first day of the third month to signify the uniqueness of the triplication of the twenty-first chromosome which occurs and causes Down Syndrome.

Down Syndrome is the most commonly occurring chromosomal condition. Approximately 1 in every 700 babies in the United States is born with Down Syndrome. Down Syndrome occurs in people of all races and economic levels. People with Down Syndrome have an

increased risk for medical conditions such as congenital heart defects, respiratory and hearing problems, Alzheimer's disease, childhood leukemia and thyroid conditions. Many of these conditions are now treatable so many people with Down Syndrome lead healthy lives.

Individuals with Down Syndrome share some common traits but every individual with Down Syndrome is unique. People with Down Syndrome attend school, work, participate in decisions that affect them, have meaningful relationships, vote and contribute to society in many wonderful ways. All people with Down Syndrome experience cognitive delays but the effect is usually mild to moderate and is not indicative of the many strengths and talents that each individual possesses. Quality educational programs, a stimulating home environment, good health care and a positive support from family, friends and the community enable people with Down Syndrome to lead fulfilling and productive lives.

And I'd like to share with you today, something written by Christina Johnson: The four-leaf clover is considered a rare variation of the three-leaf clover. No one is sure how or why the extra leaf develops when all other biological and environmental conditions are the same, but they are considered good luck and cherished by all who possess them. Down Syndrome occurs in much the same way. No one knows why some babies are born with an extra chromosome but those of us that are fortunate to have them in our lives consider it a gift. We are the lucky few. Our clovers are not worth more or less than the standard ones, they are just merely different. My hope is that one day, differences will be cherished and celebrated as much as the four-leaf clover.

Seventeen years ago, we were blessed with a son with Down Syndrome. It's probably the best thing that's ever happened to my wife and I and our family. And his

love goes far beyond just our family. It stretches out beyond that to our friends and even to—I'm going to try to gather myself here—to other people.

And I want to share a story. This year, Andrea came home and said the basketball coach wants Chase to be the manager of the basketball team. And I was like, well, I'm not sure that's a good idea because I coached my oldest son in AAU and I knew how competitive it was and I didn't want him to be a distraction to the team and what they were trying to get accomplished. And he was like, "No, no, we want him there. He's good for the team and he's good for us and we want him around." So, he became the manager of the basketball team. And, the coach there, Coach Olson, he's not just a great coach, he's a great individual, great person and he's been able to share that with the team and the coaches all year long. And, so, when Andrea came home one day and told a story that one of the coaches told her, I thought this is kind of why he's there. So, one day after practice, they're in the locker room and they're trying to get all fired up for the game the next day, and the coach is like, "Hey, we need some music in here and we need to get everybody fired up, you know. We need to get this place going. We should have a music box in here." And Chase says, "Wait a minute, Coach. I got this. I got this." So, Chase pulls out his iPhone, puts on the music, throws it in the middle of the floor and starts playing his Christian music. So, of course, that fired the whole team up. And . . . but, anyway, that just shows how far his love and support and happiness goes far beyond just Andrea and I. And, I know that I've heard him tell the coaches that he loves them and I've heard them tell him that they love him. And, so his love and happiness goes far beyond Andrea and I.

So, Mr. President, without further ado, I'd like to . . . in closing, would ask that people join me and my family to create a

single voice in advocating for the rights, inclusion and well-being of all individuals with Down Syndrome the twenty-first day of March and I urge support of the resolution.

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**Designating March 21, 2017, as  
Preston County Day**

*(Adoption of Senate Resolution 45)*

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REMARKS OF  
**HONORABLE  
DAVE SYPOLT**

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*Tuesday, March 21, 2017*

SENATOR SYPOLT: Thank you, Mr. President.

Today is Preston County Day at the Legislature and on behalf of the Senator of Tucker and myself, we would like to welcome all the businesses and agencies and the members who came here to make it all possible and, certainly, a big thank you to the members and the staff who so warmly welcomed us.

Now, I have no doubt that every person of the body, when they came into the Capitol this morning, they said, "There's something going on in here." Because the smell of buckwheat cakes and whole hog sausage emanated throughout the whole Capitol. I could smell it clear out in the west wing. So, that's a pretty big deal. We all know when Preston County's here.

Now, I want to let you in on just a little bit of Preston County lure. You notice when I said Preston County buckwheat cakes, I didn't say pancakes. Now, back where I'm from, if you call them pancakes, first of all, you're going to get sort of a strange



look and then some sort of a dismissive comment along the lines of, “They must not be from around here.” Because back in Preston County, they are buckwheat cakes, not pancakes.

Today, our theme is outdoor recreation opportunities. And, obviously, Preston County has plenty of opportunities. Outdoor recreation in West Virginia generates about seven and a half billion dollars and employs about 82,000 people throughout the state. And, in our county, we have ample opportunities for bicycling, camping, fishing, hunting, including snipe hunting—I’ve heard that snipe hunting is a pretty vibrant sport in our state—paddling, snow sports, trail use and wildlife viewing. And, obviously, those outdoor recreational opportunities create jobs for our families and keep us all home and we generate the tax revenue and helps drive the economy. And we all appreciate that. And we appreciate all the members of the state and from other states coming into our county to help patronize these businesses.

Another point I’d like to bring out—and this is a little bit off script—is that there are three elements that were present today, both in the chamber and also out in the hallway, that I like to kind of brag about. One was the Mountaineer ChalleNGe Academy. And they were present out in the hallway and I think they were over in the House of Delegates this morning but everyone within the sound of my voice should be proud of the Mountaineer ChalleNGe Academy. That program is an alternative education program for at-risk youth and it’s touched all 55 counties in our state. Over the 22 years the program has grown until this last December, it graduated 159 cadets—and they have two classes every year—and it’s the largest in history. Overall, they’ve graduated some thirty-three hundred graduates. And they’re from all over the state so when we talk about the Mountaineer ChalleNGe Academy and

Preston County Day, we’re not just talking about Preston County. We’re talking about West Virginia’s Day. Because it is absolutely the most successful program for alternative education in the state’s history and we’re so very proud of it.

The next is our Future Farmers of America. And we saw many of the blue jackets out in the hallway. I will tell you that Preston County has one of the most active, if not the most active, chapter in the entire state.

And the Junior ROTC who presented our Colors today, which we have a very vibrant JROTC program in our county—it seems to me like there are over 150 cadets and I didn’t get the current information on that but I know there are over 150. There were over 150 ten years ago. At any rate, it came to my attention just this morning that some counties do not have an FFA program or a JROTC program and I would ask every member in this body when you go home, talk to your boards of education and find out if those programs are available in your counties. And, if they’re not, they’re fantastic and they’re character building. In fact, on a personal note, I will say that the JROTC and FFA is a lot more than just playing soldier or playing farmer. These programs incite self-esteem, self-discipline and character and those are traits that our young people need today and once it’s instilled in them they will carry that throughout their whole life. It will do nothing but improve your communities.

Mr. President, I urge adoption of this resolution.

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**Designating March 21, 2017, as  
Preston County Day**

*(Adoption of Senate Resolution 45)*

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REMARKS OF  
HONORABLE  
RANDY E. SMITH

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*Tuesday, March 21, 2017*

SENATOR SMITH: Thank you, Mr. President.

I also rise in support of this resolution. I spent my whole life in Preston County from the time I was a baby until about a year and a half ago. I had to move because of my job but . . . I look into the crowd there, that's waiting there, and some of them I graduated with, a lot of them I went to school with, so they're still pretty young people.

I had the opportunity of having most of Preston County in my delegate district and the ChalleNGe Academy that my colleague talked about is no doubt a bright spot. But we also have one of the largest and most active senior programs in the state also. I see Janie Lou White, the director of the senior program there, and she does a wonderful job with it. And we also have one of the best shelter workshop programs in Preston County—John Hyre's there, does a tremendous job with it and employs a lot people.

Now, I'm from Terra Alta, which is up on the mountain, Terra Alta rural area. Terra Alta, in case most of you don't know, it is the snow capitol of West Virginia. We've got the record in snowfall for incorporated towns in the State of West Virginia and also home to beautiful Alpine Lake Resort. But, to my friends down in the valley, I just want to remind you that everything uphill rolls downhill, so I want to bring that . . .

But, I'm very proud to say I'm from Preston County and there's no greater people in the state. And, whenever someone asks you where you're from, and, if you say Preston County, nine times out of ten

they're going to say, "Oh, the Buckwheat Festival." So, they honestly think the Buckwheat Festival is a state in its own in some areas.

So . . . but I do stand in support of this resolution.

Thank you, Mr. President.

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**Celebrating achievements and  
contributions of Monongalia County**

*(Adoption of Senate Resolution 47)*

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REMARKS OF  
HONORABLE  
ROBERT D. BEACH

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*Tuesday, March 21, 2017*

SENATOR BEACH: Thank you, Mr. President.

Ladies and gentlemen, on behalf of myself, Senator from the Thirteenth, Senator from Preston County, Senator from Tucker County, Senator from Marshall and another Senator, excuse me, from Tucker County, it is my pleasure to welcome good friends of ours from Monongalia County. A nice delegation, all friends of mine, and, very special friends of mine I should say, and it's an exciting day for us in Morgantown and across Monongalia County.

As many of you are aware, we sit along the banks of the Monongahela River. We are the third largest county by population in the State of West Virginia, exceeding a growth rate of 1.6 percent each and every year. Obviously, we are the home to the West Virginia Mountaineers, a public land grant institution. We're home to a beautiful ballpark and an award-winning ballpark as well. The Black Bears and the

Mountaineers both play there. And we, as many of you are aware, are also the home of the Black Bears which is a feeder team for the Pittsburgh Pirates.

Monongalia County is known for many, many, many things, including its arts festivals, it's MountainFest, it's Coopers Rocks, the Caperton Trail and the many other nationally acclaimed accommodations and amenities throughout the community. We're also recognized in recent years for being the best performing small metro, best small metro for business and careers, best quality of life and knowledge workers, smart places to work, smart places to live, Morgantown top college destination and the list goes on and on.

But, I'd be remiss because we're always focused on Morgantown and, while Morgantown is my home and it's a great place to live, there are other great communities in Monongalia County. The western end of the county we have Blacksville, West Virginia. Then closer to town we have, closer to Morgantown city limits, we have Star City, Westover and Granville. And Granville, as many of you know, is that boomtown right now where we have the ballpark, we have the TIFF project and we have many other things that are occurring right now.

So, it is my pleasure, along with many of the individuals here I mentioned earlier, to welcome Monongalia County here to the Senate chamber.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
SUE CLINE

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*Tuesday, March 21, 2017*

SENATOR CLINE: Thank you, Mr. President.

I stand in order of Rosie the Riveter Day—the first national observance honoring the women who worked in defense roles in World War II on the home front breaking barriers and reshaping the modern workforce—is being observed today, the first Rosie the Riveter Day, which came by approval of the U. S. Senate resolution on March 15, 2017.

Most people don't think of Rosie the Riveter as someone who paved the way for women's equality in workforce. However, Rosie stepped up and filled the gap while men were fighting World War II. Many women were patriotic but the majority of the women who went into the workforce were women seeking to gain high level skills and salaries after years of being passed over for jobs. It was their way to send money back to their families during the war and help in the effort.

During the beginning of World War II, my dad and his two brothers signed up for and volunteered for service rather than being drafted. My dad always said that his country owed him nothing but he owed his country everything. My mom and dad were dating at the time and in a letter that my dad had sent home to her while he was in basic training, he was in the first 82nd Airborne School for Paratroopers and he sent home a letter and told her that if she was in Baltimore, that they could see each other once a week for five minutes as he goes by as he passed through the train station. My mother had never been more than 10 or 20 miles away from her home. She took her \$25 that she made at the dime store and she boarded a bus and took a train to Baltimore, Maryland. She got a job in the airplane factory, however, she did not know where it was at. She took the bus there every day with the windows blackened and they drove straight to the factory and dropped them off

for work every day. They worked 10 to 20 hours a day, seven days a week. And for three years, she never knew where she was going. It was not until many years later, after she was married and home, that she knew where she'd been working all those years. She seen a documentary on TV that showed the Glenn L. Martin Aircraft and Aerospace Manufacturing Company and what it did during the war. She recognized that factory as where she'd been working for all those three years and today is the aerospace giant Lockheed Aerospace Company. She helped make the B-26 bombers, the A-22 bombers and the flying boats. Every week she would meet him at the train station until he went overseas and, after he left, she persuaded six or seven women that lived around us—her aunts, her mother, her mother-in-law, her sister-in-laws—to come to Baltimore to work with them. They all took the same train and went to Baltimore and they stayed in a boarding house for the term of the war. Then they came home with their soldiers to start their lives. When the war was over, my mom and dad were married in Baltimore after he got out of the hospital—he's a decorated war hero—and they came back to Brenton to live and raise their family.

Thousands of women responded to this call and left their farms and their towns and walked away from never being more than five or six miles, some of them, away from their home and loaded on those trains and went to Baltimore, Michigan and all different places of our country. They worked tirelessly for 10 to 20 hours a day, seven days a week. And most of them were just girlfriends who married their heroes and came home. They built the America that we live in today.

We need to stand in their honor like our World War II heroes. These women are part of the greatest generation. They're in their nineties now and they're dying every day without the recognition they so greatly deserve. Great Britain has given them the recognition but America has not. Rosie's

are our unsung heroes that kept our planes in the air and our factories going to make the tools that the men needed to win the war, working tirelessly all those hours and all those days. And I am proud to be the daughter of Rosie the Riveter.

Thank you.

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REMARKS OF  
**HONORABLE  
ROBERT D. BEACH**

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*Tuesday, March 21, 2017*

SENATOR BEACH: Ladies and gentlemen, I . . . this morning, since we've began session, I received some disturbing information. And I find it disturbing because many of you have served with me for years, you understand my appreciation and love for the committee process but, more importantly, my love for the entire process and the men and women who serve here in the Legislature. And, it's my understanding for the past three days, on the other side of the building, we have an individual who takes potshots at one of our members. Now, I know that on a daily basis we don't agree on everything but when we leave the walls here and step out into the hallways we're gentlemen. We're ladies and gentlemen. And we respect each other for our difference and opinions as well as those opinions we share. But on the other side of the hallway is an individual who takes potshots, cheap potshots, at one of the chairman of our committee. Now, I know in the past, you know, we don't agree on everything and even in campaign mode we don't agree with everything and we may take cheap shots at each other but within these walls that kind of behavior is uncalled for—uncalled for in a member of the Legislature. And I'm challenging, I'm calling out the Speaker of the House

to rein his people in and get that behavior in order. Because, in my opinion, that is unacceptable.

Thank you, Mr. President.

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**Congratulating Charleston Catholic  
golf team for winning 2016 Class A State  
Championship**

*(Adoption of Senate Resolution 48)*

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REMARKS OF  
**HONORABLE  
COREY PALUMBO**

*Wednesday, March 22, 2017*

SENATOR PALUMBO: Thank you, Mr. President. I'm proud to stand up today in support of this resolution.

As the members of the Senate who were here last year know, we had this golf team here last session when they won their fifth straight golf state championship. They have now won their sixth straight golf state championship which is the longest streak of any team in any sport in the history of this state. Six straight state championships. It's an unparalleled accomplishment that they have achieved and it's really a tremendous testament to the character and skills of these young men. So, I urge adoption of this resolution.

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**Designating March 22, 2017, as Civil  
Air Patrol Day in WV**

*(Adoption of Senate Resolution 49)*

REMARKS OF  
**HONORABLE  
RYAN W. WELD**

*Wednesday, March 22, 2017*

SENATOR WELD: Mr. President, today is a pretty important day for a big group of individuals here in the State of West Virginia that I've come to know very well throughout my legislative career and that's the Civil Air Patrol here in West Virginia. And, really it's broken down into two diverse groups.

You've got the first group that does a lot of stuff like photography during the flood. I mean, they were there day in and day out in the southern part of this state taking imagery that went all the way up to the Joint Chiefs of Staff to give them a briefing on the situation here in this state. They did search and rescue in the aftermath of the flood as well.

And then, what I think may be, at least to me, might be the most important part of the Civil Air Patrol is their cadet program. And, it's such a tremendous program to the state that gives, you know, our youth an opportunity to learn how to be leaders, to show those abilities and to hone them before—maybe they join the military, maybe they go on to college.

I had an opportunity to give an award this past January to an individual student. He's a senior at Wheeling Park High School. He was getting the second-highest award that the Civil Air Patrol has to offer. He's going on to the Naval Academy and I think that, in talking with him, the basis for what drove him to want to go to the Academy and be a leader in the nation's military started for him in the Civil Air Patrol. So for that, I am very proud to be a part of this resolution and I urge its adoption.

**Designating March 22, 2017, as Civil  
Air Patrol Day in WV**

*(Adoption of Senate Resolution 49)*

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**REMARKS OF  
HONORABLE  
RONALD F. MILLER**

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*Wednesday, March 22, 2017*

SENATOR MILLER: Thank you, Mr. President. I, too, urge the adoption of this resolution.

I am proud to say that I am an honorary member of the Civil Air Patrol. I didn't realize my rank was major until I looked at my card. All members of the Legislature can be honorary members of the Civil Air Patrol and I encourage you to do so and be part of that in your communities. They're very, very active in our community. They do a great thing for young people. I've seen them go on to the military academies and other places. So, I encourage all members of the Legislature be part of that and support this resolution today.

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**REMARKS OF  
HONORABLE  
MICHAEL J. MARONEY**

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*Wednesday, March 22, 2017*

SENATOR MARONEY: Thank you, Mr. President.

I wanted to stand up today and make some remarks. I'm going to cut it shorter than initially . . . but there was a lot of . . . I've been down here for, you know, a little over a month now and, you know, you don't . . . when you're coming from my line of

work and, you know, my experiences in life, you don't really have much experience in politics. So, it's a huge, huge and very steep learning curve with regards to everything from finding the bathroom, to the conduct, to reading the bills. I mean, the whole process is tough down here. And I respect all the members greatly for their service even more so than before after living some of it.

I was going to talk about a few individual bills but I'm not going to do that today other than to say that, you know, during the campaign there were three big issues in this state. One of them was jobs, you know. There's not enough people working. That's extremely obvious, it's well documented and, you know, we have, especially in my area, which is ground zero for the, you know, for the minerals and, you know . . . the . . . We've been talking about these mineral bills for session after session after session and I just . . . I really urge everyone, you know, come to some sort of compromise. I mean, if we can't, you know, if the parties involved can't compromise, then maybe we need to, you know, help them along and make a compromise for them because this is vital to start getting this up out of the ground for my area. And there's a lot of people in my area that won't like that comment I just made but there's a lot of people in my area that need a job. And they will like it.

You know, the second big issue in my opinion is this drug epidemic. And I'm not going to talk too much about that other than to say that, you know, assuming I finish four years on this Senate floor, if I don't accomplish something significant with regards to the drug epidemic, I'll consider the four years a failure. It's . . . you know, we really haven't done much this session. I think maybe we can try to make some hay from the last day to the next first day. But, you know, we maybe took one little small step in the wrong direction but, you know, that needs to be addressed.

Lastly, the budget. Okay, the budget gets all the press. It gets . . . and we're getting beat up in the press about the budget. But what we're doing in my opinion is proper. It's such a big problem and we discuss it at length every day. I'm not present in all of our meetings and I still talk about it every day, numerous times every day. We have to be prudent and we can't just rush because people are putting pressure on us. You have to evaluate everything with . . . every aspect of it. It would be extremely irresponsible to do otherwise.

Lastly—and the only reason, I would have kept all that in—but the main reason I stood up is I wanted to talk a little bit about Governor Justice. The, you know, he's been attacking us as a . . . entire body. You know, not just the Senate, the House . . . you know, he put the . . . we got a clock up in front of his office. That was cute, didn't really require any comments. You know, name calling. He referred to himself as a grizzly bear. He referred to, you know, members of our, you know, caucus as a poodle. I mean, that required comment. That was crossing the line. I've been called a "knucklehead" just like everyone else in here. I've been called a "blockhead" just like everyone else in here. You know, when there's phrases like "done done it" and words like "daggone" in the same sentence it takes a little bit away from it. So, it didn't require much comments but then, when you up it to "idiot", you know, everyone's an idiot, we're all idiots. There's 34 idiots in here. There's 100 idiots across the hall. That's a strong word. And that one, that one . . . that word is the reason I stood up today. You know, I got a . . . this is a quotation "I got a grizz on my behind, you know, we all do, you know, he's chasing us all." And that bothers me, too. I just . . . I feel that there's games being played and that's not the way to go about it.

Okay, you know, you learn the hard way on how to act down here. I'm going

through some of this on my own and the . . . I personally want to call him out on it. I think it's . . . he needs to be called out. You know, to me, the, you know, the final straw was the lantern in the Capitol dome. I didn't know even what that meant. I saw it on, I started talking to some people and, you know, I found out what it meant. And, to use that . . . I mean, the last time that was on a couple dozen people died, over 1,000 people lost their home, you know, probably tens of the thousands of people were significantly affected. I don't know anybody that died or lost their home, you know, I live in the Northern Panhandle. But, to use that as a political ploy, to me, is extremely poor judgement and very insensitive. I think it crosses the line and that's why I'm standing up. I would call for him to turn that lantern off today. And that's all I have.

Thank you.

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**REMARKS OF  
HONORABLE  
ROMAN W. PREZIOSO, JR.**

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*Wednesday, March 22, 2017*

SENATOR PREZIOSO: Thank you, Mr. President.

I certainly appreciate the Senator from Marshall's remarks. I can remember when I came down as a freshman, finding the bathroom was difficult and it is a steep learning curve and I think it's a steep learning curve for the Governor. The Governor is a man that, you know, he's a business man. He commands a lot of responsibility in his business to be able to make decisions to, you know, he employs people. And he's got a tremendous amount of assets and he's approaching this as a business venture. And, I think the

Governor's put a plan together; we heard him at the State of the State, you know, he's got a two-tiered plan. His plan is, basically, on one side to stabilize the economy and on the next side to ignite it, to invigorate it, to grow the economy. And he's presented an aggressive program on roads and infrastructure and things of that sort and I think a lot of us in this body certainly buy into that.

You know, I've been here for a while and I've addressed some tough issues and, you know, we did the workers' comp, we did the retirement programs, we did OPEB programs and the list went on and on and they were very difficult decisions in the face of a, you know, of the negative comments we got from our constituents. We pressed forward and we made decisions that were relevant and we thought we were growing the state. We addressed tax issues. You know, we did a myriad of different issues that we thought would grow the economy but it hasn't. And right now, we're facing a crisis situation. You know, the clock down in the Governor's office, I take no offense to that. I find it quite amusing when I come in every morning to look at the thing and say, "You know, we've got 18 days left. We've got to get something done. The people of this state expect us to get something done."

The election was clear. You know, I think that people ran and a lot of new folks in this chamber ran on issues and the people looked at their candidates and said, "Look, we want you to go down to Charleston and put partisan politics aside, work together, get the job done, eliminate the bickering, you know. We just want a responsible Legislature." And I'm sure when Governor Justice and the campaign that he was in, you know, was a high-stakes campaign. It was a lot of money and he presented to the people that said, "You know, he doesn't want anything from this state." He's not even taking a salary. He's driving his own automobile. You know, he

probably wouldn't . . . doesn't want any State Police protection. But he wants to make a concerted effort to do something and that's why he was elected. He has a deep, deep feeling that, you know, he was elected to get the job done. He's probably a one-time Governor, he wants to make a difference, he wants to see the state, you know, certainly prosper and be successful. And, you know, the theatrics that goes on in both sides is not what I would consider, you know, why I want to be here. You know, I want to get down and actually do the work.

The Governor has instituted a situation where he's going to meet at nine o'clock every morning. From what I understand, he's offered an invitation for the leadership here to participate. You know, we had our first meeting this morning. He just reiterated his program that, you know, that he's going to reach out, he wants to work across party aisles. The Senator from Marshall, I would love see you down there at nine o'clock tomorrow morning. The Governor would be glad to talk to you and I think you've got a lot to offer. I've seen in this body right now the new members with their new enthusiasm and the way they want to approach government is commendable. But, we're getting down to the final third of the session. We don't want to be here like we were last year. Now, nobody wants to be here because we started a month later, the weather's getting good outside, you know, we want to be home with our families and, we plan things, we want to get back to our jobs, summer vacation, we really want to get something done. And, I think, basically, the only . . . as I look at this budget and I'm sure the Finance chair has spent numerous hours looking at this budget and worked with his committee to be able to show them exactly, you know, what would happen if we cut here or there. And I know you all presented, the leadership presented a budget a couple of days ago . . . it was more conceptual than the actual budget.



It left about \$150 million to maybe \$200 million of proposed cuts. You know, the fear that I have personally is that I've seen time and time again where we mandate that agencies propose a two, three, ten percent cut across the board and what happens? We back away and they make the decisions and we say . . . you know, our constituents call and they say, "Well, why did you cut that?" "Well," we say, "we didn't cut that. The agency cut the program." We didn't cut it, but we mandated that they cut a certain percentage. So, we certainly were the ones that mandated that cut. We would like to see—and I know it's a problem and I know that if we put it on paper and look at it and disaggregate all the data that the \$150 million short . . . the gap, that we propose in cuts are clearly identified. You know, if you're going to take \$50 million from public ed, \$50 from higher ed, \$50 from DHHR, let's go in and have the debate on where those line items are. That's all we're asking and I think that's all the Governor wants to see. He wants to see specifics. He just doesn't want to say, see a conceptual budget that says that the agencies have to cut certain amount of money. He wants to see specifics. And, as a business person, you know, that's the bottom line. You've got to look at every detail. You can't make decisions accordingly. And I hope that in the final, what, 18 days, 18, 17 days of this session, that we do come together and we still have time to look and put a budget together that we can all agree on.

But, Mr. President, I hope that we have the feeling that, you know, our two parties can work together with the Governor, work with the folks across the aisle and get the job done. I think the people of this state not only deserve it, they mandate that we do it. And, if we fail to do that this session, I'm just, you know, afraid that there are going to be serious repercussions in the next election. Thank you.

**Commemorating 25th anniversary for national and state ChalleNGe Program**

*(Adoption of Senate Resolution 50)*

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REMARKS OF  
**HONORABLE  
DAVE SYPOLT**

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*Thursday, March 23, 2017*

SENATOR SYPOLT: Thank you, Mr. President.

You know, we're really pleased to have with us today some representatives from the Mountaineer ChalleNGe Academy. They've certainly been a shining star in our community and, as was brought forth on the resolution short title, this is their twenty-fifth anniversary. And many people have heard me talk about the ChalleNGe Academy at different occasions and I'd like to stress to everybody in this body that just because the ChalleNGe Academy is housed in Preston County in Kingwood, doesn't mean that it's about Preston County. The ChalleNGe Academy affects everybody in this chamber and everybody's district and everybody's county. They have graduated in the past 25 years 3,300 cadets. And those are 3,300 youth that have had a second chance on life. A chance to reach out and be productive members of society. And, just this past December in fact, they had the largest graduating class of cadets of 159, and they are to be commended for that.

The ChalleNGe Academy takes at-risk youth and they promote values for skills and education and self-discipline in a quasi-military environment. And they've been highly successful. And, I would suggest to you, that they are probably the most successful alternative education institution in the entire history of the State of West Virginia.

We are glad to have them here today and to honor them in this fashion. I would urge adoption of this resolution.

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**Commemorating 25th anniversary for national and state ChalleNGe Program**

*(Adoption of Senate Resolution 50)*

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**REMARKS OF  
HONORABLE  
RANDY E. SMITH**

*Thursday, March 23, 2017*

SENATOR SMITH: Thank you, Mr. President. I also stand in support of this resolution.

This is not only the shining star of Preston County, this program, but it's the shining star of the State of West Virginia. Since this is my fifth year being a representative, I've missed one graduation and I urge everyone in the House or in the chamber here to attend one of these graduations that they have. They have two a year and I'll guarantee you'll leave it with probably not a dry eye.

But, it's just unbelievable what these young men and women . . . what they're able to accomplish and, as the Senator said, the last class represented 40 counties with Kanawha County being the highest with 32 cadets. Eighty-one percent passed the TASC examination, 81 percent earned high school diplomas and 41 percent qualified with their TASC scores for the PROMISE scholarship. Their placement status: 43 percent left there with employment, immediate employment, 26 percent left there and went to the military, 15 percent of these young men and women went to college and 16 percent went to a vo-tech program.

The service to our community is just what these young men and women means to the community. They're involved in—I had the numbers—I forget how many thousand hours of community projects. You'll see them at the volunteer fire department serving breakfast, you'll see them on the . . . along the road on the river . . . the Cheat stocking trout. You'll see them in your communities cleaning up parks. And I urge you, if you get a chance, to talk to one of these young men and women here today and you won't hear "yeah", "no"; you'll hear "yes, sir", "no, sir", "yes, ma'am", "no, ma'am", "thank you", "please".

It's unbelievable what this program does for our youth. We cannot put a price tag on this. What we put into this program, I'll guarantee you, we're getting repaid tenfold. If we had time . . . General Hoyer . . . we could let him speak and he would speak for hours about this program. He's a strong supporter of this program and it's just unbelievable how this program can change these young peoples' life. And, the thing about that . . . a lot of . . . there's misconception . . . a lot of people think that they are required, that they're sent to this. This is 100 percent volunteer. These young people volunteer for this and, once they get there, they don't have to stay. They don't have to stay and complete the course. They can leave at any time they want to but the ones that graduate has decided to make a difference in their life—and not only their life, their community and the state. And, I can't not tell you how proud I am of this program and these young people, what they do to better their self. And, you know, I just can't say enough about it and how proud I am of you young people for what you're doing.

And, again, I urge adoption.

Thank you, Mr. President.

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**Commemorating 25th anniversary for  
national and state ChalleNGe Program**

*(Adoption of Senate Resolution 50)*

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**REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE**

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*Thursday, March 23, 2017*

SENATOR PLYMALE: Thank you, Mr. President. I do rise in support of this.

Oddly enough, I've been here as many years as this been but, particularly in the early years, in particular, about fifteen years ago when we had a real challenge with the matching money and we had to come up with the million dollars to keep in to funding this to match some of the federal dollars and some of the dollars the National Guard has been putting in this. But, I do agree with the Senator from Tucker. You need to attend. I've spoken as a commencement speaker for the graduation and the best testimony that you get in this is when you talk to the students before and after, to hear their stories. And, to hear their stories that this was, in some cases, the last hope that they had to be able to get things in . . . particularly, when you start talking to the parents or guardians of the children. That is amazing and the impact that this has had over 25 years is felt in every county.

And, I certainly appreciate the efforts that the National Guard and, as you noticed when you look at ChalleNGe Academy, the NG is capitalized for the National Guard. Their input and their direction on this and their support is the only reason we have it here.

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**Designating March 24, 2017, as  
Jefferson County Day**

*(Adoption of Senate Resolution 51)*

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**REMARKS OF  
HONORABLE  
PATRICIA PUERTAS RUCKER**

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*Friday, March 24, 2017*

SENATOR RUCKER: My fellow senators, Jefferson County seceded from Berkeley County in 1801 because the citizens of what was then the southeastern part of the county felt that they had to travel too far to the county seat in Martinsburg. Charles Washington, the brother of George Washington and for whom Charles Town was named, petitioned for a new county to be formed. It was named for Thomas Jefferson who wrote the Declaration of Independence and was the third president of the United States.

The history of Jefferson County is rich. John Brown led an assault on the armory in Harpers Ferry in 1859, an event that many consider to be the unofficial start of the Civil War. The Niagara Movement was founded in Harpers Ferry and eventually became the NAACP. Shepherdstown is regarded by many to be the first incorporated municipality in West Virginia, although I know there's some debate about that. Today, Shepherdstown is home to the university that bears his name. An institution that has been there for 145 years where students can get a quality education.

Tourism in Jefferson County is the largest industry by far and provides 35 percent of the jobs in the county. In the summer, you can hear them speaking many different languages. We have tourists that come from all over the world. Visitors can enjoy hiking the Appalachian Trails,

ziplining on the Potomac, canoeing, rafting and a host of outdoor activities. At night, there are restaurants, pubs, Hollywood casino and many other attractions.

Jefferson County's an important cultural and historic destination known the world over. It is still growing in spite of challenging economic headwinds and continues to be a dynamic contributor to the economy of our state. As the John Denver song says, "Almost heaven, West Virginia; Blue Ridge Mountains; Shenandoah River." All of these, you can find within Jefferson County.

I urge adoption of the resolution.

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**Designating March 24, 2017, as  
Firefighters Day**

*(Adoption of Senate Resolution 52)*

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REMARKS OF  
**HONORABLE  
GREGORY L. BOSO**

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*Friday, March 24, 2017*

SENATOR BOSO: Thank you, Mr. President.

It's an honor today to stand with some of my brothers under a different cross. They stand under the Maltese Cross of the fire service. They giveth their lives, they giveth their service, they giveth their time, they giveth their money, they sacrifice for family, they sacrifice for their communities, every day.

Mr. President, it's not often but, the tones hit and these gentlemen and ladies standing behind me step in the boots and pull up the bunker pants, willing to stand in harm's way. They put on the coat necessary

to protect themselves when in a raging fire a flashover occurs and that coat protects them from an environment that's 150 to 160 degrees all of a sudden rages to 1,200 degrees. They do it because they love what they do but, most importantly, they love our friends, our families at home within their communities. John said it best, "No greater love has any man than this that he lay down his life for his friends." These, my friends, are your friends. They will step in harm's way and take the bullet for you.

For 41 years, I've done it. I understand what they go through. It's not easy. Three years ago, May 4 of this year, I was standing on the pumper panel, operating the apparatus and a firefighter's greatest nightmare occurred. "Mayday. Mayday. Mayday! Firefighter down!" I don't talk about that moment very much. In about a minute and a half, I went from the pumper panel and put on that gear that sets before me right now, donned the breathing apparatus and went after a firefighter. He lives today because we were there.

Every day firefighters face challenges within our communities. They step up on the pumper panel, they step to the nozzle, they put on the gear and they protect us. When there's a tree down in the community, blocking the roadway, it's not the Department of Highways that the community calls first. Guess who? The fire department. When a loved one goes down in our local communities—for instance, a cardiac incident or maybe a child fell, knocked themselves out, became unconscious—the firefighters are dispatched to respond with the emergency services providers.

Mr. President, I love what I do. These guys and gals do, too. Why? Because they love you. Mr. President, it is my honor to stand and recommend passage of this resolution today.

Thank you.

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**Designating March 24, 2017, as  
Firefighters Day**

*(Adoption of Senate Resolution 52)*

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO

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*Friday, March 24, 2017*

SENATOR ROMANO: Thank you, Mr. President.

The Senator from Nicholas really said it all but, you know, as a county commissioner you really get to have some firsthand insight into our paid and volunteer firefighters. And you just don't realize, I mean, you know, I'm around and have as much experience as anybody but until I became county commissioner you don't realize that these guys put their lives—and women—put their lives on the line every day.

And, I just want to tell you a quick story because it will just, I think, sink home. You know, we all make the rounds of the fire departments, see how everything's going, if we can help when you're county commissioner. I happened to be in Nutter Fort, one of the finest volunteer fire departments you'll ever come across, talking to a young guy, knew him, he was a good guy, Michael Garrett, EMS, rode the ambulance, did it all. The siren goes off. He said, "Man, we were arguing about workers' comp because they don't have enough money." Siren goes off. He said, "I'm going to get back to you because I want to finish this argument." Gets on the truck. He was dead twenty minutes later. Cell tower fell on him. But that's the risk they take. That's the risk they take and we can't get ourselves to give them enough money so they don't have to stand out there in the rain and the cold with a boot so they can pay their bills.

Again, we're great at giving lip service to our heroes. Let's try to do something real for them, something that helps them help us. And please vote in favor of our resolution.

Thank you.

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**Creating WV Second Chance for  
Employment Act**

*(Passage of Eng. Com. Sub. for  
Senate Bill 76)*

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REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV

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*Friday, March 24, 2017*

SENATOR TRUMP: Thank you, Mr. President.

Senate Bill 76 is as the short title suggests, Second Chance for Employment Act. It amends a single section of the West Virginia Code. It's West Virginia Code §61-11-26, which relates to expungements. So, under current law, there's a limited, narrow window of expungements for misdemeanors . . . those that have been committed within a certain age group, between 18 and 26. This expands, substantially, the number of offenses for which people can receive expungements under the law: Misdemeanors and some felonies, for the first time.

There are limitations on expungement so there are certain offenses that are excluded. So, we're not going to allow, under this bill, expungements for every offense. Felony crimes of violence will not be expungable. Felonies where the victim is a minor child are not going to be expungable. Felony offense involving the use of a firearm is not going to be expungable. Felony offense

involving possession of a controlled substance with intent to sell . . . but there are a whole bunch of other offenses that are not proscribed that would be expungable under conditions.

There are lots of conditions. There are temporal requirements that are set forth in subdivision (2) of that subsection. There is, for misdemeanors, you can't be considered for expungement until a year has passed from the end of your sentence or probation. And, for a felony, I think it's three years under this. Three years after the completion of any sentence. The bill sets out the process for expungement. Some of that is contained in current law which is preserved and there are some additions to that.

There's language in here about notice, making sure that people who should be notified are all notified. Requires notice to the State Police, the prosecuting attorney, chief of police of a municipal police department or a sheriff's department, a sheriff, correctional institutions . . . .

The bill addresses what the burden of proof is going to be for a petition for expungement. And then it divides the . . . it addresses court procedure on an expungement and so, there's a preliminary and then final, or permanent expungements, that can be granted by the judge and, actually, this is in part to try address some concerns that we heard from the House of Delegates regarding very similar legislation that we passed from this body to the House last year that didn't make it across the finish line.

I think, Mr. President, I can say that I agree with the sponsors of this bill. That I think this bill will in a reasoned, balanced fashion give some of our citizens who have made the turn in their lives, changed their behaviors, done what we would want them to do or asked them to do, to have a second chance at getting a job in this state. So, I'd be happy to try to answer questions.

I urge the bill's passage.

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**Creating WV Second Chance for  
Employment Act**

*(Passage of Eng. Com. Sub. for  
Senate Bill 76)*

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**REMARKS OF  
HONORABLE  
GLENN D. JEFFRIES**

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*Friday, March 24, 2017*

SENATOR JEFFRIES: Thank you, Mr. President.

This is a piece of legislation that I really did not get involved with until about two years ago. And I would ask the body, give me about two or three minutes and explain how I got involved in it.

It was last June, it was on a very hot day, I was on the Charleston west side and I was volunteering, helping to refurbish some homes and landscaping and so forth. It was on project that was called Project West Invest. There were some volunteers there that were helping and they were from a workcamp up in Mount Olive. And I was paired up with a young man who was eager to learn. He was very polite and he was very well spoken. With our hands, we were busy working and our conversation became very, very easy. He shared with me a story about his difficult, violent childhood: Absent parents, troubled teenage years, poor choices that he had made as a young adult. And he was very clear about that, the choices that he alone made. As an inmate, he learned social skills, worked in prison, went to church. And, it's because of this hard work and good behavior he was trusted

to come out in the community. He was very proud of the trust that he had earned. But his heart was very clear and very troubled. He finally said to me, "Glenn," he said, "I'm afraid." Why was he afraid? He was afraid that he would not be able to get out and find a job to support himself. He wondered what we all take for granted: Start a family, have a home, be proud of his place in the world. He asked me with a mix of fear and hope in his eyes, "Do you think that I will be able to have a normal life?" And as we talked and worked, I tried my best to reassure him without giving him false hope. The trust [sic] was I had no real idea of how the world would treat a young African-American man with a felon. None of us here do. But, in my heart, I was afraid it would not be good.

When I started learning more about second chance legislation, he immediately came to my mind. I thought of how much hope this law would give him.

Mr. President, we have clearly, very carefully written this law to protect the public. What our state will expect of offenders to deserve this second chance is a lot. This program is for nonviolent offenders only. There must be five years have passed incarceration before they can be considered for permanent expungement. They cannot have committed a crime against a child. He can't be convicted for driving under the influence or have any conviction of conspiracy to commit a violent crime. They must prove their personal rehabilitation including treatment, work, behavior that demonstrates commitment. They must notify everyone involved in their arrest and conviction. Those who object can petition the court and hear the case and concerns. As a final protection, expungement may be overturned if that person breaks the law again.

It's a high bar we set for second chance. We expect a lot but, when these citizens

are successful, our state will gain so much. We, too, will get a second chance, a second chance to welcome a productive, grateful, full citizen back into our society. With a little luck, we'll get a second chance to see them build a normal life, find gainful employment, become a part of a stable family and a thriving community. But, most importantly, may we, as this body, give a second chance to see these lives bright with hope for the future.

Thank you, Mr. President. I urge passage.

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**Creating WV Second Chance for  
Employment Act**

*(Passage of Eng. Com. Sub.  
for Senate Bill 76)*

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REMARKS OF  
**HONORABLE  
C. EDWARD GAUNCH**

*Friday, March 24, 2017*

SENATOR GAUNCH: Thank you, Mr. President.

I believe strongly in personal responsibility. I also believe that there's consequences to our actions. But, in addition, I believe in redemption and mercy. And, I think this bill strikes a great balance for those things.

This is the right thing to do. Let's pass this piece of legislation.

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REMARKS OF  
**HONORABLE  
ROBERT D. BEACH**

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*Friday, March 24, 2017*

SENATOR BEACH: Thank you, Mr. President.

Ladies and gentlemen, I know as we're getting late here and we'd like to get out of here and get on the road or to our next committee, whatever it may be, but I ask that you indulge me for a few minutes here.

I want to take the time to read Senate Concurrent Resolution to you. It's a very short resolution. And there's a reason it's short and I'll get into that.

It says: Whereas, Jeffrey Alan Clovis was born on January 29, 1968, and was the first child of Donald Charles Clovis and Linda Kay Tucker of Morgantown, and the stepson of Donna Clovis and Darrell Tucker; and

Whereas, Jeffrey Alan Clovis was a 1986 graduate of Clay-Battelle High School, a member of the Loyal Order of Moose in Waynesburg, PA, and a member of the Kingdom Evangelical Church of Westover, West Virginia; and

Whereas, Jeffrey Alan Clovis was a 27-year veteran tow operator, receiving a certification of achievement in towing recovery and a certification in national master towing; and

Whereas, Jeffrey Alan Clovis was known for his good nature, quiet sacrifices in order to make others feel comfortable in whatever ordeal they may be enduring, all the while remaining vigilant in his professional responsibilities;

Whereas, Jeffery Alan Clovis of Wadestown, West Virginia, tragically lost his life while responding to a service call along Interstate 79 on August 9, 2016;

Whereas, Jeffrey Alan Clovis shall be remembered on the Wall of Fallen Heroes at the International Towing and Recovery Hall of Fame in Chattanooga, Tennessee; and

Whereas, Jeffrey Alan Clovis is survived by his wife, Sheila; daughter, Jennifer; step-daughter, Skyler; brother, Brent; and step-sister, Michelle; and

Whereas, It is most fitting that the West Virginia . . . Senate pay tribute to the sacrifices and accomplishments of Jeffrey Alan Clovis by naming a bridge in his honor.

Ladies and gentlemen, you know, most weekends, I remain here in Charleston. While most of you go home, I stay here in the Capitol and I'm usually working on emails, writing letters and addressing things, constituent nature. I also take time to write and craft my own memorial resolutions. I don't know about you but I take the time to write my own resolutions because I think it's important to me and it's important to the families that I'm dealing with back home—and it's deeply personal. In most cases, I've never met these folks—I've never met the families—but once I'm finished with this memorial resolution, I know them a little deeper and I definitely know the deceased.

Writing these resolutions can be difficult and time consuming. You want to treat the family and the deceased with respect. No two resolutions are alike. You quickly find out that the circumstances of their death are different than the last resolution you may have written. And, as you begin writing and reviewing and researching the material you quickly discover you're actually spending time with that individual, that deceased. You come to know the cause of their death, their hobbies, their public or military service and, of course, their families. You uncover with each word their individual legacy



and some legacies may be bigger than life while others may be little more than a participation in their church or coaching a children's baseball team. Legacies are important. The family may not immediately recognize their loved one's contribution but their time and contribution, their legacy, has a way of revealing itself.

As it is written, all things occur for His greater good. The same can be said for each one of us. We are legislators. We're writing our own book, writing our own legacy with each and every vote we cast, with each and every argument we offer. Our legacy is being written today. We cannot escape it—it is what it is. We, however, can be the author, the editor and, finally, the publisher but only if we remain diligent. It can be a legacy of change or a legacy of shackles. It can be a legacy that lifts up the person or a legacy that buries them under the notion that we are doing what we can do for the good of the state and not the individual.

Along with that resolution at the same time I introduced it, I introduced Senate Bill 258 (*Relating to safety of tow trucks, wreckers and tilt-bed vehicles*). And it's just a one line, just one simple line. It authorizes for emergency tow truck and wreckers and tilt beds, while stationary on the highway responding to a call, to have the same advantages of lights on their vehicle that fire departments have, that police departments have, that EMS have. And it's not a lot to ask to help build this gentleman's legacy, Mr. Clovis. As the resolution stated, he had a very small background but he had an impact on his family. But you have a chance right now, right now to take up a piece of legislation that could lift his legacy up, that could help the next guy out on the highway answering the call. And, if nothing else, it may not make that individual pull into the other lane, it may not even make that individual slow down but that red light flashing on top of that vehicle, that guy in the car driving by in the truck, or whatever, is going to recognize that vehicle and recognize that

there's a person stationary along the road in an emergency situation.

And, I'm just asking for some consideration for Mr. Clovis, and Mr. Clovis' family, and his legacy—it doesn't need to be small. His legacy should be bigger than ours if it prevents the death of one person.

Thank you, Mr. President.

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**Increasing State Road Fund by raising DMV fees and motor fuel excise taxes**

*(Passage of Eng. Com. Sub.  
for Senate Bill 477)*

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**REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE**

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*Saturday, March 25, 2017*

SENATOR PLYMALE: Thank you, Mr. President. I stand in support of this.

We have tried to get road funds to be able to take care of, and some of this is similar to a bill that passed in 2011 and was vetoed.

The one concern I have—and I will have to make a call after this vote today—is the, you know, one of the taxes that are in here. And from the border areas, it's a concern. I'm going to vote for this because I have more complaints from citizens about their roads than any other—twice as many—than any other issue, maybe, other than Senate Bill 537 (*Relating to exemptions from mandated immunizations*). I've got more complaints about that bill this session than any bill I've ever had up here.

But, we have to do something for our roads. We have to give this Secretary of

Transportation some tools to be able to fix our roads and start looking at items like I-73/74. In our area, the area that the Senator from Cabell and I represent and the other senators that represent Wayne County, it is vital to our economic improvement that we have better roads and, particularly, we have I-73/74. I'm going to vote for this because of that—but I will get some backlash and I understand that from some of this because of the border counties. But I urge people to vote for this because we are finally going to start taking care of the roads the way that we need to that we've been neglecting and we can get off of a 33-year paving cycle for a lot of our secondary roads. This will help that.

Thank you.

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**Increasing State Road Fund by raising DMV fees and motor fuel excise taxes**

*(Passage of Eng. Com. Sub.  
for Senate Bill 477)*

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**REMARKS OF  
HONORABLE  
CHARLES H. CLEMENTS**

*Saturday, March 25, 2017*

SENATOR CLEMENTS: Thank you, Mr. President.

I sort of rise with a heavy heart toward this bill because most of my life I was a fuel distributor in a border county and I know what it's like. But, I know in my area there's taxes in Ohio have gone up, the taxes in Pennsylvania have gone up. And, I feel like that our roads need a lot of help.

Now, I'm a student of mathematics and I always want to do the numbers before I start to complain. And I want to give you

my example of what I have in my family. I have two vehicles. I drove roughly 23,000 miles last year between those two vehicles because my wife and I like to travel. That means that if I got 23 miles to a gallon, I bought 1,000 gallons of gasoline last year. Now, what did I get for that 1,000 gallons of gasoline? For the great price, based on 55 cents a gallon, I got the use of every road in the United States for \$1.50 a day. Think about that. But, you know, the other side of the coin is I had to pay \$3.83 a day for my car insurance to travel on those roads. I think we got the cart before the horse. I ought to pay \$1.50 for insurance and \$3.83 to use the roads. Now, as far as the excise tax is concerned, it's a fair tax—the more you drive, the more you pay. And I think that's only fair. If you drive 100,000 miles a day, you get 100,000 miles of use over our nation's highway.

So, it's tough on the border counties and I realize that. And my sincere thoughts go out to my fellow fuel distributors that are still on the business today, particularly, the ones along the Virginia border. But gasoline prices are market driven. That's why gasoline is cheaper in my area right now than it is here in Charleston—it's a market-driven commodity and that's exactly what's going to produce the price that the people are going to pay. And, actually, this increase in tax just barely makes up, if not, just a little bit more than what we lost because of the drop in the gasoline tax when the prices fell on that wholesale tax.

We need good roads. I've heard the discussion about interstates. In my area of the state, we could stand on the verge of a tremendous economic expansion if they build that cracker plant right across the river from Moundsville. It's going to blow up that valley with nothing but growth. And, if we sit back and wait until it happens, we're not going to be able to react fast enough to get the benefits of that and they'll head off over into Ohio. I-68, I would love to see

extended from Morgantown into the Ohio Valley and Route 2 made into a good four-lane highway that can get the downstream benefits of that plant.

So, with a heavy heart toward my fellow fuel distributors, I do rise in support of this bill.

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**Relating to regulation and control  
of financing elections**

*(Adoption of Senator Romano's  
amendment to Com. Sub. for S. B. 539)*

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**REMARKS OF  
HONORABLE  
ROBERT KARNES**

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*Saturday, March 25, 2017*

SENATOR KARNES: Thank you, Mr. President.

I note—and I believe I'm accurate in saying this—that there was not a unanimous vote sending that bill out of this chamber last year because I don't believe I supported it and I believe that there were a fair number of people who didn't support it. I think that part of the reason why that flew out of here in some ways was simply a misunderstanding of exactly what it was that we were doing. And, I think that as that became a little bit more known the bill essentially died off on the vine because, as that became more known, there was no pressure to pass that bill in the other chamber and I think that's a good thing.

Some of things I would point out in this amendment, or something quite similar to this amendment, was proposed in the Judiciary committee and so, at risk of repeating myself, I'll point some of those things out again.

The ability to exercise your right to free speech, sometimes, is necessary to be anonymous in that exercise. If you don't have the ability to be anonymous in terms of your exercise of free speech, then you are subjecting yourself to the potential punishment of the powers that be whenever you exercise your free speech in a way that's not anonymous. We have to recognize that this is a real threat. The Founding Fathers of this country understood that this was a real threat. Universally, they acknowledged and understood the right to free speech meant the right to anonymous speech and they did that because they just came out of an environment where, literally, just for putting their name on the bottom of a document, they were all sentenced to death if they were captured . . . but not just because of that, 'cause you could call that a little bit outside of the purview but they were actively sought and punished for things that they said even after the revolution such that when we were talking about the ratification of the United States Constitution we had the Federalist Papers that were all done anonymously—these were guys that were the Founding Fathers of this country. In many cases, they fought actively. Alexander Hamilton being one of them, was actually one of the guys who actively was in the field of battle fighting for that right to free speech and he understood, after the Revolution was over, after the King was no longer our King, he wrote the Federalist Papers anonymously because it was still necessary at that time. And a short time after that, after even the Constitution was ratified, that's some of the argument we heard was we have a First Amendment right to free speech and, therefore, we no longer need to worry about anonymous speech. And, yet, when Jefferson wrote the Kentucky Resolutions, and when Madison wrote the Virginia Resolutions, this was after Washington had been president, this was while Adams was president, they wrote

those two documents anonymously because they were afraid of being punished and this was in the early days when everyone was still riding high from the Revolution but we had a constitution.

It's a shame that people do what occurred in this state in the last election—personal attacks, especially whenever they're not based in real facts. You know, we all sort of cringe at that. It roughens up the discourse and everything. But, again, the guys who wrote the First Amendment, who understood that free speech meant anonymous speech, they dealt with things like Madison's wife, Dolley, being impugned to, literally, prostitute herself out for his political gain. That's the types of things that were made as part of the public discourse in those days but they didn't come along and say let's limit free speech, let's limit the ability for people to enter the public discourse . . . that never occurred to the guys that were defending free speech in those days. It can get ugly in politics, no question about it. Jefferson once said though related to liberty, he said, "I would much rather have liberty than the alternative tyranny." And, you know, the raucous aspects of liberty is what he was speaking of specifically.

Freedom doesn't tend to go away overnight. And something that James Madison once said was "I believe there are more instances of the abridgement of freedom of the people by gradual and silent encroachments of those in power . . ."—and we are in power—" . . . then by violent and sudden usurpations." This is a gradual encroachment. It doesn't seem like a big deal. We think: What's going to be the big deal if we do this? What if we force disclosure this way? But it's just one more little chink in the armor of freedom so that one day whenever we're back in the same position that those Founding Fathers were in, and we wonder how in the world did we get here, it will be hard to point to any one

instance. But, they'll be a thousand little instances like this where we take away that little bit of freedom and, particularly, when we start talking about the freedom to speak political thought—cause that's what this is all about.

It might be ugly, but I'd rather it be ugly than not at all. And that's what this amendment is trying to do is shut down that debate. I'd rather have the ugly debate.

I urge rejection of the amendment.

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**Relating to regulation and control  
of financing elections**

*(Adoption of Senator Miller's  
amendments to Com. Sub. for S. B. 539)*

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REMARKS OF  
**HONORABLE  
MIKE HALL**

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*Saturday, March 25, 2017*

SENATOR HALL: Thank you, Mr. President.

In the midst of this discussion about campaign finance, I'm going to take a minute just to read from Solomon. Can I do that, Mr. President? If I can get this thing to come around . . .

He said: Again I saw under the sun the race is not to the swift, nor the battle to the strong, nor bread to the wise, nor riches to the intelligent, nor favor to those with knowledge, but time and chance happens to them all. For a man does not know his time. Like fish that are taken in an evil net, like birds that are caught in a snare, so that the children of man are snared at an evil time, when it suddenly falls upon them.

Then went on to say this. He said: I've also seen an example under the sun, and it seemed great to me. That there was a little city with a few men in it, and a great king came and besieged it, and built great siegeworks against it. But there was found in it a poor man, a poor man, a wise, poor man, and by his wisdom he delivered the city. Yet no one remembered that poor man. But I say that wisdom is better than might, though the poor man's wisdom is despised and his words are not heard.

And, I just read that to say this about our election process: It's a rich man's game. That's what it is. I think there's some poor people out there that'd do a better job than some of us in here that can't get here because of all of our rules and all of our restrictions. And, now you got the big money in the dark that's being spent while we argue over how much money we can raise. It's pretty tough. So, if you're going to raise a thousand dollars from somebody—and we hit the same people up every election cycle, they're not liking this bill, by the way . . . . If you're going to . . . what is it we're doing? Twenty-seven hundred bucks?

I'm just simply just taking a minute when I had a shot at it. I don't have any amendments. You know, I'd like to see us make it so it's possible for a poor person to get into politics—but I don't think they can. So, Solomon was right, the poor man's wisdom will not be remembered.

That's all I want to say. I don't know if that's for or against your amendment but at least it says that somehow our election laws are making it so tough that you got to comply with everything. You know, somebody files for office and suddenly they get all this paperwork sent in, these forms, do this or that, it's got to be there by a certain date, if it's not there, you're going to get fined and on and on. It just drives people out of the election process. I know

we kind of want to know who's doing what for whom but, remember, that probably disenfranchises most people from getting in this. And I'd say that if you look around this room, the net worth of the people in here is pretty darn strong.

And, so, I would just say that. I just felt like I needed to get it off my chest before I leave this place when I finally do . . . and say it, I just think our election laws just advantage people who have means and keep people who don't out because they just can't go out and raise all that money from everybody.

Thank you, Mr. President, for my opportunity to preach a little sermon before Sunday.

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**REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II**

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*Saturday, March 25, 2017*

SENATOR OJEDA: Thank you, Mr. President.

I'd like to start by thanking you and the members of the Health and Human Resources committee for giving my bill, Senate Bill 386 (*Creating WV Medical Cannabis Act*), the opportunity to live to fight another day.

Now, I must ask for permission to continue this fight. We only have a few days to get this on the agenda in the Judiciary committee in order to have it, able to finally make its way on to the Senate floor. I'm asking you, Mr. President, to once again be the leader that you were in helping to get it ran in the Health and Human Resources committee and mirror your actions in helping place it on the agenda in Judiciary.

I would like to also say just a few facts about medicinal marijuana or marijuana in general. I don't think there's one case in history where a person has overdosed on marijuana. There's studies that show proof that marijuana is not a gateway drug. And for those who think that there's no research and study concerning medicinal marijuana, well, I will tell you that there have been studies done for decades. There's books that have been written, there's all sorts of information out there that can give you the facts about medicinal marijuana.

It's time for us to come to terms with the fact that we all have fell for, we fell victim to psychological operations that have made us villiani [sic], villainize this drug—I don't know why I'm speaking this way I am this morning. Every one that is from this, in this Senate, every one of us represent about 110,000 people. And of those 110,000 people, every one of us have people within our districts that are suffering from cancers, that are suffering from Parkinson's disease, Alzheimer's disease, multiple sclerosis and many more. This is an opportunity for us to help these people. I'm asking you, Mr. President, to help me in getting this on the Judiciary agenda.

Every single one of us in this room have not hundreds, but thousands of people in our district that are veterans. Now, we've already spoke about the fact that medicinal marijuana has proven great results for those that suffer from PTSD. Now, what I want to do right now is I want to highlight the fact that we have been at war now for 17 years. And what the majority of you people may not realize, but I do realize it, that we have a lot of people today that are suffering from post-traumatic stress disorder.

On average, right now, when those towers fell, countless soldiers, countless citizens from the State of West Virginia stood up and said "I'm going to answer my nation's call." When the rich wage war,

it's always the poor who fight and die and they always come from these areas. We had thousands, upon thousands of people that entered military service, specifically, to fight for this country, to defend this country, but we've been doing it now for 17 years. And, I will tell you that that young man or woman that decided to raise their hand and take an oath to support and defend the Constitution of the United States against all enemies foreign and domestic, when they did that following the fall, the collapse of the towers, if they're still in today, at minimum, they have at least three solid years of combat service. Boots on the ground in Iraq or Afghanistan. Now, what does that mean for the combat soldier, the lion troop? I will tell you, it's constant. In Fallujah—and I've been there—in the northern portion of the city, the Big Red One, 1st Infantry Division, started moving south. In the south, the Marines started moving north with the goal to meet in the middle. What that was, was nonstop building to building, house to house, door to door fighting. Sometimes, hand to hand. If you don't think that those people that participated in those actions do not have something in their mind for the rest of their lives, you are mistakenly wrong. We have 22 veterans that are committing suicide every single day. And, once again, those are my brothers and sisters.

For those of you that are in the mining industry, miners mean something to you. I know they do. I'm a retired soldier. An Army, Navy, Air Force, Marine, Coast Guard, National Guard, reservist, means something to me. We have countless people that are returning home from combat that are having severe issues. Now, for those that have been in for the last 17 years, there's many of those that have anywhere from seven, eight years in combat. These are people that we're going to have to deal with for the rest of our lives and they deserve the best care possible.

During our campaigns, every single one of us run to the chance to stand next to veterans and, I hate to say it, but sometimes use them as props. We'll bring them on this floor here and we'll sit down and we'll take photographs with them. This is the one opportunity that every one of us in this room and even over in the House can have to say we made a difference in the lives of our veterans. And I hate to say it but it's a fact: Anyone who serves time in combat, you will always bring something home.

I've got another veteran here that served in Afghanistan in the Air Force. Let me tell you something, whether or not you're in direct combat where you're worried about gunfire, it doesn't matter. When the mortars and the rockets come in, they stay with you. When you're driving on the most dangerous stretch of road on the planet, which was Route Irish in 2004-2005 where we dealt daily with IEDs, VBIEDs . . . I can remember even finding an animal that was dead on the side of the road that we realized was a bomb because we saw the wires come out of its backside. And that's what you deal with on a day to day basis.

So, this is the one opportunity that we can have to stand up and fight for those who have fought for us. And I'm asking to please, let's not let this die. If the people over in the House want to can it, then you let them can it. But I hope that they hear what I say here today because I believe if they do, they will understand.

This body right here has an opportunity to do something about this and I think it's time that we do so. Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II

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*Monday, March 27, 2017*

SENATOR OJEDA: Thank you, Mr. President.

I just want to basically state that, I believe that my bill, Senate Bill 386 (*Creating WV Medical Cannabis Act*), has about 24 hours left on it if it's going to survive.

But, I want to kind of throw a few things out here for everyone to understand. It's true: Marijuana is a gateway drug. It's a gateway out of opioid addiction. It's a gateway to a better life for those who only have a little bit of life left.

Over the past couple of weeks, I've spoke about medicinal marijuana and I've spoke about the illnesses that are out there that medicinal marijuana can help. But, I want to focus now on the addiction. Opioids in our state has killed more people than all of the lives lost in Iraq, Afghanistan and when the towers fell. Combined. That's just in West Virginia. Everybody remembers a few . . . well, more than a few months ago . . . but when they had the situation that happened in Huntington where over 20 people overdosed in one single night. And, I guarantee you, if they checked the blood of those people they'll find, obviously, heroin, but I bet you they'll probably also find opioids.

It's about time for us to start really focusing our attention on the real villains out there . . . which are these companies that have basically come into our neighborhoods and sprinkled oxycontin and hydrocodone like TicTacs onto our people. Marijuana does not kill; marijuana heals. God gave us this seed. Now, for those of you in this room that are religious, did God make a mistake or did God give us that seed specifically so we could use it to heal our people? Right now, it's break the law or die in pain. And, right now, we got citizens all across West Virginia, we have parents that are breaking the law every day to try

to alleviate the pain that their children are feeling. We have people right now breaking the law so that they don't die in pain.

Right now, I'm calling on senators to be leaders. In the military, we say, "Lead, follow, or get out of the way." I hope everybody in here will help lead. Please allow Senate Bill 386 to get on that agenda because I believe that if comes onto this floor, I believe that everybody, if you look into yourself, you will agree with what I'm saying.

Thank you, Mr. President.

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**Designating March 28, 2017, as  
WVU and WVU Extension Service Day**

*(Adoption of Senate Resolution 55)*

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REMARKS OF  
**HONORABLE  
ROMAN W. PREZIOSO, JR.**

*Tuesday, March 28, 2017*

SENATOR PREZIOSO: Thank you, Mr. President.

Ladies and gentlemen of the Senate, today is West Virginia University and West Virginia University Extension Day. As you well know, West Virginia University is the largest and first land grant university in the state dedicated to serving all its citizens in West Virginia for the last 150 years. West Virginia University Extension Service, the primary outreach arm of West Virginia University, is the front porch of WVU with an office in each of its 55 counties. Our local extension agents deliver trusted traditions and progressive solutions to the citizens of West Virginia in the area of youth development, agriculture, community development and families and health.

The West Virginia Extension Service's 4-H development program is the state's largest youth organization. It has given more than 75,000 youths the opportunity to expand their horizons through hands-on education activities and allowed them to acquire new skills through innovative technology. Our agriculture and natural resources unit of West Virginia University's Extension Service have assisted small farms and farmers in becoming profitable, sustainable operations. West Virginia University's Extension Service family and community development efforts have forged strong communities and a better life for all West Virginians.

Mr. President, I urge the adoption of the resolution.

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**Congratulating WVU rifle team for  
winning 2017 National Championship**

*(Adoption of Senate Resolution 56)*

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REMARKS OF  
**HONORABLE  
ROBERT D. BEACH**

*Tuesday, March 28, 2017*

SENATOR BEACH: Thank you, Mr. President.

Ladies and gentlemen, we have in our midst today . . . I would actually have to say, probably, one of the greater coaches in the history of WVU, quite honestly. Many of you know him. You've seen his face in this chamber many, many times before and I'm happy to have him back. And, on behalf of myself and the Senior Senator from Marion County, we want to take time today to recognize Coach Hammond of the WVU rifle team.



The WVU rifle team has had many successes over the years. But it couldn't have been accomplished without true leadership and, I think, that's what Coach Hammond brings to the table. You know, in the history of WVU, we've had 19 NCAA championships, picking up an additional championship on March 11, 2017—and you heard me brag about that here in the chamber earlier this year. This is their fifth straight national championship. The team swept both the air rifle and smallbore titles this year. Freshman members Morgan Phillips and Milica Babic—I hope I have that right—swept the individual titles and the rifle team won their eighth straight Great American Rifle Conference Championship on February 25. WVU finished with its perfect 12-0 record for its second undefeated season.

Ladies and gentlemen, take a moment, let's applaud this guy, let's welcome him to the chamber. Give him a pat on the back later when we're down here on the floor and let's have our photo taken with him.

Thank you.

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**Recognizing 200th anniversary of  
Sistersville Ferry**

*(Adoption of Senate Resolution 57)*

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REMARKS OF  
**HONORABLE  
MICHAEL J. MARONEY**

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*Tuesday, March 28, 2017*

SENATOR MARONEY: This year, 2017, marks the two hundredth anniversary of the establishment of the Ohio River commercial ferry service between the cities of Sistersville, West Virginia, and the Ohio shore, the city is Fly. The following year,

January 28, 1818, the General Assembly of Virginia, the Commonwealth of Virginia granted a ferry franchise to Mr. John McCoy for the Ohio River ferry service at Sistersville. Today, the Sistersville ferry is West Virginia's longest operating vehicle. This ferry is the only ferry operating on the upper 427 miles of the Ohio River. It does remain crucial for the efficient transport of goods and services in the region.

In the early days, the ferry was extremely crucial during the oil boom in the region and was invaluable. Prior to automobiles, the ferry was critical for the transport of pedestrian traffic. It cost 18 cents in the early years of this ferry to take your horse across the river. This is probably a better question for the Finance chair, but I think that's probably about \$3 or \$4 today, that 18 cents back in the early 1800s.

Thanks to the dedication of several private owners over the years, the 200 years, and currently the City of Sistersville as the owner, this ferry has provided two centuries of transportation service for the people and the businesses on this 32-mile stretch. The Tyler County—which is the county where Sistersville is located—is the only county of the 12 counties that border the Ohio River in West Virginia that does not have a bridge. The early boats of the ferry were paddle boats. They were one horsepower paddle boats. They were powered by a horse on a treadmill. They've since evolved in steam, gas and, currently, diesel. Other distinctions of the Sistersville ferry: West Virginia's oldest transportation service that remains in operation; the only Ohio River crossing owned and operated by a West Virginia municipality; is extremely unique . . . is a . . . the people of the region are extremely proud of its uniqueness and its history; and it does attract many visitors for a chance not only to see the ferry but for a chance to experience a ride across the river.

I urge adoption.

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**Recognizing 200th anniversary of  
Sistersville Ferry**

*(Adoption of Senate Resolution 57)*

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REMARKS OF  
**HONORABLE  
CHARLES H. CLEMENTS**

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*Tuesday, March 28, 2017*

SENATOR CLEMENTS: Thank you, Mr. President.

Sistersville in itself is a very unique city and we talk about the growth of the oil and gas industry we see now . . . . I have a picture in my office that shows Sistersville completely filled with wooden oil derricks. And, I'm sure that that ferry was a major part of the development of that area at that time. My parents lived in Sistersville back when the oil boom was going on and she always talked about the fact that she thought she'd never get used to that pumping. And one day the pump quit and she said she couldn't sleep all night.

But Sistersville ferry is an important part of that community. It does so much.

And, Mr. President, I urge adoption of the resolution.

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**Recognizing centennial year of main  
structure at Parkersburg High School**

*(Adoption of Senate Resolution 58)*

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REMARKS OF  
**HONORABLE  
DONNA J. BOLEY**

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*Tuesday, March 28, 2017*

SENATOR BOLEY: Thank you.

First, I'd like to congratulate all those that came down today and thank you for coming down. I'd like to thank the Senator from Mon County for bringing this to the Senator from Wood and my attention and he's been very helpful.

I'd like to introduce the people back here. They have helped make Parkersburg High School the place it is today. If you hold up your hand when I just introduce you—Bill Nighy, former principal; Kenny DeMoss, he's the new principal; Pam Goots, former principal; Sue Steinbeck with the Parkersburg High School Foundation; Jim Hamrick, who's the former A. D. at Parkersburg High School; Chandra DeBarr, teacher; Maggie Ohcheck, school counselor; Bob Marshall, with the foundation; and a special gentleman is with them today, Kenneth Gilbert, and he's the one . . . the art teacher up there.

And I think that this is probably just the kick-off, maybe, for your whole anniversary, 2017 anniversary. I think Mr. Gilbert has some kind of an art show in April so there'll be something going on all year. Thank you very much for coming down.

I urge support.

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**Recognizing centennial year of main  
structure at Parkersburg High School**

*(Adoption of Senate Resolution 58)*

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REMARKS OF  
**HONORABLE  
MICHAEL T. AZINGER**

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*Tuesday, March 28, 2017*

SENATOR AZINGER: Thank you, Mr. President.

As an alumnus, alumni—am I in trouble for missing that word alumni? I just wanted to give a short dedication to the school that meant so much to me. I just wrote a few words if you'll just indulge me.

PHS looms large in Parkersburg, West Virginia. When many of us have guests come to visit, we accidentally detour down Dudley Avenue where sits a great building with great majesty, dignity and aesthetic beauty—the grand building thousands of us call PHS, Parkersburg High School. And the school's song's final words describe how we feel about that beautiful building and how we feel about those who taught us and the ones that sat beside us . . . for me, so many years ago. The song finishes, "times of joy and times of stress, we'll always love you PHS."

My family's history is rich there. My sister and two brothers, and sister-in-law are graduates of PHS. My mother and father are graduates of PHS. And my grandfather, circa 1925, gave it his best shot through ninth grade. His enthusiasm fizzled but he went on to do great things nonetheless. Not everyone has fond memories of their high school days, I understand that. I am just thankful to God that I did because every great event that gave direction to my life occurred mostly in the years in the hallways when I attended PHS.

It was at a high school dance that I looked across the room and saw that hot Italian chickie babe named Jackie whose beauty caused me to quote spontaneously those immortal words of Shakespeare, "hoochie mama". That hot Italian chickie babe became my high school sweetheart at PHS and some years later through a circuitous route, we were providentially reunited. I'll tell you the story sometime but God has given us three priceless gems we wouldn't trade for the world, namely, Tommy, Zachary and Sophie.

At PHS, as I was wandering down the hallway one day when a teacher and student sponsor named Andre Brown pulled me aside and said, "Why don't you run for senior class president?" I was very reluctant but after consulting with my mother and father I decided to run and became class president of 1983 at PHS.

At PHS I gave one of the graduation commencement speeches where, seeing as a young man, a long way down the road, that I wanted to follow God into the ministry when I said in my commencement speech, "God has called me to preach and I plan on answering that calling because I believe I can and I will make a difference in this world." Well, my vision was not so great and I haven't made such a big difference in the world but, I didn't enter the ministry but I did find a similar calling that brought me here to this hallowed hall, this beautiful, glorious chamber, commanding almost the same beauty and majesty that, of that glorious building on Dudley Avenue in Parkersburg, PHS. And so, God was so good in 1983 when I graduated and so he is today as well. For I have my wife and I have Tommy and Zachary and Sophie. And I have my calling in this majestic, hallowed chamber. And in my mind, I will have forever those sacred, sacred memories of PHS. And in my heart and in the heart of a thousand others rings still today, those words that bring only joy and sometimes tears the final words of our school song, "in times of joy or times of stress, we'll always love you PHS."

Mr. President, I'm honored to have these folks here today. I'm honored to be a graduate of Parkersburg High School, of PHS, and this 100-year anniversary. God bless you, folks.

Thank you for this time and I strongly support the resolution.

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**Recognizing centennial year of main structure at Parkersburg High School**

*(Adoption of Senate Resolution 58)*

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REMARKS OF  
**HONORABLE  
ROBERT D. BEACH**

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*Tuesday, March 28, 2017*

SENATOR BEACH: Thank you, Mr. President.

I hadn't planned on standing up to comment on this particular resolution because it seems far removed from me, a Monongalia County person, but the fact is I have a connection to PHS . . . and that is my wife. She's a PHS grad and my mother-in-law still lives in Parkersburg and occasionally substitutes for the school as well.

I've heard many wonderful things from my colleague from Wood County but the one thing I didn't hear from him was—Go Big Red! And I think that's an oversight on the senator's part there. I'm sure he would have done that if he had thought of it.

But, again, I wanted to take a moment just to single out one person from the high school there on behalf of my wife who . . . he had a tremendous impact on her career today. And that is the gentleman at the back of the crowd right there and, if he would move forward, that's Mr. Gilbert. And Mr. Gilbert inspired my wife so much that she still maintains a career in the arts with applied design. She's an instructor for Pierpont and has done many wonderful things in the community as well as . . . along with also being part of the design team for our state museum and she gives a great deal of credit to Mr. Gilbert. So, when he comes down here to the base of the chamber here,

I hope everyone takes a moment and says hello and shakes his hand and I welcome all of you here today.

Thank you.

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**Relating generally to 2017 Tax Reform Act**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 409)*

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REMARKS OF  
**HONORABLE  
ROBERT KARNES**

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*Wednesday, March 29, 2017*

SENATOR KARNES: Thank you, Mr. President.

Senate Bill 409 is a . . . significant changes in our tax code in order to create some pro-growth and I'll go through some of those changes here. The bill repeals certain procedures to be followed when increased appraised values of property will result in increased tax revenues and that relates to the way some of our counties have suffered as property taxes have increased over the years and, then with the economic downturn, they're not able to recover some of those tax increases due to some current language in the law and this revises that.

The bill reduces the five percent severance tax on coal production beginning on July 1, 2017, in five equal, annual steps of 2.5 percent and leaves it in place the one and two percent thin seam severance tax rates the same. On October 1, the rates of the consumer sales and service tax and of the use tax increase to seven percent. On October 1, unprepared food becomes subject to the sales and use taxes at the rate of three and a half percent. The current exemptions for consumer sales and service tax and use

tax are eliminated for delivered newspapers, funeral, embalming services, hair, skin manicure services, nonmedical and personal care services, telecommunication services, solid waste disposal services, electronic data processing, educational summer camp tuition, health and fitness club memberships, primary opinion research services, transportation of passengers and interstate commerce, music instruction and artistic performance admissions and travel agency fees are repealed and, in addition, the half rate on sales of mobile homes is brought up to the full rate.

On January 1, 2018, the bill provides for three tax brackets of the personal income tax—shrinking that down from five. Those tax brackets will be 1.85 percent for income up to \$20,000, 3.65 percent for income between \$20,000 and \$35,000 and 5.45 percent for income over \$35,000. The brackets for married individuals are also adjusted accordingly so that it's 1.85 percent on ten thousand, 3.65 percent for ten to seventeen five and 5.45 percent on income over seventeen five. The bill also provides that any tax year following the end of any fiscal year for which \$50 million in the combined collections of the consumer sales and service and use tax exceed \$1.8 billion, the rates in each of the income tax brackets of the personal income tax shall be reduced by 0.1 percent and, that once all three rates are zero percent, the personal income tax is repealed.

And on January 1, 2017, the bill provides for a low income, senior citizen tax credit. The credit can be for up to \$200 per year, per senior. That amount will be reviewed annually by the Legislature to determine if it should be increased.

Those are the general provisions of the bill and I'll be happy to answer questions.

Urge adoption.

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**Relating generally to 2017  
Tax Reform Act**

*(Passage of Eng. Com. Sub. for  
Com. Sub. for Senate Bill 409)*

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**REMARKS OF  
HONORABLE  
RYAN J. FERNS**

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*Wednesday, March 29, 2017*

SENATOR FERNS: Thank you, Mr. President.

I'm going to rise in support of this piece of legislation. And I want to remind everyone listening in and the members of our body here, I think it's fair to say that more consideration has been made on this piece of legislation than any other piece of legislation that we have considered this year. The Select Committee on Tax Reform began 18 months prior to the start of this legislative session. We have heard from more experts on this topic than any other topic we've considered. We've heard from economists, both in our state and around the country. We've heard numerous times from our own tax department. No further consideration can be given to a piece of legislation as this one. Now, I will agree that throughout this process, this piece of legislation has changed multiple times. I think that's appropriate. I think it should have changed multiple times as we receive feedback from the various entities and groups that will be affected by it. And I commend the Chairman of the Tax Reform committee for his tireless efforts on trying to perfect this piece of legislation.

And, I just want to remind everybody what we heard over the course of those 18 months—for anybody that wasn't on the Select Committee on Tax Reform—time and time again, was that reducing the income tax

is the single greatest driver from a tax policy standpoint for economic growth. If you read national articles from around the country, the states who are succeeding are the ones that have taken this path from a tax policy standpoint. We are in constant competition with our neighbors, not just surrounding us, but all across the country. And I think this is a tremendous step in the right direction.

I will remind everybody also that this income tax reduction is an income tax reduction for all levels of income across the board. Everyone will experience income tax reduction for this and, to take that a step further, I remind everyone that yesterday we adopted an amendment that applied to a tax credit for those on a fixed income. So, in the last Finance committee hearing we had on this bill, there was a lot of concern raised by my colleagues—and appropriately so—about how this would impact our seniors who are on a fixed income. Those concerns were heard yet again—as they have been throughout this entire process—and we adopted that fixed income tax credit.

Taking bold steps is never easy, but doing it with an evidence-based approach is the right approach, I believe. And, I think this is going to be one of the most significant impacts that we can make for the future of the State of West Virginia.

Thank you, Mr. President.

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**Relating generally to 2017  
Tax Reform Act**

*(Passage of Eng. Com. Sub. for  
Com. Sub. for Senate Bill 409)*

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**REMARKS OF  
HONORABLE  
ROBERT KARNES**

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*Wednesday, March 29, 2017*

SENATOR KARNES: Thank you, Mr. President.

You know, I've heard a few different things here, and I think that . . . it brings to mind a few important points that I think, maybe, were completely missed or ignored. And so, I want to touch on a couple of things first related to the revenue from this.

When we started the Finance committee hearing—and I was a member of the audience at that time—and the first year's revenue showed positive \$60 million, roughly, the second year, negative \$86 million . . . that was addressed in that very same Finance committee. The rates were adjusted on the income tax level by an amount that, according to WVU economists, raised an additional \$170 million a year which is more than enough to offset that deficit in the second year and the out years but, apparently, that part was missed.

You know, this plan has moved around quite a bit as was noted by the Senator from Wayne, I believe. I don't think it's moved around anymore than the Governor's plan has moved around with one significant—and I think very important—difference, is that every step of the way, those changes have been noted and recorded and published for public review in our system. So, that contrasts with a moving around that no one's been able to follow because it's not written down anywhere.

Just throwing those kind of things aside for a second, I'd like to talk a little bit about what the Senator from Ohio just mentioned and that is the approach of this from the very beginning has been an evidence-based approach. This is kind of a short list of some of the various peer reviewed studies, articles and so on that I've used as I have gone through this process and I'd like to

just touch on a few points out of a few of these. Out of the *Journal of Accountancy*, a quote here from Alan Greenspan—and some of you guys may remember Alan Greenspan, he's a long-serving member, in fact, chair of the Federal Reserve, appointed by Ronald Reagan, reappointed by Bill Clinton, reappointed by George W. Bush—and what he says here is, "As you know, many economists believe that a consumption tax would be best from the perspective of promoting economic growth, particularly, if one were designing a tax system from scratch because a consumption tax is likely to encourage savings and capital formation." Now, the entire drive of 409 is to help West Virginia transition into a growth mode, moving more from an income tax-based approach to more of a consumption tax-based approach. What is probably considered by most people to be the best chairman of the Federal Reserve, maybe ever, backs that up. He says this seems to be the right approach.

Another Federal Reserve economist, in this case, by the name of Alan Garner, says, "Most economists believe that switching to a consumption tax would increase savings and real output per person over the long run although studies differ on the size of the effects." And he also notes that switching to a consumption tax requires short run economic adjustments. He's not saying it's going to be easy. He's saying it's going to be the right thing to do. Most economists, he says, say that's the right thing to do. And, in fact, what he says is that most research suggests that switching from the current federal—in this case he's talking about federal—to a consumption tax would raise real GDP in the long run. And, in the long run, the real change in output from switching to a broad-based consumption tax was 1.7 percent to seven and a half percent more growth. So, this is a country that has two percent to three percent growth . . . he's saying it could add another 25 to

two or three hundred percent more growth over the long term.

Consumption taxes and redistribution—a lot of times the question was raised about, well, a consumption tax is not progressive, it's regressive. This is by Isabel Correia and it's out of the *American Economic Review*, 2010, "In this article, I share that the adoption of a flat consumption tax not only increases efficiency, but it also reduces inequality." So, not every economist agrees, in fact, many don't agree that a consumption tax is somehow regressive. A balanced budget rules an aggregate instability, the role of consumption taxes, the possibility—let's see—endogenous aggregate instability caused by income tax is reduced if combined with a consumption tax rates that adjusts for it.

*The Death of the Income Tax: A Progressive Consumption Tax and the Path to Fiscal Reform* by Daniel Goldberg out of Oxford—that's near the London School of Economics, I think—and, where he says the problem is, the income tax is broke and in the first book that he wrote on this subject and part two is the solution, *A Progressive Consumption Tax*. I don't think he's coming at that from the approach of a right-winger; it just happens that economists all arrive at the same solution or the same conclusions.

*The Economic Journal* here, this is the Royal Economic Society also I believe, Lucas 1990 provides a very clear exposition of the view that capital income should not be taxed at least in the long run because such taxation reduces investment and, therefore, growth. He illustrates this theoretical conclusion with the simulation for the U. S. that suggests that eliminating capital income taxation would increase long-run consumption by seven percent. That's economic growth. An idea of the possible magnitude of these differences is given in the estimate of a GDP per capita shift of one percent of tax revenues from

income tax, the consumption tax would increase the long-term GDP by a quarter of a percent to one percent in the long run. One percent, by the way, is roughly what we're talking about shifting in this particular bill. And there's a lot more in that particular piece that I could quote but I'm not going to take all day on this.

My point is that many of the economists that have studied this come from the left side of the aisle and the right side of the aisle. There's universal agreement, or almost universal agreement, that a consumption tax does not necessarily have to be regressive in the way its structured. That is does cause growth if you move away from an income tax into a consumption tax. There's no question about that. You know, one of the concerns that people raise is the regressiveness in West Virginia and what I would suggest to you is that, if you're a poor person without a job, everything is regressive. If you're a poor person with a job, having to pay sales tax when you have a job that you've not had before because you couldn't get because the economy wouldn't produce jobs . . . I think everyone is better off when they have a job. I think everything is less regressive when more people are employed. And the idea that this is a disproven economic theory around the country, what I would say is, if that were the case, why are the states that are the most successful, the ones that are growing the fastest, the ones that have moved to a consumption tax approach away from an income tax approach . . . . Again and again, you can look at taxes in Florida and Washington state and Alaska and Nevada, that I've talked about on the floor here before. These are all states that have moved in this direction and they all have booming economies where people who want a job can find a job. In fact, the reason why our population is shrinking is because our kids are leaving to go to the states that you say are regressive but, for some reason,

they want to be there because there's where the jobs are.

So, I would encourage the members to support Senate Bill 409. It doesn't mean that this is an easy transition for the State of West Virginia but it's a transition that, if we don't make this transition, we know our future because it looks just like our past.

So, again, I urge adoption.

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**Designating March 29, 2017, as Tucker County Day**

*(Adoption of Senate Resolution 59)*

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REMARKS OF  
**HONORABLE  
RANDY E. SMITH**

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*Wednesday, March 29, 2017*

SENATOR SMITH: Thank you, Mr. President.

I rise in support of this resolution. This being my home county now . . . they've adopted me well . . . and I've never met a bunch of more caring and loving and dedicated people. What this small county is able to do with no more funding than they get in their school system . . . . And, if anyone has a chance to go to Thomas and Davis, we just passed a bill here restoring historical buildings but, if you want to see how this works, take a trip to Tucker County on top of the mountain in Thomas and Davis and see what these people have been able to do. And, the spirit of being a volunteer, they're the flagship of the state.

It's just an unbelievably close knit community, county and, you know, I'm



proud to say that I'm a member of that community now.

And, for those reasons, I stand in support of this resolution.

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**Recognizing Cabell Midland  
High School band for exceptional  
accomplishments**

*(Adoption of Senate Resolution 60)*

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REMARKS OF  
**HONORABLE  
ROBERT H. PLYMALE**

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*Wednesday, March 29, 2017*

SENATOR PLYMALE: Thank you, Mr. President. On behalf of the Senator from Cabell and myself, we are pleased to have here the members of Cabell Midland High School band.

You know, since the inception of this school in 1994—and this was a consolidation of Milton and Barboursville—this school has excelled in many, many different ways. But, one of the ways that they have for 22 straight years, they have earned a superior rating in concert bands. They have twice been named the Marshall University Jazz Festival Honor Band and won a national first place award at the All-American Festival in Orlando. For many, many years—and, particularly, the last five years—they have been . . . starting at Glenville . . . there's been a statewide competition started by, you know, Randall Reid-Smith and that statewide competition has gotten 35 bands throughout the state to come and compete. And for five consecutive years, Cabell Midland has won that. I applaud their efforts.

But, the one thing that you really need take to heart is children, students that

participate in extracurricular activities, in particular band, score higher, go to college at a higher rate and are more successful and earn more dollars as they go on in life. So, you're looking at students that will succeed in life—what we're trying to do in education. And I applaud Cabell Midland for the efforts that they've gone through and for the accomplishments they've made.

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**Recognizing Cabell Midland  
High School band for exceptional  
accomplishments**

*(Adoption of Senate Resolution 60)*

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REMARKS OF  
**HONORABLE  
MICHAEL A. WOELFEL**

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*Wednesday, March 29, 2017*

SENATOR WOELFEL: Thank you, Mr. President.

Couple of people that I want to recognize—and, of course, I echo the eloquent remarks of the Senator from Wayne. Tim James has been a leader in our musical community for many, many years and, of course, he is in charge of this very successful group and he's with us today. Also, principal of Cabell Midland High School is my good friend, Lloyd McGuffin. You may remember Lloyd from his basketball coaching days—three AAA state championships, which I was able to sit on the end of the bench for. And, as I've told Lloyd many times, O. J. Mayo and Patrick Patterson never had a bad coach. So, there was some pretty good players through that.

But, we do honor Cabell Midland. We observe the fact that they have great Junior ROTC, they have great academics and it's just one of the—as I think I said last week

here—one of the finest high schools in this state and, if he'd been a little younger, Randall Reid-Smith would have graduated from Cabell Midland High School. Barboursville Pirates.

Thank you so much. I endorse the resolution.

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**Relating generally to coal mining, safety and environmental protection**

*(Passage of Eng. Senate Bill 687)*

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**REMARKS OF  
HONORABLE  
RANDY E. SMITH**

*Wednesday, March 29, 2017*

SENATOR SMITH: Thank you, Mr. President.

First of all, I want to thank you all for the kind words and . . . I've been a coal miner going on 38 years—it will be 38 years this August. I've seen a lot of changes in the coal industry. Mostly good, you know, we've got a lot of good regulations that's been brought up over the years. Sadly, it was always because of a tragedy, someone lost their lives. And, I've lost my best friend . . . I mean, we rode to work together, hunted together, fished together, everything. I lost him in a mining accident in April the eleventh of 1990. I'll never forget that day for as long as I live.

And I just wanted to assure the body that I would not ever support anything that would jeopardize coal mine safety. You know, I took a lot of bad press because of my tactic to get here, you know, the horrific bill that I introduced to get attention and, wow, did it get attention. But I knew it would. And,

it's sad that you have to create a self-made disaster to get attention and get people to want to really talk about coal mine safety and to, you know, get our regulations in line with 2017.

You know, the environmental part, like I told the gentleman from Logan, I have no issues. It does not lower any standards. It does not allow any more pollutants in the water. That's just one sentence in language of another way to test, I guess, test the streams or whatever. I was assured by the DEP and, you know, these rules will have to be studied by the EPA, so, you know, it's not like we don't have a check and balance system in there. But, you know, there's a lot of organizations out there that, if they could shut the coal industry down, they would've had it shut down years ago. And, they fight every day to shut down our industry and we fight every day to protect our industry. And, this certain part here, it was a loophole that allowed them a way to get in to try to shut down operations. Not because they was unsafe, not because we was polluting the water but it's just a loophole they could use in the court system. Myself, I don't have a problem with shutting that loophole down. Something that hasn't been said, they was two or three other changes in the environmental part that one of them I was totally against with the trout streams and there was a couple others. We sat down, DEP wasn't okay with them. They had some heartburn with them so I pulled them out. You know, we didn't ask any questions. They're the expert on it. I mean I could have brought it to the floor and still won because, you know, more than likely, I would have had the votes but that's not the way to do it.

I can tell you they was a lot of time, a lot of time, you can ask my attorney here, she's ready to pull her hair out because she had the gas bill and the coal bill, but they was a lot of time and effort . . . And, right here is a perfect example of the way government

should work. We all came together and we all walked out of there in agreement. Everyone there, the one's that was on the Energy committee, you know, the Assistant Director of the Department of Mines was there and said, you know, and stated that this does not hurt coal mine safety at all in his opinion because we didn't change, we just updated some stuff.

So, I'll quit talking. I could sit here and talk coal mining all night. That's the worst thing about coal miners even when they retire, all they want to talk about's coal mining. And, to my good friend from Greenbrier, it takes a special breed to go underground every day. And it's not for the faint of heart. And, you know, I've had some close calls, I think some of you might . . . when I got elected in 2012, I'd been in a roof fall and was on a knee scooter when I started my career as a legislator because I'd broke my foot, my ankle, crushed my heel, smashed my leg, broke my shoulder, lacerated my neck and head—but, other than that, I was alright. But . . . so, I do take coal mine safety very serious. And, I just want you to know, if I thought for a second, you know, that this was going to injure somebody or pollute our waters, I would not be for it.

So, with that, I urge passage of the bill. Thank you, Mr. President.

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### **Roads to Prosperity Amendment of 2017**

*(Adoption of Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 6)*

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

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*Wednesday, March 29, 2017*

SENATOR TRUMP: Thank you, Mr. President.

SJR 6 went through all of the major committees of the Senate. It is Governor Justice's proposal to amend the Constitution of West Virginia to authorize borrowing of \$1.6 billion for roads projects. Roads, bridges . . . . And, I will say whatever differences we have . . .

MR. PRESIDENT: For what purpose does the Senator from Wayne seek . . . ?

SENATOR PLYMALE: . . . the Senator from Morgan to yield?

MR. PRESIDENT: Does the Senator from Morgan yield?

SENATOR TRUMP: Absolutely.

SENATOR PLYMALE: I really like the Senate Finance, you know, chairman's explanation a lot better. Thank you.

SENATOR TRUMP: Yes, I do as well. I'll answer the question. I'm not going to talk long, I promise. But, I do want to say this, you know, whatever differences we have with the Governor, or I have with the Governor, on other issues, I have none with him on this. He's right about this. This is a bold proposal, a bold measure, and we need to do it. And, I want us to take the floor of the Senate and compliment him for delivering to us a measure with which I agree. It would authorize the state, if the voters ratify this, to borrow \$1.6 billion to work on the state's infrastructure, to match federal dollars, to work on general and secondary road and bridge construction and improvements in all 55 counties. And, we need this. And, because I have, and others, have been critical, on occasion, when we disagree with the Governor, I feel it's important that we stand up and give him credit for bringing to us a measure that will make a difference in West Virginia.

So, I urge adoption of this resolution.

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**Creating WV Medical Cannabis Act**

*(Adoption of Judiciary Committee  
amendment to Com. Sub. for  
Senate Bill 386)*

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

---

*Wednesday, March 29, 2017*

SENATOR TRUMP: Thank you, Mr. President.

The strike and insert amendment—the committee amendment is a strike and insert amendment for the entire bill as it came to us. The strike and insert amendment creates the West Virginia Medical Cannabis Act. And it creates a new article in the code, it would be article eight-a in chapter sixteen, which has 17 different sections. Let me tell you, generally, what it does first. It will allow marijuana to be prescribed for medicinal purposes in West Virginia. Now, we will work through the sections of it but, I would advise the body, there's a fairly slow roll out of this contemplated by this legislation—which I think the sponsors modeled after Maryland's statutes on this.

So, section one of the act contains definitions of terms.

Under section two, the act would create a West Virginia Medical Cannabis Commission and empower it to oversee this program.

And section three describes the make up of the commission. And, it's a big commission. It's 16 members—17. There's some automatic

positions on the commission. For instance, the Secretary of DHHR, the Commissioner of Agriculture, the Treasurer or designee, and then it has a whole bunch of members that are appointed by the Governor from different categories and areas of expertise and . . . including—I mean, I don't know if you want me to, you all can read them all but there's an alcoholism and drug counselor, two physicians, a nurse practitioner, a pharmacist, a pharmacologist, a representative of the State Bar, a representative of law-enforcement, an attorney licensed knowledgeable about medical cannabis, a person experienced in horticulture. These are four-year terms that would be for the officers, people appointed to the commission. The commission is given general powers like all commissions. They are authorized under this to charge fees for various things, licenses and such. The money, beyond what they need to operate, goes to General Revenue at the end of every fiscal year.

Section four addresses certifying physicians who meet the requirements of this article. They certify reasons that for including a patient under the care of a physician for purposes of the article. There's a delineation in this section of the kinds of medical problems or disorders or illnesses that are allowed to be treated with this medicinal marijuana.

Section five is a reporting requirement. Requires every year, by January 31, the commission to give a report to the Governor and to the Joint Committee of Government and Finance.

Section six addresses cannabis growers and agents and there is some pretty strict rules set with regard to that. It was amended in the Committee on Health and I think that amendment remains in here in the strike and insert—does it not? The amendment that was adopted in the Health committee allowing a person prescribed marijuana by a physician to grow his own plants, limited to two, remains in the bill.

Section seven addresses dispensaries. So, this is the place where the medical cannabis is going to be available if a person has a prescription for it. And, it delineates how those dispensaries are going to be licensed. It requires, initially, 60, a cap of 60, and direction that they be located in each of the counties.

Section eight deals with dispensary agents. There's a section addressing processors—that's section nine. Section ten addresses processor agents. Section eleven addresses independent laboratories. Section twelve of the bill addresses criminal background records checks. And, it says the commission and the State Police have to enter into a memorandum of understanding for background checks for . . . basically, it's everyone who's involved in this system at any level, whether it's going to be a dispensary, a growery, a certifying physician, presumably, everybody. There are offenses defined and prescribed in section thirteen. Section fourteen delineates conduct that is not protected under the act and that includes such things as undertaking any task under the influence of marijuana or cannabis when doing so would constitute negligence or professional malpractice. Operating or navigating or being in physical control of any motor vehicle, aircraft, boat.

Three, smoking marijuana in any public place is prohibited under this bill. . . . smoking marijuana in a motor vehicle by any person, whether prescription or not. Protects landlords, in that a landlord may proscribe it's utilization in any place that the landlord owns and is leasing to a person with a prescription. There's a section that addresses state employee actions and federal law. Section sixteen gives rule-making authority to the commission.

In section seventeen are effective dates . . . and so, as I mentioned earlier, there's a tiered roll out of this. The provisions of section four, five, six, seven, eight, nine,

ten, eleven, thirteen and fourteen would become effective July 1, 2018. So, that's more than a year from now but the idea is that the commission would be created first, appointed, have an opportunity to propose and promulgate rules that will need to be adopted to flesh out how this is going to work before the other aspects of this come into effect.

That—let me, hold on just a second—great point. I said prescribe and it's probably an incorrect word because under federal law, a physician can't prescribe it. It's on Schedule I right now. Although, perhaps, our resolution plea will be heeded by the Congress so the way it's structured under this bill—although, I'm just using the word prescribe in a colloquial sense as a nonphysician but really what happens here is a physician certifies that a person has one of the conditions for which the law allows the substance to be used as a treatment. And, so, the members of this body who are physicians, all three of them, would have understood immediately that my use of prescribe was inappropriate use of the word.

Mr. President, let me pause there, and that's sort of an overview of the strike and insert amendment. I'll be happy to try to answer questions about it.

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### **Creating WV Medical Cannabis Act**

*(Adoption of Senator Stollings' amendment to the Judiciary Committee amendment to Com. Sub. for Senate Bill 386)*

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REMARKS OF  
**HONORABLE  
RON STOLLINGS**

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*Wednesday, March 29, 2017*

SENATOR STOLLINGS: Thank you, Mr. President, members of the body.

I'm just going to read the amendment and then I'll explain my rationale: Unless otherwise required by federal law or another section of this code, drug screening tests in this state may no longer include a report of the level of THC. If the commission determines that this subsection needs clarification, it may propose legislative rules necessary to implement the provisions of this subsection in accordance with the provision of article three, chapter twenty-nine of this code.

Kind of similar to what we were doing earlier today as far as this is a Schedule I drug. The fact that there's 29 states now that have some type of medical marijuana or recreational marijuana, and the fact that this drug stays in your system a very long time . . . So, if someone goes to a state . . . skiing out west in Colorado, does a perfectly legal thing, comes back to West Virginia and is subject to a urine drug screen, he may not have had any marijuana in his system for two weeks or three weeks and, yet, it would show up on a urine drug screen and, therefore, they could potentially be fired from their job or have to go into drug rehab or something like that.

I have seen in my patients who I have to urine drug screen if their on medications for chronic nonmalignant pain, the only drug I ever find, frankly, is THC. These folks have been getting along just fine but I have to either, you know, I have to do some type of intervention and I know one particular case, I said, "Look, I can't prescribe you pain medicine anymore." Within a month that patient was dead. Up until that point he was doing very well.

So, the fact that it's legal in 29 states in some form or fashion and, again, I'm trying to protect the safety with regard to the DOT that's a federal law, so if you have a federal

driver's, your CDL license, this wouldn't impact that, you'd still have to be tested or whatever. And then I'm trying to put in there or another section of code so that we don't . . . again, people in high risk jobs or whatever would not be impacted by this.

But I can think of several reasons why I think this is a good amendment to the amendment and I urge adoption.

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### Creating WV Medical Cannabis Act

*(Adoption of Senator Stollings' amendment to the Judiciary Committee amendment to Com. Sub. for Senate Bill 386)*

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REMARKS OF  
**HONORABLE  
TOM TAKUBO  
AND  
HONORABLE  
RON STOLLINGS**

*Wednesday, March 29, 2017*

SENATOR TAKUBO: The Senator yield?

MR. PRESIDENT: Does the Senator yield? Senator does yield.

SENATOR TAKUBO: So, I'm just trying . . . so, in your amendment, if I'm an employer and I'm concerned about the safety of operations . . . Let's say I'm a construction crew and I've got crane operators or something that I've . . . Does your amendment allow me as an employer to make that a policy on my own that you can't have those substances on a drug screen positive . . . as an agreement to work under my business?

SENATOR STOLLINGS: Right. My amendment attempts to allow for your process to go through by saying, or another section of code, and, again, putting it in rulemaking . . . again crane operators, etc., if you have a policy in place . . . again the Senator from Putnam who does a lot of construction and things . . . .

I don't mean to undo any of the safety issues but, just in general, since we are going to be having, you know . . . again, 29, we may be the thirtieth state, just and because it lasts so long in the system then that's what I'm going for.

SENATOR TAKUBO: But my policy handbook would have to include that, that we're a drug-free system and, you know, that drug would be included as terms of employment?

SENATOR STOLLINGS: I suppose if you, you know, have it signed up, you know, in the beginning . . . but, again, the fact that this is going to be legal, it lasts so long in a urine drug screen, I'm trying to get that as much as I can out of it but I don't want to hurt public safety in high-risk jobs.

SENATOR TAKUBO: Thank you.

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### Creating WV Medical Cannabis Act

*(Adoption of Senator Stollings' amendment to the Judiciary Committee amendment to Com. Sub. for Senate Bill 386)*

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO  
AND  
HONORABLE  
RON STOLLINGS

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*Wednesday, March 29, 2017*

SENATOR ROMANO: Thank you, Mr. President. Will the gentleman . . .

MR. PRESIDENT: Discussion is on the amendment to the amendment.

SENATOR ROMANO: Yes. Will the gentleman from Boone yield?

MR. PRESIDENT: Senator from Boone yield? Senator does yield.

SENATOR ROMANO: Senator, I just want to make sure I understand before we vote for this, does this forbid all testing for marijuana or just for people that have that prescription? And if you answered that already, I'm sorry.

SENATOR STOLLINGS: This would be . . . my amendment would be for the general population not just the patients that I certified for, to use medical marijuana.

SENATOR ROMANO: And I'd like to be with you but I just don't understand it. Why would we want to exclude everybody? Only the people who have a prescription should be relieved from that obligation because I wouldn't want to employ anybody . . . if I employ Mr. Smith and he doesn't have a prescription and he looks glassy eyed and he's not supposed to take it, then, you know, he shouldn't be jumping on my crane to lift a hundred-ton object.

SENATOR STOLLINGS: I think if you're intoxicated in some way, I think, you know, there's means of knowing whether you're intoxicated, maybe even a blood test . . . but, I gave you an example, there's 29 states, potentially 30 states about to happen . . . you go out west skiing at Copper Mountain, you exercise your legal . . . .

SENATOR ROMANO: State, right?

SENATOR STOLLINGS: . . . and smoke pot, and you come back to West Virginia and

they do a urine drug screen on you on Monday and you're fired. Okay. The other thing is Walmart now doesn't test for THC . . . .

SENATOR ROMANO: Sure.

SENATOR STOLLINGS: . . . and they have a good workforce. Tourism and hospitality folks which is who basically contacted me about this are the folks that think that this is good public policy. My amendment would include the general public.

SENATOR ROMANO: Thank you, sir.

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**Creating WV Medical Cannabis Act**

*(Adoption of Senator Stollings' amendment to the Judiciary Committee amendment to Com. Sub. for Senate Bill 386)*

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REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV

*Wednesday, March 29, 2017*

SENATOR TRUMP: Thank you, Mr. President.

I would rise in opposition to the distinguished Senator from Boone's amendment, not because I think it's going to be a bad idea ultimately, but it's a timing question. And, so, here's what I would say with regard to that. No one, no one, even if we pass this bill, it passes in the House, the Governor signs it, no one will be making any legal use, for medicinal purposes or otherwise, of marijuana in West Virginia during the next year. This bill isn't going to permit it. The commission has to be set up. The commission has to develop its rules. And one of the things that the commission

is going to need to look at for sure is exactly the issue that's being raised by the Senator from Boone. And I hope their rules will, I think they will absolutely have to, deal with this question of drug testing. Where? When does it end? When does it change, you know, what are the changes going to be? And, it's too early to preempt all that now and, in my mind, unnecessary, because we won't have any medicinal use of marijuana in West Virginia until, not only after the commission meets, but it will be after this Legislature reconvenes next year. We're all going to be back here. We're going to have a whole other legislative session.

So, I think the Senator from Boone has raised a really important issue that we are, perhaps we, perhaps the commission, if this becomes law, are going to have to address and grapple with but I think it's premature now and I think it would throw a lot of things that are in place now where drug testing is done and may be required—I know the senator's trying to carve the required ones out—into somewhat of unnecessary chaos while this thing, if it prevails and becomes the law and gets set up and established.

So, for that reason alone—is the only reason, really—but, I would urge the rejection of the senator's amendment.

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**Creating WV Medical Cannabis Act**

*(Adoption of Senator Stollings' amendment to the Judiciary Committee amendment to Com. Sub. for Senate Bill 386)*

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REMARKS OF  
HONORABLE  
PATRICIA PUERTAS RUCKER

*Wednesday, March 29, 2017*



SENATOR RUCKER: Thank you, Mr. President.

As a co-sponsor of this bill, I rise in opposition to the amendment to the amendment. I'm sorry, but it really goes against what we were trying to do which is to create a responsible way to allow people who are in need of help with medical marijuana and I know that if I have a taxi driver driving or if I'm an owner of a truck company, I'm going to want to know that my employees are not under the influence of anything that could impact their driving ability. Whether it is marijuana or illegal substance or drug, they have the right to make that determination and that policy and the knowledge to know.

So, I am opposed to this amendment.

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#### **Creating WV Medical Cannabis Act**

*(Adoption of Senator Trump's amendments to the Judiciary Committee amendment to Com. Sub. for Senate Bill 386)*

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

*Wednesday, March 29, 2017*

SENATOR TRUMP: Thank you, Mr. President.

These are a couple of technical, clean up amendments. One part of it makes clear that post-traumatic stress disorder is among those illnesses for which a certification could be given. It strikes out a subsection and rewrites part of subsection (b)(1) in section thirteen—and it's short. I'll go ahead and read it. It defines a felony offense as a person who knowingly distributes, possesses with intent to distribute or

manufactures cannabis that has been diverted in violations of the provisions of this article from a patient, caregiver, licensed grower, licensed dispensary, is guilty of a felony and, upon conviction, imprisoned in a state correctional facility for not less than one nor more than five years, fined not more than \$10,000, or both. And, it makes it clear that that offense is separate and distinct from other offenses that might be triggered or met, the elements of which might be met, by that sort of conduct.

I urge adoption of the amendment.

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#### **Creating WV Medical Cannabis Act**

*(Passage of Eng. Com. Sub. for Senate Bill 386)*

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

*Wednesday, March 29, 2017*

SENATOR TRUMP: Thank you, Mr. President.

I'm going to say very little other than what I've said. We've described the bill. I think the bill is a serious, bona fide attempt by the sponsors to have something that is well thought out and regulatory, modeled after, as I said, other states. It's a policy question for this body as to whether or not we want to do this. We are now in the minority of states. The majority of states have already done it.

I will say this: I'm late to this discussion, late to the position I have now. But, to me, it's sort of embodied in what you look at when you look at the list on page seven

of the conditions or illnesses for which it could be legally used. It's somewhat narrow but, let me just read a couple of them: Chronic, debilitating diseases or medical conditions that result in a patient being admitted to a hospice or receiving palliative care; chronic or debilitating diseases or medical conditions where the treatment of chronic or debilitating diseases or medical conditions that produce cachexia, anorexia, wasting syndrome, severe chronic pain that does not find effective relief through standard pain medication, severe nausea, seizures, severe persistent muscle spasms, refractory generalized anxiety disorder; and, of course, PTSD we talked about.

And, so, you know, I'm not smart enough to be a doctor . . . if I were, I'd be a doctor. But, increasingly, I think people have come to the realization that, for some of these terrible conditions, this can be a useful therapy or treatment. And, where I am is, who am I to say no? You know, who am I to say no for people who can achieve relief or peace with those conditions?

So, I'm prepared to vote for this bill, Mr. President. I urge its passage.

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### Creating WV Medical Cannabis Act

*(Passage of Eng. Com. Sub.  
for Senate Bill 386)*

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REMARKS OF  
**HONORABLE  
RICHARD N. OJEDA II**

*Wednesday, March 29, 2017*

SENATOR OJEDA: Thank you, Mr. President.

Well, as everyone knows here, for the past month and a half, I've spoke quite a bit

in reference to medicinal marijuana. When I think about this, we've spoken about all the different injuries, illnesses actually, that this could actually help. But, as a soldier, I'm always going to revert back to what I know. And that's the military life.

In my hand, I have 13 dog tags. Now, these are not people that died from post-traumatic stress disorder. These are people that died in combat. And I've got a picture in my office that relates to one of these dog tags, which is First Sergeant Christopher Rafferty. Now, the picture in my office, you see a man named Command Sergeant Major Rick Cartwright. And you can see him at the memorial shortly after First Sergeant Rafferty was killed during a mortar rocket attack. Now, for those of you who don't know Rick Cartwright, he's probably one of the hardest men I've ever met in my life. This is a guy that, for a period of time, he spent time on the other side of the fence. Now, for those of you in this room that don't know what that means, that's a certain organization that normally doesn't exist. You start to hear about it nowadays but, back in the day, it was never to be spoken of. One of the hardest men I've ever met in my life. And, I watched . . . when you look in that picture, you can see the pain that he's going through because of the loss of his brother.

In West Virginia, we have the 1092nd Engineers, National Guard unit. But, what people fail to realize, is that if was not for the National Guard and the reserves, people like myself would have never got to come home. Every time I found myself landing in Iraq, or getting ready to leave Iraq or Afghanistan, it seems like the 1092nd was always on their way out or on their way in. These are National Guard guys.

So, West Virginia has a history. When the rich wage war, it's the poor who fight and die. And it's always been from our neighborhoods, our communities, our

counties, our state. The thirty-eighth parallel goes right through Boone County and during the Korean War they specifically targeted our people because the terrain in Korea and the temperatures are very similar to what we have here.

In the Vietnam War—we know what happened there—pretty much, you graduated from high school, you walked across the stage and you got on a bus and you left. We sent more people per capita to Vietnam than any state in America. Logan County sent more than any county in America.

My father-in-law—and his Purple Heart is hanging on my office wall. Twenty years ago, he seemed fine. But, today, he's got serious problems. And I'm going to be honest with you, that I worry about that when it comes to me. 'Cause today I feel fine. I think I can stand up here, I'm not as smart as Senator Trump, I know that, but I think I can hold my own in certain circles with, maybe, Karnes—Senator Karnes. But, you know, I worry because there is things that go on. We have thousands of veterans from this state that have seen things that I pray you or your children never have to see. I've got a dog tag here and I can remember telling the wife her husband's not coming home to see the birth of their first son because she was eight months pregnant and he was killed in the Al Anbar province. I think about her and what she has to go through. And I can go through every one of these here, and I remember every one of their faces, and I love them like they're my brother, but we can't help them. They died in combat. But, we can do something for the first time in the State of West Virginia. We can help our veterans. We can help those by giving them the ability to have something that can get them through the times that whenever they close their eyes the only thing they see is the faces of the ones they served with that didn't come home.

Now, I know we can sit here all night long and we can talk about it's a gateway drug. Like I said, it's a gateway away from opioids and a gateway to a better life for somebody who may only have two months to live. And, we can sit here all day long and we can talk about how there's not enough study, every one of you guys has a government-issued laptop that's got Google. There's plenty of opportunities for people to get out there and watch, read and study up on this stuff. This is the one opportunity that we have to do something—and this is historic—and I'm proud to be here. I'm proud to be in the Senate. And, I'm proud because I've spoken to quite a few of you all that have told me "Hey, if it comes to that floor, I'll support it." I'm proud because I know there's bipartisan support in this bill. And that means a lot.

I don't care what happens—well, I do care—I hope that the people over in the House understand what we were able to do. And they will realize that they too can pass historic legislation that can help people. I pray that you all support this bill.

Thank you, Mr. President.

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**Creating WV Medical Cannabis Act**  
*(Passage of Eng. Com. Sub.  
for Senate Bill 386)*

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REMARKS OF  
**HONORABLE  
MICHAEL A. WOELFEL**

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*Wednesday, March 29, 2017*

SENATOR WOELFEL: Thank you, thank you, Mr. President.

For those, I want to speak to . . . that's the first time this session that I've stood up and I haven't seen a laptop and I haven't seen a

phone, a cell phone, iPhone, whatever it is. I want to speak to those of you that are still ambivalent about this bill because I was. I, with the help of Kevin Baker, I drafted this bill. We took it from Maryland. And we worked hard to look at other states and we spent a lot of effort finding the right bill for West Virginia. But guess what, we've just heard a story of courage. I really didn't have the courage to be the lead sponsor so I passed it over to Senator Ojeda. I was ambivalent.

All of us that have listened to the discussion of this issue—and I'm against recreational marijuana—all of us that have listened to the discussion of this issue know this is a health issue. So, if you have reservations, let's make a stand. Let's help the people in our state get well or, at least, manage their symptoms.

And I urge support.

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### Creating WV Medical Cannabis Act

*(Passage of Eng. Com. Sub.  
for Senate Bill 386)*

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#### REMARKS OF HONORABLE MICHAEL J. MARONEY

*Wednesday, March 29, 2017*

SENATOR MARONEY: Thank you, Mr. President.

I appreciate the Senator from Logan's passion and . . . The American Medical Association does not have an opinion on this matter. They request further studies. The West Virginia State Medical Association is against medical marijuana. So, I'm going to stand up today and urge them to reconsider that position. I am in favor of

medical marijuana and, maybe, if I speak out, that will lead to them to reconsider their position. I'm not, necessarily, in favor of this bill. I did approach the Senator from Morgan about the bill but we didn't really get past the first sentence. I think it's well written everywhere but . . . I was paying attention to the section that describes the diseases . . .

And I reviewed four other states. I reviewed Ohio, Pennsylvania, South Carolina and Kentucky. Ohio and Pennsylvania have the laws. South Carolina, I picked that one because we had a guest here from South Carolina. And, Kentucky, is taking it up this term. And, I'm not sure what's going on with it. But I do think—I'm so glad we're talking about it—I've read a lot about it over the past three to four days. I mean, a lot. Like studies from New Zealand, studies from Duke, studies from Boston and . . . it's something that we need to do as a state.

So, I will support . . . I'm going to vote "no" for this bill, but I'm voting last, and if the Senator from Logan has 17 and needs one more, I'll be the eighteenth. But other than that, I'm voting "no".

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### Creating WV Medical Cannabis Act

*(Passage of Eng. Com. Sub.  
for Senate Bill 386)*

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#### REMARKS OF HONORABLE TOM TAKUBO

*Wednesday, March 29, 2017*

SENATOR TAKUBO: Thank you, Mr. President.

I just want to kind of, maybe, clarify on my fellow senator's comments. State Medical official position is against. Now, I can tell you the big reason for that is because when you come to a physician and you say, hey, I've got whatever problem, we base our decision off of FDA-approved medications that have been trialed, therapies that have been studied and proven . . . you just don't have those. You have a lot of anecdotal evidence, but you don't have studied, well written data to back up what we're doing. So, to come to me and ask me to make an opinion on something or do informal diagnosis, that's (inaudible) of hesitation.

Now, I will, I'll tell you, there is a lot of evidence that I think the American Medical Association will come forth with, with recommendations when there comes to oral . . . Of course, when you're smoking marijuana, there is concerns for damages to the lungs just like COPD. There's a few carcinogens. It's probably not the healthiest thing. Back in the nineties, everything was going to be inhalational to the lungs: Diabetes medicine, high blood pressure medicines. Well, it didn't take long to start figuring out that when you inhale things in the lungs, it damages the lungs. And so, those things kind of go to the wayside.

But, I can't vote, being a lung doctor, I certainly can't support the bill. However, I can speak in favor of what my patients have told me. And, we treat a lot of lung cancer and I've had multiple patients that have come and said, you know, they weren't doing the greatest. They're on chemotherapy. They were losing weight. And then one follow-up visit, they start looking better and they're very apologetic. They said, you know, I'm sorry—cause I notice they're not asking for refills on some of their pain medicines, their anti-medic— and they'll say I started smoking marijuana. And I say don't ever apologize for that if it's helping you, you know, go for it.

I've got a little informal, you know, private Facebook poll with about 400 physicians across the State of West Virginia. And I put a poll out and I said, you know, help me with this. On medical decisions, I want to be a representative for the medical group and it's probably, I had maybe 50, 60 respondents out of the group and it probably favored 80 percent for. They, again, wasn't, or the most that made comments weren't for medical. They were saying if you're going to legalize it, legalize it. Don't put us in the middle of it and we're busy enough as is and it's hard for us to get our patient loads through and if people think they need it, let them have it. So, I will pass that along.

Now, again, I made it very clear, I can't support this. When edibles come out, I think there's certainly a benefit that I would support. But, I just wanted to pass that two cents along to the Senate.

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**Creating WV Medical Cannabis Act**  
*(Passage of Eng. Com. Sub.  
for Senate Bill 386)*

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REMARKS OF  
**HONORABLE  
RON STOLLINGS**

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*Wednesday, March 29, 2017*

SENATOR STOLLINGS: Thank you, Mr. President.

I wasn't going to say anything but my two physician colleagues have said it. I'm a primary care physician. I treat, basically, all comers. And, I've seen many cases that I think, when I read from the bill, that patients could have been helped, and probably have been helped, by breaking the law up until this point. Someone has

pancreatic cancer, they absolutely have no appetite whatsoever and them being able to use a form of marijuana would actually improve their appetite and improve their quality of life.

So, again, I'm down in the trenches. We are trying to cut down on opioids. We are cutting down on opioids. Again, the number of opioids being prescribed in West Virginia is plummeting. The Board of Pharmacy monitoring database shows that. At the same time, you know, we still have people out there with pain. We have people out there with spasm. I have patients that won't even come to me now because they're breaking the law and using marijuana. And they'd rather do that than come and, potentially, you know, fail a urine drug screen. And so, they say well, you know, I'm just not going to use my hydrocodone. I'm not going to use my Phenergan, or whatever.

So, I see the real utility for this. I think we've got a year, basically, to think about it. This commission will be established. We have 29 other states that have it legal in some form or another. So, I can't know what I know and not vote for this bill.

So, I urge passage of the bill.

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**Creating WV Medical Cannabis Act**  
*(Passage of Eng. Com. Sub.  
 for Senate Bill 386)*

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REMARKS OF  
**HONORABLE  
 GREGORY L. BOSO**

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*Wednesday, March 29, 2017*

SENATOR BOSO: Thank you, Mr. President.

Before I came to this session, I had a number of people contact me about medical-use marijuana. I couldn't find, quite honestly, a much better face to represent this particular piece of legislation than my fellow Senator from Logan. Why? Because, about four years ago, I had three combat military, seasoned veterans that were plagued with PTSD and, as chaplain of the fire department, at two o'clock in the morning, you get a phone call, and you get there and the guy is melting down because . . . and, actually, considering taking his life, wondering whether or not he's going to survive, and he was being treated with the synthetic drugs that we have available to us.

When we started talking about this this past legislative session and it started becoming more and more commonplace, these guys started looking at me and saying please, help us. I want to help. But, what I found really telling was that a young lady who was a couple of years behind me in high school, 21 years ago, had a young baby. His name's Jordan. His chances of survival at the time that he was born was he wouldn't make his first birthday. He just celebrated his twenty-first birthday. He's in a wheelchair. He responds emotionally but he has seizures nearly continuously through the course of a day and has other situations, other than a smile, for the most part, there's not much else that we can do for him except make him comfortable, enjoy when he smiles, when he communicates to you. And she said, help us. He's on . . . you probably couldn't put them on the desktop the number of drugs that this poor little boy is on. He's not a little boy anymore. I've watched him grow up. The doctors have told them to actually close their business and leave West Virginia to take care of him by getting him to a state where he could take and utilize medical marijuana to help control seizure disorders.

When I hear stories like that, the opportunity of being a sponsor of this

particular piece of legislation but, more importantly, being able to say yes, I believe that if we take that which God created and utilize it for the useful benefit of mankind, that's what we're charged to do.

So, Mr. President, I urge adoption of this critical piece of legislation that will move West Virginia into the future.

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**REMARKS OF  
HONORABLE  
RYAN J. FERNS**

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*Wednesday, March 29, 2017*

SENATOR FERNS: Thank you, Mr. President.

I'll be brief here, I know it's been a long day but I didn't want to go another day without acknowledging an incident that occurred yesterday.

Many of you have been following the news, yesterday, early yesterday morning, on the border between Kanawha County and Lincoln County, Corporal D. S. Fry of the West Virginia State Police was shot and wounded in the line of duty. And, I was talking to Captain White here—he's in the rear of the chamber—earlier today. In the initial news report I had read and, you know, it was misstated his injuries, but he actually was wounded in both his chest and his wrist. And, I believe he's doing okay now. He's recovering. They are very serious injuries though. Had a lot of damage in his wrist and, thank God, the wound in his chest, his body armor that he was wearing deflected that bullet which is unusual for the type of gun that was fired at him. So, I think that that was, you know, God intervened to save him.

But I just wanted to say this publicly, hopefully, the message will get back to Corporal Fry that all of us here in the

Legislature, you know, we talk about courage a lot but these guys are literally putting their, these guys and gals, are putting their lives on the line for us every single day so that we can be safe and come here and live our lives and do our jobs and so, Captain White, if you would relay the message to Corporal Fry that we are here, we are praying for him and thinking about him, I'd appreciate it. If everybody'd keep him in our prayers.

Thank you, Mr. President.

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**Designating March 30, 2017, as  
Marshall University Day**

*(Adoption of Senate Resolution 62)*

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**REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL**

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*Thursday, March 30, 2017*

SENATOR WOELFEL: Thank you, Mr. President.

I stand here today in a way humbled because of the great education I received at Marshall. I looked around the body and I can see at least ten or more of us that attended, received all or part of our education at Marshall. Our Governor holds two degrees from Marshall and many of our staff were educated at Marshall.

So, what is Marshall anyway? What has it become? Marshall has a vibrant and diverse group of students. It has a world-class faculty. One hundred degree options. Ten campuses around the state. And, in my view, Marshall is the economic engine that drives southern West Virginia, the I-64 Corridor, and, quite frankly, it's just grown into a research university. Over \$30 million worth of research expended every

year. And, we are so proud to have as our guest today representatives from this great university and I encourage passage of the resolution.

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**Designating March 30, 2017, as  
Marshall University Day**

*(Adoption of Senate Resolution 62)*

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REMARKS OF  
**HONORABLE  
ROBERT H. PLYMALE**

*Thursday, March 30, 2017*

SENATOR PLYMALE: Thank you, Mr. President.

As a graduate of Marshall . . . I also wanted to say that Dr. Gilbert, the President, could not be here today. He is receiving a distinguished fellow of his alma mater's College of Engineering. That's quite an honor for Mississippi State University. He was torn between whether he would go ahead and receive that honor or come here today for this but, obviously, this is such an honor that he could not make it. And I know that he is sorry that he's not able to be here.

Marshall University adds at least \$400 million, more than \$400 million to our economy, 3,200 jobs with the numerous campuses that the Senator from Cabell talked about. But when you're talking about research and forensics, with the Robert C. Byrd Center for Flexible Manufacturing and the entrepreneurship that has locations throughout the whole state, they're bringing new vibrance to this state.

I do want to take a point of personal privilege. My wife works at, as the Dean of Admissions for the Marshall Med School and she has a number of students and I want

to name four of them that are here today that are, my wife works directly with. And I'll have to say proudly, that three of them come from Wayne County and one comes from Mercer County. But if I could name them, from Mercer County, Ashton Sexton, from Wayne County, Courtney Wellman, and Casey and Morgan Stickler, also from Wayne County. One went to Bluefield High School, one went to Tolsia High School in Wayne County and two of them went to Spring Valley High School. Marshall University adds a lot to this economy and the State of West Virginia. Obviously, what we do here in the next few days is going to be very important that they keep their mission.

So I urge the adoption of this resolution.

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**Designating March 30, 2017, as  
Marshall University Day**

*(Adoption of Senate Resolution 62)*

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REMARKS OF  
**HONORABLE  
RON STOLLINGS**

*Thursday, March 30, 2017*

SENATOR STOLLINGS: Thank you, Mr. President. I rise in support of the resolution.

I graduated in 1982 from the School of Medicine—the second graduating class. The first class started in, I think, January of the year so they consolidated that year. I was the first, I guess, graduate in a full year and so that's why members of that first class can always say, "Before us, there were none and after us, there will be no more."

It's a tremendous training program, pouring physicians out into West Virginia and around the world. And I am a very



proud alumnus of the Marshall University School of Medicine.

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**Designating March 30, 2017, as  
Marshall University Day**

*(Adoption of Senate Resolution 62)*

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REMARKS OF  
**HONORABLE  
MARK R. MAYNARD**

*Thursday, March 30, 2017*

SENATOR MAYNARD: Thank you, Mr. President.

I, too, am a proud graduate, 1996, from Marshall and there's no doubt that the reason I'm standing here today is because of my education I received there. I'm very embarrassed that I don't have my Marshall tie on but I can guarantee you later today I will have it on. And, just want to thank everyone there that made my education possible and it was a pleasure.

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**Congratulating Wyoming East High  
School golf team for winning 2016 Class  
AA state championship**

*(Adoption of Senate Resolution 63)*

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REMARKS OF  
**HONORABLE  
SUE CLINE**

*Thursday, March 30, 2017*

SENATOR CLINE: Thank you, Mr. President.

The Wyoming East High School Warrior golf team is here today and I am so proud to introduce them to you. They have won the 2016 Class AA State Championship golf of our state this year and I just can't tell you how proud we are of them. The golf team made Wyoming County and school history this season by winning this award. This team was the first to win, or to earn, a state golf championship for both Wyoming County and Wyoming East High School. The team's consist of Logan Cook, Brett Laxton, Patrick Smith, Michael Growe, Noah Quesenberry, Ethan Bradford, Matt Caldwell, along with head coach Robert "Doc" Warner and volunteer coach Kevin Hedinger. Noah is not with us today.

I urge the adoption of this resolution.

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**Congratulating Wyoming East High  
School golf team for winning 2016 Class  
AA state championship**

*(Adoption of Senate Resolution 63)*

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REMARKS OF  
**HONORABLE  
JEFF MULLINS**

*Thursday, March 30, 2017*

SENATOR MULLINS: Thank you, Mr. President. I, too, rise in support of this resolution.

I grew up in Wyoming County and, you know, sports was a way of life. You know, we don't have a Walmart, we don't have a LongHorn Steakhouse, we don't have an Applebee's, but what we do have is great sports teams. And great coaches. And so, I want to congratulate Coach Warner and these kids for putting in the hard work, the time and the dedication, and Coach

Hedinger—I see him back there—to get to the top and win a state championship.

So, I urge passage of this resolution.

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**Congratulating Herbert Hoover High School boys' basketball team for outstanding athletic achievement**

*(Adoption of Senate Resolution 64)*

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REMARKS OF  
**HONORABLE  
GLENN D. JEFFRIES**

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*Thursday, March 30, 2017*

SENATOR JEFFRIES: Mr. President, a couple of days after the flood hit last June, we were in Clendenin delivering supplies. Like many West Virginians, we were trying to do anything we could to help. While I was there, we saw a small boy on the side of the road covered head to toe in mud. He was standing ankle deep in the mud watching his dad run a backhoe to clean up his property. He looked so sad, tired and scared. And he wasn't much older than my grandson, Eli. I knew a few things looking at this little boy that day. I knew that a heart could break in an instant. I knew that whatever it took that I would be there and our company would be there until we were no longer needed. Mr. President, we are still there.

That was a hard day last June but the people of the Elk River, they are good, they are kind and they are strong. They pitched in and slowly through the hot, long summer, with numerous volunteers helping families, they are starting getting their homes put back together.

Healing broken hearts takes longer. Losing the high school, Herbert Hoover

High School, has been a great trial for the community. But they have put together a schedule to accommodate all the children. It hasn't been easy to share classrooms and space for activities and sports, but they've all pitched in. And not only have they managed, they have thrived.

I want to tell you more about our guests today, the Herbert Hoover High School basketball team, their cheerleaders and their coaches. These are young people who are wonderful examples of what student athletes are supposed to be. Their basketball team, their GPA average, 3.92. Wonderful achievements. The cheerleaders, 3.84. Despite having no true home gym and a difficult practice schedule, they made no excuses. They worked hard and they have gotten the results. Hoover defeated Clay County, Roane County and Lewis County to win their first sectional title since 1968. They defeated Robert C. Byrd in double overtime to win the school's regional championship. And Mr. President, this is the first time in the history of Herbert Hoover High School to make it to the West Virginia state championship tournaments. First time in its history. Their school principal is Mike Kelley. Their athletic director is Jerry Legg. Cheerleaders' coach Jamie Hayes. The basketball team is led by head coach Josh Daniels, with assistant coaches Terry Jarrett and Josh Stricker. The team's post-season success is truly a symbol of a community as a whole in the wake of the flood. They came from behind in both sectionals and regionals and they won. This team demonstrated a "never give up" attitude which is shared by every member of the Elk River community.

Mr. President, on behalf of myself, my Senior Senator from the Eighth, my Senior Senator from the Seventeenth and my Junior Senator from the Seventeenth, ladies and gentlemen, please join me to welcome these fine young men and women of Herbert Hoover High School.

Mr. President, I urge adoption of this resolution.

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**Congratulating Herbert Hoover High School boys' basketball team for outstanding athletic achievement**

*(Adoption of Senate Resolution 64)*

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REMARKS OF  
**HONORABLE  
C. EDWARD GAUNCH**

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*Thursday, March 30, 2017*

SENATOR GAUNCH: Thank you, Mr. President.

What a great pleasure it is for me, also, to stand in honor of Elk River and Herbert Hoover High School. The epitome of resilience, courage, character and, under the great leadership of Principal Kelley, this school is not only surviving, but they are thriving as the Junior Senator said. I'm happy, happy to recommend passage of this resolution.

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REMARKS OF  
**HONORABLE  
RYAN W. WELD**

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*Thursday, March 30, 2017*

SENATOR WELD: Thank you, Mr. President.

On behalf of myself and the Senator from Ohio, I know that today is Marshall Day, but I also didn't want to forget that on this day, 180 years ago, so 1837, the Virginia Legislature granted a charter to establish a private academy just north of Wheeling in

Ohio County. That school, that academy, had a first class of 65 students and it met in the home of the Reverend Nathan Shotwell. The school is now West Liberty University and is a very integral part of the Northern Panhandle. Now, they offer master's degrees and several bachelor degrees.

So, just want to give the opportunity that it's not just Marshall Day; we'll call it West Liberty Day as well.

Thank you, Mr. President.

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**Reaffirming sister-state ties between Taiwan and State of WV**

*(Adoption of Senate Resolution 65)*

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REMARKS OF  
**HONORABLE  
ROMAN W. PREZIOSO, JR.**

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*Friday, March 31, 2017*

SENATOR PREZIOSO: Thank you, Mr. President.

Ladies and gentlemen of the Senate, in November of 2013, Senator Kessler and Senator Bob Williams and I had the opportunity and great pleasure to visit the country of Taiwan on a diplomatic trade mission. After a very, very long flight, we ended up on an island located off the western shore of China, just northeast . . . I mean, yeah, northeast of Japan. It's an island country and has similar terrain towards . . . the same as West Virginia. It has beautiful mountains and hills. It has a population of about 35.5 million and it's our sister state.

Taiwan shares common values of freedom, democracy, human rights and the rule of law with the United States and

with the State of West Virginia. In 2016, Taiwan held its sixth direct presidential election and inaugurated Dr. Tsai Ing-wen as the first female president in a peaceful transition of power, demonstrating the strength and the vitality of the democratic system and showcasing Taiwan as a beacon of democracy in Asia and beyond.

In August 4, 2017, we will mark the thirty-seventh anniversary of the sister-state relationship between West Virginia and Taiwan. The sister-state relationship with Taiwan has been strengthened through the efforts of the Taipei Economic and Cultural Representative Office resulting in better mutual understanding in enhancing the friendship, trust and cooperation between West Virginia and Taiwan.

The United States is Taiwan's second-largest trading partner and the second-largest destination of Taiwan's outward investment. Taiwan is the tenth largest trading partner of the United States with a bilateral trade reaching \$65 billion in 2016. It's the eighth largest export destination for U. S. agriculture good and overall the fourteenth largest export market. In 2016 West Virginia exported more than \$29.6 million to Taiwan, making it our seventh largest Asian export market and the eighteenth largest export market in the world, demonstrating that Taiwan is not only a friendly a sister-state of West Virginia but also a very important trading partner.

By working together with Taiwan, West Virginia welcomes all opportunities for even closer economic partnerships to increase the trade and investment through signing of the U. S.-Taiwan Trade Free Agreement to boast greater West Virginia exports to Taiwan and enhance the special sister-state bond between West Virginia and Taiwan, resulting in the future cultural, educational and business exchanges between the citizens of both nations.

We're very happy to have today representatives from Taiwan. We have the Director, Weng Ling Yiu, the Deputy Director Grace Chang and an official Jack Wang.

Mr. Chairman, I urge the adoption of this resolution.

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**Reaffirming sister-state ties between  
Taiwan and State of WV**

*(Adoption of Senate Resolution 65)*

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**REMARKS OF  
HONORABLE  
TOM TAKUBO**

*Friday, March 31, 2017*

SENATOR TAKUBO: Thank you, Mr. President.

I, too, was privileged and honored to be able to take part in a similar diplomatic trip with fellow legislators from Maryland and from the District of Columbia there that . . . it was an impressive, impressive trip. It certainly has shaped the way I think as a legislator. It certainly shaped my views on Taiwan. They have just an incredible work ethic. I mean, my eyes are so open to the way things can be done right and hats certainly off. I think there's a lot we could all learn from many of the way they do things in Taiwan.

But, I certainly support the resolution and continue to support this partnership.

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**Prohibiting the production,  
manufacture or possession of fentanyl**

*(Adoption of Judiciary committee  
amendment to Eng. Com. Sub. for  
House Bill 2329)*

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REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL

Friday, March 31, 2017

SENATOR WOELFEL: Thank you, Mr. President.

This is a good bill that comes to us from the House. And Senate Judiciary, with the leadership of the Senator from Morgan, has made it much better. Those of you that, well, all of us know that naloxone is a medication that's used in an emergency to combat narcotic overdose. From heroin, for example. So, if you use one dose of naloxone to reverse this overdose, it'll work. With fentanyl, it may take seven doses of naloxone to bring that person back. And then, carfentanyl is the elephant tranquilizer which we see more commonly now than heroin.

So, this is a great tool for our prosecutors, for our law-enforcement officials to combat the crisis that our state is experiencing and I encourage passage.

REMARKS OF  
HONORABLE  
KENNY MANN

Friday, March 31, 2017

SENATOR MANN: Thank you, Mr. President.

Over the past couple days, I've looked over at the Senior Senator from the Sixteenth, also known as my little buddy, and I see his red lights lit up and . . . You know, I can't help it, little buddy. I see you in distress over there and it reminds me of a little ship lost at sea. And, you know, I sit over here and I look up and I see it and

I just can't take it anymore and I can't let this happen. And I want to represent and be that lighthouse to guide you home. And I don't have a lighthouse or anything, but I put together the next best thing to help, so if you all would just bear with me . . . And that being said, little buddy, come on home.

US Army PFC Kelva H. Justice  
Memorial Road

(Adoption of Senate  
Concurrent Resolution 39)

REMARKS OF  
HONORABLE  
C. EDWARD GAUNCH

Saturday, April 1, 2017

SENATOR GAUNCH: Thank you, Mr. President.

I stand in support of Senate Concurrent Resolution 39. It names McCorkle Road 14/3 in Lincoln County the "U. S. Army Private First Class Kelva H. Justice Memorial Road". He was a graduate of Duval High School. He entered the United States Army on August 18, 1943. He served in England, France, Germany during World War II. Was killed in action on April 14, 1945, in Germany. Received the Silver Star, two Purple Hearts. Was originally interred in Holland in an Army cemetery there and ultimately his remains were reinterred in the Midkiff Cemetery in Sumerco in Lincoln County.

Mr. President, it's fitting that an enduring memorial be established to commemorate Private First Class Kelva H. Justice, a native son who served his state and his country with great honor, gave the ultimate sacrifice, by naming McCorkle Road beginning at a point where it intersects

with Route 119 and ending at a point where it intersects with Route 214 in Lincoln County, becoming the U. S. Army Private First Class Kelve H. Justice Memorial Road.

Mr. President, I urge passage of the resolution.

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**Naming the NASA IV & V Facility  
at Fairmont for West Virginia  
mathematician Katherine Coleman  
Johnson**

*(Adoption of House  
Concurrent Resolution 26)*

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REMARKS OF  
**HONORABLE  
GREGORY L. BOSO**

*Monday, April 3, 2017*

SENATOR BOSO: Thank you, Mr. President.

A few weeks ago, my wife and I took a Saturday afternoon and drove down to Beckley and watched a movie, Hidden Figures. Wow! I never had a clue. But today, we have the opportunity to do something that's quite remarkable in honoring Katherine Coleman Johnson and her contributions to science, technology, engineering and math. Math, most importantly. I had no clue what her contributions as a original member of this state had on the space program. When we look at what her contributions were, when, at the early advent of the computer technology, nobody would trust the computer but Mrs. Johnson. That speaks volumes but that also tells us how important it is to be concentrating on honing our skills and encouraging children throughout our

country to continue improving in the areas of science, technology, engineering and math.

This is a great day and, Mr. President, I will tell you that as a registered professional engineer who relies on what science and mathematicians have done in the development of many of the things that I rely upon and their work, I am grateful for those who have blazed the pathway and brought us to where we are today.

I urge adoption of this naming resolution.

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**Honoring Katherine Johnson,  
Presidential Medal of Freedom recipient**

*(Adoption of Senate Resolution 66)*

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REMARKS OF  
**HONORABLE  
PATRICIA PUERTAS RUCKER**

*Monday, April 3, 2017*

SENATOR RUCKER: My fellow senators, Katherine Johnson is an African-American physicist and mathematician and she is one amazing woman. She is brilliant. Quite literally, a rocket scientist. She was born Katherine Coleman in White Sulphur Springs, West Virginia, in 1918 during the Woodrow Wilson administration. How ironic that it was Woodrow Wilson and his cabinet that instituted a policy of racial segregation in the federal workforce. But Katherine Johnson contributed greatly to defeating Wilson's policy.

Here's some background about her life. According to NASA, for whom she dedicated decades of service, and I quote, "Her father, Joshua, was determined that his bright little girl would have a chance to meet her potential. He drove his family 120

miles to Institute, West Virginia, where she could continue her education through high school. Johnson's academic performance proved her father's decision was the right one: Katherine skipped two grades to graduate from high school at age 14. And she graduated from college at age 18."

"In 1953, after years as a teacher and later as a stay-at-home mom, she began working for NASA's predecessor, the National Advisory Committee for Aeronautics." Pretty amazing. But it gets even more so.

From 1953 to 1958, Katherine Johnson worked in a segregated pool of mathematicians referred to as computers with skirts. However, because of her knowledge of analytical geometry, she was invited to participate in the previously all-male editorial board. Her contributions there were so important that, as she later said, they forgot to put her back in the pool.

In 1958, when the National Advisory Committee for Aeronautics became NASA, the office was desegregated. But the office still had a glass ceiling and really, glass doors. According to Johnson, as quoted in Wikipedia, "We needed to be assertive as women in those days — assertive and aggressive — and the degree to which we had to be that way depended on where we were. I had to be. In the early days of NASA women were not allowed to put their names on reports . . ." As a result of her assertiveness, perseverance and the quality of her work, Katherine Johnson became the first woman in her division ever to have her name on a report. Not the first black woman, the first woman.

As Wikipedia reports, from 1958 until her retirement in 1986, Johnson worked as an aerospace technologist. She calculated the trajectory for the May 5, 1961, space flight of Alan Sheppard—the first American in space. She also calculated the launch window for his 1961 Mercury Mission.

She plotted backup navigational charts for astronauts in case of electronic failures. When NASA used electronic computers for the first time to calculate John Glenn's orbit around the earth, as the Senator from Nicholas pointed out, officials called on Johnson to verify the computer's numbers. Glenn had asked for her specifically and had refused to fly unless Johnson verified the calculations.

Katherine Johnson has co-authored 26 scientific papers. She was named West Virginia State College Outstanding Alumnus of the Year, 1999, and on November 24, 2015, President Barack Obama presented her with the Presidential Medal of Freedom. On May 5, 2016, a new 40,000 square-foot building was named and dedicated the Katherine G. Johnson Computation Research Facility at NASA's Langley Research Center in Hampton, Virginia. And we just passed a resolution asking for Congress to also name a building in Fairmont, West Virginia, in her honor.

My parents brought me here to America from Venezuela. I feel truly blessed to have been given the opportunity to become a citizen of this great country. Opportunity is what America is all about. Today, I'm a freshman senator. And I've been told that I'm the first Hispanic woman ever to be elected to the West Virginia State Senate. However, I would quickly add, that I don't consider that an accomplishment of mine. It is simply a measure of where we are today in our society that race, ethnicity and gender are of lesser importance in how we choose candidates for office.

So, in that respect, we have come a long way. And we owe a tremendous debt of gratitude to great Americans like Katherine Johnson for how far we have come. I admire Katherine Johnson. She created opportunity where none existed. She broke down barriers. She refused to take no for an answer and accomplished so much. She

is the embodiment of greatness and a hero to me.

It is a great honor for me to present this resolution on the behalf of the West Virginia State Senate as a tribute to this incredible woman.

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**Honoring Katherine Johnson,  
Presidential Medal of Freedom recipient**

*(Adoption of Senate Resolution 66)*

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REMARKS OF  
**HONORABLE  
RONALD F. MILLER**

*Monday, April 3, 2017*

SENATOR MILLER: Thank you, Mr. President.

On behalf of the citizens of West Virginia and the people of Greenbrier County and the tenth district, we are proud today to honor Katherine Johnson, who was born and raised in White Sulphur Springs. And I will tell you, and she will tell you, that it's a beautiful place to be from; it's a beautiful place to go; it's a beautiful place to visit.

The sad news is that it was a difficult time when she was there. As she attended school and would have to probably catch rides or walk to school at that time, my good friend, the Reverend Carl Renick, used to talk about the walks he used to make to school . . . . But she went through eighth grade, was as far as she was allowed to go in Greenbrier County at that time to school. And she went, her and her family went and moved so that she could continue her education and do great things for this nation.

We've come a long way but we have a long way to go. We've done some good things. This lady paved the way and said it could be done but we have much more to do in how we treat people and how we segregate ourselves apart from people who are different from ourselves sometimes. We have much to do. But from the people of Greenbrier County today, from my fellow Senator from the tenth district, the Junior Senator from Monroe County, we say that we're proud today to stand and honor this great West Virginian. This great countian of ours. This great leader in our nation. It is sad that we have not all understood and appreciated her accomplishments when we were in school in West Virginia history but many of us did not get that. She did a great job. She's made famous this state. We need to show the appreciation this day with this resolution.

Thank you.

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**Designating 2017 as Robert C. Byrd  
Centennial Legacy Year**

*(Adoption of Senate  
Concurrent Resolution 60)*

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REMARKS OF  
**HONORABLE  
JOHN R. UNGER II**

*Wednesday, April 5, 2017*

SENATOR UNGER: Thank you, Mr. President.

This is the hundredth year of Senator Robert C. Byrd's birth. And Senator Byrd, as we all know, the longest-serving U. S. senator in American history was a West Virginian through and through. One of ours. He loved the people of West Virginia. He had a long list of names of West Virginians that he knew and he didn't have



anybody that he really didn't know when you met him. He had some old friends but, of course, always knew acquaintances.

It's actually told that Senator Byrd would spend his evenings in his Senate office making phone calls in the evening to people all through West Virginia just to find out how they were doing. Took a lot of discipline, a lot of time, to do that 'cause I know we can be very busy but he made that effort. Matter of fact, I was very fortunate to receive some of those calls at times and he didn't really want anything. He just wanted to see how I was doing.

This is a very important resolution in the sense that we need to honor our history and, particularly, a statesman. I think it's known that Senator Byrd has helped all 55 counties of this state. He found ways in which he was going to finance many of our projects that we very much enjoy today, especially our infrastructure, our highway system, Senator from Nicholas. He found billions of dollars and he always like to . . . in federal dollars for West Virginia and he always liked to say that he wanted to become West Virginia's billion-dollar industry. And he was able to help highways, flood control projects, schools, hospital, bridges and even helped the coal industry and never forgot the coal miner, Senator from Tucker. He supported tourism and he also continued to support our infrastructure even up to the day that he passed away.

While largely taught, Senator Byrd became one of the nation's leading Constitutional experts—a champion of the U. S. Constitution that he would always carry with him. And, he was also historian of the Senate. He appreciated the institution of the legislative branch. He published four volumes of history and he was, of course, the student of the Senate of the Republic of Rome and he wrote books about that, too.

It's interesting, I got to see him when he wrote his first, or wrote his biography, I think it was called *The Appalachian Child*, and he was at WVU when they were actually commemorating that book. And I remember that when he got up and spoke, he stood up and held his volume up, his biography up, and he says, "They say this is my biography. What I say, it's volume one." And he said he had much more life ahead and he was going to continue to help West Virginia.

Here in West Virginia, he was also famous for campaigning with his fiddle. He'd go and play his fiddle and many times people would love to come to hear him speak, but of course they loved to hear his music afterwards. He was world classly known for his fiddle playing; it wasn't just a hobby. He was on Hee Haw and some other things. He was well-known throughout the world with his fiddle. Matter of fact, several years ago, a few senators and I had a chance to go to Georgia to actually have dinner with actually President Carter and his wife and, during the time when we were talking about . . . to President Carter he would always say that he had to go and talk to the Majority Leader at the time, Senator Byrd, but he always knew the way to start off any conversations was to actually talk about his music. Say, "Senator Byrd, I heard you play and so forth . . ." That was the way to get it started and then he said usually the conversations went a little bit better as long as it was helping West Virginia at the time.

Senator Byrd passed away in 2010 at the age of 92 and he served West Virginia and the nation more than 60 years. His vast archives, which has been preserved at Shepherd University, tells an amazing story of his role in the Senate and it also tells the story of West Virginia for more than half a century. All the letters West Virginians wrote to him and all the letters he sent back in reply are actually in the archives, preserved forever. That's amazing. All the

letters he kept from constituents and also all his replies.

This year, 2017, is the hundredth anniversary of West Virginia's Man of the Twentieth Century—this Legislature so honored him in 2001. Now it's time for us to proclaim that this Legislature supports and encourages activities and programs in the State of West Virginia and elsewhere to keep alive Senator Byrd's great legacy to this state and to this nation and for us to once again say that Senator Byrd loved West Virginia and West Virginians loved him. He was a great public servant, Mr. President, regardless of partisanship. He actually went against the Democratic Party just as much as he did the Republican Party. Why? Because he said he was a West Virginian first and he also was an American and he upheld the Constitution.

By adopting this resolution, the West Virginia Legislature acknowledges the importance of remembering the rich history of West Virginia and seeing that it's carried to future generations so that our children and our children's children will understand what it means to be a statesperson; what it means to actually work across the aisle; what it means in order for us to work together to get the job done; and always, always keep the people we serve in our minds in all of our decisions.

Mr. President, I ask that this resolution be adopted and I would also call for the yeas and the nays.

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**Designating 2017 as Robert C. Byrd  
Centennial Legacy Year**

*(Adoption of Senate  
Concurrent Resolution 60)*

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**REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO**

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*Wednesday, April 5, 2017*

SENATOR ROMANO: Thank you, Mr. President.

I wish I would have recognized this resolution coming up earlier 'cause I would have liked to have been on it. And I'd be remiss if I didn't stand and speak about Senator Byrd. You know, he was a giant in the realm of public service. You know, coming from up in Harrison County in the north, I can remember when our . . . we used to be the largest glass-producing area in the world at one time. One time there were 12, 14 glass-producing plants in Harrison County and in the blink of an eye they were shut down. And I remember when the last one was just about to shut down and they were about to turn off the lights in northcentral West Virginia, Senator Byrd fought to have the FBI fingerprint division, CJIS, placed in Harrison County after a tremendous fight with Oklahoma and some states out west.

You know, you've heard me say here many times that Senator Byrd along with other giants in . . . of our elected officials, Robert Mollohan and Alan Mollohan, who started the aerospace industry with just an idea and a few dozen employees which now has turned into a tremendous industry for all of West Virginia, employing almost 2,000 people. And most recently, as one of his last accomplishments was the biometrics industry saved for West Virginia.

Now, a lot of people called this pork barrel. You know, he called it taking care of the state that he loved so much and if you drive around anywhere in Virginia and look and there'll be a five or six hundred million dollar building in the middle of nowhere, that's pork barrel

that we've never seen in this state. What we saw were things that our great Senator Byrd fought for and fought to help preserve this state and help make it grow.

I will add one other point that, you know, I met Senator Byrd and talked with him probably as many times as I have fingers and toes but the thing that always amazed me, if you knew him, if you ever saw him was, he always remembered who you were. And I can remember probably during his last couple years meeting him at a rally and he was sitting in his chair, couldn't barely walk, and as soon as he saw me he went, "Counselor, how are things up there in Clarksburg?" And I knelt down to talk to him and I looked in both ears 'cause I was sure he had a microphone in one of those ears telling him what to say.

But he was an amazing man . . . in our lifetime we'll never see another statesman in West Virginia like Robert C. Byrd and I'm proud to join in recommending this resolution be passed.

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**Designating 2017 as Robert C. Byrd  
Centennial Legacy Year**

*(Adoption of Senate  
Concurrent Resolution 60)*

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**REMARKS OF  
HONORABLE  
RONALD F. MILLER**

*Wednesday, April 5, 2017*

SENATOR MILLER: Thank you, Mr. President. I, too, rise in support of this resolution.

This is a man of great history in our state and we appreciate the history and we

sometimes think when we look at the roads and the names of buildings that he was bigger than life, but he was a man truly full of life. And I want to talk about the fact that he was a man of great faith.

I got a phone call one Sunday morning as I was busily trying to get ready for a sermon in my little church in Lewisburg. We had about 40 people in the church and I was struggling to get everything done and I got a phone call and the person on the other line said, "The Majority Leader of the United States is going to come and worship with you today." And I stood there for a minute thinking it was a joke. I said, "Sure, that's fine." They said, "Senator Byrd wants to be at your church today and he likes Amazing Grace." Well, that wasn't on the list to sing that morning but as he came in the church I told him we would do Amazing Grace. He said, "Senator, I don't want the congregation to sing it. I want to sing it." And what do you say to the Majority Leader of the United States? You said, "Certainly, Mr. Majority Leader, you can sing Amazing Grace." He got up and as he sang it, we had a really young piano player, and he said, "What key do you play that in?" And she, not knowing any better, said "Well, what key do you sing in?" And he looked at her and said, "Just play the song." The worst part is he made me sing the last verse with him and you haven't heard anything terrible till you've heard me sing along with him. But the part that stood out that day, this man of faith, we had some people join our church that day and instead of trying to impress upon them how great he was, he just got in line with the rest of the members of our church. It's a tradition in our church when someone joins you go through and shake their hand and welcome them to the church. He just got in line with the rest of the church and went up and welcomed them and he said, "I'm Robert C. Byrd and welcome to the church." And they thought he was a member of our church. He was not, but one of the greatest pictures I have is after church he and I standing on the porch

and he had a picture taken, the two of us. After that he would ask me about the church periodically. He was a great man of faith. In Raleigh County, he was a very active member of the Crab Orchard Baptist Church for many years. I think they have a Sunday School class that was named after him at one time.

So, I'm proud today to stand and honor this wonderful West Virginian not only of history but a man of person, a man who was real, a man of great faith.

Thank you.

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**Designating April 5, 2017, as  
Nurses Unity Day**

*(Adoption of Senate Resolution 68)*

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**REMARKS OF  
HONORABLE  
PATRICIA PUERTAS RUCKER**

*Wednesday, April 5, 2017*

SENATOR RUCKER: Thank you, Mr. President.

I think that this body knows how important nurses' role is not only in health care but just in society. We have nurses helping our schools, helping in community centers, substance abuse centers, mental health facilities. . . . Nurses are one of the most trusted professions and has been voted for the last 12 years as the most trusted professional in the United States. The role that they play is critical to our ability to take care of ourselves and to help us be the best that we can be.

I am very proud to support this resolution. I urge its adoption.

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**Designating April 5, 2017, as  
Nurses Unity Day**

*(Adoption of Senate Resolution 68)*

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**REMARKS OF  
HONORABLE  
ROBERT D. BEACH**

*Wednesday, April 5, 2017*

SENATOR BEACH: Thank you, Mr. President. I, too, rise in support of this resolution.

The ladies you see standing at the back of the room are not just nurses. To many of us, they are our friends, colleagues in our community and people that we rely on on a daily basis, in many cases.

I support nurses, have for a long time. My daughter is a nurse, my mother served as a clerk in an ICU unit for many, many years and many of her friends are nurses, or are nurses, and many of them were there for her when she was dealing with Alzheimer's in those later years of her life. So, I fully support nurses. I'm glad they're here today and let's welcome them to the chamber.

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**Designating April 5, 2017, as  
Nurses Unity Day**

*(Adoption of Senate Resolution 68)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

*Wednesday, April 5, 2017*

SENATOR STOLLINGS: Thank you, Mr. President.

I certainly rise in support of this resolution. But, as we all know, we have a significant nursing shortage and we need to do everything we can to resolve that issue. And one of the biggest issue is actually the number of nurses that stay in education and become professors. Because that's the rate-limiting step and I put to you that several times the hospitals can't even open up a full section of their hospital because of lack of nursing. So, it is an access to care issue and it's something that we should be working on on a regular basis.

I urge adoption.

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**Designating April 5, 2017, as  
Nurses Unity Day**

*(Adoption of Senate Resolution 68)*

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**REMARKS OF  
HONORABLE  
TOM TAKUBO**

*Wednesday, April 5, 2017*

SENATOR TAKUBO: Thank you, Mr. President. I, too, stand and rise in support of this.

It's often the nurses are on the first lines, you know. The doctors come in and . . . but it's the nurses that are there with the families. It's the nurses that are holding their hands in times of distress. And it's worth more than any dollar figure you can put on to the families. And oftentimes you go around and through the hospitals and you'll see families from patients that we took care of months ago coming back to visit that unit because in their minds, they will never forget the care that they got at that bedside, bringing, you know, food

or things back to them months way after they've left the hospital. So, I would rise in support of that and certainly appreciate all they do for us.

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**Congratulating Mingo Central Miners  
high school football team for winning  
2016 Class AA football championship**

*(Adoption of Senate Resolution 69)*

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**REMARKS OF  
HONORABLE  
MARK R. MAYNARD**

*Wednesday, April 5, 2017*

SENATOR MAYNARD: Thank you, Mr. President.

In my sixth senatorial district, since 1959, there have been 33 state football championships or runner-ups. The most recent is Mingo Central High School's 2016 AA state championship. This is a consolidated high school serving central and southern Mingo County. It is a result of combining former high schools Burch, Gilbert, Matewan and Williamson. This has special significance to me because two of my grandparents graduated from Burch High School and I have numerous cousins that reside in Mingo County and attended the schools that make up Mingo Central.

The school opened in August 2011 on a mountaintop in Mingo County. It sits on 90 acres along the King Coal Highway overlooking the beautiful mountains of West Virginia. The mascot is the Miners. The team prides itself on representing not just one area, but also an entire state's legacy of hard-working coal miners.

Principal Daniel Dean took over just a few months ago and often proclaims how great this school is. MCHS is a proud member of the Cardinal Conference, an elite group of Class AA schools in West Virginia. This past season, which is only the program's sixth season, the Miners went an unprecedented 14-0, capturing both the first conference championship and Class AA state championship in the school's history. The 2016 Mingo Central Miners beat every opponent by an average of just over 20 points per game this year. Notably as well, this year's team was the highest scoring offense in Class AA for the past three seasons, so the school record 14 straight wins and a 14-game home game winning streak.

Yogi Kinder and veteran coaching staff have guided the Miners this year. Yogi Kinder retired at the end of this championship season. Coach Kinder went out a two-time state champion with his first title coming in 1993 at Matewan High School. Matewan was also runner-up in '87 and '92. Gilbert also holds a state title in 1995 and Williamson in 1961. Coach Kinder's overall record includes 267 wins, 92 losses and one tie, which is the second-best in state history. Assisting him on the sidelines this year were Joey Fields, Josh Sammons, Jacob Staton, Terry Jo Harrison, Hady Ford and Logan Lester. Countless support staff members, equipment staff and parents contributed in major ways to this year's success as well.

I would like to welcome Coach Kinder and the rest of the Mingo Central comprehensive high school team today and congratulate them on their big win.

Mr. President, I ask that this resolution be adopted.

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**Congratulating Mingo Central Miners  
high school football team for winning  
2016 Class AA football championship**

*(Adoption of Senate Resolution 69)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

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*Wednesday, April 5, 2017*

SENATOR STOLLINGS: Thank you, Mr. President. I also rise in support of this resolution.

This is an incredible group of talented athletes who are dedicated and I've been able to watch them with, you know, with schools nearby . . . Scott High School, Chapmanville, Logan . . . You guys have run the gamut and you deserve all the credit in the world. And I'm very proud of representing some of you from Mingo, of course, the Senator from Logan is, too. And, it's just a great school.

If you ever want to go for a drive and just get a wow factor, go up 44 to Horsepen Mountain, get over there on that new road, go down to Mingo Central and see what's happened in that area. It's an incredible day trip. You'll think you're on the, you know, some beautiful highway and you look around . . . and you look on down on just about everything. You're right on top of the mountain.

And, again, congratulations to these wonderful athletes for a great feat.

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**Congratulating Mingo Central Miners  
high school football team for winning  
2016 Class AA football championship**

*(Adoption of Senate Resolution 69)*

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REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE

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*Wednesday, April 5, 2017*

SENATOR PLYMALE: I just want to say thanks, really, congratulations to the team, but I want to talk about Mingo Central High School. This was a vision of Mike Whitt of being able to do this and build this. And I worked with Mike Whitt when I worked for Mr. Harless, Buck Harless, and we were working on this school. I remember going to visit with Buck Harless, down to see Governor Manchin at the time, and we wanted to make this as a comprehensive high school where they had the vocational part of it. And Buck went in and started the meeting and said, “Now Governor, I don’t know how many fights I have left in me, but I don’t want to lost this one.” And he proceeded to get this and I know that the field there . . . I was there for the dedication of the field when Buck Harless—it named after Buck Harless. What a great man Buck Harless was. But I also will go back . . . I played against some of the teams that they were consolidated with. I played against Matewan when I was a senior in high school back in 1972, but Yogi is a great coach, is glad to go out on top . . . it always is and congratulations.

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**Designating April as Autism  
Awareness Month**

*(Adoption of Senate Resolution 70)*

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REMARKS OF  
HONORABLE  
PATRICIA PUERTAS RUCKER

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*Wednesday, April 5, 2017*

SENATOR RUCKER: Thank you, Mr. President.

We strive to provide equal opportunity for all here in America. However, for children with autism, equality of opportunity has been compromised and is a challenge.

What is autism? We haven’t made complete definite definition because it is such a great variety and range of conditions. According to Autism Speaks, the range is characterized by challenges with social skills, repetitive behaviors, speech and nonverbal communication, as well as by unique strengths and differences. We now know that there is not one autism, but many types. They go on to say that autism’s most obvious signs tend to appear between ages two and three and in some cases can be diagnosed as early as 18 months. We know that the earlier we diagnose it and treat it, the better and the most options we can give these children.

Approximately one third of children with autism remain nonverbal and approximately one-third have an intellectual disability. Not many children with autism live independently after reaching adulthood.

Although the first case of autism was officially diagnosed in 1938, that rate of autism has increasingly grown every single year. In West Virginia, autism is now . . . the last time that we recorded in 2017, there are 2,278 students in public schools and it is a number that continues to increase every year. Clearly, something is causing the rapid increase in the number of cases of autism affecting children. At present, we don’t know what causes it, but there are a number of theories and we must investigate each one, no matter the consequences to special interests. We cannot even begin to fight autism until we determine the cause.

The tragic consequences of autism continue to ravage our children and affects our future. I hope that sometime during April, which is Autism Awareness Month, everyone will look into what autism is and get involved. For thousands of Americans who are affected by autism, they deserve our help.

I would like to ask all of you who support this resolution please, upon its adoption, don't clap, but let's just show our support for these people whose lives are affected.

I urge adoption of the resolution.

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**Relating to the reporting of fraud,  
misappropriation of moneys,  
and other violations of law to the  
commission on special investigations**

*(Adoption of Senator Romano's  
amendment to Eng. House Bill 3022)*

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REMARKS OF  
**HONORABLE  
CHARLES S. TRUMP IV**

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*Wednesday, April 5, 2017*

SENATOR TRUMP: Thank you, Mr. President.

I rise in support of the Senator from Harrison's amendment. His amendment takes a good bill and a good concept and makes it even better with a broader application.

I urge its adoption.

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**Congratulating St. Joseph's Central  
High School girls' basketball team for  
winning 2017 Class A  
basketball championship**

*(Adoption of Senate Resolution 71)*

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REMARKS OF  
**HONORABLE  
MICHAEL A. WOELFEL**

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*Thursday, April 6, 2017*

SENATOR WOELFEL: Thank you, Mr. President. I speak on behalf of my Senior Senator from the Fifth and I'm humbled to be able to stand up today. Frequently I'll stand up and, after I've spoken, I see people kind of scratching their heads and wanting to know what I was really talking about. But this one comes from the heart.

We've had 22 of my family members graduate from this high school. Twenty-two. So, let me just say that Coach Shannon Lewis is the head coach. Eight out of the last nine single A state championships . . . eight of the last nine single A state championships . . . is what Shannon has done. Now, the young ladies you see before you are not just athletic but they've proven in a very rigorous academic environment that they are in fact very good students. They focus on community service all the time. They're in a Christ-centered environment so they have that aspect of the education. And they're just the kind of people that you would like your daughter to grow up to be. So, I still don't see Shannon—there he is in the very back—the pride of Lesage, West Virginia.

So, it's with great honor that I'm here today to recommend this resolution.

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**Congratulating St. Joseph's Central  
High School Girls' basketball team for  
winning 2017 Class A  
basketball championship**

*(Adoption of Senate Resolution 71)*

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REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE

\_\_\_\_\_  
*Thursday, April 6, 2017*

SENATOR PLYMALE: Thank you.

I don't have family members that graduated from Huntington St. Joe but I did play against Huntington St. Joe from Ceredo-Kenova. But, it's remarkable what this coach and these girls have done over nine years. They've got players at Notre Dame and throughout the country that have played for them and I think the Senator from Cabell is exactly right: They're to be commended not only for their excellence on the basketball court but their excellence in school. And, these are going to be leaders of our state; we just have to keep them here by creating good jobs.

Congratulations on your accomplishment and what a . . . I got to watch it on TV and it was a great victory.

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**Congratulating Huntington High School girls' basketball team for winning 2017 Class AAA basketball championship**

*(Adoption of Senate Resolution 72)*

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REMARKS OF  
HONORABLE  
MIKE A. WOELFEL

\_\_\_\_\_  
*Thursday, April 6, 2017*

SENATOR WOELFEL: Thank you, Mr. President.

It is a distinct honor today to honor Huntington High School girls' . . . the state champions. If you've ever been up to that high school, it's an amazing facility, great

academics, great athletic successes, great community service. I was looking for the Senator from Putnam, the Finance chair. Would you see if he can, if he's in the back there 'cause I wanted to address him during this?

Anyway, the coaches are Lonnie Lucas who's been very, he's a hall of fame type coach. He's got two state championships, he's always in the finals or semi-finals. Lonnie is a Lincoln County native, his brother, Donald, was also an exceedingly successful basketball coach. Shawn Persinger is the lead assistant that's been there forever. But, what I wanted to say was congratulations to the girls. But, I wanted to share a story about Coach Lucas. Our mutual friend, Steve Hall, the brother of our esteemed Finance chair. Coach Lucas not only coached Steve Hall at Huntington East High School, he coached with him on the bench for many, many years. And I know they were dear friends. So, I just wanted to make sure that we honor Steve Hall today because you coached, Coach Lucas, with him for so many years and I know you guys were dear friends.

So, it's with enthusiasm that I recommend the resolution.

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**Congratulating Huntington High School girls' basketball team for winning 2017 Class AAA basketball championship**

*(Adoption of Senate Resolution 72)*

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REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE

\_\_\_\_\_  
*Thursday, April 6, 2017*

SENATOR PLYMALE: I'd like to speak to the resolution.

I, you know, if you've ever been to Huntington High School and if you just . . . the Senator from Cabell was talking a little about it . . . Senator from Putnam graduated from Huntington East that was a Highlander and you had Huntington High Pony Express. So when they brought the schools together . . . and that's been since I've been here, so I do know this, it's the Huntington High Highlanders. And, you know, it's a remarkable school but the drive up to the school is so impressive because they have all the state championships and there are numerous there. Since they started, in what, 1994? 96? It is impressive how many state championships they've won. And, Lonnie is a great coach and, you know, I played against Huntington East in Huntington High but believe me, it's phenomenal what they've done in . . . this is a remarkable class. It has the player of the year with this and a remarkable group of young ladies and we congratulate them.

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**Congratulating Huntington High School boys' basketball team for winning 2017 Class AAA basketball championship**

*(Adoption of Senate Resolution 73)*

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REMARKS OF  
**HONORABLE  
MICHAEL A. WOELFEL**

*Thursday, April 6, 2017*

SENATOR WOELFEL: Thank you, Mr. President. I know this seems like Woelfel's filibuster but this is the last one.

Today, we have Huntington High School boys that have done an amazing job coming from sort of the middle or rear of the pack to win their third state championship in four seasons. Coach Ron Hess is the head coach.

He coached both of my sons and I had the pleasure of sitting on the bench with Ron for many years as an assistant coach . . . albeit, I was at the very end of the bench usually getting the water. But, Ron and his staff, particularly Tyrone Holmes, have done an amazing job. These are the future leaders of tomorrow, these guys are going to go to college, they're going to be positive influences in the community and I'm just so proud to have you guys up here today. Again, we've talked about Huntington High School and what it does academically and community service, so I won't belabor the point there.

I endorse—and all this is on behalf of my Senior Senator from the Fifth—endorse the resolution.

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**Congratulating Huntington High School boys' basketball team for winning 2017 Class AAA basketball championship**

*(Adoption of Senate Resolution 73)*

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REMARKS OF  
**HONORABLE  
MIKE HALL**

*Thursday, April 6, 2017*

SENATOR HALL: Just, briefly, want to revel in the moment.

I was a graduate of Huntington High School, I mean Huntington East High School Highlanders. We never beat you guys back then and my brother was, he was on the bench with the Senator from Cabell who coached the O. J. Mayo team. I remember because you played a national championship game one night down there you, you barely lost. O. J. missed that last three-pointer. I will have to admit, Mr. President, you and I serve Hurricane, West Virginia, and I was there when you won your championship, may have

been the first one in this latest string, and Mark Sorsaia lost that ball in the last four seconds and one of you guys made a three-pointer and you just ripped the guts out of the whole town of Hurricane that time. And I'll have to admit that though I, you know, I had an ambivalence that night 'cause, you know, I was living in Hurricane but I was from Huntington. So, it's wonderful to see, you know, my roots. You did retain the name Highlander—I'm glad that Pony Express thing's gone. So, it's the Highlanders that have been winning all these championships and that's great!

Congratulations to the team and thank you for coming here today for us to give you this honor.

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**Congratulating Huntington High School boys' basketball team for winning 2017 Class AAA basketball championship**

*(Adoption of Senate Resolution 73)*

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REMARKS OF  
**HONORABLE  
ROBERT H. PLYMALE**

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*Thursday, April 6, 2017*

SENATOR PLYMALE: Not much more to add other than the . . . Huntington is the city of champions. You know, you don't have three teams win like this in basketball very often where we have St. Joe, we have the, both the girls and the boys basketball team. This team really came against odds and really made a run here at the end that was pretty remarkable. I would like to say hello to Cam and Mary Brown that are here that are friends from a long time and known them for quite a few years. And congratulations to the team and Coach Hess.

**Terminating the Women's Commission and discontinue its functions**

*(Passage of Eng. Com. Sub.  
for House Bill 2646)*

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REMARKS OF  
**HONORABLE  
SUE CLINE**

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*Thursday, April 6, 2017*

SENATOR CLINE: Thank you, Mr. President. I rise in favor of this bill.

The Woman's Commission is duplicative because functions it performs . . . the woman's candidate trainings are performed by parties, private organizations, which I fully support and hope to see continue not only for women, but for any individual hoping to seek public office. I'm not convinced that providing candidate training for anyone, regardless of gender, is something that the state should be participating in or paying for.

In addition to the duplication of candidate training for nongovernment-funded state agencies, there is significant overlap with other agencies like the Equal Pay Commission, the Human Rights Commission and Office of Sex Equity.

When it comes to issues of domestic violence, we have several line items underneath the DHHR that go specifically toward protection for victims as well as prevention and education. The Family Protection Service Board, for instance, is just one example of a state-funded entity specifically founded to address domestic violence.

I didn't get any calls when I was running for election from anybody from this Commission to ask me if I needed any help or if I needed any information on anything,

so apparently, they're not serving the whole state of women that are running for office or any other group. Men don't need a commission to help them run for office or host candidate training so why do women need that?

The Commission was implemented in 1977 with the intent to appease women as the Governor stated at the time. Mr. President, the Commission should be abolished and the money should be put to better use.

Thank you.

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**Terminating the Women's Commission  
and discontinue its functions**

*(Passage of Eng. Com. Sub.  
for House Bill 2646)*

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REMARKS OF  
**HONORABLE  
PATRICIA PUERTAS RUCKER**

*Thursday, April 6, 2017*

SENATOR RUCKER: Thank you, Mr. President. I just want to rise in support of this legislation.

I believe that the Women's Commission is long past its time when it was needed and I am grateful to say that I got here without their help and, actually, until I got here, I'd never even known that the Commission existed. I can say that in the Eastern Panhandle they've been pretty much nonexistent.

So I fully support this elimination and reduction of, you know . . . just why do we have so many agencies doing the same thing? And I also support what the Senator from Wyoming just said. There are already many safeguards for . . . to help women in

the workforce, to eliminate discrimination, and I don't think that there's any need for the Women's Commission anymore.

Thank you.

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**Relating to selling Hopemont Hospital**

*(Passage of Eng. Com. Sub.  
for House Bill 3102)*

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REMARKS OF  
**HONORABLE  
RANDY E. SMITH**

*Friday, April 7, 2017*

SENATOR SMITH: Thank you, Mr. President. I rise in opposition of this bill. I know there's a lot of work that went into it, you know, the amendment put into it that required a new hospital be built on the present site that Hopemont is on there by a private company. If this bill does pass, that's the only bright spot I can see.

Hopemont State Hospital has a lot of history in my area. Terra Alta is where I was born and raised, was my hometown for 56 years, and both my parents, my mom and my stepdad, retired from there as well as my sister . . . between 35 and 45 years of service. My stepdad was the first male nurse to be employed at Hopemont State Hospital and . . . So, it has a lot of history.

I have a lot of friends that still work there or has retired from there and . . . but this isn't . . . I'm not talking about the history. I'm talking about the people this is going to affect, you know. The DHHR, you know, they've given us a lot of numbers here . . . and I've got all the numbers here but, looking at them, they're not being completely honest with us. You know, their budget they're giving us on a 98-bed facility—which they

only have 57 of the beds filled right now, and these are with patients that nobody else wants. You know, it's a long-term facility. It's . . . most of these are basically orphans of the state, have no family, they're put there basically just to . . . just to die, you know. Some of them's will be there for years and . . . a lot of psychiatric patients there, elderly psychiatric patients and . . . if no one has never visited Hopemont State Hospital, it's a heart-wrenching experience. Like I said, you don't see the visitors there, nobody there visiting them. The only people they have is the employees—and they have dedicated employees there. I can remember growing up and my mother would come home crying because one of the patients died there and, you know, on her days off she would even go back just to visit with these patients.

And, like I said, you know, I can see why the DHHR said, you know, they want to get out from under it. But, I'm looking here where they just put on a \$521,000 roof on a building that they're wanting to abandon. And a \$750,000 boiler system in the hospital. They like to say that this facility is 100 years old—and there are some buildings on that property that are 100 years old that's not used anymore. The main hospital that they're using now was born in 1956 so, yeah, that's been a while back but that's really not that old of a building in 1956.

You know, most of these people were put in this home because they don't have any money. You know, the rest of the nursing homes don't want them because they can't attach to their property or anything like that so it's a sad situation.

And like I said, you know, they give us numbers here: Total positions, 183, total positions is available they said. But this is if all 98 beds would be filled, they'd have to have 183 people, which they don't. They only have 57 of the beds—they try to keep

right around 60—and, with that, there's 110 people is what is employed there. So, you know, they're not being totally honest with us when they talk about the losses because they're talking about the losses as, you know, as a 98-bed facility. And it's not a 98-bed facility.

Also, I got this print-out here, five of the patients are from 45 to 54 years old; 15 patients are 55 to 64 years old; 22 of the patients are 65-75 years of age; and 15 patients are 75 years and older. It's going to be almost impossible to find someone to take these patients, if not, impossible. Because, like I said, they're not very profitable patients. Yeah, they're going to buy their beds and . . . but what kind of treatment are they going to get when they do, you know, do go to another facility?

You know, the employees, these are state employees, you know. Look at numbers here, there's nine with 25 years plus; seven with 20 years plus; 11 with 15 years plus; and 13 with 10 years plus. And these people are . . . they're not there because of the money. I can guarantee that. A lot of these people at Hopemont State Hospital got a raise when we—what was it, last year or year before last—when we raised minimum wage, these people got a raise. These employees that's taking care of these people got a raise when we raised minimum wage. And that's, you know, that's a tragedy in its own. But one thing these employees are, these people that stuck around this long under these conditions, were dealing with the people in these conditions, is because they care. You know, they could go across state line into Garrett County and work at numerous. . . they got a couple, two or three nursing homes in Garrett County. There's one over in Kingwood in Preston County. And all of them pays a lot more money. But if you talk to these employees, and I have many a times, they're dedicated to these patients, the people that they take care of. They become like family to them.

And yeah, it's easy for us to stand here and look at the numbers and say, you know, what is the saying, "Numbers don't lie, but liars, numbers. . . ." I don't know, I'm not very good with that. But I'm just saying they can make these numbers say anything they want. To me, I'm looking at it and it's just basically it's been mismanagement over the years. I believe they have management now that is turning the place around. But, you know, why would we spend, you know, a million and a half dollars on a facility that we're going to shut down? I mean, a million and a half dollars on a facility that they're wanting to shut down now. I mean, if that don't tell the story of what's going on with this, I don't know what does.

But what concerns me more than anything, you know, I feel for the employees. The employees will go and they'll get a new job someplace. I mean, you know, probably not a state job. There's severance package. They'll get a little bit of severance from it and they will move on with life. You know, some will retire, some will go to another hospital, you know, maybe have to travel clear to Morgantown because I can assure you, there's nothing in this area. This right here is the only employer in the Terra Alta area, the eastern part of Preston County. This is the only employer besides the school system. But what concerns me is where is these patients going to go? They have no family. You know, all of us have elderly grandmothers, mothers, aunts, uncles, or whatever, and you know how they handle change. They don't handle change very well. And this is even, with this group, this special group of people, it's even going to be more traumatic on them.

So, you know, I'm not telling you how to vote but I'm just telling you in good conscience, I cannot turn my back on the people in this area, the patients and the employees. You know, when do we stop

putting a price tag on it? You know, you say it's, you know, a price tag on the state. State roads are a price tag on the state. The state's not in business to make money. We're in business to serve our citizens. And these are our citizens. These people that's in this nursing home are our citizens. They're citizens that no one else wants. No one else wants to take care of them. So, with that being said, I'm going to vote against the bill. And like I said, I'm not telling anybody else how to vote but I can tell you that in good conscience, I cannot vote for this bill.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
ROMAN W. PREZIOSO, JR.**

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*Saturday, April 8, 2017*

SENATOR PREZIOSO: Thank you, ladies and gentlemen.

Last evening at Stonewall Resort, the Senator from Boone received a very prestigious award. And I know that we all know that the Senator from Boone is an advocate of children—when it comes to their health and well-being, he's always been an advocate—and last night, the West Virginia Chapter of the American Academy of Pediatrics presented the Senator from Boone the West Virginia Friends of Children Award. And this is a very prestigious award. Former recipients have been Senator Rockefeller. And everyone knows in this body how hard the Senator from Boone works when it comes to the health and well-being of children.

And Mr. President, I hope you'll stand with me and recognize the Senator from Boone for this prestigious award.

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**William C. Campbell Memorial  
Highway**

*(Adoption of House  
Concurrent Resolution 58)*

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REMARKS OF  
**HONORABLE  
ROBERT H. PLYMALE**

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*Saturday, April 8, 2017*

SENATOR PLYMALE: Thank you Mr. President.

Members of the body, this is a memorial highway dedication to William Campbell, or Bill Campbell, as he was known. The Senator from Cabell and I . . . this is an honor to be talking about a man of this stature. It was once written in the *Golf Journal* that Bill Campbell was a professional at being an amateur golfer and that sums it up. He was a man who would go to extremes in order not to take advantage of an opponent. But the gentleman golfer is also the personification of determination. In 1947, the U. S. Amateur at Pebble Beach, he hit his first two drives out of bounds but chipped in to half the hole and went on to win the match.

William Campbell is the only man to head both the golf's main governing bodies of the USGA and the Royal and Ancient Club. Campbell won 15 West Virginia State Amateur titles, three West Virginia State Opens and the North and South Amateur four times and was defeated in the Walker Cup Singles competition holding a 7-0-1 record in eight matches he played between 1951 and 1975. That also gives Campbell a unique record, the most years between U. S. Cup, U. S. Walker Cup selections of 24 years. He won, and the Master's going on today, he won the long ball in 1951 and he beat Sam Snead. He drove 328 yards, three

yards longer than Sam Snead's. Sam Snead was 11 years older than Campbell and the two West Virginians knew each other well. And Snead said to him, "How did you do that?" He said, "Easy, Sam. I used one of your drivers." Campbell's driver had come out of one of Sam Snead's bags at the Greenbrier.

He owned an oceanfront, you know, at the Seminole Golf Course in South Florida. He had six children and he was driving those six children down there on a Spring Break one day. And he packed the kids in the family car and brought them over to the club. Ben Hogan was there and he was a personal friend of Ben Hogan. Hogan was there preparing for the Master's on the practice tee. Campbell told the children, "Don't ask him anything, just watch. You don't have to have a good time, just remember it."

Campbell threw his hat in the political ring in 1948 when he was appointed to the West Virginia House of Delegates after a local member resigned. During his three years there, he successfully sponsored a variety of bills, two of the most historic being the creation of Huntington's Tri-State Airport and the introduction of voting machines in West Virginia. He then faced a string of political defeats, including the 1952 bid for congressional primary which interfered with the invitation to play in the 1952 Master's. "Those were two of the worst decisions I ever made," Campbell said. He eventually switched from Democrat to Republican Party and lost the bid in 1970 for the State Senate seat that the Senator from Cabell maintains by 179 votes.

Let me tell you, his wife was a Cammack. We have Cammack School in Huntington. This man was a legend. And let me tell you, I was fortunate to attend and talk to him. And in my office I have a signed card from being at the memorial golf tournament.

He was enshrined in the Memorial Hall of Fame in Columbus, in Dublin, Ohio, if you remember that. And he was enshrined on May 26, 2003, and I was there. And I talked to Bill and I said, "Bill, would you sign my card for me. You know, this is such an honor to be here" and he was such a great gentleman. He said, "Sure, you are my senator and I'll be glad to sign that."

What a great man. This is a memorial and I wish that we had done this from, you know, the senatorial district, but we're very honored that the House has done this and I just wanted to make sure this man was a legend. If you knew him, he was also a gentleman to the Nth degree. He was a person that you would admire. He told me this, when he was at the memorial tournament, he talked and Sam Snead, I mean Jack Nicklaus, introduced him. What Jack Nicklaus said is, "The first call I made when I was thinking about going to be a pro, is I called Bill Campbell and I asked his advice." And he said, "Bill Campbell said, 'Jack, you need to do this.'" Now, when Bill Campbell got up and spoke—and this is the last thing I'll tell you—it was pretty humorous. He said, "Of course I was going to tell him to be, I wanted to win more amateurs."

Thank you.

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## HISTORY OF BILLS AND RESOLUTIONS CONSIDERED BY SENATE

(This symbol \* indicates Committee Substitutes.)

### SENATE BILLS PASSED LEGISLATURE

- \*4. By Sen. Gaunch, Trump, Boso, Blair, Rucker, Jeffries, Stollings, Woelfel and Sypolt - **Allowing licensed professionals donate time to care of indigent and needy in clinical setting** (original similar to HB2692) - Passed 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/20/17 - Chapter 171, Acts, Regular Session, 2017
- \*5. By Sen. Trump and Sypolt - **Disqualifying CDL for DUI conviction in certain cases** - Passed 4/1/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 244, Acts, Regular Session, 2017
- 25. By Sen. Karnes, Rucker and Sypolt - **Creating farm-to-food bank tax credit** (original similar to HB2821) - Passed 4/8/2017 - To Governor 4/13/17 - Approved by Governor 4/20/17 - Chapter 232, Acts, Regular Session, 2017
- 28. By Sen. Karnes - **Creating new system for certain contiguous counties to establish regional recreation authorities** (original similar to HB2697) - Passed 4/7/2017 - To Governor 4/20/17 - Vetoed by Governor 4/21/17
- \*36. By Sen. Stollings, Gaunch, Ojeda, Facemire, Jeffries and Beach - **Permitting school nurses to possess and administer opioid antagonists** - Passed 4/1/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 76, Acts, Regular Session, 2017
- \*40. By Sen. Stollings, Ojeda and Jeffries - **Requiring inclusion of protocols for response to after-school emergencies in school crisis response plans** - Passed 4/8/2017; Effective August 1, 2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 71, Acts, Regular Session, 2017
- 41. By Sen. Woelfel, Trump and Ojeda - **Extending time person may be subject to probation** (original similar to HB2607) - Passed 3/31/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 61, Acts, Regular Session, 2017
- \*76. By Sen. Jeffries, Romano, Miller, Ojeda, Woelfel, Beach, Gaunch, Facemire and Stollings - **Creating WV Second Chance for Employment Act** (original similar to HB2107, HB2536, HB2657, SB366) - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 56, Acts, Regular Session, 2017
- \*113. By Sen. Maynard - **Authorizing DEP promulgate legislative rules** (original similar to HB2229) - Passed 3/30/2017; Effective from passage - To Governor 4/3/17 - Approved by Governor 4/8/17 - Chapter 140, Acts, Regular Session, 2017

- \*116. By Sen. Maynard - **Authorizing MAPS promulgate legislative rules** (original similar to HB2252) - Passed 4/8/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 142, Acts, Regular Session, 2017
- \*125. By Sen. Maynard - **Authorizing DHHR and Health Care Authority promulgate legislative rules** (original similar to HB2261) - Passed 4/4/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/20/17 - Chapter 141, Acts, Regular Session, 2017
- \*127. By Sen. Maynard - **Authorizing certain Department of Revenue to promulgate legislative rules** (original similar to HB2230) - Passed 3/24/2017; Effective from passage - To Governor 3/31/17 - Approved by Governor 4/6/17 - Chapter 143, Acts, Regular Session, 2017
- \*134. By Sen. Maynard - **Authorizing Bureau of Commerce to promulgate legislative rules** (original similar to HB2231) - Passed 4/8/2017; Effective from passage - To Governor 4/25/17 - Approved by Governor 4/25/17 - Chapter 145, Acts, Regular Session, 2017
- \*151. By Sen. Maynard - **Authorizing Department of Administration promulgate legislative rules** (original similar to HB2284) - Passed 4/4/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 139, Acts, Regular Session, 2017
- 164. By Sen. Blair - **Relating to traffic regulations and special load limits** - Passed 3/31/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 242, Acts, Regular Session, 2017
- 169. By Sen. Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale and Blair - **Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants** - Passed 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/20/17 - Chapter 33, Acts, Regular Session, 2017
- 170. By Sen. Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries - **Repealing state hemophilia program** - Passed 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 31, Acts, Regular Session, 2017
- 171. By Sen. Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale and Blair - **Repealing Programs of All-Inclusive Care for Elderly** - Passed 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 30, Acts, Regular Session, 2017
- 172. By Sen. Blair - **Eliminating salary for Water Development Authority board members** - Passed 4/8/2017; Effective July 1, 2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
- \*173. By Sen. Blair and Sypolt - **Relating generally to autocycles** (original similar to HB2530, HB2576) - Passed 4/4/2017 - To Governor 4/10/17 - Approved by Governor 4/18/17 - Chapter 155, Acts, Regular Session, 2017

174. By Sen. Blair and Rucker - **Exempting transportation of household goods from PSC jurisdiction** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 210, Acts, Regular Session, 2017
176. By Sen. Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries - **Repealing article concerning detection of tuberculosis, high blood pressure and diabetes** - Passed 3/8/2017 - To Governor 3/10/17 - Approved by Governor 3/13/17 - Chapter 32, Acts, Regular Session, 2017
- \*180. By Sen. Blair - **Relating to PSC jurisdiction over certain telephone company and internet services** - Passed 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/25/17 - Chapter 209, Acts, Regular Session, 2017
- \*186. By Sen. Jeffries, Ojeda, Facemire and Woelfel - **Adjusting date when children become eligible for certain school programs and school attendance requirements** (original similar to HB2478) - Passed 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 74, Acts, Regular Session, 2017
- \*187. By Sen. Takubo, Facemire, Jeffries and Woelfel - **Providing for confidentiality of patients' medical records** - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 196, Acts, Regular Session, 2017
188. By Sen. Takubo - **Correcting definition of "telehealth" in medication-assisted treatment programs** (original similar to HB2460) - Passed 3/8/2017 - To Governor 3/10/17 - Approved by Governor 3/13/17 - Chapter 189, Acts, Regular Session, 2017
198. By Sen. Takubo, Plymale and Jeffries - **Expanding Health Sciences Program to allow certain medical practitioners in underserved areas** - Passed 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 125, Acts, Regular Session, 2017
- \*204. By Sen. Boso, Blair and Facemire - **Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses** (original similar to SB205) - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 101, Acts, Regular Session, 2017
- \*206. By Sen. Weld - **Relating generally to criminal offense of kidnapping** - Passed 4/3/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 52, Acts, Regular Session, 2017
- \*214. By Sen. Trump - **Adopting Uniform Electronic Legal Material Act** - Passed 4/3/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 212, Acts, Regular Session, 2017
- \*219. By Sen. Weld - **Relating to conspiracy to commit crimes under Uniform Controlled Substances Act** (original similar to HB2541) - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 41, Acts, Regular Session, 2017

- \*220. By Sen. Weld - **Relating to offenses and penalties under Uniform Controlled Substances Act** (original similar to HB2003, HB2643, HB2645) - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 42, Acts, Regular Session, 2017
- \*221. By Sen. Blair and Maroney - **Relating to composition of PEIA Finance Board** - Passed 4/7/2017 - To Governor 4/13/17 - Approved by Governor 4/26/17 - Chapter 102, Acts, Regular Session, 2017
- \*222. By Sen. Weld and Trump - **Relating to disqualification for unemployment benefits** (original similar to HB2435, HB2575, HB2582) - Passed 4/3/2017 - To Governor 4/3/17 - Approved by Governor 4/8/17 - Chapter 245, Acts, Regular Session, 2017
- \*224. By Sen. Hall, Azinger and Trump - **Repealing requirement for employer's bond for wages and benefits** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 137, Acts, Regular Session, 2017
- \*225. By Sen. Trump and Blair - **Allowing magistrates to conduct proceeding for temporary emergency protective order dealing with temporary custody by family court** - Passed 4/3/2017; Effective from passage - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 65, Acts, Regular Session, 2017
- \*230. By Sen. Trump, Blair and Maroney - **Relating to certain WV officials carrying concealed firearm nationwide** - Passed 4/4/2017 - To Governor 4/10/17 - Approved by Governor 4/20/17 - Chapter 200, Acts, Regular Session, 2017
231. By Sen. Hall - **Relating to State Board of Education and Medicaid-eligible children** (original similar to HB2420) - Passed 3/15/2017; Effective July 1, 2017 - To Governor 3/20/17 - Approved by Governor 3/24/17 - Chapter 68, Acts, Regular Session, 2017
- \*233. By Sen. Trump - **Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act** (original similar to HB2505) - Passed 4/1/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 58, Acts, Regular Session, 2017
235. By Sen. Rucker, Azinger, Blair, Boso, Clements, Cline, Gaunch, Jeffries, Karnes, Maynard, Mullins, Smith, Swope, Takubo, Trump and Weld - **Relating to motorcycle registration renewal** - Passed 4/7/2017; Effective from passage - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 154, Acts, Regular Session, 2017
- \*239. By Sen. Karnes, Blair, Ferns, Rucker and Weld - **Limiting use of wages by employers and labor organizations for political activities** (original similar to HB2583) - Passed 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
- \*240. By Sen. Ferns, Boso, Weld, Cline and Rucker - **Creating crime of nonconsensual distribution of sexual images** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 54, Acts, Regular Session, 2017

- \*247. By Sen. Trump, Carmichael (Mr. President), Hall, Palumbo, Woelfel and Blair - **Authorizing prosecuting attorney designate and deliver grand jury records for investigative purposes** - Passed 4/1/2017; Effective from passage - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 49, Acts, Regular Session, 2017
- \*248. By Sen. Trump, Carmichael (Mr. President), Hall, Palumbo, Woelfel, Blair, Plymale and Gaunch - **Clarifying composition and chairmanship of Commission on Special Investigations** - Passed 4/1/2017 - Effective ninety days from passage - To Governor 4/6/17 - Vetoed by Governor 4/13/17
- \*255. By Sen. Blair - **Relating generally to filling vacancies in elected office** - Passed 4/7/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
256. By Sen. Trump, Boso, Cline, Gaunch and Woelfel - **Relating to prohibiting aiding and abetting of sexual abuse by school personnel** - Passed 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/24/17 - Chapter 224, Acts, Regular Session, 2017
- \*261. By Sen. Trump - **Relating to increasing salary or wages of judgment debtor** (original similar to SB81) - Passed 4/3/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 149, Acts, Regular Session, 2017
- \*280. By Sen. Boso and Weld - **Moving administration of Civil Air Patrol to Adjutant General** (original similar to SB257) - Passed 4/6/2017; Effective July 1, 2017 - To Governor 4/13/17 - Approved by Governor 4/21/17 - Chapter 202, Acts, Regular Session, 2017
- \*288. By Sen. Carmichael (Mr. President) and Stollings - **Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person** - Passed 4/7/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 55, Acts, Regular Session, 2017
- \*299. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH** (original similar to HB2779) - Passed 4/6/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/14/17 - Chapter 13, Acts, Regular Session, 2017
- \*300. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel** (original similar to HB2639) - Passed 4/5/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/14/17 - Chapter 14, Acts, Regular Session, 2017
- \*301. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program** (original similar to HB2501) - Passed 3/16/2017; Effective from passage - To Governor 3/22/17 - Approved by Governor 3/28/17 - Chapter 15, Acts, Regular Session, 2017
- \*302. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of federal funds from Treasury to Division of**

- Human Services** (original similar to HB2500) - Passed 3/20/2017; Effective from passage - To Governor 3/23/17 - Approved by Governor 3/29/17 - Chapter 16, Acts, Regular Session, 2017
- \*303. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of public moneys from Treasury to DHHR** (original similar to HB2640) - Passed 4/5/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/14/17 - Chapter 17, Acts, Regular Session, 2017
- \*305. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of public moneys from Treasury to Fire Commission** (original similar to HB2785) - Passed 4/5/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/14/17 - Chapter 18, Acts, Regular Session, 2017
- \*306. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of federal funds from Treasury to Workforce West Virginia** (original similar to HB2499) - Passed 3/24/2017; Effective from passage - To Governor 3/31/17 - Approved by Governor 4/6/17 - Chapter 19, Acts, Regular Session, 2017
321. By Sen. Gaunch - **Reporting requirements of employee information to CPRB** (original similar to HB2604) - Passed 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 217, Acts, Regular Session, 2017
330. By Sen. Trump, Boso and Blair - **Relating to WV Workplace Freedom Act** (original similar to HB2355) - Passed 3/17/2017 - Effective ninety days from passage - To Governor 3/22/17 - Vetoed by Governor 3/28/17 - Senate reconsidered action 3/30/2017 - Passed Senate notwithstanding objections of the Governor 3/30/2017 - Motion to consider notwithstanding the objections of the Governor 4/7/2017 - House passed over veto 4/7/2017; Effective from passage - Chapter 138, Acts, Regular Session, 2017 5/23/2017
- \*333. By Sen. Takubo, Palumbo, Stollings, Romano, Cline and Maroney - **Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 43, Acts, Regular Session, 2017
- \*337. By Sen. Blair - **Hiring correctional officers without regard to placement on correctional officer register** - Passed 4/5/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/20/17 - Chapter 115, Acts, Regular Session, 2017
- \*338. By Sen. Trump, Smith, Blair, Swope, Azinger, Mullins, Ferns, Weld, Gaunch and Cline - **Relating to medical professional liability** (original similar to HB2682, HB2757) - Passed 3/31/2017 - To Governor 4/3/17 - Approved by Governor 4/8/17 - Chapter 3, Acts, Regular Session, 2017
- \*339. By Sen. Takubo, Cline and Maroney - **Creating Legislative Coalition on Chronic Pain Management** - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 193, Acts, Regular Session, 2017

- \*344. By Sen. Trump, Gaunch, Azinger and Blair - **Relating to application of payments on consumer credit sale and loans** (original similar to HB2672, SB601) - Passed 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/24/17 - Chapter 37, Acts, Regular Session, 2017
- \*345. By Sen. Maynard, Jeffries, Mullins, Takubo, Cline, Weld and Maroney - **Allowing certain hunting and trapping on private lands on Sundays** - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 166, Acts, Regular Session, 2017
- \*347. By Sen. Takubo, Stollings and Maroney - **Relating to modernization of Physician Assistant Practice Act** (original similar to HB2753) - Passed 4/1/2017 - To Governor 4/6/17 - Vetoed by Governor 4/12/17
- 349. By Sen. Trump, Blair and Boso - **Repealing outdated code related to Division of Corrections** - Passed 4/3/2017 - To Governor 4/10/17 - Approved by Governor 4/14/17 - Chapter 34, Acts, Regular Session, 2017
- \*350. By Sen. Blair - **Allowing licensed professional counselors be issued temporary permit** - Passed 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 182, Acts, Regular Session, 2017
- \*358. By Sen. Trump, Sypolt and Boso - **Relating generally to trustee sale of timeshare estates** (original similar to HB2782) - Passed 4/5/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 91, Acts, Regular Session, 2017
- \*360. By Sen. Takubo, Stollings, Maroney, Plymale and Miller - **Creating Legislative Coalition on Diabetes Management** - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 190, Acts, Regular Session, 2017
- \*362. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Authorizing redirection of certain amounts to General Revenue Fund** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 20, Acts, Regular Session, 2017
- 364. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Incorporating changes to Streamlined Sales and Use Tax Agreement** (original similar to HB2596) - Passed 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 233, Acts, Regular Session, 2017
- 365. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Maintaining solvency of Unemployment Compensation Fund** (original similar to HB2784) - Passed 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 246, Acts, Regular Session, 2017
- \*386. By Sen. Ojeda, Beach, Facemire, Miller, Palumbo, Plymale, Romano, Rucker, Stollings, Swope, Woelfel and Boso - **Creating WV Medical Cannabis Act** (original similar to HCR79) - Passed 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/19/17 - Chapter 195, Acts, Regular Session, 2017
- \*388. By Sen. Sypolt, Azinger, Boso, Cline, Ferns, Karnes, Maynard, Ojeda, Rucker, Smith, Takubo, Trump and Maroney - **Relating to dangerous weapons** - Passed



- 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 82, Acts, Regular Session, 2017
392. By Sen. Gaunch - **Relating to Municipal Police Officers and Firefighters Retirement System** (original similar to HB2600) - Passed 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 159, Acts, Regular Session, 2017
- \*398. By Sen. Takubo, Stollings, Unger and Maroney - **Creating Emergency Volunteer Health Practitioners Act** - Passed 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 197, Acts, Regular Session, 2017
400. By Sen. Blair - **Regarding appointments to WV Infrastructure and Jobs Development Council** - Passed 4/3/2017 - To Governor 4/10/17 - Approved by Governor 4/14/17 - Chapter 120, Acts, Regular Session, 2017
- \*402. By Sen. Takubo, Stollings and Romano - **Relating to covenants not to compete between physicians and hospitals** - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 214, Acts, Regular Session, 2017
- \*419. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Creating special revenue fund sources for Division of Labor to meet statutory obligations** (original similar to HB2776) - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 135, Acts, Regular Session, 2017
433. By Sen. Trump - **Permitting counties increase excise tax on privilege of transferring real property** (original similar to HB2461, SB647) - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 235, Acts, Regular Session, 2017
- \*437. By Sen. Karnes, Boso, Cline, Trump and Blair - **Discontinuing WV Greyhound Breeding Development Fund** - Passed 4/1/2017 - To Governor 4/3/17 - Vetoed by Governor 4/8/17
- \*441. By Sen. Sypolt, Boso and Smith - **Establishing Municipal Home Rule Pilot Program** (original similar to HB2307) - Passed 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
- \*442. By Sen. Weld and Cline - **Relating generally to crimes against persons** - Passed 3/31/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 50, Acts, Regular Session, 2017
444. By Sen. Trump, Weld, Miller and Gaunch - **Establishing Court Advanced Technology Subscription Fund** (original similar to HB2765) - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/20/17 - Chapter 47, Acts, Regular Session, 2017
- \*445. By Sen. Trump and Miller - **Amending definition of "abused child"** (original similar to HB2758) - Passed 4/3/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 24, Acts, Regular Session, 2017

- \*454. By Sen. Trump, Weld, Miller and Gaunch - **Providing more efficient collection and submission of state moneys received from court transactions or court services** (original similar to HB2731, HB2737) - Passed 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 98, Acts, Regular Session, 2017
- \*455. By Sen. Trump, Weld, Miller and Gaunch - **Relating generally to commitment of persons to custody of Commissioner of Corrections** (original similar to HB2747) - Passed 4/1/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 59, Acts, Regular Session, 2017
- \*456. By Sen. Trump, Weld, Miller and Gaunch - **Relating to standards for termination of parental rights in child abuse and neglect cases** (original similar to HB2732) - Passed 4/1/2017; Effective from passage - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 25, Acts, Regular Session, 2017
- \*461. By Sen. Hall, Takubo and Stollings - **Exempting WV State Police from state purchasing requirements** - Passed 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/26/17 - Chapter 105, Acts, Regular Session, 2017
- \*473. By Sen. Maynard and Cline - **Permitting collection and sale of naturally shed deer antlers** (original similar to HB2707) - Passed 3/31/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 165, Acts, Regular Session, 2017
- \*486. By Sen. Takubo and Stollings - **Relating to health care provider taxes** - Passed 4/7/2017; Effective July 1, 2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 237, Acts, Regular Session, 2017
- 490. By Sen. Azinger, Trump, Mullins and Boso - **Clarifying standard of liability for officers of corporation** - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/21/17 - Chapter 46, Acts, Regular Session, 2017
- 493. By Sen. Mann, Cline, Mullins, Maroney and Romano - **Providing increase in compensation for conservation officers** (original similar to HB2047, HB2406) - Passed 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/25/17 - Chapter 167, Acts, Regular Session, 2017
- 495. By Sen. Blair - **Relating to regulation of events by State Athletic Commission** - Passed 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/21/17 - Chapter 116, Acts, Regular Session, 2017
- \*497. By Sen. Stollings, Takubo, Plymale, Maroney and Facemire - **Relating to liability for health care providers who provide services at school athletic events** - Passed 3/31/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 1, Acts, Regular Session, 2017
- \*505. By Sen. Smith and Sypolt - **Providing five-year reclamation period following completion of well pads for horizontal wells** (original similar to SB370) - Passed 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 87, Acts, Regular Session, 2017

- \*515. By Sen. Trump - **Relating to parole requirements for hearings and release** - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 62, Acts, Regular Session, 2017
- \*522. By Sen. Gaunch, Ferns, Blair, Stollings and Takubo - **Relating to pharmacy audits** - Passed 4/4/2017 - To Governor 4/10/17 - Approved by Governor 4/20/17 - Chapter 134, Acts, Regular Session, 2017
- \*523. By Sen. Weld - **Converting to biweekly pay cycle for state employees** - Passed 4/8/2017; Effective from passage - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 183, Acts, Regular Session, 2017
- \*531. By Sen. Sypolt - **Relating to renewal date for apiary certificates of registration** - Passed 3/31/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 7, Acts, Regular Session, 2017
- \*533. By Sen. Hall and Mullins - **Relating to taxes on wine and intoxicating liquors** (original similar to HB2894) - Passed 4/7/2017 - To Governor 4/13/17 - Approved by Governor 4/25/17 - Chapter 227, Acts, Regular Session, 2017
- \*535. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Reorganizing Division of Tourism** (original similar to HB2899) - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 238, Acts, Regular Session, 2017
547. By Sen. Blair - **Modifying fees paid to Secretary of State** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 99, Acts, Regular Session, 2017
554. By Sen. Weld - **Relating to false swearing in legislative proceeding** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 146, Acts, Regular Session, 2017
- \*563. By Sen. Trump - **Relating to Consumer Credit and Protection Act** (original similar to SB556) - Passed 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/21/17 - Chapter 36, Acts, Regular Session, 2017
564. By Sen. Takubo and Stollings - **Relating to Statewide Independent Living Council** - Passed 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/20/17 - Chapter 226, Acts, Regular Session, 2017
566. By Sen. Hall, Facemire and Stollings - **Claims against state** (original similar to HCR66) - Passed 4/4/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 27, Acts, Regular Session, 2017
- \*575. By Sen. Trump - **Relating generally to shooting ranges** - Passed 4/4/2017 - To Governor 4/10/17 - Approved by Governor 4/14/17 - Chapter 5, Acts, Regular Session, 2017
578. By Sen. Trump and Blair - **Relating generally to copies of health care records furnished to patients** - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 191, Acts, Regular Session, 2017

- \*581. By Sen. Trump, Woelfel and Plymale - **Relating generally to administration of trusts** (original similar to HB2978) - Passed 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 92, Acts, Regular Session, 2017
- \*588. By Sen. Sypolt - **Relating to reproduction, distribution and sale of tax maps** - Passed 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 95, Acts, Regular Session, 2017
- \*602. By Sen. Blair - **Creating uniform system of recording and indexing fictitious names used by sole proprietors** - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 213, Acts, Regular Session, 2017
- \*606. By Sen. Maynard and Plymale - **Relating to minimum wage and maximum hours for employees** - Passed 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
608. By Sen. Trump, Woelfel, Weld, Gaunch and Plymale - **Clarifying lawful business structures are unaffected by enactment of prohibitory legislation** - Passed 4/6/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/24/17 - Chapter 23, Acts, Regular Session, 2017
- \*622. By Sen. Hall - **Relating generally to tax procedures and administration** (original similar to HB2960) - Passed 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/25/17
- \*630. By Sen. Mann, Hall and Sypolt - **Establishing Accessibility and Equity in Public Education Enhancement Act** - Passed 4/8/2017; Effective from passage - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 77, Acts, Regular Session, 2017
- \*631. By Sen. Palumbo, Jeffries and Takubo - **Prosecuting violations of municipal building code** - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 156, Acts, Regular Session, 2017
- \*634. By Sen. Plymale, Stollings, Sypolt, Takubo, Prezioso, Beach, Clements and Maroney - **Relating generally to certain agreements between DHHR and state's medical schools** (original similar to HB3006) - Passed 4/3/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 126, Acts, Regular Session, 2017
- \*636. By Sen. Boso, Stollings, Maroney, Sypolt and Cline - **Authorizing State Fire Commission establish program to address problems facing VFDs** - Passed 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 208, Acts, Regular Session, 2017
- \*637. By Sen. Trump and Rucker - **Relating to private club operations requirements** - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 239, Acts, Regular Session, 2017
- \*656. By Sen. Mann - **Relating to Student Data Accessibility, Transparency and Accountability Act** - Passed 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17

658. By Sen. Maynard and Cline - **Establishing procedure for retitling mobile and manufactured homes** - Passed 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/25/17 - Chapter 151, Acts, Regular Session, 2017
667. By Sen. Gaunch, Prezioso and Plymale - **Limiting authority of Attorney General to disclose certain information provided by Tax Commissioner** - Passed 4/6/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/25/17 - Chapter 111, Acts, Regular Session, 2017
- \*671. By Sen. Mann - **Relating to WV Anatomical Board** - Passed 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 114, Acts, Regular Session, 2017
684. By Sen. Trump, Weld, Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (Originating in Senate Judiciary) - **Relating generally to WV State Police** - Passed 3/31/2017; Effective from passage - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 204, Acts, Regular Session, 2017
686. By Sen. Hall, Boley, Blair, Boso, Ferns, Gaunch, Facemire, Mann, Maroney, Mullins, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (Originating in Senate Finance) - **Exempting facilities governed by DHHR that provide direct patient care** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 106, Acts, Regular Session, 2017
687. By Sen. Smith, Sypolt, Blair, Boley, Cline, Ferns, Mullins, Facemire, Jeffries and Woelfel (Originating in Senate Energy, Industry and Mining) - **Relating generally to coal mining, safety and environmental protection** (original similar to HB2506, HB3029, SB 246, SB 582) - Passed 4/8/2017; Effective from passage - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 86, Acts, Regular Session, 2017
690. By Sen. Trump, Weld, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (Originating in Senate Judiciary) - **Authorizing WV State Police impose and collect fees for agencies and entities using their facilities** (original similar to HB2149, HB2316, HB2507) - Passed 4/6/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 203, Acts, Regular Session, 2017
691. By Sen. Maynard, Karnes, Stollings, Sypolt and Takubo (Originating in Senate Natural Resources) - **Relating to off-road vehicles** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 9, Acts, Regular Session, 2017
694. By Sen. Hall, Mullins, Blair, Boley, Boso, Ferns, Gaunch, Mann, Maroney, Sypolt, Takubo, Facemire, Palumbo, Plymale, Prezioso, Stollings and Unger (Originating in Senate Finance) - **Expiring funds to unappropriated surplus balance in General Revenue fund to Department of Administration** - Passed 4/7/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/14/17 - Chapter 21, Acts, Regular Session, 2017

**SENATE JOINT RESOLUTIONS  
ADOPTED BY LEGISLATURE**

- \*6. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Roads to Prosperity Amendment of 2017** (original similar to HJR22) - Passed 4/8/2017

**SENATE CONCURRENT RESOLUTIONS  
ADOPTED BY LEGISLATURE**

1. By Sen. Carmichael (Mr. President), Ferns and Prezioso - **Adopting joint rules of Legislature** - Adopted 1/11/2017
2. By Sen. Carmichael, Hall and Prezioso - **Authorizing payment of supplies, services, printing and other expenses** - Adopted 1/11/2017
8. By Sen. Mullins, Boso, Cline, Plymale, Beach, Karnes, Stollings, Ojeda, Facemire and Prezioso - **Donnie Adkins Memorial Bridge** - Adopted 4/6/2017
11. By Sen. Ferns and Stollings - **USMC Lance Corporal Edwin Russell 'Snook' Danehart Memorial Bridge** - Adopted 4/6/2017
13. By Sen. Mullins, Plymale, Stollings, Cline and Beach - **US Army CPL James Russell Carter Memorial Road** - Adopted 4/6/2017
14. By Sen. Jeffries, Azinger, Cline, Facemire, Ojeda, Palumbo, Plymale, Romano, Smith, Sypolt, Weld, Woelfel, Stollings and Beach - **US Army PVT Oren J. "Junior" Johnson Memorial Bridge** - Adopted 4/6/2017
- \*15. By Sen. Mullins, Stollings, Cline and Beach - **US Army CPL Herbert "Herb" Linkous Memorial Bridge** - Adopted 4/6/2017
18. By Sen. Hall, Stollings and Beach - **US Marine CPL Walter Vincent Filipek Memorial Bridge** - Adopted 4/6/2017
21. By Sen. Clements, Boso, Maroney, Weld and Stollings - **US Army CPL Daniel Frederick Mehringer Memorial Bridge** - Adopted 4/6/2017
- \*23. By Sen. Maynard and Stollings - **Johnny O'Dell Linville Memorial Bridge** - Adopted 4/6/2017
24. By Sen. Romano, Facemire and Stollings - **US Army PFC Joe Messe, Sr., Memorial Bridge** - Adopted 4/6/2017
- \*26. By Sen. Romano, Facemire and Stollings - **US Marine Corps SSG Beecher J Rhoades Memorial Bridge** - Adopted 4/6/2017
28. By Sen. Boso, Karnes and Beach - **US Army SPC 4 Randall W. Arbogast Memorial Road** - Adopted 4/7/2017
31. By Sen. Boso, Stollings and Beach - **US Navy BT2 Mark Edward Hutchison Memorial Bridge** - Adopted 4/6/2017

33. By Sen. Palumbo, Plymale and Beach - **US Army Ranger SGT Richard E. Arden Memorial Bridge** - Adopted 4/8/2017
39. By Sen. Gaunch, Beach and Stollings - **US Army PFC Kelva H. Justice Memorial Road** - Adopted 4/6/2017
41. By Sen. Stollings, Ojeda, Beach and Plymale - **US Army PV2 Mandvial S. "Bunker" Bias Memorial Bridge** - Adopted 4/6/2017
42. By Sen. Boso, Stollings and Beach - **Five Champ Brothers Bridge** - Adopted 4/8/2017
43. By Sen. Boso - **Eugene Lee "Gene" Burner Memorial Bridge** - Adopted 4/6/2017
45. By Sen. Beach, Prezioso, Stollings and Plymale - **Home of Anna Lindquist, 1996 NHPA Hall of Fame Inductee highway sign** - Adopted 4/6/2017
49. By Sen. Gaunch, Stollings and Boso - **Erecting signs in Kanawha County declaring Home of Ralph Maddox 1980 NHPA Hall of Fame** - Adopted 4/8/2017

### HOUSE BILLS PASSED LEGISLATURE

- \*2001. By Del. Lane, Sobonya, Moore, Kessinger, Foster, N. and Householder - **Relating to ethics and transparency in government** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 94, Acts, Regular Session, 2017
- \*2002. By Del. Kessinger, Fast, Evans, A., Romine, R., Frich, Arvon, Butler, Rowan, Wilson, Paynter and Lane - **Relating to parental notification of abortions performed on unemancipated minors** (original similar to HB2053, SB424) - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 186, Acts, Regular Session, 2017
- \*2006. By Del. Shott, Mr. Speaker (Mr. Armstead), Hanshaw, Sobonya, Atkinson, Hill, Fleischauer, Pushkin, Lovejoy and Canestraro - **Increasing the penalties for violating the Whistle-blower Law** - Passed 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 184, Acts, Regular Session, 2017
- \*2018. By Mr. Speaker (Mr. Armstead) and Del. 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** - Passed 4/9/2017 - To Governor 4/13/17 - Vetoed by Governor 4/13/17
- \*2083. By Del. Rodighiero and Frich - **Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 44, Acts, Regular Session, 2017
- \*2109. By Del. Rohrbach, Hornbuckle and Lovejoy - **Relating to the West Virginia Land Reuse Agency Authorization Act** - Passed 4/8/2017; Effective from

passage - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 162, Acts, Regular Session, 2017

2119. By Del. Ellington and Summers - **Repealing West Virginia Health Benefit Exchange Act** - Passed 4/5/2017 - To Governor 4/17/17 - Approved by Governor 4/21/17 - Chapter 35, Acts, Regular Session, 2017
- \*2167. By Del. Storch and Eldridge - **Creating a Silver Alert program for senior citizens** - Passed 3/15/2017 - To Governor 3/17/17 - Approved by Governor 3/23/17 - Chapter 207, Acts, Regular Session, 2017
- \*2180. By Del. Rodighiero, Marcum, Eldridge, Phillips, Maynard and Westfall - **Authorizing the issuance of special "In God We Trust" motor vehicle registration plates** (original similar to SB459) - Passed 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 153, Acts, Regular Session, 2017
2188. By Del. Rowe, Pushkin, Sobonya, Fleischauer and Hornbuckle - **Extending the length of time for the special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth** - Passed 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/24/17 - Chapter 81, Acts, Regular Session, 2017
- \*2195. By Del. Rohrbach, Cooper, Rowan, Hornbuckle, Ambler, Hicks, Sobonya, Frich and Thompson - **Relating to requiring comprehensive drug awareness and prevention program in all public schools** - Passed 4/6/2017 - To Governor 4/17/17 - Approved by Governor 4/26/17 - Chapter 69, Acts, Regular Session, 2017
- \*2196. By Del. Ellington, Gearheart and Overington - **Relating to the secondary schools athletic commission** - Passed 4/8/2017 - To Governor 4/21/17 - Vetoed by Governor 4/26/17
- \*2219. By Del. Sobonya - **Authorizing miscellaneous boards and agencies to promulgate legislative rules** (original similar to SB84) - Passed 4/8/2017; Effective from passage - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 144, Acts, Regular Session, 2017
2300. By Del. Kelly, Ellington, Summers, Criss, Wagner, Ward, Atkinson and Rohrbach - **Regulating step therapy protocols** - Passed 3/21/2017 - To Governor 3/24/17 - Approved by Governor 3/30/17 - Chapter 131, Acts, Regular Session, 2017
- \*2301. By Del. Summers and Ellington - **Relating to direct primary care** - Passed 3/15/2017 - To Governor 3/17/17 - Approved by Governor 3/23/17 - Chapter 175, Acts, Regular Session, 2017
- \*2303. By Del. Phillips, Westfall, Folk, Sobonya, Overington, Paynter, Eldridge and Miller, R. - **Increasing criminal penalties for littering** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 150, Acts, Regular Session, 2017



- \*2318. By Del. Shott, Fleischauer, Hanshaw, Summers, Sobonya, Miller, C., Kessinger, Canestraro, Longstreth, Pushkin and Storch - **Relating generally to human trafficking** (original similar to HB2186, HB2342, SB70) - Passed 3/17/2017 - To Governor 3/27/17 - Approved by Governor 3/31/17 - Chapter 129, Acts, Regular Session, 2017
- \*2319. By Del. Upson, Mr. Speaker (Mr. Armstead), Hamilton, Rohrbach and Baldwin - **Relating to candidates or candidate committees for legislative office disclosing contributions** (original similar to SB8) - Passed 4/6/2017 - To Governor 4/17/17 - Approved by Governor 4/26/17 - Chapter 85, Acts, Regular Session, 2017
- \*2329. By Del. Rohrbach, Sobonya, Ellington, Upson, Lovejoy, Frich, Canestraro, Isner, Foster, N., Ward and Miller, C. - **Prohibiting the production, manufacture or possession of fentanyl** - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/24/17 - Chapter 38, Acts, Regular Session, 2017
- \*2347. By Del. Howell, Maynard, Walters, McGeehan, Sypolt, Miller, C., Westfall, Hamrick, Higginbotham, Harshbarger and Atkinson - **Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations** - Passed 3/11/2017 - To Governor 3/15/17 - Approved by Governor 3/17/17 - Chapter 181, Acts, Regular Session, 2017
2348. By Del. Howell, Maynard, Walters, McGeehan, Sypolt, Westfall, Miller, C., Hamrick, Higginbotham, Harshbarger and Ward - **Eliminating any requirement that class hours of students be consecutive** - Passed 4/6/2017 - To Governor 4/17/17 - Approved by Governor 4/26/17 - Chapter 180, Acts, Regular Session, 2017
- \*2359. By Del. Arvon - **Relating to offenses and penalties for practicing osteopathic medicine without a license** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 174, Acts, Regular Session, 2017
- \*2364. By Del. Hamilton, Ambler, Evans, A., Statler, Romine, R., Hicks, Rodighiero, Hamrick, Eldridge, Lynch and Frich - **Prohibiting electioneering within or near early voting locations during early voting periods** - Passed 4/6/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 83, Acts, Regular Session, 2017
- \*2367. By Del. Miller, R., Marcum, Eldridge, Rodighiero, Phillips, Sobonya, Lovejoy and Hicks - **Establishing a criminal offense of organized retail crime** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 53, Acts, Regular Session, 2017
- \*2373. By Del. Statler, Hill, Espinosa, Kessinger, Foster, N., Wagner, McGeehan, Higginbotham, Ward, Williams and Ellington - **Authorizing school bus drivers trained in administration of epinephrine auto-injectors to administer auto-injectors** - Passed 4/6/2017 - To Governor 4/18/17 - Approved by Governor 4/20/17 - Chapter 75, Acts, Regular Session, 2017
- \*2402. By Del. Howell, Frich, Eldridge and Phillips - **Relating to abandoned antique vehicles** (original similar to HB2445, SB382) - Passed 4/8/2017 - To Governor

4/20/17 - Approved by Governor 4/25/17 - Chapter 152, Acts, Regular Session, 2017

- \*2404. By Del. Rowan, Moye, Overington, Phillips, Hamilton, Romine, R., Rohrbach, Kelly, Pethel, Lynch and Ferro - **Barring persons who are convicted of certain criminal offenses from acquiring property from their victims** - Passed 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/20/17 - Chapter 90, Acts, Regular Session, 2017
2427. By Del. Howell, Arvon, Atkinson, Blair, Hamrick, Hartman, Lynch and Ferro - **Requiring agencies listed in the online state phone directory to update certain employee information** (original similar to SB267) - Passed 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 109, Acts, Regular Session, 2017
- \*2428. By Del. Kelly, Anderson, Criss, Higginbotham, Ambler, Hollen, Wagner, Ward, Romine, C., Cooper and Atkinson - **Establishing additional substance abuse treatment facilities** - Passed 4/8/2017; Effective from passage - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 194, Acts, Regular Session, 2017
2431. By Del. Ellington and Rohrbach - **Allowing influenza immunizations to be offered to patients and residents of specified facilities** (original similar to SB318) - Passed 3/15/2017 - To Governor 3/17/17 - Approved by Governor 3/23/17 - Chapter 187, Acts, Regular Session, 2017
2446. By Del. Howell, Arvon, Atkinson, Blair, Hamrick, Hartman, Lynch and Ferro - **Relating to the requirement that all executive branch agencies maintain a website that contains specific information** (original similar to SB269) - Passed 4/7/2017 - Effective ninety days from passage - To Governor 4/18/17 - Vetoed by Governor 4/25/17
- \*2447. By Mr. Speaker (Mr. Armstead), Del. Shott, Summers, Overington, Foster, G., Hollen, Sobonya and O'Neal - **Renaming the Court of Claims the state Claims Commission** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 29, Acts, Regular Session, 2017
- \*2453. By Del. Eldridge, Butler and Summers - **Expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp** - Passed 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/25/17 - Chapter 6, Acts, Regular Session, 2017
- \*2459. By Del. Ellington, Summers, Rohrbach and Hollen - **Relating to regulation of health care and the certificate of need process** - Passed 3/30/2017; Effective from passage - To Governor 4/4/17 - Approved by Governor 4/10/17 - Chapter 185, Acts, Regular Session, 2017
- \*2475. By Del. Storch, Westfall, Moore, White, Frich and Ward - **Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents** - Passed 4/5/2017 - To Governor 4/17/17 - Approved by Governor 4/25/17 - Chapter 28, Acts, Regular Session, 2017

- \*2479. By Del. Storch, Ferro, Longstreth, McGeehan, Fleischauer, Canestraro, Isner, Lovejoy, Pushkin and Frich - **Uniform Deployed Parents Custody and Visitation Act** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 66, Acts, Regular Session, 2017
- \*2486. By Del. Westfall - **Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order** - Passed 3/31/2017 - To Governor 4/4/17 - Approved by Governor 4/10/17 - Chapter 130, Acts, Regular Session, 2017
- \*2494. By Del. Westfall, Statler, White, Atkinson and Higginbotham - **Providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request** - Passed 4/6/2017 - To Governor 4/18/17 - Approved by Governor 4/25/17 - Chapter 73, Acts, Regular Session, 2017
- \*2503. By Del. Ellington, Summers, Dean, Rohrbach, Sobonya and Hollen - **Relating to the rulemaking authority for Board of Osteopathic Medicine** - Passed 4/6/2017 - To Governor 4/17/17 - Approved by Governor 4/26/17 - Chapter 119, Acts, Regular Session, 2017
- \*2506. By Del. Zatezalo, Foster, G., Kessinger, Summers, Atkinson, Ambler, Phillips, Westfall and Miley - **Relating to the permit limit calculations and allowing overlapping mixing zones for calculating permit limits for drinking water criteria** - Passed 3/28/2017 - To Governor 4/3/17 - Approved by Governor 4/8/17 - Chapter 88, Acts, Regular Session, 2017
- \*2509. By Del. Ellington, Summers, Rowan, Sobonya and Atkinson - **Relating to the practice of telemedicine** - Passed 4/7/2017; Effective from passage - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 173, Acts, Regular Session, 2017
2518. By Del. Ellington, Summers, Rohrbach, Rowan, Hollen and Atkinson - **Creating a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations** - Passed 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 176, Acts, Regular Session, 2017
- \*2519. By Del. Ellington, Summers, Rohrbach, Cooper, Hollen, Sobonya, Dean, Rowan and Longstreth - **Medicaid program compact** - Passed 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 127, Acts, Regular Session, 2017
- \*2520. By Del. Summers, Rohrbach, Criss, Atkinson, Higginbotham, Byrd, Lovejoy, Fleischauer and Rowan - **Prohibiting the use of a tanning device by a person under the age of eighteen** (original similar to SB672) - Passed 4/8/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 192, Acts, Regular Session, 2017
2522. By Del. Ellington, Summers, Rohrbach, Sobonya, Dean, Cooper, Hollen and Rowan - **Nurse licensure compact** - Passed 4/4/2017 - To Governor 4/10/17 - Approved by Governor 4/25/17 - Chapter 178, Acts, Regular Session, 2017

- \*2526. By Del. Ellington, Summers, Sobonya and Rohrbach - **Classifying additional drugs to Schedules I, II, IV and V of controlled substances** - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 39, Acts, Regular Session, 2017
- \*2542. By Del. Statler, Espinosa, Cowles, Blair, Ambler, Shott, Kessinger, Hamilton, Dean, Ellington and Lewis - **Relating to public higher education personnel** (original similar to HB2849, SB274) - Passed 3/14/2017 - To Governor 3/17/17 - Approved by Governor 3/23/17 - Chapter 123, Acts, Regular Session, 2017
- 2548. By Del. Pushkin, Howell, Rowe, Lane, Hamrick, Storch, Byrd and Robinson - **Relating to the use of outside speakers by persons licensed to manufacture, sell, possess for sale, transport or distribute nonintoxicating beer** (original similar to HB2888) - Passed 4/5/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 168, Acts, Regular Session, 2017
- \*2552. By Del. Rohrbach, Lovejoy, Wagner, Hartman, Ambler, Marcum, Rowan, Lynch, Fleischauer, Overington and White - **Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund** - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 8, Acts, Regular Session, 2017
- \*2555. By Del. Foster, G., Fast, Higginbotham, Howell, Frich, Zatezalo, Kelly, Summers, Cowles, Hamrick and Wilson - **Relating to tax credits for apprenticeship training in construction trades** (original similar to SB191) - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/24/17 - Chapter 231, Acts, Regular Session, 2017
- \*2561. By Del. Espinosa, Upson, Blair, Westfall, Romine, R., Rowan, Cooper, Statler, Kelly, Dean and Rohrbach - **Relating to public school support** - Passed 4/8/2017 - Effective ninety days from passage - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 79, Acts, Regular Session, 2017
- \*2579. By Del. Sobonya, Romine, R., Upson, Foster, G., Foster, N., Summers, Storch, Arvon, Miller, C., Rohrbach and Zatezalo - **Increasing the penalties for transporting controlled substances** (original similar to HB2448, HB2602) - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 40, Acts, Regular Session, 2017
- \*2585. By Del. Storch, Arvon, Romine, R., Evans, A., Gearheart, Moore, Atkinson, Zatezalo, Shott, Hanshaw and Lewis - **Creating felony crime of conducting financial transactions involving proceeds of criminal activity** - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 57, Acts, Regular Session, 2017
- \*2586. By Del. Walters, Folk, Anderson, Hamilton, O'Neal, Evans, E. and Pethel - **Relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board** (original similar to SB355) - Passed 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 216, Acts, Regular Session, 2017

- \*2589. By Del. Kessinger, Higginbotham, Paynter, Dean, Martin and Wilson - **Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school** - Passed 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
2590. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act** (original similar to SB363) - Passed 3/14/2017; Effective from passage - To Governor 3/17/17 - Approved by Governor 3/23/17 - Chapter 236, Acts, Regular Session, 2017
2594. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act** (original similar to SB368) - Passed 3/14/2017; Effective from passage - To Governor 3/17/17 - Approved by Governor 3/23/17 - Chapter 234, Acts, Regular Session, 2017
- \*2601. By Del. Walters, Folk, Anderson, Hamilton, O'Neal, Evans, E. and Pethtel - **Relating to municipal policemen's or municipal firemen's pension and relief funds** (original similar to SB393) - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/24/17 - Chapter 158, Acts, Regular Session, 2017
- \*2603. By Del. Walters, Folk, Anderson, Hamilton, O'Neal, Evans, E. and Pethtel - **Relating to municipal policemen's or firemen's pension and relief funds that are funded at one hundred and twenty-five percent or more** (original similar to SB354) - Passed 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/14/17 - Chapter 157, Acts, Regular Session, 2017
- \*2619. By Del. Westfall, Romine, C., White and Frich - **Risk Management and Own Risk and Solvency Assessment Act** - Passed 4/7/2017; Effect January 1, 2018 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 133, Acts, Regular Session, 2017
- \*2620. By Del. Frich, Ellington, Shott, Howell, Householder, Storch, Hanshaw, Kessinger, Hollen, Sobonya and Mr. Speaker (Mr. Armstead) - **West Virginia Drug Overdose Monitoring Act** - Passed 4/8/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 188, Acts, Regular Session, 2017
2628. By Del. Howell, Hamrick, Summers, Ellington, Arvon, Rohrbach, Shott, Miller, C., Storch, Lewis and Maynard - **Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine** (original similar to HB2423, HB2630) - Passed 4/7/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 172, Acts, Regular Session, 2017
- \*2631. By Del. Howell, Martin, Hill, Arvon, Shott, Hanshaw, Lewis, Criss, Hamrick, Paynter and Hollen - **Relating to time standards for disposition of complaint proceedings** - Passed 4/8/2017 - To Governor 4/18/17 - Approved by Governor 4/21/17 - Chapter 169, Acts, Regular Session, 2017
- \*2637. By Del. Espinosa, Statler, Upson, Blair, Wilson, Westfall, Romine, R., Higginbotham, Harshbarger, Cooper and Folk - **Relating to employment of retired teachers and prospective employable professional personnel in areas**

- of critical need and shortage** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 221, Acts, Regular Session, 2017
- \*2646. By Del. Kessinger, Foster, N., Sypolt, Summers, Blair, Arvon, Rowan and Miller, C. - **Terminating the Women's Commission and discontinue its functions** - Passed 4/7/2017 - To Governor 4/18/17 - Vetoed by Governor 4/26/17
2653. By Del. Ellington, Sobonya and Cooper - **Extending the Multi State Real-Time Tracking System** - Passed 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 45, Acts, Regular Session, 2017
- \*2674. By Del. Shott, Hanshaw, Arvon, Zatezalo, Sobonya, O'Neal, Fleischauer, Kessinger, Isner and Frich - **Relating to access to and receipt of certain information regarding a protected person** - Passed 4/8/2017 - To Governor 4/18/17 - Approved by Governor 4/24/17 - Chapter 64, Acts, Regular Session, 2017
- \*2676. By Del. White, Dean, Westfall, Blair, Paynter, Maynard, Foster, G., Hill, Harshbarger, Phillips and Higginbotham - **Transferring the Security office under the Division of Culture and History to the Division of Protective Services** - Passed 4/5/2017 - To Governor 4/18/17 - Approved by Governor 4/25/17 - Chapter 206, Acts, Regular Session, 2017
- \*2678. By Del. Anderson, Arvon, Overington, Foster, G., Romine, R., Householder, Upson and Shott - **Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions** (original similar to SB54) - Passed 3/17/2017; Effect January 1, 2018 - To Governor 3/24/17 - Approved by Governor 3/30/17 - Chapter 4, Acts, Regular Session, 2017
- \*2679. By Del. Summers, Frich, Overington, Paynter, Harshbarger, Moore, Dean, Foster, G., Higginbotham, Butler and Fast - **Relating to the possession of firearms in parks and park facilities** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 163, Acts, Regular Session, 2017
- \*2683. By Del. Westfall, White, Hamrick, Hartman and Frich - **Relating to West Virginia Insurance Guaranty Association Act** (original similar to SB434) - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 132, Acts, Regular Session, 2017
2684. By Del. Canestraro, Lovejoy, Hollen, Miller, R., Shott and Isner - **Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license** - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/25/17 - Chapter 240, Acts, Regular Session, 2017
2691. By Del. Hamrick, Martin, Ward, Howell, Boggs, Arvon, Storch, Westfall, Dean, McGeehan and Frich - **Allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber** - Passed 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/14/17 - Chapter 179, Acts, Regular Session, 2017
- \*2702. By Del. Westfall, Cooper, Ambler, Wagner, Moye, Atkinson, Marcum and Higginbotham - **Relating to excused absences for personal illness from school**

- Passed 4/8/2017; Effective July 1, 2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 78, Acts, Regular Session, 2017

- \*2704. By Del. Espinosa, Statler, Dean, Rohrbach, Wilson, Rowan, Harshbarger, Romine, R., Wagner, Cooper and Higginbotham - **Prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from holding certification or license valid in public schools** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 223, Acts, Regular Session, 2017
2706. By Del. Espinosa, Statler, Upson, Dean, Rohrbach, Wilson, Rowan, Harshbarger, Romine, R., Higginbotham and Kelly - **Authorizing legislative rules regarding higher education** - Passed 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 124, Acts, Regular Session, 2017
- \*2709. By Del. Nelson, Lane, Byrd, Walters, Foster, N., Rowe, Robinson, White, Pushkin, Capito and Mr. Speaker (Mr. Armstead) - **Authorizing the City of South Charleston to levy a special district excise tax** (original similar to SB565) - Passed 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/26/17 - Chapter 160, Acts, Regular Session, 2017
- \*2711. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Abolishing regional educational service agencies and providing for the transfer of property and records** (original similar to SB420) - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 72, Acts, Regular Session, 2017
- \*2720. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Allowing the School Building Authority to transfer funds allocated into the School Construction Fund** (original similar to SB356) - Passed 4/8/2017; Effective July 1, 2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 80, Acts, Regular Session, 2017
- \*2721. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Removing the cost limitation on projects completed by the Division of Highways** (original similar to SB416) - Passed 4/8/2017 - To Governor 4/18/17 - Approved by Governor 4/24/17 - Chapter 220, Acts, Regular Session, 2017
- \*2722. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Eliminating the financial limitations on utilizing the design-build program for highway construction** (original similar to SB417) - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 218, Acts, Regular Session, 2017
- \*2724. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to creating a pilot program under the Herbert Henderson Office of Minority Affairs** (original similar to SB425) - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 104, Acts, Regular Session, 2017
- \*2726. By Del. Shott, Miller, R., Kessinger, Lane, Byrd, Isner, Frich and Lovejoy - **Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court**

- order** - Passed 4/5/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 60, Acts, Regular Session, 2017
- \*2731. By Del. Shott, Miller, R., Kessinger, Lane and Byrd - **Clarifying civil actions heard in circuit court** (original similar to SB454) - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 48, Acts, Regular Session, 2017
- \*2734. By Del. Boggs, Westfall, Nelson and Frich - **Authorizing a method for the collection and remittance of property taxes related to dealers' heavy equipment inventory** (original similar to SB603) - Passed 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/26/17 - Chapter 228, Acts, Regular Session, 2017
- \*2739. By Del. Summers, Ellington, Howell, Statler and Frich - **Relating to supplemental Medicaid provider reimbursement** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 128, Acts, Regular Session, 2017
- \*2740. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Administration** (original similar to SB307) - Passed 3/7/2017; Effective from passage - To Governor 3/10/17 - Approved by Governor 3/13/17 - Chapter 10, Acts, Regular Session, 2017
- \*2759. By Del. Ellington, Espinosa and Frich - **Creating Statewide Interoperable Radio Network** - Passed 4/8/2017; Effective from passage - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 199, Acts, Regular Session, 2017
2766. By Del. Shott, Miller, R., Kessinger, Lane, Byrd, Isner and Frich - **Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund** (original similar to SB443) - Passed 3/22/2017 - To Governor 3/24/17 - Approved by Governor 3/30/17 - Chapter 63, Acts, Regular Session, 2017
- \*2767. By Del. O'Neal, Hanshaw, Sobonya, Hollen, Moore, Kessinger, Summers, Fast, Overington and Foster, G. - **Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks** - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 121, Acts, Regular Session, 2017
- \*2771. By Del. Upton, Espinosa, Statler, Blair, Cooper, Ambler, Householder, Moore, Butler, Kessinger and Lewis - **Relating to temporary teaching certificates for Armed Forces spouses** (original similar to SB327) - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 222, Acts, Regular Session, 2017
2774. By Del. Hamrick, Ward, Folk, Frich, Summers, Statler, Howell, Zatezalo, Queen, Iaquina and Miley - **Defining special aircraft property** (original similar to SB61) - Passed 3/28/2017 - To Governor 4/3/17 - Approved by Governor 4/8/17 - Chapter 229, Acts, Regular Session, 2017



- \*2781. By Del. Blair, Zatezalo, Householder, Ambler, Hamrick, Anderson, Martin, Maynard and Lewis - **Requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks** - Passed 4/8/2017; Effective from passage - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 84, Acts, Regular Session, 2017
- \*2792. By Del. Arvon, Hill, Walters and Martin - **Requiring the Library Commission to survey the libraries of the state** (original similar to HB2332) - Passed 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/14/17 - Chapter 198, Acts, Regular Session, 2017
2796. By Del. Hanshaw - **Relating to the West Virginia National Guard entering into contracts and subcontracts for specialized technical services** (original similar to SB502) - Passed 4/4/2017; Effective from passage - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 201, Acts, Regular Session, 2017
- \*2797. By Del. O'Neal, Shott, Hanshaw, Sobonya, Kessinger, Foster, N., Foster, G. and Overington - **Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records** - Passed 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/14/17 - Chapter 107, Acts, Regular Session, 2017
- \*2801. By Del. Miley [By Request of the Executive] - **Expiring funds to the unappropriated balance in the State Fund from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund** (original similar to SB476) - Passed 4/8/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/14/17 - Chapter 11, Acts, Regular Session, 2017
- \*2804. By Del. Lane, Ferro, Williams, Phillips, Maynard and Robinson - **Removing chiropractors from the list of medical professions required to obtain continuing education on mental health conditions common to veterans and family members** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 170, Acts, Regular Session, 2017
- \*2805. By Del. Nelson, Boggs, Ambler, Anderson, Frich, Hamilton, Miller, C., Walters, Longstreth, Pethel and Sponaule - **Finding and declaring certain claims against the state and its agencies to be moral obligations of the state** - Passed 4/8/2017; Effective from passage - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 26, Acts, Regular Session, 2017
- \*2811. By Del. Hanshaw, Hartman, Kelly, Boggs, Miley, Shott, Nelson, Anderson, Westfall and Hamrick - **Relating to the definition of above ground storage tanks** - Passed 3/25/2017 - To Governor 3/29/17 - Approved by Governor 4/4/17 - Chapter 89, Acts, Regular Session, 2017
- \*2815. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to higher education governance** (original similar to SB511) - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/25/17 - Chapter 122, Acts, Regular Session, 2017
2833. By Del. Howell, Frich, Dean, Hill, Foster, G., Martin, Hamrick, Arvon, Criss, Lewis and Sypolt - **Specifying the contents and categories of information for**

- inclusion in annual reports** - Passed 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/21/17 - Chapter 118, Acts, Regular Session, 2017
- \*2839. By Del. Howell, Frich, Dean, Hill, Foster, G., Martin, Hamrick, Arvon, Lewis, Sybolt and Rohrbach - **Updating the procedures for legislative review of departments and licensing boards** - Passed 4/7/2017 - To Governor 4/21/17 - Approved by Governor 4/25/17 - Chapter 148, Acts, Regular Session, 2017
- \*2846. By Del. Fast, O'Neal, Kessinger, Sobonya, Rowan, Foster, G., Mr. Speaker (Mr. Armstead) and Del. Frich - **Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee** - Passed 4/8/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 177, Acts, Regular Session, 2017
- \*2850. By Del. Shott, O'Neal, Sobonya and Moore - **Relating to product liability actions** - Passed 4/7/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 2, Acts, Regular Session, 2017
- \*2851. By Del. White, Westfall, Moore, Dean, Lane, Ward and Frich - **Updating fee structure provisions for broker-dealers** (original similar to SB509) - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/24/17 - Chapter 225, Acts, Regular Session, 2017
2856. By Del. O'Neal, Cooper, Ambler, Miller, C., Boggs, Fast, Kessinger, White, Sobonya, Romine, C. and Rohrbach - **Declaring public policy and legislative intent for improving the marketing, quality and frequency of passenger rail service of the Cardinal Passenger Train** - Passed 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 67, Acts, Regular Session, 2017
- \*2857. By Del. Foster, G., Westfall, White, Walters, Moore and Summers - **West Virginia Safer Workplaces Act** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 136, Acts, Regular Session, 2017
2878. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Increasing amount of authorized Federal Grant Anticipation Notes for which Division of Highways may apply** (original similar to SB421) - Passed 4/1/2017 - To Governor 4/4/17 - Approved by Governor 4/10/17 - Chapter 219, Acts, Regular Session, 2017
- \*2897. By Del. Criss and Lane - **Raising the amount required for competitive bidding of construction contracts by the state and its subdivisions** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 103, Acts, Regular Session, 2017
- \*2898. By Mr. Speaker (Mr. Armstead) - **Authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature** - Passed 4/5/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 147, Acts, Regular Session, 2017
- \*2935. By Mr. Speaker (Mr. Armstead), Del. Hanshaw, Ambler, Hill, Boggs and Baldwin - **Relating to state flood protection planning** - Passed 4/8/2017 - To

Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 100, Acts, Regular Session, 2017

- \*2939. By Del. Hamilton - **Relating to the sale of items in the State Police Academy post exchange to the public** (original similar to SB570, SB665) - Passed 4/5/2017 - To Governor 4/18/17 - Approved by Governor 4/24/17 - Chapter 205, Acts, Regular Session, 2017
- \*2941. By Del. Gearheart, Storch, Hamrick, Criss, Hanshaw, Westfall, Paynter, Cooper, Moore, Ambler and White - **Requiring the Commissioner of the Division of Highways to utilize the Attorney General for all legal assistance and services** - Passed 4/6/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 112, Acts, Regular Session, 2017
- \*2948. By Del. Hanshaw, Sypolt, Zatezalo, Ward, Paynter, Harshbarger, Foster, G., Deem, Anderson, Foster, N. and Fast - **Establishing timelines for taking final action on certain permits** - Passed 4/7/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 113, Acts, Regular Session, 2017
- \*2949. By Del. Hamilton, Eldridge, Lewis, Ambler and Romine, R. - **Exempting specified Division of Natural Resources' contracts for some replacement, repair or design for repairs to facilities from review and approval requirements** - Passed 4/5/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 164, Acts, Regular Session, 2017
- \*2961. By Del. Nelson and Boggs - **Relating generally to charitable bingo games and charitable raffles** (original similar to SB625) - Passed 4/6/2017 - To Governor 4/18/17 - Approved by Governor 4/25/17 - Chapter 215, Acts, Regular Session, 2017
- 2962. By Del. Nelson and Boggs - **Enlarging the authority of the Tax Commissioner to perform background investigations of employees and contractors** (original similar to SB598) - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 110, Acts, Regular Session, 2017
- 2963. By Del. Nelson and Boggs - **Eliminating tax lien waiver requirement for estates of nonresidents** (original similar to SB594) - Passed 4/5/2017 - To Governor 4/11/17 - Approved by Governor 4/26/17 - Chapter 230, Acts, Regular Session, 2017
- 2967. By Del. Nelson and Boggs - **Relating generally to administration of estates and trusts** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 93, Acts, Regular Session, 2017
- \*2980. By Del. Moore, Summers, Shott, Hollen, Sobonya, Hanshaw, Miller, C., Kessinger, Foster, N., O'Neal and Westfall - **Relating to civil lawsuit filing fees for multiple defendant civil action** - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/24/17 - Chapter 96, Acts, Regular Session, 2017
- 3018. By Del. Isner, Canestraro, Sobonya, Summers, Boggs, Fast, Kessinger, Miller, R., Capito, Robinson and Lovejoy - **Adding definition of correctional employee to the list of persons against whom an assault is a felony** - Passed 4/8/2017 -

- To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 51, Acts, Regular Session, 2017
3022. By Del. Shott - **Relating to the reporting of fraud, misappropriation of moneys, and other violations of law to the commission on special investigations** - Passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 211, Acts, Regular Session, 2017
3037. By Del. Anderson - **Removing the Division of Energy as an independent agency** - Passed 4/6/2017 - To Governor 4/18/17 - Approved by Governor 4/24/17 - Chapter 108, Acts, Regular Session, 2017
- \*3048. By Del. Miller, R., Marcum, Caputo and Phillips - **Relating to collection of Tier II fees for chemical inventories** (original similar to SB629) - Passed 4/7/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 97, Acts, Regular Session, 2017
3053. By Del. Howell, Dean, Maynard, Blair, Foster, N., Foster, G., Harshbarger, Hill, McGeehan, Paynter and Queen - **Relating to motor vehicle lighting** (original similar to HB3000) - Passed 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/14/17 - Chapter 241, Acts, Regular Session, 2017
- \*3064. By Del. Atkinson, Mr. Speaker (Mr. Armstead), Hill, Sobonya, Westfall and Frich - **Allowing vehicles of a size and weight exceeding certain specifications to operate over specified routes** - Passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 243, Acts, Regular Session, 2017
- \*3080. By Mr. Speaker (Mr. Armstead), Del. Maynard, Cooper, Overington and Moye - **Requiring instruction in the Declaration of Independence and the United States Constitution** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 70, Acts, Regular Session, 2017
- \*3093. By Del. Hanshaw, Shott, Capito, Byrd, Robinson, Summers, Fluharty, Lane, Zatezalo, Foster, N. and Frich - **Establishing Broadband Enhancement and Expansion Policies** - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 22, Acts, Regular Session, 2017
- \*3096. By Del. Espinosa - **Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state** (original similar to SB657) - Passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 161, Acts, Regular Session, 2017
3103. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Health and Human Resources** (original similar to SB304) - Passed 4/8/2017; Effective from passage - To Governor 4/13/17 - Approved by Governor 4/14/17 - Chapter 12, Acts, Regular Session, 2017
3106. By Del. Barrett, Gearheart, Storch, Ambler, Espinosa, Rowe, Walters, Westfall, Sponaugle, Ellington and Evans, A. (Originating in House Finance) - **Relating to increasing the number of limited video lottery terminals** - Passed 3/31/2017 - To Governor 4/4/17 - Approved by Governor 4/10/17 - Chapter 117, Acts, Regular Session, 2017

## HOUSE CONCURRENT RESOLUTIONS ADOPTED BY LEGISLATURE

1. By Mr. Speaker (Mr. Armstead) - **Raising a Joint Assembly to open and publish election returns** - Adopted 1/11/2017
2. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Adopted 1/11/2017
3. By Mr. Speaker (Mr. Armstead) - **Providing for an adjournment of the Legislature until February 8, 2017** - Adopted 1/11/2017
4. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Adopted 2/8/2017
5. By Del. Summers - **U. S. Navy Rear Admiral Frederick Burdett Warder Memorial Bridge** - Adopted 4/5/2017
8. By Del. Butler - **Dr. Roy and Marian Eshenaur Bridge** - Adopted 4/5/2017
10. By Del. Ambler, Cooper, Moye, Householder and Rowan - **John Cameron Brown Bridge** - Adopted 4/5/2017
13. By Del. Atkinson, Kelly, Ward, Westfall, Cooper, Butler, Hamrick, Hill, Howell, Martin and Wagner - **U.S. Army SSG Brian Curtis Rogers Memorial Bridge** - Adopted 4/4/2017
15. By Del. Miller, C., Sobonya, McGeehan, Storch, Deem, Wagner, Rohrbach, Kelly, Zatezalo and Westfall - **Requesting Congress to fully support the National Park Service's recommendations to extend the Lewis and Clark National Historic Trail to include additional sites along the Expedition's Eastern Legacy** - Adopted 4/6/2017
19. By Del. Eldridge, Maynard, Miller, R., Rodighiero, Marcum, Phillips, Miller, C., Romine, C. and Hornbuckle - **U.S. Army PFC Freeman Ray Meade Memorial Road** - Adopted 4/7/2017
20. By Del. Phillips, Eldridge, Miller, R., Rodighiero, Marcum and Maynard - **US Army PVT James Earl Pelfrey Memorial Bridge** - Adopted 4/4/2017
21. By Del. Phillips, Eldridge, Maynard and Rodighiero - **1SG Carl J. Crabtree Memorial Road** - Adopted 4/8/2017
22. By Del. Phillips, Eldridge, Miller, R., Rodighiero and Maynard - **U.S. Air Force MSgt Johnny Baxter Clark and U.S. Air Force MSgt Carl Richard (Dick) Clark Memorial Bridge** - Adopted 4/4/2017
23. By Del. Phillips, Eldridge, Miller, R., Rodighiero, Marcum and Maynard - **U.S. Army SSG Styish R. Morris Memorial Road** - Adopted 4/7/2017

24. By Del. Hamilton and Lynch - **SGT. Eugene E. Arbogast Memorial Bridge** - Adopted 4/5/2017
26. By Del. Pyles, Caputo, Pethel, Longstreth, Upson, Fleischauer, Lynch, Williams, Summers, Statler, Frich, Mr. Speaker (Mr. Armstead), Ambler, Arvon, Atkinson, Baldwin, Barrett, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Cooper, Criss, Dean, Deem, Diserio, Eldridge, Espinosa, Evans, A., Evans, E., Ferro, Folk, Foster, G., Gearheart, Hamilton, Hamrick, Hartman, Higginbotham, Hill, Hornbuckle, Howell, Iaquina, Isner, Kelly, Lane, Lewis, Love, Lovejoy, Martin, Maynard, McGeehan, Miley, Miller, C., Miller, R., Moore, Moyer, O'Neal, Overington, Paynter, Pushkin, Queen, Rodighiero, Rohrbach, Romine, C., Romine, R., Rowan, Rowe, Shott, Sponaugle, Storch, Sypolt, Thompson, Wagner, Ward, Westfall and White - **Naming the NASA IV & V Facility at Fairmont for West Virginia mathematician Katherine Coleman Johnson** - Adopted 4/3/2017
27. By Del. Rodighiero - **U.S. Army 1LT Patricia Simon Bridge** - Adopted 4/5/2017
30. By Del. Eldridge, Maynard, Miller, R., Rodighiero, Marcum, Phillips, Miller, C., Romine, C. and Hornbuckle - **U.S. Army PFC Cornelious Wiley Memorial Bridge** - Adopted 4/7/2017
35. By Del. Rowe, Caputo, Robinson, White, Brewer, Byrd, Hornbuckle, Fleischauer, Pyles and Lynch - **Arnold Miller Memorial Bridge** - Adopted 4/8/2017
36. By Del. Miller, C., Hornbuckle, Eldridge, Lovejoy, Brewer, Butler, Rohrbach, Romine, R., Romine, C. and Sobonya - **U.S. Army PFC John Ira Pinkerman Memorial Bridge** (original similar to SCR5) - Adopted 4/4/2017
41. By Del. Upson, Cowles, Espinosa, Howell, Kessinger, Moore, O'Neal, Overington, Wagner, Westfall and Wilson - **Major Martin Robison Delany Memorial Bridge** - Adopted 4/7/2017
48. By Del. Rodighiero - **U.S. Army SPC David H. Stamper Memorial Bridge** - Adopted 4/7/2017
49. By Del. Phillips, Marcum, Rodighiero, Miller, R., Eldridge and Maynard - **U.S. Army PFC Donald Ray Cochran Memorial Bridge** - Adopted 4/4/2017
- \*50. By Del. Phillips, Eldridge, Miller, R., Rodighiero and Maynard - **Low Mountain Memorial Highway** - Adopted 4/7/2017
51. By Del. Phillips, Eldridge, Rodighiero, Maynard and Miller, R. - **Toby" Runyon Memorial Bridge** - Adopted 4/4/2017
54. By Del. Hartman, Isner, Sponaugle and Lynch - **U.S. Army PVT Preston D. Vanscoy Memorial Bridge** - Adopted 4/4/2017

58. By Del. Miller, C., Romine, C., Lovejoy, Rohrbach, Sobonya, Hicks, Thompson, Hornbuckle and Westfall - **William C. Campbell Memorial Highway** - Adopted 4/8/2017
60. By Del. Summers, Ward, Caputo and Longstreth - **William "Bill" R. VanGilder Memorial Bridge** - Adopted 4/4/2017
62. By Del. Lynch, Hartman, Iaquina, Ferro, Williams, Sponaugle, Caputo, Boggs, Diserio, Romine, R. and Hamilton - **Webster County Veterans Highway** - Adopted 4/8/2017
63. By Del. Phillips, Maynard, Marcum, Rodighiero, Miller, R. and Eldridge - **William B. Burgess Memorial Road** - Adopted 4/8/2017
- \*65. By Del. Walters - **Hobert G. 'Hobie' Underwood Memorial Bridge** - Adopted 4/8/2017
68. By Del. Phillips, Eldridge, Marcum, Rodighiero and Maynard - **James Earl Gibson Memorial Road** - Adopted 4/8/2017
73. By Del. Hartman, Iaquina, Lynch, Sponaugle and Pyles - **U S Army Air Corps PVT William James Irwin, Memorial Bridge** - Adopted 4/8/2017
- \*78. By Del. Moye, Bates, Arvon, Ellington, Love, O'Neal, Kessinger, Shott and Cooper - **Almond Brothers and Family Veterans Bridge** - Adopted 4/8/2017
82. By Del. Statler, Summers, Frich, Fleischauer, Pethel, Pyles and Williams - **U.S. Marine Sergeant David Paul McCord Memorial Bridge** - Adopted 4/4/2017
83. By Del. Statler and Williams - **U.S. Army SPC John R. Tennant Memorial Bridge** - Adopted 3/30/2017
- \*84. By Del. Hamrick, Queen and Howell - **U.S. Army Air Force S/SGT Harold 'Dean' Baker Memorial Bridge** - Adopted 4/8/2017
87. By Del. Eldridge - **Deputy Sheriff SGT. Justin Alan Thompson Memorial Highway** - Adopted 4/8/2017
92. By Del. Hanshaw - **U.S. Army SGT Eugene Dawson Memorial Highway** - Adopted 4/7/2017
94. By Del. Hornbuckle - **Katherine Johnson Day** - Adopted 4/3/2017
96. By Del. McGeehan, Hamilton and Folk - **U. S. Marine Corps Cpl Mark Douglas Cool Memorial Bridge** - Adopted 4/8/2017
- \*98. By Del. Gearheart, Criss, Storch, Longstreth, Westfall, Hamrick, Phillips, Overington, Miller, C., Walters and Ambler - **John H. Reed, Jr. Memorial Bridge** - Adopted 4/8/2017
109. By Del. Cowles - **Extending the Committee of Conference relating to consideration of Com Sub for HB 2099** - Adopted 3/30/2017

110. By Del. Cowles - **Extending the Committee of Conference relating to consideration of Com Sub for HB 2028** - Adopted 3/30/2017
118. By Del. Hanshaw - **Craddock Brothers Bridge** - Adopted 4/8/2017

### **SENATE BILLS VETOED BY GOVERNOR, OVERRIDDEN BY LEGISLATURE**

330. By Sen. Trump, Boso and Blair - **Relating to WV Workplace Freedom Act** (original similar to HB2355) - Passed 3/17/2017 - Effective ninety days from passage - To Governor 3/22/17 - Vetoed by Governor 3/28/17 - Senate reconsidered action 3/30/2017 - Passed Senate notwithstanding objections of the Governor 3/30/2017 - Motion to consider notwithstanding the objections of the Governor 4/7/2017 - House passed over veto 4/7/2017; Effective from passage - Chapter 138, Acts, Regular Session, 2017 5/23/2017

### **SENATE BILLS VETOED BY GOVERNOR**

28. By Sen. Karnes - **Creating new system for certain contiguous counties to establish regional recreation authorities** (original similar to HB2697) - Passed 4/7/2017 - To Governor 4/20/17 - Vetoed by Governor 4/21/17
172. By Sen. Blair - **Eliminating salary for Water Development Authority board members** - Passed 4/8/2017; Effective July 1, 2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
- \*239. By Sen. Karnes, Blair, Ferns, Rucker and Weld - **Limiting use of wages by employers and labor organizations for political activities** (original similar to HB2583) - Passed 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
- \*248. By Sen. Trump, Carmichael (Mr. President), Hall, Palumbo, Woelfel, Blair, Plymale and Gaunch - **Clarifying composition and chairmanship of Commission on Special Investigations** - Passed 4/1/2017 - Effective ninety days from passage - To Governor 4/6/17 - Vetoed by Governor 4/13/17
- \*255. By Sen. Blair - **Relating generally to filling vacancies in elected office** - Passed 4/7/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
- \*347. By Sen. Takubo, Stollings and Maroney - **Relating to modernization of Physician Assistant Practice Act** (original similar to HB2753) - Passed 4/1/2017 - To Governor 4/6/17 - Vetoed by Governor 4/12/17
- \*437. By Sen. Karnes, Boso, Cline, Trump and Blair - **Discontinuing WV Greyhound Breeding Development Fund** - Passed 4/1/2017 - To Governor 4/3/17 - Vetoed by Governor 4/8/17
- \*441. By Sen. Sypolt, Boso and Smith - **Establishing Municipal Home Rule Pilot Program** (original similar to HB2307) - Passed 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17



- \*606. By Sen. Maynard and Plymale - **Relating to minimum wage and maximum hours for employees** - Passed 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
- \*622. By Sen. Hall - **Relating generally to tax procedures and administration** (original similar to HB2960) - Passed 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/25/17
- \*656. By Sen. Mann - **Relating to Student Data Accessibility, Transparency and Accountability Act** - Passed 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17

### HOUSE BILLS VETOED BY GOVERNOR

- \*2018. By Mr. Speaker (Mr. Armstead) and Del. 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** - Passed 4/9/2017 - To Governor 4/13/17 - Vetoed by Governor 4/13/17
- \*2196. By Del. Ellington, Gearheart and Overington - **Relating to the secondary schools athletic commission** - Passed 4/8/2017 - To Governor 4/21/17 - Vetoed by Governor 4/26/17
2446. By Del. Howell, Arvon, Atkinson, Blair, Hamrick, Hartman, Lynch and Ferro - **Relating to the requirement that all executive branch agencies maintain a website that contains specific information** (original similar to SB269) - Passed 4/7/2017 - Effective ninety days from passage - To Governor 4/18/17 - Vetoed by Governor 4/25/17
- \*2589. By Del. Kessinger, Higginbotham, Paynter, Dean, Martin and Wilson - **Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school** - Passed 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
- \*2646. By Del. Kessinger, Foster, N., Sypolt, Summers, Blair, Arvon, Rowan and Miller, C. - **Terminating the Women's Commission and discontinue its functions** - Passed 4/7/2017 - To Governor 4/18/17 - Vetoed by Governor 4/26/17

### HOUSE BILLS DIED IN CONFERENCE

- \*2028. By Del. Folk, Hanshaw, Shott, Butler, Dean, Fleischauer, Fluharty, McGeehan, Paynter, Martin and Wilson - **Relating to the venue for suits and other actions against the state** - To conference 3/23/2017. House conferees: Hanshaw, Moore, Isner; Senate conferees: Smith, Rucker, Woelfel
- \*2099. By Del. McGeehan - **Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law** (original similar to SB208) - To conference 3/23/2017. House conferees: Zatezalo, Hollen, Canestraro; Senate conferees: Weld, Maynard, Jeffries

**ALL SENATE BILLS INTRODUCED**

1. By Sen. Trump and Jeffries - **Establishing additional dedicated 911 fee** - Introduced 2/8/2017 - To Government Organization then Finance
2. By Sen. Trump and Sypolt - **Providing additional funding for exceptional children with high-cost/high-acuity special needs** - Introduced 2/8/2017 - To Education then Finance
3. By Sen. Trump, Plymale, Rucker, Jeffries, Sypolt and Woelfel - **Relating generally to truancy intervention** (original similar to HB2213) - Introduced 2/8/2017 - To Education
- \*4. By Sen. Gaunch, Trump, Boso, Blair, Rucker, Jeffries, Stollings, Woelfel and Sypolt - **Allowing licensed professionals donate time to care of indigent and needy in clinical setting** (original similar to HB2692) - Introduced 2/8/2017 - To Health and Human Resources then Judiciary - Com. sub. reported 2/24/2017 - 2nd reference dispensed - Amended - Passed Senate 3/3/2017 - To House 3/6/2017 - To Health and Human Resources then Judiciary - To House Judiciary - Amended - Passed House 4/5/2017 - Title amended - Senate amended House amendment and passed 4/6/2017 - House concurred in Senate amendment and passed 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/20/17 - Chapter 171, Acts, Regular Session, 2017
- \*5. By Sen. Trump and Sypolt - **Disqualifying CDL for DUI conviction in certain cases** - Introduced 2/8/2017 - To Judiciary - Com. sub. reported 2/24/2017 - Passed Senate 3/1/2017 - To House 3/2/2017 - To Judiciary - Passed House 4/1/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 244, Acts, Regular Session, 2017
6. By Sen. Trump, Gaunch, Rucker, Karnes and Sypolt - **Creating Tim Tebow Act** - Introduced 2/8/2017 - To Education then Finance
7. By Sen. Trump, Blair, Rucker, Karnes and Sypolt - **Requiring election by division in House of Delegates' districts with two or more delegates** - Introduced 2/8/2017 - To Judiciary
8. By Sen. Trump - **Disclosing contributions during legislative session** (original similar to HB2319) - Introduced 2/8/2017 - To Judiciary
- \*9. By Sen. Trump and Jeffries - **Regulating unmanned aircraft systems** (original similar to SB218) - Introduced 2/8/2017 - To Judiciary - Com. sub. reported 2/22/2017 - Amended - Passed Senate with amended title 3/1/2017 - To House 3/2/2017 - To Judiciary
10. By Sen. Trump - **Relating generally to CDLs** - Introduced 2/8/2017 - To Transportation and Infrastructure then Government Organization
11. By Sen. Palumbo, Facemire, Jeffries, Stollings and Beach - **Requiring vacancies in certain elected offices be filled by person of same political party which previous officeholder was affiliated at time of election** - Introduced 2/8/2017 - To Judiciary

12. By Sen. Sypolt, Smith, Blair and Jeffries - **Changing number of strikes in jury selection for felony cases** - Introduced 2/8/2017 - To Judiciary
13. By Sen. Sypolt, Smith, Plymale and Jeffries - **Changing qualifier for low income for senior citizens' homestead tax exemption** - Introduced 2/8/2017 - To Finance
14. By Sen. Sypolt (By Request) and Smith - **Authorizing county commissions to impose surcharge on residential property owners for trash collection** - Introduced 2/8/2017 - To Government Organization
- \*15. By Sen. Sypolt, Smith and Boso - **Extending sunset on DOH public-private partnerships** - Introduced 2/8/2017 - To Transportation and Infrastructure then Finance - Com. sub. reported 3/15/2017 - To Finance 3/15/2017
- \*16. By Sen. Sypolt and Smith - **Repealing section related to wind power projects** - Introduced 2/8/2017 - To Energy, Industry and Mining then Finance - To Finance 2/24/2017 - Com. sub. reported 3/15/2017 - Passed Senate 3/18/2017 - To House 3/20/2017 - To Energy then Finance
17. By Sen. Sypolt and Rucker - **Relating generally to salary structure for temporary higher education employees** - Introduced 2/8/2017 - To Education then Finance
- \*18. By Sen. Sypolt, Smith and Blair - **Requiring new comprehensive statewide student assessment** - Introduced 2/8/2017 - To Education then Finance - Com. sub. reported 2/24/2017 - To Finance 2/24/2017 - Amended - Passed Senate with amended title 3/24/2017 - To House 3/25/2017 - To Education then Finance
19. By Sen. Karnes - **Creating WV Freedom of Conscience Protection Act** - Introduced 2/8/2017 - To Judiciary
20. By Sen. Karnes and Boso - **Limiting insurance coverage for elective abortions** (original similar to HB2082, HB2484) - Introduced 2/8/2017 - To Banking and Insurance then Judiciary
21. By Sen. Karnes, Boso and Rucker - **Relating to care of aborted fetuses** - Introduced 2/8/2017 - To Health and Human Resources then Judiciary
22. By Sen. Karnes, Blair and Sypolt - **Repealing article relating to mandatory motor vehicle state inspections** - Introduced 2/8/2017 - To Transportation and Infrastructure then Government Organization
23. By Sen. Karnes and Rucker - **Relating generally to midwifery** - Introduced 2/8/2017 - To Health and Human Resources
24. By Sen. Karnes, Rucker and Sypolt - **Creating education expenses tax credits** - Introduced 2/8/2017 - To Education then Finance
25. By Sen. Karnes, Rucker and Sypolt - **Creating farm-to-food bank tax credit** (original similar to HB2821) - Introduced 2/8/2017 - To Agriculture and Rural Development then Finance - To Finance 2/16/2017 - Passed Senate 3/14/2017 -

- To House 3/15/2017 - To Agriculture and Natural Resources then Finance - To House Finance - Passed House 4/8/2017 - To Governor 4/13/17 - Approved by Governor 4/20/17 - Chapter 232, Acts, Regular Session, 2017
26. By Sen. Karnes - **Providing for resident farm vendor's bidding preference** - Introduced 2/8/2017 - To Agriculture and Rural Development then Government Organization - To Agriculture and Rural Development
  - \*27. By Sen. Karnes, Trump, Rucker and Sypolt - **Relating to microprocessor permit** (original similar to HB2458) - Introduced 2/8/2017 - To Agriculture and Rural Development then Health and Human Resources - Com. sub. reported 3/3/2017 - To Health and Human Resources 3/3/2017 - Com. sub. for com. sub. reported 3/17/2017 - Passed Senate 3/21/2017 - To House 3/22/2017 - To Health and Human Resources - Amended - Passed House 4/7/2017 - Title amended - Title amendment withdrawn - Title amended - Senate amended House amendment and passed 4/8/2017
  28. By Sen. Karnes - **Creating new system for certain contiguous counties to establish regional recreation authorities** (original similar to HB2697) - Introduced 2/8/2017 - To Natural Resources then Government Organization - To Government Organization 2/28/2017 - Amended - Amended - Passed Senate 3/15/2017 - Title amended - To House 3/16/2017 - To Agriculture and Natural Resources then Government Organization - To House Government Organization - Amended - Passed House 4/4/2017 - Senate concurred in House amendments and passed bill 4/5/2017 - Senate reconsidered action - Senate amended House amendment and passed 4/6/2017 - House concurred in Senate amendment and passed 4/7/2017 - To Governor 4/20/17 - Vetoed by Governor 4/21/17
  29. By Sen. Karnes, Jeffries and Rucker - **Allowing purchase of Class XS hunting, fishing and trapping license at age 65** - Introduced 2/8/2017 - To Natural Resources then Government Organization
  30. By Sen. Karnes - **Allowing local governments to lower personal property tax by imposing local sales tax** - Introduced 2/8/2017 - To Government Organization then Finance
  31. By Sen. Karnes and Rucker - **Prohibiting abortion coverage in qualified health plans** - Introduced 2/8/2017 - To Health and Human Resources then Judiciary
  32. By Sen. Karnes and Jeffries - **Increasing high education student success** - Introduced 2/8/2017 - To Education then Finance
  33. By Sen. Mullins - **Changing primary election date** - Introduced 2/8/2017 - To Judiciary
  34. By Sen. Mullins, Jeffries and Cline - **Relating to funding for completion of Coalfields Expressway** - Introduced 2/8/2017 - To Transportation and Infrastructure then Finance
  35. By Sen. Stollings, Ojeda, Facemire and Jeffries - **Modifying funding assistance from Courthouse Facilities Improvement Authority** - Introduced 2/8/2017 - To Government Organization then Judiciary

- \*36. By Sen. Stollings, Gaunch, Ojeda, Facemire, Jeffries and Beach - **Permitting school nurses to possess and administer opioid antagonists** - Introduced 2/8/2017 - To Health and Human Resources - Com. sub. reported 3/17/2017 - Passed Senate 3/21/2017 - To House 3/22/2017 - To Health and Human Resources - Amended - Passed House 3/31/2017 - Senate concurred in House amendments and passed bill 4/1/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 76, Acts, Regular Session, 2017
37. By Sen. Stollings, Jeffries and Beach - **Raising legal age for purchase of tobacco, alternative nicotine and vapor products to 21** (original similar to HB2331) - Introduced 2/8/2017 - To Health and Human Resources then Finance - To Finance 2/17/2017
- \*38. By Sen. Stollings, Ojeda, Jeffries and Beach - **Creating 5-year tax credit for new businesses locating on post-mine sites** - Introduced 2/8/2017 - To Economic Development then Finance - Com. sub. reported 3/17/2017 - To Finance 3/17/2017 - Com. sub. for com. sub. reported 3/25/2017 - Amended - Passed Senate 3/29/2017 - To House 3/29/2017 - To Finance
39. By Sen. Stollings, Plymale, Ojeda and Facemire - **Requiring BRIM cover volunteer workers and student teachers** - Introduced 2/8/2017 - To Government Organization then Finance
- \*40. By Sen. Stollings, Ojeda and Jeffries - **Requiring inclusion of protocols for response to after-school emergencies in school crisis response plans** - Introduced 2/8/2017 - To Health and Human Resources then Education - Com. sub. reported 2/17/2017 - To Education 2/17/2017 - Passed Senate 3/29/2017 - Effective August 1, 2017 - To House 3/29/2017 - To Education - Amended - Passed House 4/7/2017 - Title amended - Effective August 1, 2017 - Senate concurred in House amendments and passed bill 4/8/2017 - Effective August 1, 2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 71, Acts, Regular Session, 2017
41. By Sen. Woelfel, Trump and Ojeda - **Extending time person may be subject to probation** (original similar to HB2607) - Introduced 2/8/2017 - To Judiciary - Passed Senate 2/24/2017 - To House 2/27/2017 - To Judiciary - Passed House 3/31/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 61, Acts, Regular Session, 2017
42. By Sen. Boso - **Allowing certain construction for oil and gas activities pursuant to stormwater permit** - Introduced 2/8/2017 - To Energy, Industry and Mining then Judiciary
43. By Sen. Boso - **Restricting Oil and Gas Conservation Commission's authority to regulate setback and spacing between deep wells** (original similar to SB244) - Introduced 2/8/2017 - To Energy, Industry and Mining then Judiciary
44. By Sen. Woelfel and Ojeda - **Allowing ballot option to express opposition to all candidates** - Introduced 2/8/2017 - To Judiciary
45. By Sen. Ferns and Facemire - **Establishing Mental Health, Veteran and Service Members Court** - Introduced 2/8/2017 - To Judiciary then Finance

46. By Sen. Ferns, Blair, Rucker and Stollings - **Excluding mobile x-ray services from health care provider tax** - Introduced 2/8/2017 - To Health and Human Resources then Finance
47. By Sen. Ferns - **Exempting certain employers from discriminating against tobacco users** - Introduced 2/8/2017 - To Health and Human Resources then Judiciary
48. By Sen. Ferns and Jeffries - **Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation** (original similar to HB2465) - Introduced 2/8/2017 - To Government Organization then Judiciary
49. By Sen. Ferns - **Requiring provisions for prior authorization of drug benefits by insurers** - Introduced 2/8/2017 - To Banking and Insurance then Health and Human Resources
50. By Sen. Ferns - **Determining assessed value of natural resource property share** - Introduced 2/8/2017 - To Natural Resources then Finance
51. By Sen. Ferns - **Requiring patient notification when mammogram indicates dense breast tissue** - Introduced 2/8/2017 - To Health and Human Resources
52. By Sen. Ferns - **Authorizing county commissions to approve, modify or disapprove local boards of health policies** - Introduced 2/8/2017 - To Government Organization
53. By Sen. Ferns and Stollings - **Accessing adoption records** - Introduced 2/8/2017 - To Judiciary
54. By Sen. Ferns - **Relating to rate of interest allowed for prejudgment and post-judgment interest** (original similar to HB2678) - Introduced 2/8/2017 - To Judiciary
55. By Sen. Ferns and Sypolt - **Allowing admission of use or nonuse of safety belt in civil actions for damages** (original similar to HB2581) - Introduced 2/8/2017 - To Judiciary
56. By Sen. Ferns - **Defining criteria private insurance carriers must consider when setting rates for health care providers** - Introduced 2/8/2017 - To Banking and Insurance then Health and Human Resources
- \*57. By Sen. Ferns and Plymale - **Continuing personal income tax adjustment for certain retirees** - Introduced 2/8/2017 - To Finance - Com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - To House 3/29/2017 - To Finance
58. By Sen. Ferns - **Relating to product liability actions** - Introduced 2/8/2017 - To Judiciary
59. By Sen. Ferns and Jeffries - **Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation** (original similar to HB2498) - Introduced 2/8/2017 - To Government Organization then Judiciary

- \*60. By Sen. Gaunch, Trump, Boso, Blair, Rucker and Sypolt - **Relating to eligibility and fraud requirements for public assistance** (original similar to HB2741) - Introduced 2/8/2017 - To Health and Human Resources then Finance - Com. sub. reported 3/1/2017 - To Finance 3/1/2017 - Com. sub. for com. sub. reported 3/23/2017 - Amended - Passed Senate 3/28/2017 - To House 3/29/2017 - To Health and Human Resources then Judiciary - To House Judiciary 3/31/2017
- \*61. By Sen. Romano and Ojeda - **Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft** (original similar to HB2774, HB2806) - Introduced 2/8/2017 - To Economic Development then Finance - Com. sub. reported 3/2/2017 - To Finance 3/2/2017 - Passed Senate 3/24/2017 - To House 3/25/2017 - To Finance
- 62. By Sen. Romano, Jeffries and Ojeda - **Relating generally to tax increment financing districts** - Introduced 2/8/2017 - To Economic Development then Finance
- 63. By Sen. Romano and Facemire - **Requiring school counselors spend all their time on comprehensive school counseling programs** - Introduced 2/8/2017 - To Education then Finance
- 64. By Sen. Romano, Ojeda, Facemire, Jeffries and Woelfel - **Requiring certain disclosures of election expenditures** - Introduced 2/8/2017 - To Judiciary
- 65. By Sen. Romano, Facemire, Jeffries and Ojeda - **DEP fines against state governmental entities or political subdivisions** - Introduced 2/8/2017 - To Government Organization then Finance
- 66. By Sen. Boso and Jeffries - **Modifying definition of "terrorist act"** - Introduced 2/8/2017 - To Judiciary
- 67. By Sen. Boso - **Establishing Supreme Court online case management system** - Introduced 2/8/2017 - To Judiciary then Finance
- 68. By Sen. Boso and Jeffries - **Relating generally to compulsory school attendance and early childhood education programs** - Introduced 2/8/2017 - To Education then Finance
- \*69. By Sen. Woelfel, Ojeda, Facemire and Jeffries - **Creating Sexual Assault Victims' Bill of Rights** - Introduced 2/8/2017 - To Judiciary then Finance - Com. sub. reported 3/18/2017 - To Finance 3/18/2017 - Passed Senate 3/27/2017 - To House 3/27/2017 - To Judiciary
- 70. By Sen. Gaunch, Trump, Facemire, Jeffries and Woelfel - **Relating generally to human trafficking** (original similar to HB2186, HB2318, HB2654, SB296) - Introduced 2/8/2017 - To Judiciary
- 71. By Sen. Gaunch, Facemire and Jeffries - **Creating 24/7 Sobriety Program** - Introduced 2/8/2017 - To Judiciary then Finance

72. By Sen. Maynard, Sypolt and Jeffries - **Relating to higher education advance allowance accounts** (original similar to HB2075) - Introduced 2/8/2017 - To Government Organization
73. By Sen. Boso - **Permitting employers to have compulsory direct deposit for employees' wages** - Introduced 2/8/2017 - To Judiciary
- \*74. By Sen. Boso, Jeffries and Sypolt - **Allowing fire departments to charge fees for service calls** (original similar to HB2638) - Introduced 2/8/2017 - To Government Organization - Com. sub. reported 3/22/2017 - Amended on 3rd reading - Passed Senate 3/28/2017 - To House 3/29/2017 - To Finance
75. By Sen. Boso and Jeffries - **Creating Small Business Regulatory Review Board** - Introduced 2/8/2017 - To Government Organization then Judiciary
- \*76. By Sen. Jeffries, Romano, Miller, Ojeda, Woelfel, Beach, Gaunch, Facemire and Stollings - **Creating WV Second Chance for Employment Act** (original similar to HB2107, HB2536, HB2657, SB366) - Introduced 2/8/2017 - To Economic Development then Judiciary - To Judiciary 3/17/2017 - Com. sub. reported 3/21/2017 - Passed Senate 3/24/2017 - To House 3/25/2017 - To Judiciary - Motion to reinstate committee amendment - Amended - Passed House 4/7/2017 - Title amended - Senate amended House amendment and passed 4/8/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 56, Acts, Regular Session, 2017
77. By Sen. Palumbo and Jeffries - **Relating to unlawful discriminatory practices** (original similar to HB2529) - Introduced 2/8/2017 - To Judiciary
78. By Sen. Woelfel and Jeffries - **Relating to criminal offenses within Uniform Controlled Substances Act** - Introduced 2/8/2017 - To Judiciary
79. By Sen. Woelfel, Trump, Plymale and Jeffries - **Providing judges flexibility in sentencing drug offenders** - Introduced 2/8/2017 - To Judiciary
- \*80. By Sen. Woelfel, Plymale and Jeffries - **Equalizing criminal penalty for entering without breaking regardless of time of day** - Introduced 2/8/2017 - To Judiciary - Com. sub. reported 2/22/2017 - Passed Senate 2/27/2017 - To House 2/28/2017 - To Judiciary
81. By Sen. Sypolt - **Increasing wages of judgment debtor that may be exempt from execution by judgment creditor** (original similar to SB261) - Introduced 2/8/2017 - To Government Organization then Judiciary
82. By Sen. Maynard - **Agriculture rule relating to animal disease control** (original similar to HB2233) - Introduced 2/8/2017 - To Judiciary
83. By Sen. Maynard - **Agriculture rule relating to dangerous wild animals** (original similar to HB2218) - Introduced 2/8/2017 - To Judiciary
84. By Sen. Maynard - **Agriculture rule relating to livestock care standards** (original similar to HB2219) - Introduced 2/8/2017 - To Judiciary



85. By Sen. Maynard - **Agriculture rule relating to captive cervids** (original similar to HB2234) - Introduced 2/8/2017 - To Judiciary
86. By Sen. Maynard - **Board of Architects rule relating to registration of architects** (original similar to HB2235) - Introduced 2/8/2017 - To Judiciary
87. By Sen. Maynard - **Athletic Commission rule relating to administrative rules of WV State Athletic Commission** (original similar to HB2236) - Introduced 2/8/2017 - To Judiciary
88. By Sen. Maynard - **Athletic Commission rule relating to mixed martial arts regulations** (original similar to HB2237) - Introduced 2/8/2017 - To Judiciary
89. By Sen. Maynard - **Auditor rule relating to standards for requisitions for payment issued by state officers on Auditor** (original similar to HB2297) - Introduced 2/8/2017 - To Judiciary
90. By Sen. Maynard - **Auditor rule relating to procedure for local levying bodies to apply for permission to extend time to meet as levying body** (original similar to HB2238) - Introduced 2/8/2017 - To Judiciary
91. By Sen. Maynard - **Board of Barbers and Cosmetologists rule relating to waxing specialists** (original similar to HB2299) - Introduced 2/8/2017 - To Judiciary
92. By Sen. Maynard - **Board of Barbers and Cosmetologists rule relating to operation of barber, beauty, nail and aesthetic shops/salons and schools of barbering and beauty culture** (original similar to HB2241) - Introduced 2/8/2017 - To Judiciary
93. By Sen. Maynard - **Board of Barbers and Cosmetologists rule relating to continuing education** (original similar to HB2298) - Introduced 2/8/2017 - To Judiciary
94. By Sen. Maynard - **Board of Barbers and Cosmetologists rule relating to barber apprenticeships** (original similar to HB2243) - Introduced 2/8/2017 - To Judiciary
95. By Sen. Maynard - **Board of Barbers and Cosmetologists rule relating to qualifications, training, examination and certification of instructors in barbering and cosmetology** (original similar to HB2239) - Introduced 2/8/2017 - To Judiciary
96. By Sen. Maynard - **Board of Barbers and Cosmetologists rule relating to licensing schools of barbering, cosmetology, nail technology and aesthetics** (original similar to HB2220) - Introduced 2/8/2017 - To Judiciary
97. By Sen. Maynard - **Board of Barbers and Cosmetologists rule relating to operational standards for schools of barbering, cosmetology, hair styling, nail technology and aesthetics** (original similar to HB2240) - Introduced 2/8/2017 - To Judiciary

98. By Sen. Maynard - **Board of Barbers and Cosmetologists rule relating to schedule of fees** (original similar to HB2242) - Introduced 2/8/2017 - To Judiciary
99. By Sen. Maynard - **Board of Examiners in Counseling rule relating to marriage and family therapist license renewal and continuing professional education requirements** (original similar to HB2247) - Introduced 2/8/2017 - To Judiciary
100. By Sen. Maynard - **Board of Examiners in Counseling rule relating to licensed professional counselor fees** (original similar to HB2244) - Introduced 2/8/2017 - To Judiciary
101. By Sen. Maynard - **Board of Examiners in Counseling rule relating to licensed professional counselor license renewal and continuing professional education requirements** (original similar to HB2245) - Introduced 2/8/2017 - To Judiciary
102. By Sen. Maynard - **Board of Examiners in Counseling rule relating to marriage and family therapist fees** - Introduced 2/8/2017 - To Judiciary
103. By Sen. Maynard - **Dangerous Wild Animal Board rule relating to dangerous wild animals** (original similar to HB2248) - Introduced 2/8/2017 - To Judiciary
104. By Sen. Maynard - **Board of Dentistry rule relating to board** (original similar to HB2249) - Introduced 2/8/2017 - To Judiciary
105. By Sen. Maynard - **DEP rule relating to alternative emission limitations during startup, shutdown and maintenance operations** (original similar to HB2221) - Introduced 2/8/2017 - To Energy, Industry and Mining then Judiciary
106. By Sen. Maynard - **DEP rule relating to various permits** (original similar to HB2223) - Introduced 2/8/2017 - To Energy, Industry and Mining then Judiciary
107. By Sen. Maynard - **DEP rule relating to permits for construction and modification of major stationary sources for prevention of significant deterioration of air quality** (original similar to HB2224) - Introduced 2/8/2017 - To Energy, Industry and Mining then Judiciary
108. By Sen. Maynard - **DEP rule relating to standards of performance for new stationary sources** (original similar to HB2225) - Introduced 2/8/2017 - To Energy, Industry and Mining then Judiciary
109. By Sen. Maynard - **DEP rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities** (original similar to HB2226) - Introduced 2/8/2017 - To Energy, Industry and Mining then Judiciary
110. By Sen. Maynard - **DEP rule relating to emission standards for hazardous air pollutants** (original similar to HB2227) - Introduced 2/8/2017 - To Energy, Industry and Mining then Judiciary

111. By Sen. Maynard - **DEP rule relating to ambient air quality standards** (original similar to HB2222) - Introduced 2/8/2017 - To Energy, Industry and Mining then Judiciary
112. By Sen. Maynard - **DEP rule relating to voluntary remediation and redevelopment** (original similar to HB2228) - Introduced 2/8/2017 - To Energy, Industry and Mining then Judiciary
- \*113. By Sen. Maynard - **Authorizing DEP promulgate legislative rules** (original similar to HB2229) - Introduced 2/8/2017 - To Energy, Industry and Mining then Judiciary - To Judiciary 2/17/2017 - Com. sub. reported 2/21/2017 - Passed Senate 2/24/2017 - Effective from passage - To House 2/27/2017 - To Judiciary - Passed House 3/30/2017 - Effective from passage - To Governor 4/3/17 - Approved by Governor 4/8/17 - Chapter 140, Acts, Regular Session, 2017
114. By Sen. Maynard - **Ethics Commission rule relating to private gain** (original similar to HB2250) - Introduced 2/8/2017 - To Judiciary
115. By Sen. Maynard - **State Fire Marshal rule relating to fireworks and related explosive materials regulation** (original similar to HB2251) - Introduced 2/8/2017 - To Judiciary
- \*116. By Sen. Maynard - **Authorizing MAPS promulgate legislative rules** (original similar to HB2252) - Introduced 2/8/2017 - To Judiciary - Com. sub. reported 2/15/2017 - Passed Senate 2/20/2017 - Effective from passage - To House 2/21/2017 - To Government Organization then Judiciary - To House Judiciary - Amended - Passed House 4/7/2017 - Title amended - Effective from passage - Senate amended House amendment and passed 4/8/2017 - Effective from passage - House concurred in Senate amendment and passed 4/8/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 142, Acts, Regular Session, 2017
117. By Sen. Maynard - **Governor's Committee on Crime, Delinquency and Correction rule relating to William R. Laird IV Second Chance Driver's License Program** (original similar to HB2253) - Introduced 2/8/2017 - To Judiciary
118. By Sen. Maynard - **DHHR rule relating to expedited partner therapy** (original similar to HB2256) - Introduced 2/8/2017 - To Health and Human Resources then Judiciary
119. By Sen. Maynard - **DHHR rule relating to clinical laboratory technician and technologist licensure and certification** (original similar to HB2254) - Introduced 2/8/2017 - To Health and Human Resources then Judiciary
120. By Sen. Maynard - **DHHR rule relating to clandestine drug laboratory remediation** (original similar to HB2255) - Introduced 2/8/2017 - To Health and Human Resources then Judiciary
121. By Sen. Maynard - **DHHR rule relating to medication-assisted opioid treatment programs** (original similar to HB2257) - Introduced 2/8/2017 - To Health and Human Resources then Judiciary

122. By Sen. Maynard - **DHHR rule relating to medication-assisted treatment, office-based medication-assisted treatment** (original similar to HB2258) - Introduced 2/8/2017 - To Health and Human Resources then Judiciary
123. By Sen. Maynard - **Health Care Authority rule relating to exemption from certificate of need** (original similar to HB2259) - Introduced 2/8/2017 - To Health and Human Resources then Judiciary
124. By Sen. Maynard - **Health Care Authority rule relating to Rural Health Systems Grant Program** (original similar to HB2260) - Introduced 2/8/2017 - To Health and Human Resources then Judiciary
- \*125. By Sen. Maynard - **Authorizing DHHR and Health Care Authority promulgate legislative rules** (original similar to HB2261) - Introduced 2/8/2017 - To Health and Human Resources then Judiciary - To Judiciary 2/15/2017 - Com. sub. reported 2/23/2017 - Passed Senate 2/28/2017 - Effective from passage - To House 3/1/2017 - To Judiciary - Amended - Passed House 4/3/2017 - Title amended - Effective from passage - Senate amended House amendment and passed 4/4/2017 - Effective from passage - House concurred in Senate amendment and passed 4/4/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/20/17 - Chapter 141, Acts, Regular Session, 2017
126. By Sen. Maynard - **Health Care Authority rule relating to certificate of need** (original similar to HB2262) - Introduced 2/8/2017 - To Health and Human Resources then Judiciary
- \*127. By Sen. Maynard - **Authorizing certain Department of Revenue to promulgate legislative rules** (original similar to HB2230) - Introduced 2/8/2017 - To Judiciary - Com. sub. reported 2/14/2017 - Passed Senate 2/17/2017 - Effective from passage - To House 2/20/2017 - To Judiciary - Amended - Passed House 3/23/2017 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/24/2017 - Effective from passage - To Governor 3/31/17 - Approved by Governor 4/6/17 - Chapter 143, Acts, Regular Session, 2017
128. By Sen. Maynard - **Lottery Commission rule relating to limited video lottery** (original similar to HB2263) - Introduced 2/8/2017 - To Judiciary
129. By Sen. Maynard - **Board of Medicine rule relating to licensing and disciplinary procedures for physicians and podiatrists** (original similar to HB2264) - Introduced 2/8/2017 - To Judiciary
130. By Sen. Maynard - **Board of Medicine rule relating to licensure, disciplinary and complaint procedures, continuing education and physicians assistants** (original similar to HB2265) - Introduced 2/8/2017 - To Judiciary
131. By Sen. Maynard - **Board of Medicine rule relating to dispensing of legend drugs by practitioners** (original similar to HB2266) - Introduced 2/8/2017 - To Judiciary
132. By Sen. Maynard - **Office of Miners' Health, Safety and Training rule relating to certification, recertification and training of EMT-Miners and certification**

- of EMT-M instructors** (original similar to HB2267) - Introduced 2/8/2017 - To Judiciary
133. By Sen. Maynard - **DNR rule relating to revocation of hunting and fishing licenses** (original similar to HB2268) - Introduced 2/8/2017 - To Natural Resources then Judiciary
- \*134. By Sen. Maynard - **Authorizing Bureau of Commerce to promulgate legislative rules** (original similar to HB2231) - Introduced 2/8/2017 - To Natural Resources then Judiciary - To Judiciary 2/14/2017 - Com. sub. reported 2/16/2017 - Passed Senate 2/21/2017 - Effective from passage - To House 2/22/2017 - To Judiciary - Amended - Passed House 4/6/2017 - Title amended - Effective from passage - Senate amended House amendment and passed 4/8/2017 - Effective from passage - House concurred in Senate amendment and passed 4/8/2017 - Effective from passage - To Governor 4/25/17 - Approved by Governor 4/25/17 - Chapter 145, Acts, Regular Session, 2017
135. By Sen. Maynard - **DNR rule relating to special waterfowl hunting** (original similar to HB2269) - Introduced 2/8/2017 - To Natural Resources then Judiciary
136. By Sen. Maynard - **DNR rule relating to commercial sale of wildlife** (original similar to HB2270) - Introduced 2/8/2017 - To Natural Resources then Judiciary
137. By Sen. Maynard - **DNR rule relating to miscellaneous permits and licenses** (original similar to HB2271) - Introduced 2/8/2017 - To Natural Resources then Judiciary
138. By Sen. Maynard - **Board of Optometry rule relating to continuing education** (original similar to HB2272) - Introduced 2/8/2017 - To Judiciary
139. By Sen. Maynard - **Board of Osteopathic Medicine rule relating to licensing procedures for osteopathic physicians** (original similar to HB2273) - Introduced 2/8/2017 - To Judiciary
140. By Sen. Maynard - **Board of Osteopathic Medicine rule relating to osteopathic physician assistants** (original similar to HB2274) - Introduced 2/8/2017 - To Judiciary
141. By Sen. Maynard - **Board of Pharmacy rule relating to licensure and practice of pharmacy** (original similar to HB2275) - Introduced 2/8/2017 - To Judiciary
142. By Sen. Maynard - **Board of Pharmacy rule relating to mail-order and nonresident pharmacies** (original similar to HB2276) - Introduced 2/8/2017 - To Judiciary
143. By Sen. Maynard - **Board of Pharmacy rule relating to Controlled Substances Monitoring Program** (original similar to HB2277) - Introduced 2/8/2017 - To Judiciary
144. By Sen. Maynard - **Board of Physical Therapy rule relating to fees for physical therapist and physical therapist assistant** (original similar to HB2232) - Introduced 2/8/2017 - To Judiciary

145. By Sen. Maynard - **PSC rule relating to telephone conduit occupancy** (original similar to HB2278) - Introduced 2/8/2017 - To Judiciary
146. By Sen. Maynard - **Racing Commission rule relating to thoroughbred racing** (original similar to HB2279) - Introduced 2/8/2017 - To Judiciary
147. By Sen. Maynard - **Racing Commission rule relating to pari-mutuel wagering** (original similar to HB2280) - Introduced 2/8/2017 - To Judiciary
148. By Sen. Maynard - **Board of Examiners for Registered Professional Nurses rule relating to requirements for registration and licensure and conduct constituting professional misconduct** (original similar to HB2281) - Introduced 2/8/2017 - To Judiciary
149. By Sen. Maynard - **Board of Examiners for Registered Professional Nurses rule relating to limited prescriptive authority for advanced practice nurses** (original similar to HB2282) - Introduced 2/8/2017 - To Judiciary
150. By Sen. Maynard - **BRIM rule relating to mine subsidence insurance** (original similar to HB2283) - Introduced 2/8/2017 - To Judiciary
- \*151. By Sen. Maynard - **Authorizing Department of Administration promulgate legislative rules** (original similar to HB2284) - Introduced 2/8/2017 - To Judiciary - Com. sub. reported 2/10/2017 - Passed Senate 2/15/2017 - Effective from passage - To House 2/16/2017 - To Judiciary - Passed House 4/1/2017 - Title amended - Effective from passage - Senate amended House amendment and passed 4/3/2017 - Effective from passage - House concurred in Senate amendment and passed 4/4/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 139, Acts, Regular Session, 2017
152. By Sen. Maynard - **State Board of Sanitarians rule relating to practice of public health sanitation** (original similar to HB2285) - Introduced 2/8/2017 - To Judiciary
153. By Sen. Maynard - **Secretary of State rule relating to voter registration at DMV** (original similar to HB2286) - Introduced 2/8/2017 - To Judiciary
154. By Sen. Maynard - **Secretary of State rule relating to voter registration list maintenance** (original similar to HB2287) - Introduced 2/8/2017 - To Judiciary
155. By Sen. Maynard - **Board of Social Work Examiners rule relating to continuing education for social workers and providers** (original similar to HB2288) - Introduced 2/8/2017 - To Judiciary
156. By Sen. Maynard - **Board of Speech-Language Pathology and Audiology rule relating to licensure of speech-pathology and audiology** (original similar to HB2289) - Introduced 2/8/2017 - To Judiciary
157. By Sen. Maynard - **Treasurer rule relating to procedure for fees in collections by charge, credit or debit card or by electronic payment** (original similar to HB2294) - Introduced 2/8/2017 - To Judiciary

158. By Sen. Maynard - **Treasurer rule relating to procedures for providing services to political subdivisions** (original similar to HB2295) - Introduced 2/8/2017 - To Judiciary
159. By Sen. Maynard - **Treasurer rule relating to procedures for deposit of moneys with Treasurer by state agencies** (original similar to HB2290) - Introduced 2/8/2017 - To Judiciary
160. By Sen. Maynard - **Treasurer rule relating to selection of state depositories for disbursement accounts through competitive bidding** (original similar to HB2291) - Introduced 2/8/2017 - To Judiciary
161. By Sen. Maynard - **Treasurer rule relating to selection of state depositories for receipt accounts** (original similar to HB2292) - Introduced 2/8/2017 - To Judiciary
162. By Sen. Maynard - **Treasurer rule relating to procedures for processing payments from State Treasury** (original similar to HB2293) - Introduced 2/8/2017 - To Judiciary
163. By Sen. Maynard - **Board of Veterinary Medicine rule relating to standards of practice** (original similar to HB2296) - Introduced 2/8/2017 - To Judiciary
164. By Sen. Blair - **Relating to traffic regulations and special load limits** - Introduced 2/8/2017 - To Transportation and Infrastructure - Passed Senate 2/27/2017 - To House 2/28/2017 - To Roads and Transportation then Judiciary - To House Judiciary - Passed House 3/31/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 242, Acts, Regular Session, 2017
165. By Sen. Blair and Rucker - **Allowing county commissions and municipalities adopt building codes equal to or less stringent than state building code** - Introduced 2/8/2017 - To Government Organization then Judiciary
166. By Sen. Blair, Rucker and Jeffries - **Requiring protective fencing on newly constructed or significantly improved overpasses** - Introduced 2/8/2017 - To Transportation and Infrastructure then Finance
- \*167. By Sen. Woelfel and Ojeda - **Relating to DNA evidence** - Introduced 2/8/2017 - To Judiciary - Com. sub. reported 3/24/2017 - Passed Senate 3/27/2017 - To House 3/27/2017 - To Judiciary
- \*168. By Sen. Romano, Ojeda and Jeffries - **Relating to surcharge on fire and casualty insurance policies to fund volunteer fire departments** - Introduced 2/8/2017 - To Banking and Insurance then Finance - Com. sub. reported 3/7/2017 - To Finance 3/7/2017
169. By Sen. Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale and Blair - **Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants** - Introduced 2/8/2017 - To Health and Human Resources then Finance - 2nd reference dispensed - Passed Senate 2/15/2017 - To House 2/16/2017 - To Health and Human Resources then Finance - To House Finance - Passed House 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/20/17 - Chapter 33, Acts, Regular Session, 2017

170. By Sen. Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries - **Repealing state hemophilia program** - Introduced 2/8/2017 - To Health and Human Resources then Finance - 2nd reference dispensed - Passed Senate 2/15/2017 - To House 2/16/2017 - To Health and Human Resources then Finance - To House Finance - Passed House 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 31, Acts, Regular Session, 2017
171. By Sen. Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale and Blair - **Repealing Programs of All-Inclusive Care for Elderly** - Introduced 2/8/2017 - To Health and Human Resources then Finance - 2nd reference dispensed - Passed Senate 2/15/2017 - To House 2/16/2017 - To Health and Human Resources then Finance - To House Finance - Passed House 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 30, Acts, Regular Session, 2017
172. By Sen. Blair - **Eliminating salary for Water Development Authority board members** - Introduced 2/8/2017 - To Government Organization - Passed Senate 2/20/2017 - Effective July 1, 2017 - To House 2/21/2017 - To Government Organization - Amended - Passed House 4/3/2017 - Effective July 1, 2017 - Senate refused to concur in House amendment 4/4/2017 - House refused to recede and requested conference 4/7/2017 - To conference 4/8/2017 - Senate adopted conference report and passed bill 4/8/2017 - Effective July 1, 2017 - House adopted conference report and passed bill 4/8/2017 - Effective July 1, 2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
- \*173. By Sen. Blair and Sypolt - **Relating generally to autocycles** (original similar to HB2530, HB2576) - Introduced 2/8/2017 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 2/22/2017 - To Judiciary 2/22/2017 - Com. sub. for com. sub. reported 3/6/2017 - Amended - Passed Senate with amended title 3/10/2017 - To House 3/13/2017 - To Roads and Transportation then Judiciary - To House Judiciary - Amended - Passed House 4/3/2017 - Title amended - Senate concurred in House amendments and passed bill 4/4/2017 - To Governor 4/10/17 - Approved by Governor 4/18/17 - Chapter 155, Acts, Regular Session, 2017
174. By Sen. Blair and Rucker - **Exempting transportation of household goods from PSC jurisdiction** - Introduced 2/8/2017 - To Government Organization - Passed Senate 2/17/2017 - To House 2/20/2017 - To Government Organization then Judiciary - To House Judiciary - Amended - Passed House 4/7/2017 - Title amended - Senate concurred in House amendments and passed bill 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 210, Acts, Regular Session, 2017
175. By Sen. Ferns, Karnes, Takubo, Trump, Palumbo, Plymale, Prezioso, Stollings, Unger and Jeffries - **Relating to direct primary care** - Introduced 2/8/2017 - To Health and Human Resources then Finance
176. By Sen. Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries - **Repealing article concerning detection of tuberculosis, high blood pressure and diabetes** - Introduced 2/8/2017 - To Health and Human Resources - Passed Senate 2/15/2017 - To House 2/16/2017 - To Health and Human



Resources - Passed House 3/8/2017 - To Governor 3/10/17 - Approved by Governor 3/13/17 - Chapter 32, Acts, Regular Session, 2017

177. By Sen. Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale and Blair - **Repealing article relating to prenatal examination** - Introduced 2/8/2017 - To Health and Human Resources
178. By Sen. Jeffries and Woelfel - **Requiring license plates on front and back of vehicles** - Introduced 2/8/2017 - To Transportation and Infrastructure then Finance
179. By Sen. Plymale and Jeffries - **Fees for certain currency transmission services** - Introduced 2/8/2017 - To Banking and Insurance then Finance
- \*180. By Sen. Blair - **Relating to PSC jurisdiction over certain telephone company and internet services** - Introduced 2/8/2017 - To Government Organization - Com. sub. reported 2/24/2017 - Passed Senate 3/1/2017 - To House 3/2/2017 - To Government Organization - Passed House 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/25/17 - Chapter 209, Acts, Regular Session, 2017
181. By Sen. Trump - **Abolishing regional education service agencies** (original similar to HB2912) - Introduced 2/8/2017 - To Education then Finance
- \*182. By Sen. Blair, Sypolt and Rucker - **Providing procedures that prevent disqualifying low bids for government construction contracts due to document technicalities** - Introduced 2/8/2017 - To Government Organization - Com. sub. reported 2/20/2017 - Amended - Passed Senate 2/23/2017 - To House 2/24/2017 - To Government Organization
- \*183. By Sen. Blair, Sypolt, Gaunch, Rucker and Trump - **Transferring Division of Forestry from Department of Commerce to Department of Agriculture** (original similar to HB2790) - Introduced 2/8/2017 - To Agriculture and Rural Development then Government Organization - Com. sub. reported 3/17/2017 - 2nd reference dispensed - Referred to Finance 3/17/2017 - Passed Senate 3/24/2017 - To House 3/25/2017 - To Government Organization then Finance - To House Finance 3/28/2017
184. By Sen. Blair, Boso, Rucker, Trump and Sypolt - **Transitioning WV School of Osteopathic Medicine to nonprofit corporation** - Introduced 2/8/2017 - To Government Organization then Finance
185. By Sen. Blair, Boso and Rucker - **Allowing spending units designate fund into which proceeds from sale of surplus property must be deposited** - Introduced 2/8/2017 - To Government Organization then Finance - To Finance 2/10/2017 - Passed Senate 3/9/2017 - To House 3/10/2017 - To Government Organization then Finance - To House Finance 3/28/2017
- \*186. By Sen. Jeffries, Ojeda, Facemire and Woelfel - **Adjusting date when children become eligible for certain school programs and school attendance requirements** (original similar to HB2478) - Introduced 2/8/2017 - To Education then Finance - Com. sub. reported 3/1/2017 - To Finance 3/1/2017 - Com. sub. for com. sub. reported 3/13/2017 - Passed Senate 3/16/2017 - To House 3/17/2017 - To Education then Finance - 2nd reference dispensed - Amended -

Passed House 4/4/2017 - Senate concurred in House amendments and passed bill 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 74, Acts, Regular Session, 2017

- \*187. By Sen. Takubo, Facemire, Jeffries and Woelfel - **Providing for confidentiality of patients' medical records** - Introduced 2/8/2017 - To Health and Human Resources then Judiciary - To Judiciary 2/17/2017 - Com. sub. reported 3/11/2017 - Passed Senate 3/15/2017 - To House 3/16/2017 - To Judiciary - Amended - Passed House 4/6/2017 - Title amended - Senate concurred in House amendments and passed bill 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 196, Acts, Regular Session, 2017
  
- 188. By Sen. Takubo - **Correcting definition of "telehealth" in medication-assisted treatment programs** (original similar to HB2460) - Introduced 2/8/2017 - To Health and Human Resources - Passed Senate 2/22/2017 - To House 2/23/2017 - To Health and Human Resources - Passed House 3/8/2017 - To Governor 3/10/17 - Approved by Governor 3/13/17 - Chapter 189, Acts, Regular Session, 2017
  
- 189. By Sen. Blair, Gaunch and Rucker - **Establishing that shared legal and physical custody of child in divorce cases is in best interest of child** - Introduced 2/8/2017 - To Health and Human Resources then Judiciary
  
- \*190. By Sen. Blair, Hall, Boso, Cline and Sybolt - **Eliminating preferences for vendors bidding on state contracts for commodities or printing** - Introduced 2/8/2017 - To Government Organization - Com. sub. reported 2/28/2017 - Passed Senate 3/6/2017 - To House 3/7/2017 - To Government Organization then Finance
  
- \*191. By Sen. Swope and Boso - **Relating to tax credits for apprenticeship training in construction trades** (original similar to HB2555) - Introduced 2/8/2017 - To Workforce then Finance - Com. sub. reported 2/17/2017 - To Finance 2/17/2017
  
- \*192. By Sen. Weld - **Relating generally to licensed surveyors** - Introduced 2/8/2017 - To Judiciary - Com. sub. reported 3/13/2017 - Passed Senate 3/16/2017 - Effective from passage - To House 3/17/2017 - To Judiciary
  
- \*193. By Sen. Takubo and Jeffries - **Prohibiting smoking of tobacco products in motor vehicle when person 16 years old or younger is present** - Introduced 2/8/2017 - To Health and Human Resources then Judiciary - Com. sub. reported 3/3/2017 - To Judiciary 3/3/2017
  
- 194. By Sen. Ojeda, Facemire and Jeffries - **Increasing penalties for shoplifting offenses** - Introduced 2/8/2017 - To Judiciary
  
- 195. By Sen. Blair and Trump - **Terminating WV Medical Imaging and Radiation Therapy Technology Board of Examiners** (original similar to HB2681) - Introduced 2/8/2017 - To Government Organization
  
- 196. By Sen. Blair and Sybolt - **Terminating WV Massage Therapy Licensure Board** - Introduced 2/8/2017 - To Government Organization
  
- 197. By Sen. Takubo - **Excluding certain medical care amounts from compensatory damage awards** - Introduced 2/8/2017 - To Judiciary

198. By Sen. Takubo, Plymale and Jeffries - **Expanding Health Sciences Program to allow certain medical practitioners in underserved areas** - Introduced 2/8/2017 - To Health and Human Resources - Passed Senate 3/8/2017 - To House 3/9/2017 - To Health and Human Resources then Finance - To House Finance - Passed House 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 125, Acts, Regular Session, 2017
- \*199. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Budget Bill** - Introduced 2/8/2017 - To Finance 2/8/2017 - Com. sub. reported 4/3/2017 - Passed Senate 4/5/2017
200. By Sen. Karnes - **Increasing high-quality educational opportunities within public school system** - Introduced 2/9/2017 - To Education then Finance
201. By Sen. Blair - **Exploring potential sale, renovation or leasing of certain state-owned health care facilities** (original similar to HB2366) - Introduced 2/9/2017 - To Health and Human Resources then Finance
- \*202. By Sen. Weld and Trump - **Relating to pawnbrokers generally** (original similar to HB2452) - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 2/16/2017 - Passed Senate 2/21/2017 - To House 2/22/2017 - To Judiciary - Amended - Passed House 4/7/2017 - Title amended - Senate refused to concur in House amendment 4/8/2017
203. By Sen. Boso and Blair - **Defining "professional services" with respect to energy saving contracts** - Introduced 2/9/2017 - To Government Organization
- \*204. By Sen. Boso, Blair and Facemire - **Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses** (original similar to SB205) - Introduced 2/9/2017 - To Government Organization - Com. sub. reported 2/22/2017 - Passed Senate 2/27/2017 - To House 2/28/2017 - To Judiciary - Amended - Passed House 4/3/2017 - Senate refused to concur in House amendment 4/4/2017 - House refused to recede and requested conference 4/7/2017 - To conference 4/8/2017 - Senate adopted conference report and passed bill 4/8/2017 - House adopted conference report and passed bill 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 101, Acts, Regular Session, 2017
205. By Sen. Azinger, Boley, Boso, Ferns and Blair - **Providing deputy shall continue to discharge duties of any principal until successor is elected or appointed** (original similar to SB204) - Introduced 2/9/2017 - To Government Organization
- \*206. By Sen. Weld - **Relating generally to criminal offense of kidnapping** - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 3/6/2017 - Passed Senate 3/9/2017 - To House 3/10/2017 - To Judiciary - Amended - Passed House 4/1/2017 - Senate concurred in House amendments and passed bill 4/3/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 52, Acts, Regular Session, 2017

207. By Sen. Weld and Maroney - **Establishing Mental Health and Military Service Member Court program with Supreme Court of Appeals** (original similar to HB2956) - Introduced 2/9/2017 - To Judiciary then Finance
208. By Sen. Weld - **Modifying crime of fleeing scene of accident involving injuries** (original similar to HB2099) - Introduced 2/9/2017 - To Judiciary
- \*209. By Sen. Weld - **Defining term "veteran" as it relates to veteran-owned business** - Introduced 2/9/2017 - To Military then Government Organization - To Government Organization 2/22/2017 - Com. sub. reported 3/1/2017 - Passed Senate 3/6/2017 - To House 3/7/2017 - To Veterans' Affairs and Homeland Security then Government Organization
- \*210. By Sen. Boso, Rucker and Unger - **Renaming Local Powers Act the County Local Powers Act** - Introduced 2/9/2017 - To Transportation and Infrastructure then Finance - Com. sub. reported 2/22/2017 - To Finance 2/22/2017 - Passed Senate 3/27/2017 - To House 3/27/2017 - To Finance
211. By Sen. Trump, Blair and Maroney - **Prohibiting county parks and recreation commissions from promulgating or enforcing rules prohibiting possession of firearms** - Introduced 2/9/2017 - To Government Organization then Judiciary
- \*212. By Sen. Trump, Blair and Maroney - **Relating generally to procedures for drivers' license suspensions and revocations** - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 3/9/2017 - Amended - Passed Senate with amended title 3/13/2017 - Effective July 1, 2017 - To House 3/14/2017 - To Judiciary
213. By Sen. Trump - **Requiring WV State Police disciplinary records be retained in perpetuity** - Introduced 2/9/2017 - To Government Organization
- \*214. By Sen. Trump - **Adopting Uniform Electronic Legal Material Act** - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 2/23/2017 - Passed Senate 2/28/2017 - To House 3/1/2017 - To Judiciary - Amended - Passed House 4/1/2017 - Senate concurred in House amendments and passed bill 4/3/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 212, Acts, Regular Session, 2017
215. By Sen. Trump and Maroney - **Allowing county commissions authority to amend proposed rates, fees and charges proposed by public service districts** - Introduced 2/9/2017 - To Government Organization - Passed Senate 2/20/2017 - To House 2/21/2017 - To Political Subdivisions then Finance
- \*216. By Sen. Trump and Blair - **Permitting exclusion, modification or limitation of warranties in sale of used motor vehicles** (original similar to HB2578, SB217) - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 3/17/2017 - Passed Senate 3/21/2017 - Effective from passage - To House 3/22/2017 - To Judiciary
- \*217. By Sen. Trump - **Relating to disclaimers of warranties regarding used manufactured homes** (original similar to HB2464, HB2578, SB216) - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 3/24/2017 - Passed Senate 3/28/2017 - Effective from passage - To House 3/29/2017 - To Judiciary

218. By Sen. Trump - **Providing operational requirements for unmanned aircraft systems** (original similar to HB3005, SB9) - Introduced 2/9/2017 - To Judiciary
- \*219. By Sen. Weld - **Relating to conspiracy to commit crimes under Uniform Controlled Substances Act** (original similar to HB2541) - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 3/10/2017 - Referred to Finance 3/10/2017 - Com. sub. for com. sub. reported 3/17/2017 - Passed Senate 3/21/2017 - To House 3/22/2017 - To Judiciary - Motion to amend on 3rd reading rejected - Passed House 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 41, Acts, Regular Session, 2017
- \*220. By Sen. Weld - **Relating to offenses and penalties under Uniform Controlled Substances Act** (original similar to HB2003, HB2643, HB2645) - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 3/6/2017 - Passed Senate 3/9/2017 - To House 3/10/2017 - To Judiciary - Amended - Passed House 4/7/2017 - Title amended - Senate amended House amendment and passed 4/8/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 42, Acts, Regular Session, 2017
- \*221. By Sen. Blair and Maroney - **Relating to composition of PEIA Finance Board** - Introduced 2/9/2017 - To Government Organization - Com. sub. reported 3/1/2017 - Passed Senate 3/6/2017 - To House 3/7/2017 - To Government Organization - Amended - Passed House 4/4/2017 - Senate refused to concur in House amendment 4/5/2017 - House receded 4/7/2017 - Passed House 4/7/2017 - To Governor 4/13/17 - Approved by Governor 4/26/17 - Chapter 102, Acts, Regular Session, 2017
- \*222. By Sen. Weld and Trump - **Relating to disqualification for unemployment benefits** (original similar to HB2435, HB2575, HB2582) - Introduced 2/9/2017 - To Workforce then Judiciary - Com. sub. reported 2/16/2017 - To Judiciary 2/16/2017 - Com. sub. for com. sub. reported 2/17/2017 - Passed Senate 2/22/2017 - To House 2/23/2017 - To Judiciary - Amended - Passed House 4/1/2017 - Senate concurred in House amendments and passed bill 4/3/2017 - To Governor 4/3/17 - Approved by Governor 4/8/17 - Chapter 245, Acts, Regular Session, 2017
223. By Sen. Weld and Maroney - **Increasing minimum sentence for individuals convicted of manufacturing, delivering or transporting controlled substances in presence of minor** - Introduced 2/9/2017 - To Judiciary
- \*224. By Sen. Hall, Azinger and Trump - **Repealing requirement for employer's bond for wages and benefits** - Introduced 2/9/2017 - To Workforce then Judiciary - Com. sub. reported 2/24/2017 - To Judiciary 2/24/2017 - Passed Senate 3/6/2017 - To House 3/7/2017 - To Judiciary - Amended - Passed House 4/3/2017 - Title amended - Senate refused to concur in House amendment 4/4/2017 - House refused to recede and requested conference 4/7/2017 - To conference 4/8/2017 - Senate adopted conference report and passed bill 4/8/2017 - House adopted conference report and passed bill 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 137, Acts, Regular Session, 2017
- \*225. By Sen. Trump and Blair - **Allowing magistrates to conduct proceeding for temporary emergency protective order dealing with temporary custody by**

- family court** - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 2/24/2017 - Passed Senate 3/1/2017 - Effective from passage - To House 3/2/2017 - To Judiciary - Passed House 4/1/2017 - Title amended - Effective from passage - Senate concurred in House title amendment 4/3/2017 - Passed Senate 4/3/2017 - Effective from passage - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 65, Acts, Regular Session, 2017
226. By Sen. Trump and Blair - **Relating to WV Contraband Forfeiture Act** - Introduced 2/9/2017 - To Judiciary then Finance
227. By Sen. Trump, Blair and Maroney - **Relating to carrying firearm for self-defense in certain state recreation areas** (original similar to HB2587) - Introduced 2/9/2017 - To Natural Resources then Judiciary
228. By Sen. Boso - **Relating to workers compensation disability and death benefits** - Introduced 2/9/2017 - To Government Organization
229. By Sen. Trump and Blair - **Providing addition of mini-distillery does not change agricultural property for building codes and property tax classification** - Introduced 2/9/2017 - To Agriculture and Rural Development then Government Organization
- \*230. By Sen. Trump, Blair and Maroney - **Relating to certain WV officials carrying concealed firearm nationwide** - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 2/14/2017 - Passed Senate 2/17/2017 - To House 2/20/2017 - To Judiciary - Amended - Passed House 4/3/2017 - Senate concurred in House amendments and passed bill 4/4/2017 - To Governor 4/10/17 - Approved by Governor 4/20/17 - Chapter 200, Acts, Regular Session, 2017
231. By Sen. Hall - **Relating to State Board of Education and Medicaid-eligible children** (original similar to HB2420) - Introduced 2/9/2017 - To Education - Passed Senate 2/27/2017 - Effective July 1, 2017 - To House 2/28/2017 - Reference dispensed - Amended - Passed House 3/2/2017 - Effective July 1, 2017 - Senate amended House amendment and passed 3/6/2017 - Effective July 1, 2017 - House concurred in Senate amendment and passed 3/15/2017 - Effective July 1, 2017 - To Governor 3/20/17 - Approved by Governor 3/24/17 - Chapter 68, Acts, Regular Session, 2017
232. By Sen. Hall - **Establishing procedures concerning delinquent personal income taxes** - Introduced 2/9/2017 - To Finance
- \*233. By Sen. Trump - **Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act** (original similar to HB2505) - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 2/14/2017 - Passed Senate 2/17/2017 - To House 2/20/2017 - To Judiciary - Amended - Passed House 3/31/2017 - Senate concurred in House amendments and passed bill 4/1/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 58, Acts, Regular Session, 2017
234. By Sen. Trump and Maroney - **Authorizing county process servers and court security personnel to carry weapons while on duty** - Introduced 2/9/2017 - To Judiciary

235. By Sen. Rucker, Azinger, Blair, Boso, Clements, Cline, Gaunch, Jeffries, Karnes, Maynard, Mullins, Smith, Swope, Takubo, Trump and Weld - **Relating to motorcycle registration renewal** - Introduced 2/9/2017 - To Government Organization then Finance - To Finance 2/24/2017 - Passed Senate 3/10/2017 - To House 3/13/2017 - To Government Organization then Finance - To House Finance - Amended - Passed House 4/6/2017 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 4/7/2017 - Effective from passage - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 154, Acts, Regular Session, 2017
- \*236. By Sen. Trump and Weld - **Relating to damages for medical monitoring** (original similar to HB2580) - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 2/22/2017 - Amended - Passed Senate with amended title 3/7/2017 - To House 3/8/2017 - To Judiciary
237. By Sen. Trump and Blair - **Repealing obsolete rules of Department of Revenue** - Introduced 2/9/2017 - To Judiciary - Passed Senate with amended title 2/15/2017 - Effective from passage - To House 2/16/2017 - To Judiciary
- \*238. By Sen. Ferns, Plymale, Weld and Maroney - **Increasing tax credits allowed for rehabilitation of certified historic structures** (original similar to HB2416, SB323) - Introduced 2/9/2017 - To Economic Development then Finance - To Finance 2/23/2017 - Com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - To House 3/29/2017 - To Finance - Amended - Passed House 4/6/2017 - Title amended - Senate refused to concur in House amendment 4/7/2017 - Senate requests return of bill from House
- \*239. By Sen. Karnes, Blair, Ferns, Rucker and Weld - **Limiting use of wages by employers and labor organizations for political activities** (original similar to HB2583) - Introduced 2/9/2017 - To Workforce then Judiciary - Com. sub. reported 2/24/2017 - To Judiciary 2/24/2017 - Amended - Passed Senate 3/7/2017 - To House 3/8/2017 - To Judiciary - Amended - Passed House 4/7/2017 - Title amended - Senate concurred in House amendments and passed bill 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
- \*240. By Sen. Ferns, Boso, Weld, Cline and Rucker - **Creating crime of nonconsensual distribution of sexual images** - Introduced 2/10/2017 - To Judiciary - Com. sub. reported 2/20/2017 - Passed Senate 2/23/2017 - To House 2/24/2017 - To Judiciary - Amended - Passed House 4/6/2017 - Title amended - Senate amended House amendment and passed 4/7/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 54, Acts, Regular Session, 2017
241. By Sen. Trump, Boso, Stollings, Blair, Cline and Rucker - **Creating WV Volunteer Fire and Rescue Act of 2017** - Introduced 2/10/2017 - To Government Organization then Finance
- \*242. By Sen. Mullins, Boso and Cline - **Relating to school calendars** (original similar to HB2412, HB2584) - Introduced 2/10/2017 - To Education - Com. sub. reported 2/17/2017 - Passed Senate 2/22/2017 - Effective July 1, 2017 - To House 2/23/2017 - To Education

- \*243. By Sen. Gaunch and Boso - **Relating to domestic relations** (original similar to SB317) - Introduced 2/10/2017 - To Judiciary - Com. sub. reported 3/18/2017 - Passed Senate 3/22/2017 - To House 3/22/2017 - To Judiciary
244. By Sen. Blair, Mullins, Carmichael (Mr. President) and Cline - **Encouraging and facilitating efficient and economic development of oil and gas resources** (original similar to SB43) - Introduced 2/10/2017 - To Judiciary
245. By Sen. Blair - **Permitting natural gas companies enter private property without prior consent of owner for limited purposes** (original similar to HB2688) - Introduced 2/10/2017 - To Judiciary
246. By Sen. Boso, Plymale, Cline and Rucker - **Implementing water quality standards for drinking water** - Introduced 2/10/2017 - To Judiciary
- \*247. By Sen. Trump, Carmichael (Mr. President), Hall, Palumbo, Woelfel and Blair - **Authorizing prosecuting attorney designate and deliver grand jury records for investigative purposes** - Introduced 2/10/2017 - To Judiciary - Com. sub. reported 2/15/2017 - Passed Senate 2/20/2017 - Effective from passage - To House 2/21/2017 - To Judiciary - Amended - Passed House 3/31/2017 - Effective from passage - Senate concurred in House amendments and passed bill 4/1/2017 - Effective from passage - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 49, Acts, Regular Session, 2017
- \*248. By Sen. Trump, Carmichael (Mr. President), Hall, Palumbo, Woelfel, Blair, Plymale and Gaunch - **Clarifying composition and chairmanship of Commission on Special Investigations** - Introduced 2/10/2017 - To Judiciary - Com. sub. reported 2/15/2017 - Passed Senate 2/20/2017 - Effective from passage - To House 2/21/2017 - To Judiciary - Amended - Passed House 3/31/2017 - Senate concurred in House amendments and passed bill 4/1/2017 - Effective ninety days from passage - To Governor 4/6/17 - Vetoed by Governor 4/13/17
- \*249. By Sen. Trump - **Relating to information required in abstract of judgment** - Introduced 2/10/2017 - To Judiciary - Com. sub. reported 2/16/2017 - Passed Senate 2/21/2017 - To House 2/22/2017 - To Judiciary
250. By Sen. Takubo, Stollings, Blair and Cline - **Establishing tax credit for certain physicians who locate in WV to practice** - Introduced 2/10/2017 - To Health and Human Resources then Finance
251. By Sen. Woelfel, Ojeda and Miller - **Creating pilot program for school-based mental and behavioral health services for students and families** (original similar to HB2695) - Introduced 2/10/2017 - To Education
252. By Sen. Hall - **Allowing county boards of education and RESA agencies to purchase computer technology from other than statewide contract** (original similar to HB2438) - Introduced 2/10/2017 - To Education then Finance
253. By Sen. Takubo, Blair and Miller - **Relating to licensing requirements for physicians and osteopathic physicians in WV** - Introduced 2/10/2017 - To Government Organization



254. By Sen. Blair and Sypolt - **Terminating WV Nursing Home Administrators Licensing Board** (original similar to HB2680) - Introduced 2/10/2017 - To Government Organization
- \*255. By Sen. Blair - **Relating generally to filling vacancies in elected office** - Introduced 2/10/2017 - To Judiciary - Com. sub. reported 3/11/2017 - Passed Senate 3/17/2017 - To House 3/20/2017 - To Judiciary - Amended - Passed House 4/6/2017 - Senate concurred in House amendments and passed bill 4/7/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
256. By Sen. Trump, Boso, Cline, Gaunch and Woelfel - **Relating to prohibiting aiding and abetting of sexual abuse by school personnel** - Introduced 2/10/2017 - To Judiciary - Passed Senate with amended title 3/14/2017 - To House 3/15/2017 - To Judiciary - Amended - Passed House 4/1/2017 - Senate amended House amendment and passed 4/3/2017 - House concurred in Senate amendment and passed 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/24/17 - Chapter 224, Acts, Regular Session, 2017
- \*257. By Sen. Boso, Weld, Cline and Miller - **Relating to Civil Air Patrol leave and protection of employees performing missions** (original similar to SB280) - Introduced 2/10/2017 - To Military then Judiciary - Com. sub. reported 2/22/2017 - Rereferred to Judiciary 2/28/2017
258. By Sen. Beach and Cline - **Relating to safety of tow trucks, wreckers and tilt-bed vehicles** - Introduced 2/10/2017 - To Transportation and Infrastructure then Judiciary
- \*259. By Sen. Trump and Cline - **Requiring administrators of intestate estates to give bond and take oath** - Introduced 2/10/2017 - To Judiciary - Com. sub. reported 3/7/2017 - Passed Senate 3/10/2017 - To House 3/13/2017 - To Judiciary
260. By Sen. Gaunch, Mullins, Boso and Cline - **Providing increase of 5 cents per gallon when average wholesale price is less than \$2 per gallon** - Introduced 2/10/2017 - To Transportation and Infrastructure then Finance
- \*261. By Sen. Trump - **Relating to increasing salary or wages of judgment debtor** (original similar to SB81) - Introduced 2/10/2017 - To Government Organization then Judiciary - To Judiciary 2/15/2017 - Com. sub. reported 2/24/2017 - Passed Senate 3/1/2017 - To House 3/2/2017 - To Judiciary - Passed House 4/1/2017 - Title amended - Senate concurred in House title amendment 4/3/2017 - Passed Senate 4/3/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 149, Acts, Regular Session, 2017
262. By Sen. Blair - **Allowing signs for public office candidates on right-of-way of public road or highway** - Introduced 2/13/2017 - To Transportation and Infrastructure then Judiciary
263. By Sen. Blair - **Creating exemption from certain contract and common carrier laws for vehicles used exclusively for transportation of railroad personnel** - Introduced 2/13/2017 - To Transportation and Infrastructure - Passed Senate 3/6/2017 - To House 3/7/2017 - To Roads and Transportation then Judiciary

264. By Sen. Blair - **Providing salaries of appointed officers be fixed by Governor** - Introduced 2/13/2017 - To Government Organization then Finance
265. By Sen. Cline - **Requiring motor vehicles, trailers or semitrailers have warning device alerting operator that bed is in upward position** - Introduced 2/13/2017 - To Transportation and Infrastructure then Judiciary
266. By Sen. Blair, Gaunch, Boso, Ferns, Maynard, Stollings, Cline and Maroney - **Establishing Fleet Management Office within Department of Administration** (original similar to HB2622) - Introduced 2/13/2017 - To Government Organization then Finance
267. By Sen. Blair, Gaunch, Boso, Ferns, Maynard, Palumbo, Plymale, Cline and Maroney - **Requiring agencies in online phone directory update certain employee information** (original similar to HB2427, HB2829) - Introduced 2/13/2017 - To Government Organization then Finance
- \*268. By Sen. Blair, Gaunch, Boso, Ferns, Maynard, Plymale and Cline - **Requiring county commissions maintain websites with specific information** (original similar to HB2444) - Introduced 2/13/2017 - To Government Organization then Finance - Com. sub. reported 3/10/2017 - To Finance 3/10/2017
269. By Sen. Blair, Gaunch, Ferns, Maynard, Palumbo, Plymale, Boso and Cline - **Requiring all executive branch agencies maintain website with specific information** (original similar to HB2446) - Introduced 2/13/2017 - To Government Organization then Finance
270. By Sen. Mullins and Cline - **Relating to standards of proof in civil actions** - Introduced 2/13/2017 - To Judiciary
271. By Sen. Boley, Boso, Rucker, Cline and Blair - **Preventing State Board of Education from implementing common core academic standards** (original similar to HB2543) - Introduced 2/13/2017 - To Education then Finance
272. By Sen. Boso - **Creating WV Safer Workplaces Act** - Introduced 2/13/2017 - To Workforce then Judiciary
- \*273. By Sen. Karnes, Rucker, Cline and Blair - **Establishing Education Savings Account Pilot Program** (original similar to HB2689) - Introduced 2/13/2017 - To Education then Finance - Com. sub. reported 3/24/2017 - To Finance 3/24/2017
274. By Sen. Blair and Maroney - **Relating to public higher education personnel** (original similar to HB2542, HB2849) - Introduced 2/13/2017 - To Education then Finance
275. By Sen. Blair - **Requiring WV Tax Commissioner include short survey on personal income tax return** - Introduced 2/13/2017 - To Finance
276. By Sen. Miller - **Relating to collection of air ambulance fees for emergency treatment** - Introduced 2/13/2017 - To Banking and Insurance then Judiciary

277. By Sen. Blair and Rucker - **Creating Intermediate Court of Appeals** (original similar to HB3040) - Introduced 2/13/2017 - To Judiciary then Finance
278. By Sen. Jeffries, Beach, Boso, Cline, Gaunch, Ojeda, Romano, Smith, Stollings, Takubo, Weld, Woelfel, Plymale, Maroney and Blair - **Relating to Sunday hunting laws** (original similar to HB2136, HB2152) - Introduced 2/13/2017 - To Natural Resources then Judiciary
279. By Sen. Plymale and Stollings - **Limiting liability of Parks and Recreation section of DNR** - Introduced 2/14/2017 - To Natural Resources then Judiciary
- \*280. By Sen. Boso and Weld - **Moving administration of Civil Air Patrol to Adjutant General** (original similar to SB257) - Introduced 2/14/2017 - To Military then Government Organization - To Government Organization 2/22/2017 - Com. sub. reported 3/3/2017 - Passed Senate 3/8/2017 - To House 3/9/2017 - To Veterans' Affairs and Homeland Security then Government Organization - 2nd reference dispensed - Passed House 4/4/2017 - Effective July 1, 2017 - Senate concurred in House changed effective date 4/5/2017 - Effective July 1, 2017 - To Governor 4/13/17 - Approved by Governor 4/21/17 - Chapter 202, Acts, Regular Session, 2017
- \*281. By Sen. Boso, Stollings, Takubo, Maroney and Trump - **Increasing number of limited video lottery machines allowed at retail location** (original similar to HB2405) - Introduced 2/14/2017 - To Judiciary then Finance - Com. sub. reported 2/22/2017 - To Finance 2/22/2017 - Com. sub. for com. sub. reported 3/23/2017 - On third reading to Rules 3/29/2017
282. By Sen. Trump - **Directing Office of Administrative Hearings to amend current legislative rule relating to appeal procedures** - Introduced 2/14/2017 - To Judiciary - Passed Senate 3/29/2017 - Effective from passage - To House 3/29/2017 - To Judiciary
283. By Sen. Miller - **Creating Food Production Act** - Introduced 2/14/2017 - To Agriculture and Rural Development then Judiciary
284. By Sen. Blair and Maroney - **Relating to issuance of registration plates for governmental vehicles by DMV** (original similar to SB558) - Introduced 2/14/2017 - To Government Organization
285. By Sen. Cline and Stollings - **Authorizing DOH Commissioner or local authorities establish minimum speed limits in congested areas** - Introduced 2/14/2017 - To Transportation and Infrastructure then Judiciary
- \*286. By Sen. Cline, Boso and Rucker - **Relating to grandparents' visitation rights** (original similar to HB2547) - Introduced 2/14/2017 - To Judiciary - Com. sub. reported 3/27/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Judiciary
287. By Sen. Blair and Azinger - **Relating generally to damages for medical monitoring** - Introduced 2/14/2017 - To Judiciary
- \*288. By Sen. Carmichael (Mr. President) and Stollings - **Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person**

- Introduced 2/14/2017 - To Judiciary - Com. sub. reported 3/18/2017 - Passed Senate 3/22/2017 - To House 3/22/2017 - To Judiciary - Passed House 4/7/2017 - To Governor 4/13/17 - Approved by Governor 4/1817 - Chapter 55, Acts, Regular Session, 2017
289. By Sen. Romano - **Clarifying consumers sales and service tax applies to digital goods** - Introduced 2/14/2017 - To Finance
- \*290. By Sen. Weld, Stollings, Takubo and Rucker - **Authorizing operators of distillery or mini-distillery offer for purchase and consumption of liquor on Sundays** - Introduced 2/14/2017 - To Economic Development then Judiciary - Com. sub. reported 3/11/2017 - To Judiciary 3/11/2017 - Com. sub. for com. sub. reported 3/16/2017 - Passed Senate 3/20/2017 - To House 3/21/2017 - To Government Organization then Judiciary
291. By Sen. Miller, Stollings and Facemire - **Relating to residential solar energy tax credits** - Introduced 2/14/2017 - To Finance
292. By Sen. Miller, Stollings and Facemire - **Funding of civil legal services for low-income persons** - Introduced 2/14/2017 - To Finance
293. By Sen. Miller, Stollings and Facemire - **Providing increase in annual salary of employees in Division of Corrections** - Introduced 2/14/2017 - To Finance - Amended - On third reading to Rules 3/29/2017
294. By Sen. Miller and Facemire - **Relating to Community Sustainability Investment Pilot Program** - Introduced 2/14/2017 - To Government Organization then Finance - 2nd reference dispensed - Passed Senate 3/29/2017 - To House 3/29/2017 - To Finance
295. By Sen. Gaunch, Boso, Miller, Unger, Stollings, Hall, Takubo, Maroney and Facemire - **Providing tax credit for modifications to homes made more accessible for elderly or persons with disability** (original similar to HB2848, SB487) - Introduced 2/14/2017 - To Finance
296. By Sen. Trump, Gaunch, Hall, Takubo, Rucker and Azinger - **Relating generally to human trafficking** (original similar to HB2342, SB70) - Introduced 2/14/2017 - To Judiciary
297. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Increasing minimum penalty for transportation of Schedule I or II narcotic drug into state** (original similar to HB2668) - Introduced 2/14/2017 - To Judiciary
- \*298. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating generally to compensation of constitutional officers** (original similar to HB2490) - Introduced 2/14/2017 - To Judiciary then Finance - Com. sub. reported 3/20/2017 - To Finance 3/20/2017
- \*299. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH** (original similar to HB2779) - Introduced 2/14/2017 - To Finance - Com. sub. reported 3/9/2017 - Passed Senate

3/13/2017 - Effective from passage - To House 3/14/2017 - To Finance - Passed House 4/6/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/14/17 - Chapter 13, Acts, Regular Session, 2017

- \*300. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel** (original similar to HB2639) - Introduced 2/14/2017 - To Finance - Com. sub. reported 3/9/2017 - Passed Senate 3/13/2017 - Effective from passage - To House 3/14/2017 - To Finance - Passed House 4/5/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/14/17 - Chapter 14, Acts, Regular Session, 2017
- \*301. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program** (original similar to HB2501) - Introduced 2/14/2017 - To Finance - Com. sub. reported 3/9/2017 - Passed Senate 3/13/2017 - Effective from passage - To House 3/14/2017 - Reference dispensed - Passed House 3/16/2017 - Effective from passage - To Governor 3/22/17 - Approved by Governor 3/28/17 - Chapter 15, Acts, Regular Session, 2017
- \*302. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of federal funds from Treasury to Division of Human Services** (original similar to HB2500) - Introduced 2/14/2017 - To Finance - Com. sub. reported 3/11/2017 - Passed Senate 3/15/2017 - Effective from passage - To House 3/16/2017 - Reference dispensed - Passed House 3/20/2017 - Effective from passage - To Governor 3/23/17 - Approved by Governor 3/29/17 - Chapter 16, Acts, Regular Session, 2017
- \*303. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of public moneys from Treasury to DHHR** (original similar to HB2640) - Introduced 2/14/2017 - To Finance - Com. sub. reported 3/11/2017 - Passed Senate 3/15/2017 - Effective from passage - To House 3/16/2017 - To Finance - Passed House 4/5/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/14/17 - Chapter 17, Acts, Regular Session, 2017
- \*304. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Appropriating expiring funds from State Fund, General Revenue to DHHR** (original similar to HB3103) - Introduced 2/14/2017 - To Finance - Com. sub. reported 4/1/2017 - Passed Senate 4/4/2017 - Effective from passage - To House 4/4/2017 - To Finance
- \*305. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of public moneys from Treasury to Fire Commission** (original similar to HB2785) - Introduced 2/14/2017 - To Finance - Com. sub. reported 3/9/2017 - Passed Senate 3/13/2017 - Effective from passage - To House 3/14/2017 - To Finance - Passed House 4/5/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/14/17 - Chapter 18, Acts, Regular Session, 2017
- \*306. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of federal funds from Treasury to Workforce West Virginia** (original similar to HB2499) - Introduced 2/14/2017 - To Finance

- Com. sub. reported 3/11/2017 - Passed Senate 3/15/2017 - Effective from passage - To House 3/16/2017 - To Finance - Passed House 3/24/2017 - Effective from passage - To Governor 3/31/17 - Approved by Governor 4/6/17 - Chapter 19, Acts, Regular Session, 2017
307. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of surplus balance in State Fund, General Revenue to Department of Administration** (original similar to HB2740) - Introduced 2/14/2017 - To Finance
- \*308. By Sen. Trump - **Clarifying administrative and law-enforcement activities of DNR police officers are important to conservation and management of state's fish and wildlife** - Introduced 2/14/2017 - To Natural Resources then Judiciary - Com. sub. reported 3/13/2017 - To Judiciary 3/13/2017 - Com. sub. for com. sub. reported 3/15/2017 - Passed Senate 3/18/2017 - To House 3/20/2017 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 3/28/2017
309. By Sen. Blair and Azinger - **Authorizing counties to offer customized license plates for that county** - Introduced 2/14/2017 - To Transportation and Infrastructure then Finance
310. By Sen. Blair - **Exempting certain hotel rooms from hotel occupancy tax** - Introduced 2/14/2017 - To Finance
311. By Sen. Blair - **Classifying convention and visitor's bureau as public agency** - Introduced 2/14/2017 - To Government Organization
312. By Sen. Smith - **Establishing four-year pilot program to have social workers in public schools** - Introduced 2/14/2017 - To Education then Finance
313. By Sen. Carmichael (Mr. President) and Ferns - **Renaming Court of Claims state Claims Commission** - Introduced 2/14/2017 - To Judiciary
314. By Sen. Weld - **Allowing adjustment of gross income for calculating personal income tax liability of certain retirees** - Introduced 2/14/2017 - To Pensions then Finance
315. By Sen. Miller - **Relating to compensation and expenses for attorneys appointed by circuit courts** - Introduced 2/14/2017 - To Judiciary then Finance
- \*316. By Sen. Blair - **Requiring individuals receiving unemployment compensation apply for and accept seasonal employment** - Introduced 2/14/2017 - To Workforce then Finance - Com. sub. reported 3/23/2017 - 2nd reference dispensed - Passed Senate 3/27/2017 - To House 3/27/2017 - To Industry and Labor then Finance
317. By Sen. Weld, Maynard, Stollings and Takubo - **Authorizing family court judge to order substance abuse counseling of child in emergency situations** - Introduced 2/14/2017 - To Health and Human Resources then Judiciary

318. By Sen. Takubo, Plymale, Stollings, Unger, Miller and Mullins - **Offering flu immunizations to patients 65 or older in specific facilities** (original similar to HB2431) - Introduced 2/15/2017 - To Health and Human Resources
319. By Sen. Miller, Stollings and Unger - **Relating to requirements for employing nurses in public schools** - Introduced 2/15/2017 - To Education then Finance
- \*320. By Sen. Trump - **Creating Appropriation Supremacy Act of 2017** (original similar to HB3051) - Introduced 2/15/2017 - To Judiciary - Com. sub. reported 2/17/2017 - Referred to Rules 2/17/2017
321. By Sen. Gaunch - **Reporting requirements of employee information to CPRB** (original similar to HB2604) - Introduced 2/15/2017 - To Pensions - Passed Senate 2/28/2017 - To House 3/1/2017 - To Finance - Amended - Passed House 4/4/2017 - Senate concurred in House amendments and passed bill 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 217, Acts, Regular Session, 2017
322. By Sen. Karnes, Boso, Cline and Blair - **Requiring DOH Commissioner and Division of Personnel Director develop special hiring procedure for personnel positions in DOH** (original similar to HB2477) - Introduced 2/15/2017 - To Transportation and Infrastructure then Finance
323. By Sen. Jeffries, Azinger, Cline, Facemire, Ojeda, Palumbo, Plymale, Romano, Smith, Sypolt, Woelfel, Stollings, Boso, Beach and Miller - **Increasing tax credit for qualified rehabilitated buildings investment** (original similar to HB2416, SB238) - Introduced 2/15/2017 - To Finance
324. By Sen. Beach and Romano - **Prohibiting Governor and Legislature from administering budget cuts to higher education** - Introduced 2/15/2017 - To Judiciary then Finance
325. By Sen. Maynard, Cline and Boso - **Relating to crossbow hunting** (original similar to HB2696) - Introduced 2/15/2017 - To Natural Resources - Passed Senate 2/24/2017 - To House 2/27/2017 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 3/28/2017
326. By Sen. Romano, Beach, Facemire, Jeffries, Miller, Ojeda, Plymale and Unger - **Requiring Department of Defense family advocacy groups be notified about abuse or neglect of military member's child** - Introduced 2/15/2017 - To Military then Health and Human Resources - To Health and Human Resources 3/8/2017 - Passed Senate 3/14/2017 - To House 3/15/2017 - To Veterans' Affairs and Homeland Security then Judiciary
- \*327. By Sen. Romano, Beach, Facemire, Jeffries, Miller, Ojeda, Weld and Plymale - **Relating to teaching certificates for teachers whose spouses are members of armed forces on active duty stationed in state** (original similar to HB2771) - Introduced 2/15/2017 - To Military then Education - Com. sub. reported 3/8/2017 - To Education 3/8/2017
328. By Sen. Romano, Beach, Jeffries, Miller, Ojeda, Smith, Swope and Plymale - **Allowing surcharge for certain fire-related cleanup and demolition** - Introduced 2/15/2017 - To Government Organization then Finance

329. By Sen. Woelfel, Plymale, Palumbo and Stollings - **Addressing increase of fentanyl, fentanyl derivatives and analogs in state** - Introduced 2/16/2017 - To Judiciary then Health and Human Resources
330. By Sen. Trump, Boso and Blair - **Relating to WV Workplace Freedom Act** (original similar to HB2355) - Introduced 2/16/2017 - To Judiciary - Passed Senate 2/27/2017 - Effective from passage - To House 2/28/2017 - To Judiciary - Amended - Passed House 3/16/2017 - Title amended - Senate concurred in House amendments and passed bill 3/17/2017 - Effective ninety days from passage - To Governor 3/22/17 - Vetoed by Governor 3/28/17 - Senate reconsidered action - Passed Senate notwithstanding objections of the Governor 3/30/2017 - Motion to consider notwithstanding the objections of the Governor - House passed over veto 4/7/2017 - Chapter 138, Acts, Regular Session, 2017
331. By Sen. Sypolt, Smith, Boso, Blair, Cline and Miller - **Exempting heating oil for residential use from motor fuel excise tax** (original similar to HB2205) - Introduced 2/16/2017 - To Finance
332. By Sen. Sypolt, Boso, Smith and Miller - **Requiring DMV refuse motor vehicle registration renewal for failure to pay child support** - Introduced 2/16/2017 - To Judiciary
- \*333. By Sen. Takubo, Palumbo, Stollings, Romano, Cline and Maroney - **Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database** - Introduced 2/16/2017 - To Health and Human Resources then Judiciary - Com. sub. reported 3/8/2017 - To Judiciary 3/8/2017 - Com. sub. for com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - To House 3/29/2017 - To Judiciary - Amended - Passed House 4/7/2017 - Title amended - Senate amended House amendment and passed 4/8/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 43, Acts, Regular Session, 2017
334. By Sen. Weld, Cline and Miller - **Creating felony offense of aggravated cruelty to animals** - Introduced 2/16/2017 - To Judiciary
- \*335. By Sen. Karnes, Carmichael (Mr. President), Mullins, Maynard, Weld, Clements, Ferns, Cline, Smith, Sypolt, Azinger, Swope, Blair, Gaunch, Takubo, Boso, Mann and Trump - **Creating the 2017 Tax Reform Act** - Introduced 2/16/2017 - To Select Committee on Tax Reform then Finance - Com. sub. reported 3/16/2017 - To Finance
336. By Sen. Trump, Boso, Blair, Romano, Sypolt and Maroney - **Increasing number of limited video lottery machines retailer may have** - Introduced 2/16/2017 - To Judiciary then Finance
- \*337. By Sen. Blair - **Hiring correctional officers without regard to placement on correctional officer register** - Introduced 2/16/2017 - To Government Organization then Judiciary - To Judiciary 2/22/2017 - Com. sub. reported 2/24/2017 - Passed Senate 3/1/2017 - Effective from passage - To House 3/2/2017 - To Government Organization then Judiciary - To House Judiciary - Passed



House 4/5/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/20/17 - Chapter 115, Acts, Regular Session, 2017

- \*338. By Sen. Trump, Smith, Blair, Swope, Azinger, Mullins, Ferns, Weld, Gaunch and Cline - **Relating to medical professional liability** (original similar to HB2682, HB2757) - Introduced 2/16/2017 - To Judiciary - Com. sub. reported 3/3/2017 - Passed Senate 3/8/2017 - To House 3/9/2017 - To Judiciary - Passed House 3/31/2017 - To Governor 4/3/17 - Approved by Governor 4/8/17 - Chapter 3, Acts, Regular Session, 2017
- \*339. By Sen. Takubo, Cline and Maroney - **Creating Legislative Coalition on Chronic Pain Management** - Introduced 2/16/2017 - To Health and Human Resources then Government Organization - Com. sub. reported 3/3/2017 - To Government Organization 3/3/2017 - Com. sub. for com. sub. reported 3/18/2017 - Passed Senate 3/23/2017 - To House 3/24/2017 - To Health and Human Resources - Amended - Passed House 4/6/2017 - Title amended - Senate concurred in House amendments and passed bill 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 193, Acts, Regular Session, 2017
340. By Sen. Trump - **Creating offer of settlement** - Introduced 2/17/2017 - To Judiciary
- \*341. By Sen. Ferns, Palumbo, Plymale, Mullins, Stollings, Takubo, Cline, Maroney and Unger - **Establishing WV business growth in low-income communities tax credit** - Introduced 2/17/2017 - To Economic Development then Finance - Com. sub. reported 2/23/2017 - To Finance 2/23/2017 - Com. sub. for com. sub. reported 3/17/2017 - Passed Senate 3/21/2017 - To House 3/22/2017 - To Small Business, Entrepreneurship and Economic Development then Finance - To House Finance 3/30/2017
342. By Sen. Rucker, Azinger, Blair, Maynard, Ojeda, Mullins, Cline and Unger - **Providing compensation to victims of abusive lawsuits** - Introduced 2/17/2017 - To Judiciary
- \*343. By Sen. Beach - **Relating to transportation network companies** - Introduced 2/17/2017 - To Transportation and Infrastructure then Government Organization then Judiciary - Com. sub. reported 3/1/2017 - To Government Organization 3/1/2017 - Com. sub. for com. sub. reported 3/27/2017 - 2nd reference dispensed - Passed Senate 3/29/2017 - To House 3/29/2017 - To Judiciary
- \*344. By Sen. Trump, Gaunch, Azinger and Blair - **Relating to application of payments on consumer credit sale and loans** (original similar to HB2672, SB601) - Introduced 2/17/2017 - To Banking and Insurance then Judiciary - Com. sub. reported 2/28/2017 - To Judiciary 3/9/2017 - Com. sub. for com. sub. reported 3/9/2017 - Passed Senate 3/13/2017 - To House 3/14/2017 - To Judiciary - Amended - Passed House 4/4/2017 - Senate concurred in House amendments and passed bill 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/24/17 - Chapter 37, Acts, Regular Session, 2017
- \*345. By Sen. Maynard, Jeffries, Mullins, Takubo, Cline, Weld and Maroney - **Allowing certain hunting and trapping on private lands on Sundays** - Introduced 2/17/2017 - To Natural Resources then Judiciary - Com. sub. reported 2/21/2017 - To Judiciary 2/21/2017 - Com. sub. for com. sub. reported 2/24/2017

- Passed Senate 3/1/2017 - To House 3/2/2017 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Amended - Passed House 4/6/2017 - Title amended - Senate concurred in House amendments and passed bill 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 166, Acts, Regular Session, 2017
346. By Sen. Blair and Boso - **Relating generally to jurisdiction of PSC over motor carriers** - Introduced 2/17/2017 - To Government Organization - Passed Senate 3/1/2017 - To House 3/2/2017 - To Government Organization then Judiciary - To House Judiciary 3/28/2017
- \*347. By Sen. Takubo, Stollings and Maroney - **Relating to modernization of Physician Assistant Practice Act** (original similar to HB2753) - Introduced 2/17/2017 - To Health and Human Resources - Com. sub. reported 2/24/2017 - Amended - Passed Senate with amended title 3/1/2017 - To House 3/2/2017 - To Health and Human Resources then Judiciary - 2nd reference dispensed - Amended - Passed House 3/31/2017 - Title amended - Senate concurred in House amendments and passed bill 4/1/2017 - To Governor 4/6/17 - Vetoed by Governor 4/12/17
348. By Sen. Trump - **Relating to parking along state highways** (original similar to HB2919) - Introduced 2/17/2017 - To Transportation and Infrastructure then Judiciary
349. By Sen. Trump, Blair and Boso - **Repealing outdated code related to Division of Corrections** - Introduced 2/17/2017 - To Government Organization - Passed Senate 2/27/2017 - To House 2/28/2017 - To Government Organization - Passed House 4/3/2017 - To Governor 4/10/17 - Approved by Governor 4/14/17 - Chapter 34, Acts, Regular Session, 2017
- \*350. By Sen. Blair - **Allowing licensed professional counselors be issued temporary permit** - Introduced 2/20/2017 - To Government Organization - Com. sub. reported 3/8/2017 - Passed Senate 3/11/2017 - To House 3/13/2017 - To Government Organization - Passed House 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 182, Acts, Regular Session, 2017
351. By Sen. Smith - **Relating to emergency medical services** - Introduced 2/20/2017 - To Government Organization
352. By Sen. Smith, Cline and Rucker - **Allowing utility consumers use consumer protection laws when questioning billing issues** - Introduced 2/20/2017 - To Government Organization then Judiciary
353. By Sen. Smith, Cline, Rucker, Sypolt and Boso - **Specifying duties of telecommunications company** - Introduced 2/20/2017 - To Transportation and Infrastructure then Judiciary
354. By Sen. Gaunch, Cline and Maroney - **Relating to municipalities' policemen and firemen pension plans** (original similar to HB2603) - Introduced 2/20/2017 - To Pensions then Finance - To Finance 2/23/2017

355. By Sen. Gaunch - **Relating to required minimum distribution of retirement benefits from plans administered by CPRB** (original similar to HB2586) - Introduced 2/20/2017 - To Pensions then Finance - To Finance 2/23/2017
356. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Allowing School Building Authority transfer funds to special revenue account in state Treasury** (original similar to HB2720) - Introduced 2/20/2017 - To Education then Finance
357. By Sen. Weld, Plymale, Takubo, Miller, Maroney and Cline - **Exempting certain persons from fees for hunting, fishing and trapping licenses** - Introduced 2/21/2017 - To Natural Resources then Finance
- \*358. By Sen. Trump, Sypolt and Boso - **Relating generally to trustee sale of timeshare estates** (original similar to HB2782) - Introduced 2/21/2017 - To Judiciary - Com. sub. reported 3/3/2017 - Passed Senate 3/8/2017 - Effective from passage - To House 3/9/2017 - To Judiciary - Amended - Passed House 4/4/2017 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 4/5/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 91, Acts, Regular Session, 2017
359. By Sen. Rucker, Azinger, Cline, Karnes, Maynard and Sypolt - **Allowing exemptions from mandated immunizations** (original similar to HB2945, SB537) - Introduced 2/21/2017 - To Health and Human Resources then Judiciary
- \*360. By Sen. Takubo, Stollings, Maroney, Plymale and Miller - **Creating Legislative Coalition on Diabetes Management** - Introduced 2/21/2017 - To Health and Human Resources then Government Organization - Com. sub. reported 3/3/2017 - To Government Organization 3/3/2017 - Com. sub. for com. sub. reported 3/18/2017 - Amended - Passed Senate 3/22/2017 - To House 3/22/2017 - To Health and Human Resources then Government Organization - 2nd reference dispensed - Amended - Passed House 4/6/2017 - Title amended - Senate concurred in House amendments and passed bill 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 190, Acts, Regular Session, 2017
361. By Sen. Boley, Azinger, Takubo, Maroney and Cline - **Allowing exemptions from certificate of need to develop and operate nursing home in county without skilled nursing facility** - Introduced 2/21/2017 - To Health and Human Resources then Government Organization
- \*362. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Authorizing redirection of certain amounts to General Revenue Fund** - Introduced 2/21/2017 - To Finance - Com. sub. reported 3/20/2017 - Passed Senate 3/23/2017 - To House 3/24/2017 - Reference dispensed - Amended - Passed House 3/30/2017 - Title amended - Senate amended House amendment and passed 4/5/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 20, Acts, Regular Session, 2017
363. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Updating meaning of federal taxable income** (original similar to HB2590) - Introduced 2/21/2017 - To Finance

364. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Incorporating changes to Streamlined Sales and Use Tax Agreement** (original similar to HB2596) - Introduced 2/21/2017 - To Finance - Passed Senate 3/14/2017 - To House 3/15/2017 - To Finance - Passed House 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 233, Acts, Regular Session, 2017
365. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Maintaining solvency of Unemployment Compensation Fund** (original similar to HB2784) - Introduced 2/21/2017 - To Finance - Passed Senate 3/9/2017 - To House 3/10/2017 - To Finance - Passed House 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 246, Acts, Regular Session, 2017
366. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Creating West Virginia Second Chance Act** (original similar to HB2107, HB2536, HB2657, SB76) - Introduced 2/21/2017 - To Judiciary
367. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Creating Fleet Management Office** (original similar to HB2492) - Introduced 2/21/2017 - To Government Organization then Finance
368. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Updating WV personal income tax terms** (original similar to HB2594) - Introduced 2/21/2017 - To Finance
- \*369. By Sen. Sypolt, Miller, Boso, Maroney and Smith - **Permitting surface owners purchase mineral interests when interest becomes tax lien** - Introduced 2/21/2017 - To Energy, Industry and Mining then Judiciary - Com. sub. reported 3/25/2017 - On 2nd reading to Judiciary 3/25/2017 - Amended - Passed Senate with amended title 3/29/2017 - To House 3/29/2017 - To Energy then Judiciary
370. By Sen. Sypolt, Facemire, Boso, Maroney and Smith - **Requiring payment of funds due in partition suits of oil and gas interests** (original similar to SB505) - Introduced 2/21/2017 - To Energy, Industry and Mining then Finance
371. By Sen. Gaunch and Boso - **Requiring CPRB adopt smoothing method regarding gains and losses on Teachers Retirement System Fund assets** - Introduced 2/21/2017 - To Pensions then Finance - To Finance 2/23/2017
372. By Sen. Boso - **Prohibiting request of employee wage verification** - Introduced 2/21/2017 - To Government Organization
373. By Sen. Trump, Takubo and Maroney - **Authorizing medical power of attorney sign binding arbitration agreement with nursing home or assisted living facility** (original similar to HB2861) - Introduced 2/21/2017 - To Judiciary
374. By Sen. Ferns - **Relating to computing retirement benefits for certain members of Legislature** - Introduced 2/21/2017 - To Pensions then Finance - To Finance 3/16/2017

- \*375. By Sen. Boso and Smith - **Relating to rate and measure of severance taxes on certain natural resources** - Introduced 2/21/2017 - To Natural Resources then Finance - Com. sub. reported 3/25/2017 - On 2nd reading to Finance 3/25/2017 - On third reading to Rules 3/29/2017
- \*376. By Sen. Boso - **Relating generally to Sex Offender Registration Act** (original similar to HB2915) - Introduced 2/21/2017 - To Judiciary - Com. sub. reported 3/24/2017 - Passed Senate 3/28/2017 - To House 3/29/2017 - To Judiciary
377. By Sen. Karnes, Miller, Boso, Maroney, Mullins, Gaunch, Cline and Weld - **Creating fixed income credit for low income senior citizens** - Introduced 2/21/2017 - To Tax Reform then Finance
378. By Sen. Karnes, Miller, Boso, Maroney, Mullins, Gaunch, Cline and Weld - **Creating earned income tax credit for low income workers** (original similar to SB599) - Introduced 2/21/2017 - To Tax Reform then Finance
379. By Sen. Gaunch and Jeffries - **Excluding certain manufacturers and motor vehicles under law regulating motor vehicle dealers, distributors, wholesalers and manufacturers** - Introduced 2/21/2017 - To Judiciary
- \*380. By Sen. Maynard and Plymale - **Creating 2-year pilot program to allow all-terrain or recreational vehicles in Cabwaylingo State Forest** - Introduced 2/21/2017 - To Natural Resources then Government Organization - Com. sub. reported 3/14/2017 - To Government Organization 3/14/2017 - Passed Senate 3/27/2017 - To House 3/27/2017 - To Agriculture and Natural Resources then Government Organization
381. By Sen. Boso - **Relating to Parkways Authority maintaining status quo** (original similar to HB2606) - Introduced 2/21/2017 - To Transportation and Infrastructure then Finance - To Finance 3/13/2017
- \*382. By Sen. Boso - **Allowing automobile auctions obtain abandoned vehicles' titles** (original similar to HB2402, HB2445) - Introduced 2/21/2017 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 3/8/2017 - To Government Organization 3/8/2017 - Com. sub. for com. sub. reported 3/20/2017 - Passed Senate 3/23/2017 - To House 3/24/2017 - To Finance
383. By Sen. Boso - **Prohibiting local government entities from setting prevailing wages** - Introduced 2/21/2017 - To Government Organization then Judiciary
384. By Sen. Boso - **Relating to definition of "managed timberland"** (original similar to HB2874) - Introduced 2/21/2017 - To Natural Resources then Finance
385. By Sen. Stollings - **Relating to tax on bottled soft drinks** (original similar to HB3044, HB3045, HB3085) - Introduced 2/21/2017 - To Health and Human Resources then Finance
- \*386. By Sen. Ojeda, Beach, Facemire, Miller, Palumbo, Plymale, Romano, Rucker, Stollings, Swope, Woelfel and Boso - **Creating WV Medical Cannabis Act** (original similar to HCR79) - Introduced 2/21/2017 - To Health and Human Resources then Judiciary - Com. sub. reported 3/25/2017 - On 2nd reading to

- Judiciary 3/25/2017 - Passed Senate with amended title 3/29/2017 - To House 3/30/2017 - Motion to dispense reference and read a 1st time - Reference dispensed - Amended - Amended on 3rd reading - Passed House 4/4/2017 - Title amended - Senate amended House amendment and passed 4/5/2017 - House concurred in Senate amendment and passed 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/19/17 - Chapter 195, Acts, Regular Session, 2017
387. By Sen. Weld, Ferns and Maroney - **Creating Ryan Brown Addiction Prevention and Recovery Fund Act** (original similar to HB2422) - Introduced 2/22/2017 - To Health and Human Resources then Finance
- \*388. By Sen. Sypolt, Azinger, Boso, Cline, Ferns, Karnes, Maynard, Ojeda, Rucker, Smith, Takubo, Trump and Maroney - **Relating to dangerous weapons** - Introduced 2/22/2017 - To Judiciary - Com. sub. reported 3/22/2017 - Passed Senate 3/27/2017 - To House 3/27/2017 - To Judiciary - Amended - Passed House 4/7/2017 - Senate concurred in House amendments and passed bill 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 82, Acts, Regular Session, 2017
389. By Sen. Takubo, Stollings, Blair and Mullins - **Creating exemption from certificate of need for services and equipment purchased for use in private physician offices** - Introduced 2/22/2017 - To Health and Human Resources then Finance
390. By Sen. Takubo, Stollings, Unger, Blair and Maroney - **Relating to practice of medicine and telemedicine** - Introduced 2/22/2017 - To Health and Human Resources
391. By Sen. Takubo, Stollings, Unger and Boso - **Establishing call-in center for Bureau for Public Health for state residents to receive assistance with health care** - Introduced 2/22/2017 - To Health and Human Resources then Finance
392. By Sen. Gaunch - **Relating to Municipal Police Officers and Firefighters Retirement System** (original similar to HB2600) - Introduced 2/22/2017 - To Pensions then Finance - 2nd reference dispensed - Passed Senate 3/7/2017 - To House 3/8/2017 - To Finance - Passed House 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 159, Acts, Regular Session, 2017
393. By Sen. Gaunch and Maroney - **Relating to administration of municipal pensions** (original similar to HB2601) - Introduced 2/22/2017 - To Pensions then Finance - To Finance 3/9/2017
394. By Sen. Plymale and Maroney - **Relating generally to applied associate of science degrees targeting workforce needs** (original similar to HB2886, HB2997) - Introduced 2/22/2017 - To Education
395. By Sen. Ferns, Blair, Takubo and Mullins - **Relating to WV Health Care Authority** (original similar to HB2904, SB457) - Introduced 2/22/2017 - To Health and Human Resources then Finance
396. By Sen. Sypolt, Azinger, Blair, Boso, Smith and Swope - **Setting forth how minerals are to be valued** - Introduced 2/22/2017 - To Judiciary

397. By Sen. Takubo and Maroney - **Granting immunity to health care providers** - Introduced 2/22/2017 - To Judiciary then Finance
- \*398. By Sen. Takubo, Stollings, Unger and Maroney - **Creating Emergency Volunteer Health Practitioners Act** - Introduced 2/22/2017 - To Health and Human Resources then Government Organization - To Government Organization 3/8/2017 - Com. sub. reported 3/18/2017 - Passed Senate 3/22/2017 - To House 3/22/2017 - To Health and Human Resources then Judiciary - To House Judiciary - Passed House 4/4/2017 - Title amended - Senate concurred in House title amendment 4/5/2017 - Passed Senate 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 197, Acts, Regular Session, 2017
- \*399. By Sen. Ferns, Blair and Trump - **Prohibiting political subdivisions from enacting local ordinances regulating benefits employers provide to employees** - Introduced 2/22/2017 - To Workforce then Judiciary - Com. sub. reported 3/9/2017 - To Judiciary 3/9/2017 - Com. sub. for com. sub. reported 3/27/2017 - Amended - Passed Senate 3/29/2017 - To House 3/29/2017 - To Judiciary
400. By Sen. Blair - **Regarding appointments to WV Infrastructure and Jobs Development Council** - Introduced 2/22/2017 - To Government Organization - Passed Senate 3/6/2017 - To House 3/7/2017 - To Government Organization - Passed House 4/3/2017 - To Governor 4/10/17 - Approved by Governor 4/14/17 - Chapter 120, Acts, Regular Session, 2017
401. By Sen. Gaunch and Takubo - **Allowing county board of education base employment decisions on individual's qualifications** - Introduced 2/22/2017 - To Education - Amended - Passed Senate with amended title 3/28/2017 - To House 3/29/2017 - To Education
- \*402. By Sen. Takubo, Stollings and Romano - **Relating to covenants not to compete between physicians and hospitals** - Introduced 2/22/2017 - To Health and Human Resources then Judiciary - Com. sub. reported 3/22/2017 - To Judiciary 3/22/2017 - Passed Senate 3/29/2017 - To House 3/29/2017 - To Health and Human Resources then Judiciary - To House Judiciary - Amended - Passed House 4/6/2017 - Senate concurred in House amendments and passed bill 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 214, Acts, Regular Session, 2017
403. By Sen. Gaunch, Takubo, Maroney, Romano and Boso - **Increasing amount of retirement income excluded from certain retired public employees' state personal income taxes** (original similar to HB2110) - Introduced 2/22/2017 - To Finance
404. By Sen. Gaunch, Takubo, Maroney, Romano, Boso and Plymale - **Reducing state income tax liability for certain retired public employees** - Introduced 2/22/2017 - To Finance
405. By Sen. Blair - **Providing WV Attorney General operate vehicles without "state car" plate** (original similar to HB2659) - Introduced 2/23/2017 - To Government Organization

- \*406. By Sen. Takubo - **Relating to generic drug products** - Introduced 2/23/2017 - To Judiciary - Com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - Effective from passage - To House 3/29/2017 - To Judiciary
407. By Sen. Gaunch, Blair, Maroney, Trump and Romano - **Relating to concealed weapons permits** - Introduced 2/23/2017 - To Judiciary
- \*408. By Sen. Trump and Blair - **Relating to personnel management of public employees** - Introduced 2/23/2017 - To Government Organization then Judiciary - Com. sub. reported 3/23/2017 - On 2nd reading to Judiciary 3/23/2017
- \*409. By Sen. Karnes - **Relating generally to 2017 Tax Reform Act** - Introduced 2/23/2017 - To Tax Reform then Finance - Com. sub. reported 3/25/2017 - On 2nd reading to Finance 3/25/2017 - Com. sub. for com. sub. reported 3/27/2017 - Amended - Passed Senate with amended title 3/29/2017 - To House 3/29/2017 - To Finance
- \*410. By Sen. Sypolt - **Relating to marking traps with DNR identification tag** - Introduced 2/23/2017 - To Natural Resources - Com. sub. reported 2/28/2017 - Passed Senate 3/3/2017 - To House 3/6/2017 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 3/15/2017
411. By Sen. Blair - **Relating to prime contractor's responsibility for wages and benefits** - Introduced 2/23/2017 - To Judiciary
- \*412. By Sen. Blair - **Relating to WV Jobs Act reporting requirements** - Introduced 2/23/2017 - To Government Organization - Com. sub. reported 3/23/2017 - Passed Senate 3/27/2017 - To House 3/27/2017 - To Government Organization - Amended - On 3rd reading, House Calendar 4/8/2017
- \*413. By Sen. Blair - **Relating to bids on government construction contracts** - Introduced 2/23/2017 - To Government Organization - Com. sub. reported 3/13/2017 - Amended - Passed Senate with amended title 3/16/2017 - To House 3/17/2017 - To Government Organization
- \*414. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Creating Division of Multimodal Transportation** (original similar to HB2717) - Introduced 2/23/2017 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 3/20/2017 - 2nd reference dispensed - Passed Senate 3/23/2017 - To House 3/24/2017 - To Roads and Transportation then Finance
415. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating to severance tax on natural gas** (original similar to HB2719) - Introduced 2/23/2017 - To Energy, Industry and Mining then Finance
416. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating to Public-Private Transportation Facilities Act** (original similar to HB2721) - Introduced 2/23/2017 - To Transportation and Infrastructure then Finance - To Finance 3/22/2017 - On third reading to Rules 3/29/2017
417. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Removing financial limitations on number of design-build projects**



- undertaken by DOH** (original similar to HB2722) - Introduced 2/23/2017 - To Transportation and Infrastructure then Finance - To Finance 3/22/2017 - Amended - On third reading to Rules 3/29/2017
418. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating to Comprehensive Substance Use Reduction Act** (original similar to HB3028) - Introduced 2/23/2017 - To Health and Human Resources then Government Organization
- \*419. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Creating special revenue fund sources for Division of Labor to meet statutory obligations** (original similar to HB2776) - Introduced 2/23/2017 - To Finance - Com. sub. reported 3/21/2017 - Passed Senate 3/24/2017 - To House 3/25/2017 - Reference dispensed - Amended - Passed House 3/30/2017 - Title amended - Senate refused to concur in House amendment 4/3/2017 - House receded and passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 135, Acts, Regular Session, 2017
420. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating generally to education** (original similar to HB2711) - Introduced 2/23/2017 - To Education then Finance
421. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Increasing amount of authorized federal Grant Anticipation Notes for which DOH may apply** (original similar to HB2878) - Introduced 2/23/2017 - To Transportation and Infrastructure then Finance - To Finance 3/22/2017 - On third reading to Rules 3/29/2017
422. By Sen. Takubo and Stollings - **Relating to Uniform Controlled Substances Act** - Introduced 2/23/2017 - To Health and Human Resources then Judiciary
- \*423. By Sen. Weld - **Relating to operation of licensed group homes** - Introduced 2/23/2017 - To Health and Human Resources - Com. sub. reported 3/8/2017 - Passed Senate 3/11/2017 - To House 3/13/2017 - To Health and Human Resources
424. By Sen. Rucker, Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Prezioso, Smith, Swope, Sypolt, Takubo, Trump, Unger and Weld - **Relating generally to requirements and provisions for notice of requested abortions** (original similar to HB2002) - Introduced 2/23/2017 - To Health and Human Resources then Judiciary
425. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating to responsibilities of Herbert Henderson Office of Inclusion** (original similar to HB2724) - Introduced 2/23/2017 - To Government Organization
426. By Sen. Trump, Weld, Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel - **Repealing DNR legislative rule on litter control grant program** (original similar to SB 237) - Introduced 2/24/2017 - Passed Senate 2/28/2017 - Effective from passage - To House 3/1/2017 - To Judiciary

427. By Sen. Blair and Boso - **Relating to special revenue funds administered by DEP** - Introduced 2/24/2017 - To Judiciary then Finance
- \*428. By Sen. Weld, Stollings and Takubo - **Relating to partial filling of prescriptions** (original similar to HB2989) - Introduced 2/24/2017 - To Health and Human Resources then Judiciary - Com. sub. reported 3/10/2017 - To Judiciary 3/10/2017 - Passed Senate 3/25/2017 - To House 3/27/2017 - To Health and Human Resources then Judiciary - To House Judiciary 3/31/2017
- \*429. By Sen. Blair, Maroney and Trump - **Relating to monitoring inmate communications** - Introduced 2/24/2017 - To Judiciary - Com. sub. reported 3/1/2017 - Passed Senate 3/6/2017 - To House 3/7/2017 - To Judiciary
430. By Sen. Takubo and Boso - **Relating to hospital open meetings** - Introduced 2/24/2017 - To Health and Human Resources then Judiciary
431. By Sen. Gaunch, Romano, Stollings and Facemire - **Providing ratio of pupils to licensed school psychologist** (original similar to HB3090) - Introduced 2/24/2017 - To Education
432. By Sen. Boley, Maynard, Boso and Cline - **Requiring proficiency in civics as condition of receiving high school diploma** (original similar to HB2442) - Introduced 2/24/2017 - To Education
433. By Sen. Trump - **Permitting counties increase excise tax on privilege of transferring real property** (original similar to HB2461, SB647) - Introduced 2/24/2017 - To Government Organization - Passed Senate 3/25/2017 - To House 3/27/2017 - To Finance - Passed House 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 235, Acts, Regular Session, 2017
434. By Sen. Gaunch and Boso - **Relating to WV Insurance Guaranty Association Act** (original similar to HB2683) - Introduced 2/24/2017 - To Banking and Insurance then Judiciary - To Judiciary 3/14/2017
435. By Sen. Weld, Miller, Ojeda, Palumbo, Takubo, Woelfel, Facemire and Romano - **Relating to Youth Mental Health Protection Act** (original similar to HB2650) - Introduced 2/24/2017 - To Health and Human Resources
- \*436. By Sen. Gaunch, Blair, Maroney, Trump, Unger, Boso, Takubo, Rucker, Cline, Facemire and Romano - **Permitting investigators from Attorney General's office carry firearms** - Introduced 2/24/2017 - To Judiciary - Com. sub. reported 3/1/2017 - Passed Senate 3/6/2017 - To House 3/7/2017 - To Judiciary
- \*437. By Sen. Karnes, Boso, Cline, Trump and Blair - **Discontinuing WV Greyhound Breeding Development Fund** - Introduced 2/24/2017 - To Finance - Com. sub. reported 3/23/2017 - Amended - Passed Senate with amended title 3/27/2017 - To House 3/27/2017 - Reference dispensed - Passed House 4/1/2017 - To Governor 4/3/17 - Vetoed by Governor 4/8/17
438. By Sen. Trump, Smith, Weld and Blair - **Relating generally to Uniform Unclaimed Property Act** - Introduced 2/24/2017 - To Banking and Insurance then Judiciary

- \*439. By Sen. Trump, Clements, Facemire, Maroney and Romano - **Relating to venue for civil and criminal actions at Salem Correctional Center** - Introduced 2/24/2017 - To Judiciary - Com. sub. reported 2/28/2017 - Passed Senate 3/3/2017 - To House 3/6/2017 - To Judiciary
- \*440. By Sen. Trump and Blair - **Relating to use of Regional Jail and Correctional Facility Authority funds** - Introduced 2/24/2017 - To Finance - Com. sub. reported 3/10/2017 - Passed Senate 3/14/2017 - To House 3/15/2017 - To Finance - Amended - Passed House 4/7/2017 - Title amended
- \*441. By Sen. Sypolt, Boso and Smith - **Establishing Municipal Home Rule Pilot Program** (original similar to HB2307) - Introduced 2/24/2017 - To Government Organization - Com. sub. reported 3/8/2017 - Passed Senate 3/11/2017 - To House 3/13/2017 - To Government Organization then Finance - 2nd reference dispensed - Amended - Passed House 4/6/2017 - Senate amended House amendment and passed 4/8/2017 - House concurred in Senate title amendment 4/8/2017 - Passed House 4/8/2017 - Passed House 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26//17
- \*442. By Sen. Weld and Cline - **Relating generally to crimes against persons** - Introduced 2/27/2017 - To Judiciary - Com. sub. reported 3/2/2017 - Passed Senate 3/7/2017 - To House 3/8/2017 - To Judiciary - Passed House 3/31/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 50, Acts, Regular Session, 2017
443. By Sen. Trump, Weld, Miller, Gaunch, Blair and Takubo - **Establishing Adult Drug Court Participation Fund** (original similar to HB2766) - Introduced 2/27/2017 - To Finance - Recommitted to Finance on 3rd reading 3/18/2017
444. By Sen. Trump, Weld, Miller and Gaunch - **Establishing Court Advanced Technology Subscription Fund** (original similar to HB2765) - Introduced 2/27/2017 - To Finance - Passed Senate 3/17/2017 - To House 3/20/2017 - To Finance - Amended - Passed House 4/7/2017 - Title amended - Senate refused to concur in House amendment 4/7/2017 - House receded and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/20/17 - Chapter 47, Acts, Regular Session, 2017
- \*445. By Sen. Trump and Miller - **Amending definition of "abused child"** (original similar to HB2758) - Introduced 2/27/2017 - To Judiciary - Com. sub. reported 3/1/2017 - Passed Senate 3/6/2017 - To House 3/7/2017 - To Judiciary - Passed House 4/1/2017 - Title amended - Senate concurred in House title amendment 4/3/2017 - Passed Senate 4/3/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 24, Acts, Regular Session, 2017
- \*446. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Authorizing Governor issue executive orders to furlough state employees** (original similar to HB2879) - Introduced 2/27/2017 - To Judiciary then Finance - Com. sub. reported 3/27/2017 - 2nd reference dispensed - Passed Senate 3/29/2017 - Effective from passage - To House 3/30/2017 - To Judiciary then Finance

447. By Sen. Rucker, Azinger, Cline, Gaunch, Karnes, Maynard, Smith and Swope - **Prohibiting retailers from selling or leasing products without operating digital blocking capability** - Introduced 2/27/2017 - To Judiciary
448. By Sen. Romano, Facemire, Jeffries, Karnes, Miller, Ojeda, Cline, Stollings and Unger - **Continuing eligibility for developmental disability services to dependents of military service members** - Introduced 2/27/2017 - To Military then Health and Human Resources
449. By Sen. Gaunch - **Relating to apportionment of compensation to members of Legislature** - Introduced 2/27/2017 - To Government Organization
450. By Sen. Trump - **Relating to class action safeguards** - Introduced 2/27/2017 - To Judiciary
451. By Sen. Trump - **Relating to venue in WV courts as applies to nonresidents** - Introduced 2/27/2017 - To Judiciary
452. By Sen. Miller, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, Woelfel and Takubo - **Creating WV Earned Income Tax Credit** - Introduced 2/27/2017 - To Tax Reform then Finance
- \*453. By Sen. Boley and Cline - **Adding classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory** (original similar to HB3065) - Introduced 2/27/2017 - To Government Organization then Finance - Com. sub. reported 3/17/2017 - To Finance 3/17/2017 - Passed Senate 3/27/2017 - To House 3/27/2017 - To Finance
- \*454. By Sen. Trump, Weld, Miller and Gaunch - **Providing more efficient collection and submission of state moneys received from court transactions or court services** (original similar to HB2731, HB2737) - Introduced 2/27/2017 - To Judiciary - Com. sub. reported 3/11/2017 - Passed Senate 3/15/2017 - To House 3/16/2017 - To Judiciary - Passed House 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 98, Acts, Regular Session, 2017
- \*455. By Sen. Trump, Weld, Miller and Gaunch - **Relating generally to commitment of persons to custody of Commissioner of Corrections** (original similar to HB2747) - Introduced 2/27/2017 - To Judiciary - Com. sub. reported 3/10/2017 - Passed Senate 3/14/2017 - To House 3/15/2017 - To Judiciary - Amended - Passed House 3/31/2017 - Senate concurred in House amendments and passed bill 4/1/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 59, Acts, Regular Session, 2017
- \*456. By Sen. Trump, Weld, Miller and Gaunch - **Relating to standards for termination of parental rights in child abuse and neglect cases** (original similar to HB2732) - Introduced 2/27/2017 - To Judiciary - Com. sub. reported 3/2/2017 - Passed Senate 3/7/2017 - Effective from passage - To House 3/8/2017 - To Judiciary - Passed House 4/1/2017 - Effective from passage - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 25, Acts, Regular Session, 2017

457. By Sen. Ferns and Takubo - **Eliminating WV Health Care Authority** (original similar to HB2904, SB395) - Introduced 2/27/2017 - To Health and Human Resources then Finance
458. By Sen. Smith, Sypolt and Blair - **Eliminating need for certain power-generating facilities to obtain siting certificates from PSC** - Introduced 2/28/2017 - To Energy, Industry and Mining then Government Organization
459. By Sen. Boso and Rucker - **Including "In God We Trust" license plate on statutory list of special license plates** (original similar to HB2180) - Introduced 2/28/2017 - To Transportation and Infrastructure then Finance - To Finance 3/8/2017
460. By Sen. Boley and Blair - **Replacing 48-hour stickers with 60-day registration plates** - Introduced 2/28/2017 - To Transportation and Infrastructure then Finance
- \*461. By Sen. Hall, Takubo and Stollings - **Exempting WV State Police from state purchasing requirements** - Introduced 2/28/2017 - To Government Organization then Finance - Com. sub. reported 3/13/2017 - To Finance 3/13/2017 - Com. sub. for com. sub. reported 3/20/2017 - Passed Senate 3/23/2017 - To House 3/24/2017 - To Finance - Passed House 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/26/17 - Chapter 105, Acts, Regular Session, 2017
462. By Sen. Jeffries, Boso, Karnes, Miller, Prezioso, Romano, Rucker, Stollings, Swope, Plymale, Maroney and Unger - **Exempting military retirement benefits from personal income tax** (original similar to HB2112, HB3034) - Introduced 2/28/2017 - To Military then Finance
463. By Sen. Palumbo, Gaunch, Plymale, Prezioso, Takubo, Trump, Woelfel and Stollings - **Eliminating WV Supreme Court of Appeals Public Campaign Financing Program** - Introduced 2/28/2017 - To Judiciary then Finance
464. By Sen. Hall and Plymale - **Eliminating taxation on annuity consideration received by life insurer** - Introduced 2/28/2017 - To Finance - Passed Senate 3/24/2017 - To House 3/25/2017 - To Finance
- \*465. By Sen. Takubo, Stollings and Maroney - **Relating to medical professional liability** - Introduced 2/28/2017 - To Judiciary - Com. sub. reported 3/27/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Judiciary
466. By Sen. Blair, Trump and Palumbo - **Calculating state share of gross profits from limited video lottery revenues at 50 percent** - Introduced 2/28/2017 - To Finance - Referred to Rules on 3rd reading 3/15/2017
- \*467. By Sen. Blair and Trump - **Removing restrictions on maximum wager per limited video lottery game and bill denominations accepted by video lottery terminals** - Introduced 2/28/2017 - To Finance - Com. sub. reported 3/20/2017 - Passed Senate 3/23/2017 - To House 3/24/2017 - To Finance
468. By Sen. Blair and Trump - **Removing restrictions on where traditional lottery games may be played** - Introduced 2/28/2017 - To Finance - Passed Senate

3/21/2017 - To House 3/22/2017 - To Judiciary then Finance - To House Finance 3/30/2017

- \*469. By Sen. Takubo, Jeffries, Maynard and Cline - **Prohibiting waste of game animals, birds or fish** (original similar to HB2662) - Introduced 2/28/2017 - To Natural Resources then Judiciary - Com. sub. reported 3/7/2017 - To Judiciary 3/7/2017 - Com. sub. for com. sub. reported 3/27/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Judiciary
470. By Sen. Stollings, Unger and Cline - **Creating visitation rights for certain great-grandparents** - Introduced 2/28/2017 - To Judiciary
- \*471. By Sen. Maynard, Stollings and Cline - **Relating to state ownership of wildlife** (original similar to HB2693) - Introduced 2/28/2017 - To Natural Resources then Judiciary - Com. sub. reported 3/7/2017 - To Judiciary 3/7/2017 - Passed Senate 3/16/2017 - To House 3/17/2017 - To Judiciary
- \*472. By Sen. Maynard, Stollings and Cline - **Permitting bear hunting with guides** - Introduced 2/28/2017 - To Natural Resources - Com. sub. reported 3/20/2017 - Passed Senate 3/23/2017 - To House 3/24/2017 - To Agriculture and Natural Resources then Judiciary
- \*473. By Sen. Maynard and Cline - **Permitting collection and sale of naturally shed deer antlers** (original similar to HB2707) - Introduced 2/28/2017 - To Natural Resources - Com. sub. reported 3/7/2017 - Passed Senate 3/10/2017 - To House 3/13/2017 - To Agriculture and Natural Resources - Passed House 3/31/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 165, Acts, Regular Session, 2017
- \*474. By Sen. Maynard and Cline - **Exempting names of licensed hunters from public disclosure** (original similar to HB2699) - Introduced 2/28/2017 - To Natural Resources then Judiciary - Com. sub. reported 3/7/2017 - To Judiciary 3/7/2017 - Passed Senate 3/16/2017 - To House 3/17/2017 - To Judiciary
475. By Sen. Ojeda, Facemire, Jeffries, Plymale, Romano, Stollings, Swope, Unger and Cline - **Creating incentives for hiring and retaining correctional officers** (original similar to HB2947) - Introduced 2/28/2017 - To Government Organization then Finance
- \*476. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Expiring funds from Revenue Shortfall Reserve Fund to General Revenue** (original similar to HB2801) - Introduced 2/28/2017 - To Finance - Com. sub. reported 4/1/2017 - On third reading to Rules 4/8/2017
- \*477. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Increasing State Road Fund by raising DMV fees and motor fuel excise taxes** (original similar to HB2814) - Introduced 2/28/2017 - To Transportation and Infrastructure then Finance - Com. sub. reported 3/15/2017 - To Finance 3/15/2017 - Amended - Passed Senate 3/25/2017 - Effective July 1, 2017 - To House 3/27/2017 - To Finance

478. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating generally to severance taxes on producing coal** (original similar to HB2718) - Introduced 2/28/2017 - To Energy, Industry and Mining then Finance
- \*479. By Sen. Blair, Rucker, Takubo, Maroney and Cline - **Relating to regulation of liquor sales** - Introduced 2/28/2017 - To Government Organization then Finance - Com. sub. reported 3/13/2017 - To Finance 3/13/2017 - Amended - Passed Senate 3/23/2017 - To House 3/24/2017 - To Government Organization then Judiciary
- \*480. By Sen. Blair - **Authorizing local government adopt energy efficiency partnership programs** - Introduced 2/28/2017 - To Government Organization - Com. sub. reported 3/17/2017 - Passed Senate 3/21/2017 - To House 3/22/2017 - To Government Organization
- \*481. By Sen. Blair - **Eliminating requirement municipal courts wait 90 days before notifying DMV of person's failure to appear or pay assessed costs** - Introduced 2/28/2017 - To Government Organization - Com. sub. reported 3/8/2017 - Passed Senate 3/11/2017 - To House 3/13/2017 - To Judiciary
- \*482. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating generally to WV Parkways Authority** (original similar to HB2803) - Introduced 2/28/2017 - To Transportation and Infrastructure then Finance - Com. sub. reported 3/20/2017 - To Finance 3/20/2017 - Com. sub. for com. sub. reported 3/27/2017 - Passed Senate 3/29/2017 - Effective July 1, 2017 - Senate requests return of bill from House - Senate reconsidered action - Passed Senate 3/29/2017 - Effective July 1, 2017 - To House 3/30/2017 - To Finance
483. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Imposing license tax on successful bidders for road construction contracts** (original similar to HB2775) - Introduced 2/28/2017 - To Transportation and Infrastructure then Finance
- \*484. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating generally to taxation** (original similar to HB2816) - Introduced 2/28/2017 - To Finance - Com. sub. reported 3/24/2017 - Passed Senate 3/29/2017 - Effective from passage - To House 3/30/2017 - To Finance - To House Finance 4/3/2017 - Amended - Passed House 4/5/2017 - Title amended
485. By Sen. Smith, Cline, Ferns, Mann, Maynard, Ojeda, Rucker, Sypolt, Mullins, Gaunch, Maroney and Plymale - **Relating to expansion of broadband service** (original similar to SB609, SB614) - Introduced 3/1/2017 - To Economic Development then Finance
- \*486. By Sen. Takubo and Stollings - **Relating to health care provider taxes** - Introduced 3/1/2017 - To Health and Human Resources then Finance - Com. sub. reported 3/3/2017 - To Finance 3/3/2017 - Com. sub. for com. sub. reported 3/21/2017 - Passed Senate 3/24/2017 - Effective July 1, 2017 - To House 3/25/2017 - To Health and Human Resources then Finance - To House Finance - Passed House 4/6/2017 - Title amended - Effective July 1, 2017 - Senate concurred in House title amendment 4/7/2017 - Passed Senate 4/7/2017 -

- Effective July 1, 2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 237, Acts, Regular Session, 2017
487. By Sen. Gaunch, Cline, Mullins and Stollings - **Providing tax credit to eligible caregivers for modifications to homes** (original similar to HB2848, SB295) - Introduced 3/1/2017 - To Finance
488. By Sen. Blair - **Relating to Office of Emergency Services** - Introduced 3/1/2017 - To Government Organization then Finance
489. By Sen. Azinger and Trump - **Relating to commencement of civil actions in magistrate court** - Introduced 3/1/2017 - To Judiciary
490. By Sen. Azinger, Trump, Mullins and Boso - **Clarifying standard of liability for officers of corporation** - Introduced 3/1/2017 - To Judiciary - Passed Senate 3/11/2017 - To House 3/13/2017 - To Judiciary - Passed House 4/6/2017 - Title amended - Senate concurred in House title amendment 4/7/2017 - Passed Senate 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/21/17 - Chapter 46, Acts, Regular Session, 2017
491. By Sen. Trump and Maroney - **Relating to county litter control officers** - Introduced 3/1/2017 - To Government Organization - Passed Senate 3/11/2017 - To House 3/13/2017 - To Judiciary
- \*492. By Sen. Trump - **Eliminating requirement every circuit court participate in drug court program** - Introduced 3/1/2017 - To Judiciary - Com. sub. reported 3/8/2017 - Passed Senate 3/11/2017 - To House 3/13/2017 - To Judiciary
493. By Sen. Mann, Cline, Mullins, Maroney and Romano - **Providing increase in compensation for conservation officers** (original similar to HB2047, HB2406) - Introduced 3/1/2017 - To Natural Resources then Finance - To Finance 3/13/2017 - Amended - Passed Senate 3/27/2017 - To House 3/27/2017 - To Agriculture and Natural Resources then Finance - To House Finance - Amended - Passed House 4/5/2017 - Title amended - Senate concurred in House amendments and passed bill 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/25/17 - Chapter 167, Acts, Regular Session, 2017
494. By Sen. Carmichael (Mr. President) - **Relating to runoff elections for judicial offices** - Introduced 3/1/2017 - To Judiciary
495. By Sen. Blair - **Relating to regulation of events by State Athletic Commission** - Introduced 3/2/2017 - To Government Organization - Passed Senate 3/16/2017 - To House 3/17/2017 - To Government Organization - Passed House 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/21/17 - Chapter 116, Acts, Regular Session, 2017
- \*496. By Sen. Gaunch - **Relating generally to guaranteed asset protection waivers** (original similar to HB2126) - Introduced 3/2/2017 - To Judiciary - Com. sub. reported 3/8/2017 - Passed Senate 3/11/2017 - To House 3/13/2017 - To Judiciary
- \*497. By Sen. Stollings, Takubo, Plymale, Maroney and Facemire - **Relating to liability for health care providers who provide services at school athletic**



- events** - Introduced 3/2/2017 - To Judiciary - Com. sub. reported 3/11/2017 - Passed Senate 3/15/2017 - To House 3/16/2017 - To Judiciary - Passed House 3/31/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 1, Acts, Regular Session, 2017
498. By Sen. Stollings, Romano and Facemire - **Dedicating five-tenths percent annual severance tax on Marcellus and Utica natural gas to retired public employees** - Introduced 3/2/2017 - To Finance
- \*499. By Sen. Weld - **Creating Debt Resolution Services Division in Auditor's office** (original similar to HB2791) - Introduced 3/2/2017 - To Government Organization - Com. sub. reported 3/20/2017 - Passed Senate 3/23/2017 - To House 3/24/2017 - To Government Organization - Tabled on 2nd reading, Special Calendar 4/5/2017
- \*500. By Sen. Trump, Boley, Clements, Cline, Ferns, Maynard, Rucker, Weld, Takubo, Maroney and Smith - **Relating to Medicaid fraud and abuse** - Introduced 3/2/2017 - To Government Organization then Judiciary - Com. sub. reported 3/15/2017 - 2nd reference dispensed - Passed Senate 3/18/2017 - To House 3/20/2017 - To Judiciary then Finance
- \*501. By Sen. Gaunch and Stollings - **Relating to WV Economic Development Authority** (original similar to HB3086) - Introduced 3/3/2017 - To Economic Development then Government Organization - Com. sub. reported 3/17/2017 - To Government Organization 3/17/2017 - Com. sub. for com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - To House 3/31/2017 - To Government Organization
502. By Sen. Jeffries, Beach, Boso, Facemire, Karnes, Mann, Miller, Ojeda, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Unger, Weld, Plymale and Cline - **Authorizing WV National Guard contract persons to perform specialized technical services** (original similar to HB2796) - Introduced 3/3/2017 - To Government Organization
503. By Sen. Plymale and Stollings - **Establishing Library Facilities Improvement Fund** (original similar to HB2890) - Introduced 3/3/2017 - To Finance
504. By Sen. Hall, Boso, Prezioso, Facemire, Mann, Romano, Smith, Sypolt, Stollings and Plymale - **Defining "special aircraft property"** - Introduced 3/3/2017 - To Finance - On third reading to Rules 3/29/2017
- \*505. By Sen. Smith and Sypolt - **Providing five-year reclamation period following completion of well pads for horizontal wells** (original similar to SB370) - Introduced 3/3/2017 - To Energy, Industry and Mining - Com. sub. reported 3/8/2017 - Passed Senate 3/11/2017 - To House 3/13/2017 - To Judiciary - Passed House 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 87, Acts, Regular Session, 2017
506. By Sen. Weld, Boso, Takubo and Stollings - **Exempting DNR police pension benefits from state income taxes** (original similar to HB2641) - Introduced 3/3/2017 - To Finance

- \*507. By Sen. Cline, Maynard, Ojeda, Rucker, Smith, Swope, Takubo and Stollings - **Allowing pharmacists inform customers about lower cost alternatives to prescribed drugs** - Introduced 3/3/2017 - To Banking and Insurance then Judiciary - Com. sub. reported 3/21/2017 - To Judiciary 3/21/2017 - Com. sub. for com. sub. reported 3/27/2017 - Passed Senate 3/29/2017 - To House 3/31/2017 - To Judiciary
508. By Sen. Romano, Facemire, Jeffries, Miller, Ojeda and Stollings - **Providing cost-of-living adjustment to certain PERS and State Teachers Retirement System employees** - Introduced 3/3/2017 - To Pensions then Finance
509. By Sen. Weld - **Updating fee structure provisions for broker-dealers, agents and investment advisers** (original similar to HB2851) - Introduced 3/3/2017 - To Finance
510. By Sen. Hall and Stollings - **Eliminating requirement of no prior or subsequent conviction in order to have criminal conviction expunged** (original similar to HB2532) - Introduced 3/3/2017 - To Judiciary
511. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating generally to higher education governance** (original similar to HB2815) - Introduced 3/3/2017 - To Education then Finance
512. By Sen. Romano, Facemire, Jeffries, Miller and Ojeda - **Requiring disclosure of attorney source payment in certain administrative hearings** - Introduced 3/3/2017 - To Judiciary
513. By Sen. Romano, Facemire, Jeffries, Miller, Ojeda and Stollings - **Increasing state employees' pay over two-year period** (original similar to HB2080) - Introduced 3/3/2017 - To Finance
514. By Sen. Cline, Maynard, Ojeda, Rucker, Smith, Swope and Sypolt - **Providing special license plate for realtors** - Introduced 3/3/2017 - To Transportation and Infrastructure
- \*515. By Sen. Trump - **Relating to parole requirements for hearings and release** - Introduced 3/3/2017 - To Judiciary - Com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Judiciary - Passed House 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 62, Acts, Regular Session, 2017
516. By Sen. Trump and Cline - **Establishing DOC responsibility for costs of housing and maintaining inmate** (original similar to HB2845) - Introduced 3/3/2017 - To Judiciary - Referred to Finance on 2nd reading 3/27/2017
517. By Sen. Ojeda, Azinger, Cline, Karnes, Prezioso, Rucker, Stollings, Plymale, Unger, Gaunch and Blair - **Permitting ABCC appointees or employees carry firearms after completing training** - Introduced 3/6/2017 - To Judiciary
518. By Sen. Ojeda, Beach, Facemire, Jeffries, Romano, Smith, Swope, Plymale, Cline, Unger, Blair and Stollings - **Creating Returning Veterans and Displaced Miners Job Act** (original similar to HB2625) - Introduced 3/6/2017 - To Military then Government Organization

519. By Sen. Ojeda, Facemire, Jeffries, Romano, Rucker and Stollings - **Amending WV Nurse Overtime and Patient Safety Act** - Introduced 3/6/2017 - To Judiciary
- \*520. By Sen. Weld, Blair and Takubo - **Relating to in-state resident tuition rates for certain reserve members** - Introduced 3/6/2017 - To Military then Education - Com. sub. reported 3/8/2017 - To Education 3/8/2017
- \*521. By Sen. Trump - **Relating generally to Public Defender Services** - Introduced 3/6/2017 - To Judiciary then Finance - Com. sub. reported 3/20/2017 - To Finance 3/20/2017 - Com. sub. for com. sub. reported 3/25/2017 - Amended - Passed Senate 3/29/2017 - Senate requests return of bill from House - Passed Senate 3/29/2017 - To House 3/30/2017 - To Judiciary then Finance - To House Finance 4/3/2017
- \*522. By Sen. Gaunch, Ferns, Blair, Stollings and Takubo - **Relating to pharmacy audits** - Introduced 3/6/2017 - To Banking and Insurance - Com. sub. reported 3/14/2017 - Passed Senate 3/17/2017 - To House 3/20/2017 - To Banking and Insurance then Health and Human Resources - 2nd reference dispensed - Amended - Passed House 4/3/2017 - Senate concurred in House amendments and passed bill 4/4/2017 - To Governor 4/10/17 - Approved by Governor 4/20/17 - Chapter 134, Acts, Regular Session, 2017
- \*523. By Sen. Weld - **Converting to biweekly pay cycle for state employees** - Introduced 3/6/2017 - To Government Organization - Com. sub. reported 3/20/2017 - Passed Senate 3/23/2017 - Effective from passage - To House 3/24/2017 - To Government Organization then Judiciary - To House Judiciary - Amended - Passed House 4/6/2017 - Effective from passage - Senate concurred in House amendments and passed bill 4/8/2017 - Effective from passage - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 183, Acts, Regular Session, 2017
524. By Sen. Rucker, Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Smith, Swope, Sypolt, Takubo and Trump - **Relating to WV academic standards** - Introduced 3/6/2017 - To Education - Amended - Passed Senate with amended title 3/18/2017 - Effective from passage - To House 3/20/2017 - To Education
525. By Sen. Maynard, Cline and Blair - **Establishing education savings accounts for WV students** - Introduced 3/6/2017 - To Education then Finance
- \*526. By Sen. Takubo - **Requiring mandatory insurance coverage for inherited enzymatic disorders** - Introduced 3/7/2017 - To Banking and Insurance then Finance - Com. sub. reported 3/23/2017 - On 2nd reading to Finance 3/27/2017 - Com. sub. for com. sub. reported 3/27/2017 - Passed Senate 3/29/2017 - To House 3/31/2017 - To Judiciary
527. By Sen. Stollings, Mann, Plymale, Romano and Mullins - **Relating to traumatic brain injury** - Introduced 3/7/2017 - To Education then Health and Human Resources

528. By Sen. Mann, Stollings, Romano and Mullins - **Establishing process to provide student is ineligible for home instruction exemption** - Introduced 3/7/2017 - To Education
529. By Sen. Weld and Ferns - **Requiring PEIA and finance board purchase stop-loss insurance** - Introduced 3/7/2017 - To Banking and Insurance then Finance
530. By Sen. Karnes - **Replacing regional education service agencies** (original similar to SB181) - Introduced 3/7/2017 - To Education then Finance
- \*531. By Sen. Sypolt - **Relating to renewal date for apiary certificates of registration** - Introduced 3/7/2017 - To Agriculture and Rural Development - Com. sub. reported 3/9/2017 - Amended - Passed Senate 3/16/2017 - To House 3/17/2017 - To Judiciary - Passed House 3/31/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 7, Acts, Regular Session, 2017
532. By Sen. Ojeda, Beach, Facemire, Plymale, Rucker, Swope, Unger, Stollings, Romano, Cline and Mullins - **Requiring correctional officers be paid overtime** - Introduced 3/7/2017 - To Government Organization then Finance
- \*533. By Sen. Hall and Mullins - **Relating to taxes on wine and intoxicating liquors** (original similar to HB2894) - Introduced 3/7/2017 - To Finance - Com. sub. reported 3/20/2017 - Passed Senate 3/23/2017 - To House 3/24/2017 - To Finance - Passed House 4/7/2017 - To Governor 4/13/17 - Approved by Governor 4/25/17 - Chapter 227, Acts, Regular Session, 2017
- \*534. By Sen. Palumbo, Gaunch, Jeffries, Romano, Stollings, Takubo and Cline - **Relating to incentives for consolidating local governments** - Introduced 3/7/2017 - To Government Organization - Com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Government Organization
- \*535. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Reorganizing Division of Tourism** (original similar to HB2899) - Introduced 3/7/2017 - To Government Organization then Finance - Com. sub. reported 3/21/2017 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/24/2017 - To House 3/25/2017 - To Government Organization then Finance - To House Finance - Amended - Passed House 4/7/2017 - Title amended - Senate concurred in House amendments and passed bill 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 238, Acts, Regular Session, 2017
536. By Sen. Maynard, Jeffries and Ferns - **Authorizing tracking of wounded or injured bear or deer** - Introduced 3/7/2017 - To Natural Resources - Passed Senate 3/16/2017 - To House 3/17/2017 - To Judiciary
- \*537. By Sen. Rucker, Azinger, Ferns, Karnes, Maynard, Ojeda, Smith and Sypolt - **Relating to exemptions from mandated immunizations** (original similar to SB359) - Introduced 3/7/2017 - To Education then Health and Human Resources - Com. sub. reported 3/24/2017 - On 2nd reading to Health and Human Resources 3/24/2017

- \*538. By Sen. Trump, Stollings, Cline and Weld - **Creating special conditions of parole** - Introduced 3/8/2017 - To Judiciary - Com. sub. reported 3/21/2017 - Passed Senate 3/24/2017 - To House 3/25/2017 - To Judiciary
- \*539. By Sen. Ferns and Rucker - **Relating to regulation and control of financing elections** - Introduced 3/8/2017 - To Judiciary - Com. sub. reported 3/23/2017 - Amended - Passed Senate 3/27/2017 - To House 3/28/2017 - To Judiciary
540. By Sen. Maynard and Cline - **Requiring school counselors inform graduating students of student aid availability** - Introduced 3/8/2017 - To Education
541. By Sen. Maynard and Cline - **Permitting county boards of education post professional personnel job vacancies** - Introduced 3/8/2017 - To Education
542. By Sen. Maynard, Cline, Mullins, Plymale, Swope, Takubo and Stollings - **Providing special obligation notes to finance construction to complete Interstates 73 and 74** - Introduced 3/8/2017 - To Transportation and Infrastructure then Finance
543. By Sen. Mullins and Cline - **Allowing maximum number of pupils exceed up to 5 in certain instances** - Introduced 3/8/2017 - To Education then Finance
544. By Sen. Maynard, Stollings, Smith, Cline, Prezioso, Facemire, Boso and Palumbo - **Relating to use of aftermarket automobile crash parts** - Introduced 3/8/2017 - To Judiciary
545. By Sen. Cline - **Increasing penalties for malicious assault, unlawful assault and assault on law-enforcement officer** (original similar to HB2426) - Introduced 3/8/2017 - To Judiciary
546. By Sen. Cline and Stollings - **Creating emergency text number systems for children** - Introduced 3/8/2017 - To Government Organization
547. By Sen. Blair - **Modifying fees paid to Secretary of State** - Introduced 3/8/2017 - To Finance - Passed Senate 3/21/2017 - To House 3/22/2017 - To Finance - Amended - Passed House 4/7/2017 - Title amended - Senate concurred in House amendments and passed bill 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 99, Acts, Regular Session, 2017
- \*548. By Sen. Hall - **Providing for specific escheat of US savings bonds** - Introduced 3/8/2017 - To Judiciary - Com. sub. reported 3/17/2017 - Passed Senate 3/21/2017 - To House 3/22/2017 - To Judiciary
- \*549. By Sen. Maynard and Cline - **Allowing individuals at least 21 or older operate or ride motorcycle without helmet** - Introduced 3/8/2017 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 3/22/2017 - To Judiciary 3/22/2017 - Com. sub. for com. sub. reported 3/27/2017 - Rereferred to Judiciary on 2nd reading 3/27/2017 - Amended - Rejected by Senate 3/29/2017
550. By Sen. Maynard - **Relating to disposition of vacated school buildings or other state-owned buildings** - Introduced 3/8/2017 - To Government Organization

551. By Sen. Maynard - **Limiting School Building Authority's discretion to disburse funds** - Introduced 3/8/2017 - To Education then Finance
552. By Sen. Maynard - **Authorizing WV Disaster Recovery Board intervene to restore access to private property** - Introduced 3/8/2017 - To Government Organization
553. By Sen. Maynard - **Providing teachers with 3 percent pay raise** (original similar to HB2210) - Introduced 3/8/2017 - To Education then Finance
554. By Sen. Weld - **Relating to false swearing in legislative proceeding** - Introduced 3/8/2017 - To Judiciary - Passed Senate 3/18/2017 - To House 3/20/2017 - To Judiciary - Amended - Passed House 4/3/2017 - Senate refused to concur in House amendment 4/4/2017 - House refused to recede and requested conference 4/7/2017 - To conference 4/8/2017 - Senate adopted conference report and passed bill 4/8/2017 - House adopted conference report and passed bill 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 146, Acts, Regular Session, 2017
555. - **Dissolving PEIA** - Introduced 3/8/2017 - To Banking and Insurance then Finance
556. By Sen. Trump - **Relating to Consumer Credit and Protection Act** (original similar to SB563) - Introduced 3/8/2017 - To Judiciary
557. By Sen. Prezioso [By Request of the Executive] - **Dissolving Information Services and Communications Division** (original similar to HB2900) - Introduced 3/8/2017 - To Government Organization then Finance - On 2nd reading to Finance 3/27/2017
558. By Sen. Beach, Facemire, Miller, Ojeda, Romano, Woelfel, Plymale and Stollings - **Requiring state-owned or -leased vehicles be registered** (original similar to SB284) - Introduced 3/8/2017 - To Government Organization
- \*559. By Sen. Ferns - **Relating to limited video lottery** - Introduced 3/8/2017 - To Judiciary - Com. sub. reported 3/15/2017 - Passed Senate 3/18/2017 - Effective from passage - To House 3/20/2017 - To Small Business, Entrepreneurship and Economic Development then Judiciary
- \*560. By Sen. Takubo, Maynard, Stollings, Swope, Plymale and Cline - **Creating medical malpractice peer review panel by Board of Medicine** - Introduced 3/8/2017 - To Judiciary then Finance - Com. sub. reported 3/27/2017 - Rereferred to Judiciary on 2nd reading 3/27/2017
561. By Sen. Stollings and Ojeda - **Allowing economically depressed county to retain 50 percent of coal severance tax collected in county** - Introduced 3/8/2017 - To Energy, Industry and Mining then Finance
- \*562. By Sen. Blair - **Relating to civil actions for damages brought against county commissions and municipalities** - Introduced 3/8/2017 - To Judiciary - Com. sub. reported 3/27/2017 - Rereferred to Judiciary on 2nd reading 3/27/2017 - Amended - Passed Senate with amended title 3/29/2017 - To House 3/30/2017 - To Judiciary

- \*563. By Sen. Trump - **Relating to Consumer Credit and Protection Act** (original similar to SB556) - Introduced 3/8/2017 - To Judiciary - Com. sub. reported 3/27/2017 - Passed Senate with amended title 3/29/2017 - To House 3/31/2017 - To Judiciary - Passed House 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/21/17 - Chapter 36, Acts, Regular Session, 2017
564. By Sen. Takubo and Stollings - **Relating to Statewide Independent Living Council** - Introduced 3/9/2017 - To Government Organization - Passed Senate 3/21/2017 - To House 3/22/2017 - To Government Organization - Amended - Passed House 4/4/2017 - Title amended - Senate concurred in House amendments and passed bill 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/20/17 - Chapter 226, Acts, Regular Session, 2017
565. By Sen. Gaunch, Palumbo, Takubo, Stollings and Jeffries - **Authorizing City of South Charleston levy special district excise tax** (original similar to HB2709) - Introduced 3/9/2017 - To Finance
566. By Sen. Hall, Facemire and Stollings - **Claims against state** (original similar to HCR66) - Introduced 3/9/2017 - To Finance - Passed Senate 3/27/2017 - Effective from passage - To House 3/28/2017 - To Finance - Passed House 4/4/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 27, Acts, Regular Session, 2017
567. By Sen. Boso - **Relating to fees collected to conduct criminal background checks** - Introduced 3/9/2017 - To Finance
568. By Sen. Maynard and Gaunch - **Establishing penalties for filing false claims by doctors or lawyers for disability benefits** (original similar to SB668) - Introduced 3/9/2017 - To Judiciary
569. By Sen. Prezioso, Hall, Stollings and Takubo - **Creating Office of Rural Health within Center for Rural Health Development, Inc.** - Introduced 3/9/2017 - To Health and Human Resources then Government Organization
570. By Sen. Boso - **Allowing State Police Academy expand sale of items from post exchange to general public** (original similar to HB2939) - Introduced 3/10/2017 - To Government Organization then Finance
571. By Sen. Blair - **Relating generally to certification and qualifications of sanitarians** (original similar to HB2624) - Introduced 3/10/2017 - To Government Organization then Finance
- \*572. By Sen. Sypolt and Gaunch - **Relating to nonpartisan election of county surveyors** - Introduced 3/10/2017 - To Judiciary - Com. sub. reported 3/20/2017 - Passed Senate 3/23/2017 - To House 3/24/2017 - To Judiciary
573. By Sen. Maynard - **Adjusting tax rate on wind-powered generating units** - Introduced 3/10/2017 - To Finance
574. By Sen. Trump and Woelfel - **Relating generally to trusts and administration** (original similar to HB2978) - Introduced 3/10/2017 - To Judiciary

- \*575. By Sen. Trump - **Relating generally to shooting ranges** - Introduced 3/10/2017 - To Judiciary - Com. sub. reported 3/13/2017 - Passed Senate 3/16/2017 - To House 3/17/2017 - To Judiciary - Amended - Passed House 4/3/2017 - Senate concurred in House amendments and passed bill 4/4/2017 - To Governor 4/10/17 - Approved by Governor 4/14/17 - Chapter 5, Acts, Regular Session, 2017
- \*576. By Sen. Trump and Blair - **Providing exception to waste for certain oil and gas development** (original similar to HB3094) - Introduced 3/10/2017 - To Judiciary - Com. sub. reported 3/24/2017 - Amended - Passed Senate with amended title 3/29/2017 - To House 3/31/2017 - To Energy
577. By Sen. Rucker, Blair, Clements, Maynard, Ojeda and Unger - **Licensing of advance deposit wagering** (original similar to HB2913) - Introduced 3/10/2017 - To Finance
578. By Sen. Trump and Blair - **Relating generally to copies of health care records furnished to patients** - Introduced 3/11/2017 - To Health and Human Resources - Passed Senate 3/28/2017 - To House 3/29/2017 - To Judiciary - Amended - Passed House 4/6/2017 - Title amended - Senate concurred in House amendments and passed bill 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 191, Acts, Regular Session, 2017
579. By Sen. Sypolt and Cline - **Exempting farm winery from certain taxes** - Introduced 3/11/2017 - To Agriculture and Rural Development then Finance
580. By Sen. Trump - **Limiting funds deducted from Unclaimed Property Fund during fiscal year** - Introduced 3/11/2017 - To Finance
- \*581. By Sen. Trump, Woelfel and Plymale - **Relating generally to administration of trusts** (original similar to HB2978) - Introduced 3/11/2017 - To Judiciary - Com. sub. reported 3/15/2017 - Passed Senate 3/18/2017 - To House 3/20/2017 - To Judiciary - Passed House 4/4/2017 - Title amended - Senate concurred in House title amendment 4/5/2017 - Passed Senate 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 92, Acts, Regular Session, 2017
582. By Sen. Smith, Mullins, Boso and Cline - **Relating generally to coal mining, coal mining safety and environmental protection** (original similar to HB3029) - Introduced 3/11/2017 - To Energy, Industry and Mining then Finance
583. By Sen. Smith and Cline - **Abolishing Office of Environmental Advocate within DEP** (original similar to HB2909) - Introduced 3/11/2017 - To Energy, Industry and Mining then Finance
584. By Sen. Palumbo, Plymale, Prezioso, Takubo and Trump - **Creating independent redistricting commission with certain requirements** (original similar to HB2383, SB592) - Introduced 3/11/2017 - To Judiciary
585. By Sen. Blair - **Relating to locomotive crew size** - Introduced 3/11/2017 - To Government Organization - Passed Senate 3/23/2017 - To House 3/24/2017 - To Judiciary
- \*586. By Sen. Sypolt - **Changing fees for custom slaughters from annual to triennial** - Introduced 3/13/2017 - To Agriculture and Rural Development then Finance -



Com. sub. reported 3/23/2017 - 2nd reference dispensed - Passed Senate 3/27/2017 - To House 3/28/2017 - To Finance

587. By Sen. Azinger - **Relating to dangerous weapons** - Introduced 3/13/2017 - To Judiciary
- \*588. By Sen. Sypolt - **Relating to reproduction, distribution and sale of tax maps** - Introduced 3/13/2017 - To Government Organization - Com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Government Organization - Amended - Passed House 4/4/2017 - Senate concurred in House amendments and passed bill 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 95, Acts, Regular Session, 2017
589. By Sen. Maynard and Cline - **Requiring DNR study using nonemployee workforce to perform improvements in state parks and forests** - Introduced 3/13/2017 - To Natural Resources
590. By Sen. Maynard and Cline - **Requiring DMV create registration plate for full-size special purpose off-road vehicles** - Introduced 3/13/2017 - To Transportation and Infrastructure
591. By Sen. Maynard and Cline - **Requiring emergency service organizations create towing service districts** (original similar to HB2750) - Introduced 3/13/2017 - To Government Organization
592. By Sen. Palumbo, Jeffries, Stollings, Takubo, Trump, Plymale, Prezioso, Unger, Woelfel and Cline - **Providing independent redistricting commission propose redistricting plans during census years** (original similar to SB584) - Introduced 3/13/2017 - To Judiciary
593. By Sen. Hall - **Relating generally to employer withholding of taxes** (original similar to HB3091) - Introduced 3/13/2017 - To Finance
594. By Sen. Hall - **Eliminating tax lien waiver requirement for estates of nonresidents** (original similar to HB2963) - Introduced 3/13/2017 - To Finance
595. By Sen. Hall - **Allowing county assessors make separate entries in land books when real property is partly used for exempt and partly nonexempt purposes** (original similar to HB2937) - Introduced 3/13/2017 - To Finance - Passed Senate 3/23/2017 - To House 3/24/2017 - To Finance
596. By Sen. Azinger - **Creating WV Counseling Protection Act** (original similar to HB3049) - Introduced 3/13/2017 - To Health and Human Resources then Judiciary
597. By Sen. Blair - **Relating to procurement of technical infrastructure** - Introduced 3/14/2017 - To Government Organization
598. By Sen. Hall and Cline - **Allowing Tax Commissioner perform background investigations on employees and contractors** (original similar to HB2962) - Introduced 3/14/2017 - To Government Organization

599. By Sen. Miller, Beach, Jeffries, Karnes, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Cline - **Requiring transfer of juvenile to correctional facility or regional jail on age 18** (original similar to HB2558) - Introduced 3/14/2017 - To Judiciary then Finance
600. By Sen. Gaunch, Palumbo, Stollings and Takubo - **Relating generally to accredited academic hospitals** - Introduced 3/14/2017 - To Health and Human Resources
- \*601. By Sen. Gaunch - **Relating to requirements for making consumer loans** (original similar to HB2461, SB344, SB433) - Introduced 3/14/2017 - To Banking and Insurance then Judiciary - Com. sub. reported 3/21/2017 - To Judiciary 3/21/2017 - Com. sub. for com. sub. reported 3/24/2017 - Passed Senate 3/28/2017 - To House 3/29/2017 - To Judiciary
- \*602. By Sen. Blair - **Creating uniform system of recording and indexing fictitious names used by sole proprietors** - Introduced 3/14/2017 - To Government Organization - Com. sub. reported 3/22/2017 - Passed Senate 3/25/2017 - To House 3/27/2017 - To Judiciary - Passed House 4/6/2017 - Title amended - Senate concurred in House title amendment 4/7/2017 - Passed Senate 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 213, Acts, Regular Session, 2017
603. By Sen. Gaunch - **Authorizing method for collection and remittance of property taxes on dealers' heavy equipment inventory** (original similar to HB2734) - Introduced 3/14/2017 - To Finance
604. By Sen. Sypolt, Azinger, Cline and Mullins - **Terminating Licensed Racetrack Modernization Fund after obligations paid** - Introduced 3/14/2017 - To Finance
605. By Sen. Maynard and Boso - **Establishing election procedure for all members of State Board of Education** (original similar to HB2200) - Introduced 3/15/2017 - To Judiciary
- \*606. By Sen. Maynard and Plymale - **Relating to minimum wage and maximum hours for employees** - Introduced 3/15/2017 - To Judiciary - Com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Judiciary - Amended - Passed House 4/6/2017 - Senate amended House amendment and passed 4/8/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
607. By Sen. Takubo, Woelfel, Jeffries, Cline and Stollings - **Allowing use of larger horsepower boats on limited horsepower lakes** (original similar to HB2054) - Introduced 3/15/2017 - To Judiciary
608. By Sen. Trump, Woelfel, Weld, Gaunch and Plymale - **Clarifying lawful business structures are unaffected by enactment of prohibitory legislation** - Introduced 3/15/2017 - To Judiciary - Passed Senate 3/20/2017 - Effective from passage - To House 3/21/2017 - To Judiciary - Passed House 4/6/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/24/17 - Chapter 23, Acts, Regular Session, 2017

- \*609. By Sen. Ferns, Azinger, Rucker and Cline - **Creating additional flexibility for school systems in use of school aid funds** (original similar to SB485) - Introduced 3/15/2017 - To Education then Finance - Com. sub. reported 3/24/2017 - On 2nd reading to Finance 3/24/2017 - Amended - Passed Senate with amended title 3/29/2017 - To House 3/30/2017 - To Finance
610. By Sen. Prezioso, Beach, Unger and Stollings - **Requiring certain newly constructed dwellings meet minimum standards for persons with disabilities** - Introduced 3/15/2017 - To Government Organization
611. By Sen. Sypolt - **Expanding county assessment and collection of head tax on farm animals** - Introduced 3/15/2017 - To Agriculture and Rural Development then Government Organization
612. By Sen. Boley, Rucker, Cline and Maroney - **Granting county commissions authority to establish vacant building registration programs** (original similar to HB3025) - Introduced 3/15/2017 - To Government Organization
613. By Sen. Sypolt and Smith - **Relating to composition of State Fire Commission** - Introduced 3/15/2017 - To Government Organization - On third reading to Rules 3/29/2017
614. By Sen. Blair, Boso and Sypolt - **Relating to expansion of broadband service** (original similar to SB485) - Introduced 3/15/2017 - To Economic Development then Finance - To Finance 3/17/2017 - Passed Senate 3/27/2017 - To House 3/28/2017 - To Finance
615. By Sen. Prezioso, Palumbo, Beach, Miller, Ojeda, Plymale, Romano, Stollings, Unger and Woelfel - **Limiting number of days legislative members receive compensation during extended and extraordinary session** (original similar to HB2981) - Introduced 3/15/2017 - To Judiciary then Finance
616. By Sen. Stollings, Plymale, Takubo and Maroney - **Limiting recoverable damages when patient transferred from one health care facility to another** (original similar to HB3024) - Introduced 3/15/2017 - To Judiciary
617. By Sen. Maynard and Maroney - **Requiring State Road Commission make available state road and highway map online** (original similar to HB3007) - Introduced 3/15/2017 - To Government Organization
618. By Sen. Maynard and Cline - **Allowing continuing education credits for veterinarians** - Introduced 3/15/2017 - To Government Organization
619. By Sen. Maynard - **Allowing WV Railroad Maintenance Authority to acquire idled railways properties** - Introduced 3/15/2017 - To Government Organization
620. By Sen. Boso, Swope, Gaunch, Jeffries and Rucker (Originating in Senate Transportation and Infrastructure) - **Relating to traffic regulations** (original similar to HB2349) - Introduced 3/15/2017 - Passed Senate 3/18/2017 - To House 3/20/2017 - To Roads and Transportation then Judiciary

621. By Sen. Boso - **Providing certain rules inapplicable after county board of education notifies state board of possible closing or consolidations** - Introduced 3/16/2017 - To Education - Passed Senate 3/28/2017 - Effective from passage - To House 3/29/2017 - To Education - Amended - Passed House 4/6/2017 - Title amended - Senate refused to concur in House amendment 4/8/2017
- \*622. By Sen. Hall - **Relating generally to tax procedures and administration** (original similar to HB2960) - Introduced 3/16/2017 - To Finance - Com. sub. reported 3/22/2017 - Passed Senate 3/25/2017 - To House 3/27/2017 - To Finance - Amended - Passed House 4/7/2017 - Senate concurred in House amendments and passed bill 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/25/17
623. By Sen. Hall - **Changing license period for horse and dog racing** - Introduced 3/16/2017 - To Finance
624. By Sen. Hall - **Decreasing minimum number of live racing days horse racing licensee must conduct** - Introduced 3/16/2017 - To Finance
625. By Sen. Hall - **Relating generally to charitable bingo and raffles** (original similar to HB2961) - Introduced 3/16/2017 - To Finance
626. By Sen. Maynard - **Relating to online posting of required calendar of scheduled activities** - Introduced 3/16/2017 - To Education
627. By Sen. Karnes and Facemire - **Establishing 80 miles per hour speed limit on state highways** (original similar to HCR75) - Introduced 3/16/2017 - To Transportation and Infrastructure
- \*628. By Sen. Rucker, Boso, Sypolt, Trump and Cline - **Relating to providing funding for Statewide Interoperable Radio Network** - Introduced 3/16/2017 - To Judiciary then Finance - Com. sub. reported 3/20/2017 - To Finance 3/20/2017 - Com. sub. for com. sub. reported 3/24/2017 - Passed Senate 3/27/2017 - Effective July 1, 2017 - To House 3/28/2017 - To Finance
629. By Sen. Boso - **Relating to collection of Tier II fees for chemical inventories** (original similar to HB3048) - Introduced 3/16/2017 - To Government Organization then Finance
- \*630. By Sen. Mann, Hall and Sypolt - **Establishing Accessibility and Equity in Public Education Enhancement Act** - Introduced 3/16/2017 - To Education - Com. sub. reported 3/24/2017 - Passed Senate 3/28/2017 - Effective from passage - To House 3/29/2017 - To Education - Amended - Passed House 4/7/2017 - Effective from passage - Title amended - Senate amended House amendment and passed 4/8/2017 - Effective from passage - House concurred in Senate amendment and passed 4/8/2017 - Effective from passage - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 77, Acts, Regular Session, 2017
- \*631. By Sen. Palumbo, Jeffries and Takubo - **Prosecuting violations of municipal building code** - Introduced 3/17/2017 - To Government Organization - Com. sub. reported 3/24/2017 - Passed Senate 3/27/2017 - To House 3/28/2017 - To Judiciary - Passed House 4/6/2017 - Title amended - Senate concurred in House

- title amendment 4/7/2017 - Passed Senate 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 156, Acts, Regular Session, 2017
632. By Sen. Maynard - **Relating to obtaining title to reconstructed vehicle** - Introduced 3/17/2017 - To Government Organization
633. By Sen. Maynard and Cline - **Creating WV Motorsports Committee** - Introduced 3/17/2017 - To Government Organization
- \*634. By Sen. Plymale, Stollings, Sypolt, Takubo, Prezioso, Beach, Clements and Maroney - **Relating generally to certain agreements between DHHR and state's medical schools** (original similar to HB3006) - Introduced 3/17/2017 - To Government Organization - Com. sub. reported 3/24/2017 - Amended - Passed Senate with amended title 3/28/2017 - To House 3/29/2017 - Reference dispensed - Passed House 4/1/2017 - Title amended - Senate concurred in House title amendment 4/3/2017 - Passed Senate 4/3/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 126, Acts, Regular Session, 2017
635. By Sen. Boso, Maynard and Cline - **Increasing maximum weight amount for six-axle trucks** - Introduced 3/17/2017 - To Transportation and Infrastructure
- \*636. By Sen. Boso, Stollings, Maroney, Sypolt and Cline - **Authorizing State Fire Commission establish program to address problems facing VFDs** - Introduced 3/17/2017 - To Government Organization - Com. sub. reported 3/27/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Government Organization - Passed House 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 208, Acts, Regular Session, 2017
- \*637. By Sen. Trump and Rucker - **Relating to private club operations requirements** - Introduced 3/17/2017 - To Judiciary - Com. sub. reported 3/24/2017 - Senate reconsidered action - Committee report withdrawn - To Judiciary 3/24/2017 - Com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Judiciary - Passed House 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 239, Acts, Regular Session, 2017
638. By Sen. Sypolt - **Relating to WV Contractor Licensing Act** - Introduced 3/17/2017 - To Government Organization
639. By Sen. Trump - **Expanding definition of deductions under Wage Payment and Collection Act** - Introduced 3/17/2017 - To Judiciary
640. By Sen. Prezioso, Sypolt and Unger - **Relating to school attendance directors** - Introduced 3/17/2017 - To Education
641. By Sen. Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings - **Requiring welders meet certain certification requirements and conform to national welding standards** (original similar to HB2772) - Introduced 3/17/2017 - To Government Organization
642. By Sen. Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso, Stollings and Unger - **Relating to wages for veterans on state government contracts** - Introduced 3/17/2017 - To Government Organization then Finance

643. By Sen. Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso, Stollings and Unger - **Creating preference for state citizens in construction contracts for public improvements** - Introduced 3/17/2017 - To Workforce then Government Organization then Judiciary
644. By Sen. Jeffries, Beach, Miller, Ojeda, Prezioso and Stollings - **Reestablishing prevailing wages for certain state government contracts** (original similar to HB2659) - Introduced 3/17/2017 - To Workforce then Government Organization then Finance
645. By Sen. Jeffries, Beach, Ojeda, Plymale, Prezioso, Stollings and Unger - **Relating to employer's right to require employee training** - Introduced 3/17/2017 - To Workforce then Judiciary
646. By Sen. Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings - **Creating Public-Private Infrastructure Facilities Act** - Introduced 3/17/2017 - To Transportation and Infrastructure then Government Organization
- \*647. By Sen. Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings - **Relating generally to additional county excise taxes on real property transfer** (original similar to HB2461, SB433) - Introduced 3/17/2017 - To Agriculture and Rural Development then Finance - Com. sub. reported 3/23/2017 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/28/2017 - To House 3/29/2017 - To Finance
648. By Sen. Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings - **Relating to WV jobs on public construction projects** - Introduced 3/17/2017 - To Workforce then Government Organization
649. By Sen. Woelfel - **Requiring presuit mediation for civil actions filed in court** - Introduced 3/18/2017 - To Judiciary
650. By Sen. Sypolt and Cline - **Requiring photo identification on voter registration cards** (original similar to HB2424) - Introduced 3/18/2017 - To Judiciary
651. By Sen. Prezioso and Plymale - **Relating to research, development and technology parks** - Introduced 3/18/2017 - To Government Organization then Finance
652. By Sen. Boso and Cline - **Requiring mental hygiene commissioner be on call** - Introduced 3/18/2017 - To Health and Human Resources
653. By Sen. Trump - **Relating to compensation of members of Legislature** - Introduced 3/18/2017 - To Judiciary then Finance
654. By Sen. Maynard - **Enacting Refugee Absorptive Capacity Act** - Introduced 3/18/2017 - To Health and Human Resources then Judiciary
655. By Sen. Mann - **Adding digital literacy skills to high-quality education standards** - Introduced 3/18/2017 - To Education

- \*656. By Sen. Mann - **Relating to Student Data Accessibility, Transparency and Accountability Act** - Introduced 3/18/2017 - To Education - Com. sub. reported 3/27/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Education - Amended - Passed House 4/6/2017 - Title amended - Senate concurred in House amendments and passed bill 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
657. By Sen. Hall, Trump and Gaunch - **Relating to operation and regulation of certain water and sewer utilities** (original similar to HB3096) - Introduced 3/18/2017 - To Government Organization
658. By Sen. Maynard and Cline - **Establishing procedure for retitling mobile and manufactured homes** - Introduced 3/18/2017 - To Government Organization - Passed Senate 3/25/2017 - To House 3/27/2017 - To Judiciary - Passed House 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/25/17 - Chapter 151, Acts, Regular Session, 2017
- \*659. By Sen. Blair - **Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact** - Introduced 3/18/2017 - To Interstate Cooperation then Government Organization - Com. sub. reported 3/23/2017 - To Government Organization 3/23/2017
660. By Sen. Weld - **Relating to access to controlled substance monitoring** - Introduced 3/18/2017 - To Health and Human Resources
661. By Sen. Maynard - **Creating grant fund to encourage production of film and entertainment** - Introduced 3/18/2017 - To Economic Development then Finance
662. By Sen. Maynard and Cline - **Providing for construction financing for completion of I-73 and I-74** - Introduced 3/18/2017 - To Transportation and Infrastructure then Finance
663. By Sen. Maynard and Cline - **Allowing county commissions set standards for certain road construction projects** - Introduced 3/18/2017 - To Transportation and Infrastructure then Government Organization
664. By Sen. Sypolt and Cline - **Removing limitation on amount counties collect on hotel occupancy tax** - Introduced 3/18/2017 - To Finance - Passed Senate 3/29/2017 - To House 3/30/2017 - To Finance
665. By Sen. Plymale, Beach, Clements, Rucker, Smith, Stollings, Cline and Prezioso - **Licensing of athletic trainers** (original similar to HB2939) - Introduced 3/18/2017 - To Government Organization then Judiciary
666. By Sen. Palumbo - **Correcting code regarding handgun safety** - Introduced 3/18/2017 - To Judiciary
667. By Sen. Gaunch, Prezioso and Plymale - **Limiting authority of Attorney General to disclose certain information provided by Tax Commissioner** - Introduced 3/18/2017 - To Judiciary - Passed Senate 3/29/2017 - Effective from passage - To House 3/30/2017 - To Judiciary - Passed House 4/6/2017 - Effective

- from passage - To Governor 4/13/17 - Approved by Governor 4/25/17 - Chapter 111, Acts, Regular Session, 2017
668. By Sen. Miller (By Request) - **Defining crime of filing fraudulent claim against doctor** (original similar to SB568) - Introduced 3/18/2017 - To Judiciary
669. By Sen. Palumbo and Prezioso - **Replacing wireless enhanced 911 fee with telecommunications tax** - Introduced 3/18/2017 - To Finance
670. By Sen. Takubo and Stollings - **Establishing WV Advisory Council on Rare Diseases** (original similar to HB2187) - Introduced 3/20/2017 - To Health and Human Resources then Government Organization
- \*671. By Sen. Mann - **Relating to WV Anatomical Board** - Introduced 3/20/2017 - To Government Organization - Com. sub. reported 3/24/2017 - Passed Senate 3/27/2017 - To House 3/28/2017 - To Government Organization - Passed House 4/4/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 114, Acts, Regular Session, 2017
672. By Sen. Stollings and Prezioso - **Prohibiting persons under 18 from using tanning device** (original similar to HB2520) - Introduced 3/20/2017 - To Health and Human Resources
- \*673. By Sen. Karnes, Boso and Sypolt - **Providing procedure for WV to select delegates to Article V convention** (original similar to HB2114) - Introduced 3/20/2017 - To Judiciary - Com. sub. reported 3/27/2017 - Rereferred to Judiciary on 2nd reading 3/27/2017
674. By Sen. Boso - **Relating to public school support** - Introduced 3/20/2017 - To Education
675. By Sen. Takubo, Stollings, Carmichael (Mr. President), Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld and Woelfel - **Providing rule-making authority to Board of Licensed Practical Nurses** - Introduced 3/20/2017 - To Judiciary
676. By Sen. Karnes and Boso - **Prohibiting counties from regulating sale and use of fireworks** (original similar to HB2577) - Introduced 3/20/2017 - To Government Organization
677. By Sen. Takubo and Stollings - **Increasing tax rate on cigarettes and e-cigarette liquid** - Introduced 3/20/2017 - To Finance
678. By Sen. Miller - **Relating to tax on sales of e-cigarette liquid** - Introduced 3/20/2017 - To Finance
679. By Sen. Smith, Blair, Facemire, Prezioso and Sypolt - **Defining "aboveground storage tanks"** - Introduced 3/20/2017 - To Energy, Industry and Mining
680. By Sen. Sypolt and Boso - **Permitting surface owners seek damages from oil and gas operations** - Introduced 3/20/2017 - To Judiciary



681. By Sen. Sypolt and Boso - **Requiring DEP work with Tax Commissioner, PSC and county assessors to develop system for verifying production information** - Introduced 3/20/2017 - To Government Organization - To Government Organization
682. By Sen. Blair and Boso - **Relating to state administration of local sales and use taxes** - Introduced 3/20/2017 - To Government Organization
683. By Sen. Jeffries, Miller, Beach, Facemire, Ojeda, Plymale and Romano - **Increasing tax rate for higher earning businesses** - Introduced 3/20/2017 - To Finance
684. By Sen. Trump, Weld, Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (Originating in Senate Judiciary) - **Relating generally to WV State Police** - Introduced 3/20/2017 - Passed Senate 3/23/2017 - Effective from passage - To House 3/24/2017 - To Judiciary - Passed House 3/31/2017 - Effective from passage - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 204, Acts, Regular Session, 2017
685. By Sen. Trump, Weld, Azinger, Clements, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Romano and Woelfel (Originating in Senate Judiciary) - **Creating a one-day special license for charitable events sell nonintoxicating beer** - Introduced 3/24/2017 - Passed Senate 3/27/2017 - To House 3/28/2017 - To Small Business, Entrepreneurship and Economic Development then Judiciary
686. By Sen. Hall, Boley, Blair, Boso, Ferns, Gaunch, Facemire, Mann, Maroney, Mullins, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (Originating in Senate Finance) - **Exempting facilities governed by DHHR that provide direct patient care** - Introduced 3/24/2017 - Passed Senate 3/28/2017 - To House 3/29/2017 - To Finance - Amended - Passed House 4/7/2017 - Title amended - Senate concurred in House amendments and passed bill 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 106, Acts, Regular Session, 2017
687. By Sen. Smith, Sypolt, Blair, Boley, Cline, Ferns, Mullins, Facemire, Jeffries and Woelfel (Originating in Senate Energy, Industry and Mining) - **Relating generally to coal mining, safety and environmental protection** (original similar to HB2506, HB3029, SB 246, SB 582) - Introduced 3/25/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Energy - Amended - Passed House 4/7/2017 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 4/8/2017 - Effective from passage - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 86, Acts, Regular Session, 2017
688. By Sen. Trump, Weld, Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (Originating in Senate Judiciary) - **Correcting technical error within Solid Waste Management Act** - Introduced 3/25/2017 - Passed Senate 3/29/2017 - Effective from passage - To House 3/30/2017 - To Judiciary

689. By Sen. Trump, Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (Originating in Senate Judiciary) - **Relating to payment of small claims by DOH** (original similar to HB2608, HB2977) - Introduced 3/25/2017 - Passed Senate 3/29/2017 - Effective July 1, 2017 - To House 3/30/2017 - To Judiciary
690. By Sen. Trump, Weld, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (Originating in Senate Judiciary) - **Authorizing WV State Police impose and collect fees for agencies and entities using their facilities** (original similar to HB2149, HB2316, HB2507) - Introduced 3/25/2017 - Passed Senate 3/29/2017 - Effective from passage - To House 3/30/2017 - To Judiciary - Passed House 4/6/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 203, Acts, Regular Session, 2017
691. By Sen. Maynard, Karnes, Stollings, Sypolt and Takubo (Originating in Senate Natural Resources) - **Relating to off-road vehicles** - Introduced 3/27/2017 - Amended - Passed Senate 3/29/2017 - To House 3/30/2017 - To Judiciary - Amended - Passed House 4/7/2017 - Title amended - Senate concurred in House amendments and passed bill 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 9, Acts, Regular Session, 2017
692. By Sen. Hall, Mullins, Blair, Boley, Boso, Ferns, Gaunch, Mann, Maroney, Sypolt, Takubo, Facemire, Palumbo, Plymale, Prezioso, Stollings and Unger (Originating in Senate Finance) - **Authorizing dedication of fee on certain managed timberland to Volunteer and Part-Volunteer Fire Departments Fee Fund** - Introduced 3/27/2017 - Rereferred to Finance on 2nd reading 3/27/2017
693. By Sen. Trump, Weld, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (Originating in Senate Judiciary) - **Creating WV Uniform Fiduciary Access to Digital Assets Act** - Introduced 3/27/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Judiciary
694. By Sen. Hall, Mullins, Blair, Boley, Boso, Ferns, Gaunch, Mann, Maroney, Sypolt, Takubo, Facemire, Palumbo, Plymale, Prezioso, Stollings and Unger (Originating in Senate Finance) - **Expiring funds to unappropriated surplus balance in General Revenue fund to Department of Administration** - Introduced 4/1/2017 - Passed Senate 4/4/2017 - Effective from passage - To House 4/4/2017 - To Finance - Passed House 4/7/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/14/17 - Chapter 21, Acts, Regular Session, 2017

### ALL SENATE JOINT RESOLUTIONS OFFERED

1. By Sen. Sypolt - **Protection of Electronic Communication and Data Amendment** - Introduced 2/8/2017 - To Judiciary
2. By Sen. Sypolt, Jeffries and Gaunch - **Homestead Exemption Increase Amendment** - Introduced 2/8/2017 - To Finance then Judiciary

3. By Sen. Karnes, Boso, Trump, Rucker, Woelfel and Sypolt - **Right to Farm and Ranch Amendment** - Introduced 2/8/2017 - To Agriculture and Rural Development then Judiciary
4. By Sen. Boso, Rucker and Weld - **County Economic Development Amendment** - Introduced 2/9/2017 - To Finance then Judiciary - On 2nd reading to Judiciary 3/24/2017 - Rejected by Senate 3/29/2017 - Senate reconsidered action - Adopted by Senate 3/29/2017 - To House 3/30/2017 - To Finance then Judiciary
5. By Sen. Trump, Blair and Maroney - **WV Better Roads Amendment of 2018** - Introduced 2/9/2017 - To Finance then Judiciary
- \*6. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Roads to Prosperity Amendment of 2017** (original similar to HJR22) - Introduced 2/23/2017 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 3/22/2017 - To Judiciary 3/22/2017 - Com. sub. for com. sub. reported 3/25/2017 - Referred to Finance on 2nd reading 3/27/2017 - Amended - Adopted by Senate 3/29/2017 - To House 3/30/2017 - To Finance then Judiciary - To House Judiciary - Amended - Adopted by House 4/7/2017 - Senate amended House amendment and adopted 4/8/2017 - House concurred in Senate amendment 4/8/2017 - Adopted by House 4/8/2017
7. By Sen. Maynard - **Senators and Delegates Service Limit Amendment** (original similar to HJR18, HJR21) - Introduced 3/8/2017 - To Judiciary
- \*8. By Sen. Karnes - **Fair and Simple Tax Reform or FASTR amendment** - Introduced 3/16/2017 - To Tax Reform then Judiciary - Com. sub. reported 3/25/2017 - On 2nd reading to Judiciary 3/25/2017
9. By Sen. Ojeda and Plymale - **Use of Medical Marijuana Amendment** - Introduced 3/18/2017 - To Judiciary
10. By Sen. Trump, Azinger, Clements, Ferns, Jeffries, Karnes, Maynard, Miller, Romano, Rucker, Smith, Swope and Woelfel (Originating in Senate Judiciary) - **Eliminating Office of Surveyor of Lands Amendment** - Introduced 3/23/2017 - Tabled by Senate 3/27/2017

## ALL SENATE CONCURRENT RESOLUTIONS OFFERED

1. By Sen. Carmichael (Mr. President), Ferns and Prezioso - **Adopting joint rules of Legislature** - Introduced 1/11/2017 - Committee reference dispensed - Adopted by Senate 1/11/2017 - To House 1/11/2017 - Reference dispensed - Adopted by House 1/11/2017
2. By Sen. Carmichael, Hall and Prezioso - **Authorizing payment of supplies, services, printing and other expenses** - Introduced 1/11/2017 - Committee reference dispensed - Adopted by Senate 1/11/2017 - To House 1/11/2017 - Reference dispensed - Adopted by House 1/11/2017
3. By Sen. Karnes, Boso and Gaunch - **Urging Congress call convention of states to impose fiscal restraints on federal government** - Introduced 2/8/2017 - To Judiciary - Adopted 3/9/2017 - To House 3/10/2017 - To Judiciary - To House Judiciary 3/10/2017

4. By Sen. Stollings, Jeffries and Beach - **US Navy MM2 Carl E. Keeney and US Army PFC Carl M. Nicholas Memorial Bridge** - Introduced 2/8/2017 - To Transportation and Infrastructure - Adopted by Senate 4/7/2017
5. By Sen. Woelfel, Plymale, Jeffries and Beach - **US Army PFC John Ira Pinkerman Memorial Bridge** - Introduced 2/8/2017 - To Transportation and Infrastructure - Adopted by Senate 3/15/2017 - To House 3/16/2017 - To Rules - To House Rules 3/16/2017
6. By Sen. Takubo, Jeffries and Beach - **US Army SSG Styish R. Morris Memorial Road** - Introduced 2/8/2017 - To Transportation and Infrastructure
7. By Sen. Plymale and Beach - **US Army PFC Floyd H. Edmonds Memorial Road** - Introduced 2/9/2017 - To Transportation and Infrastructure
8. By Sen. Mullins, Boso, Cline, Plymale, Beach, Karnes, Stollings, Ojeda, Facemire and Prezioso - **Donnie Adkins Memorial Bridge** - Introduced 2/13/2017 - To Transportation and Infrastructure - Adopted by Senate 3/15/2017 - To House 3/16/2017 - To Rules - To House Rules 3/16/2017 - Adopted by House 4/6/2017
9. By Sen. Ojeda and Stollings - **Ingram's Way** - Introduced 2/13/2017 - To Transportation and Infrastructure
10. By Sen. Hall, Weld, Plymale and Stollings - **US Army SGT Arthur George Roush Memorial Bridge** - Introduced 2/14/2017 - To Transportation and Infrastructure
11. By Sen. Ferns and Stollings - **USMC Lance Corporal Edwin Russell 'Snook' Danehart Memorial Bridge** - Introduced 2/14/2017 - To Transportation and Infrastructure - Adopted by Senate 3/15/2017 - To House 3/16/2017 - To Rules - To House Rules 3/16/2017 - Adopted by House 4/6/2017
12. By Sen. Gaunch, Boso, Jeffries and Swope - **Requesting Joint Committee on Children and Families study government benefit programs** - Introduced 2/14/2017 - To Health and Human Resources
13. By Sen. Mullins, Plymale, Stollings, Cline and Beach - **US Army CPL James Russell Carter Memorial Road** - Introduced 2/15/2017 - To Transportation and Infrastructure - Adopted by Senate 3/30/2017 - To House 3/30/2017 - To Rules - To House Rules 3/30/2017 - Adopted by House 4/6/2017
14. By Sen. Jeffries, Azinger, Cline, Facemire, Ojeda, Palumbo, Plymale, Romano, Smith, Sypolt, Weld, Woelfel, Stollings and Beach - **US Army PVT Oren J. "Junior" Johnson Memorial Bridge** - Introduced 2/15/2017 - To Transportation and Infrastructure - Adopted by Senate 3/15/2017 - To House 3/16/2017 - To Roads and Transportation then Rules - To House Rules 4/4/2017 - Adopted by House 4/6/2017
- \*15. By Sen. Mullins, Stollings, Cline and Beach - **US Army CPL Herbert "Herb" Linkous Memorial Bridge** - Introduced 2/15/2017 - To Transportation and Infrastructure - Com. sub. reported 3/15/2017 - Adopted by Senate 3/15/2017 -

- To House 3/16/2017 - To Roads and Transportation then Rules - To House Rules 3/28/2017 - Adopted by House 4/6/2017
16. By Sen. Sypolt, Boso and Maroney - **Urging WV congressional delegation require DHHR renegotiate state Medicaid expansion contracts** - Introduced 2/16/2017 - To Health and Human Resources
  17. By Sen. Rucker, Azinger, Blair, Boley, Boso, Cline, Maynard, Miller, Ojeda, Smith, Sypolt, Trump, Plymale and Stollings - **John Hancock Hall Memorial Bridge** - Introduced 2/17/2017 - To Transportation and Infrastructure - Adopted by Senate 3/15/2017 - To House 3/16/2017 - To Roads and Transportation then Rules - To House Roads and Transportation 3/16/2017
  18. By Sen. Hall, Stollings and Beach - **US Marine CPL Walter Vincent Filipek Memorial Bridge** - Introduced 2/21/2017 - To Transportation and Infrastructure - Adopted by Senate 3/15/2017 - To House 3/16/2017 - To Roads and Transportation then Rules - To House Rules 4/4/2017 - Adopted by House 4/6/2017
  - \*19. By Sen. Maynard, Boley, Trump, Stollings and Beach - **Blue Demons Bridge** - Introduced 2/21/2017 - To Transportation and Infrastructure - Com. sub. reported 3/15/2017 - Adopted by Senate 3/15/2017 - To House 3/16/2017 - To Roads and Transportation then Rules - To House Roads and Transportation 3/16/2017
  20. By Sen. Maynard and Stollings - **Curtis 'Pap' and Millie 'Mammie' Asbury Bridge** - Introduced 2/23/2017 - To Transportation and Infrastructure
  21. By Sen. Clements, Boso, Maroney, Weld and Stollings - **US Army CPL Daniel Frederick Mehringer Memorial Bridge** - Introduced 2/23/2017 - To Transportation and Infrastructure - Adopted by Senate 3/15/2017 - To House 3/16/2017 - To Rules - To House Rules 3/16/2017 - Adopted by House 4/6/2017
  22. By Sen. Romano, Facemire and Stollings - **Walter E. Swiger, Jr., Memorial Bridge** - Introduced 2/24/2017 - To Transportation and Infrastructure - Adopted by Senate 3/15/2017 - To House 3/16/2017 - To Roads and Transportation then Rules - To House Roads and Transportation 3/16/2017
  - \*23. By Sen. Maynard and Stollings - **Johnny O'Dell Linville Memorial Bridge** - Introduced 2/27/2017 - To Transportation and Infrastructure - Com. sub. reported 3/30/2017 - Adopted by Senate 3/30/2017 - To House 3/30/2017 - To Rules - To House Rules 3/30/2017 - Adopted by House 4/6/2017
  24. By Sen. Romano, Facemire and Stollings - **US Army PFC Joe Messe, Sr., Memorial Bridge** - Introduced 2/28/2017 - To Transportation and Infrastructure - Adopted by Senate 3/30/2017 - To House 3/30/2017 - To Rules - To House Rules 3/30/2017 - Adopted by House 4/6/2017
  - \*25. By Sen. Beach, Clements, Stollings and Maroney - **Jeffrey Alan Clovis Memorial Bridge** - Introduced 3/1/2017 - To Transportation and Infrastructure - Com. sub. reported 4/7/2017 - Adopted by Senate 4/7/2017
  - \*26. By Sen. Romano, Facemire and Stollings - **US Marine Corps SSG Beecher J Rhoades Memorial Bridge** - Introduced 3/1/2017 - To Transportation and

- Infrastructure - Com. sub. reported 3/30/2017 - Adopted by Senate 3/30/2017 - To House 3/30/2017 - To Rules - To House Rules 3/30/2017 - Adopted by House 4/6/2017
27. By Sen. Boso, Beach and Stollings - **US Air Force Senior Airman Luke Christopher Wamsley Memorial Bridge** - Introduced 3/6/2017 - To Transportation and Infrastructure
  28. By Sen. Boso, Karnes and Beach - **US Army SPC 4 Randall W. Arbogast Memorial Road** - Introduced 3/8/2017 - To Transportation and Infrastructure - Adopted by Senate 3/15/2017 - To House 3/16/2017 - To Roads and Transportation then Rules - To House Rules - Amended - Adopted by House 4/6/2017 - Senate concurred in House amendment and adopted resolution 4/7/2017
  29. By Sen. Rucker, Azinger, Blair, Boley, Clements, Gaunch, Karnes, Mann, Maroney, Maynard, Mullins and Smith - **Declaring pornography public health crisis** - Introduced 3/9/2017 - To Health and Human Resources
  30. By Sen. Beach, Clements, Ojeda, Woelfel, Stollings and Maynard - **Urging US Congress convene to propose amendment to US Constitution restoring free and fair elections** - Introduced 3/9/2017 - To Judiciary
  31. By Sen. Boso, Stollings and Beach - **US Navy BT2 Mark Edward Hutchison Memorial Bridge** - Introduced 3/9/2017 - To Transportation and Infrastructure - Adopted by Senate 3/30/2017 - To House 3/30/2017 - To Rules - To House Rules 3/30/2017 - Adopted by House 4/6/2017
  32. By Sen. Ojeda, Stollings, Plymale and Beach - **US Army SGT Denver E. Short Memorial Road** - Introduced 3/11/2017 - To Transportation and Infrastructure - Adopted by Senate 3/30/2017 - To House 3/30/2017 - To Rules - To House Rules 3/30/2017
  33. By Sen. Palumbo, Plymale and Beach - **US Army Ranger SGT Richard E. Arden Memorial Bridge** - Introduced 3/11/2017 - To Transportation and Infrastructure - Adopted by Senate 4/4/2017 - To House 4/5/2017 - To Rules - To House Rules 4/5/2017 - Adopted by House 4/8/2017
  34. By Sen. Prezioso, Beach, Facemire, Jeffries, Miller, Palumbo, Plymale, Romano, Stollings, Swope and Unger - **Joe Manchin, III Office Building** - Introduced 3/11/2017 - To Government Organization
  35. By Sen. Cline and Beach - **Urging Congress reassess federal definition of industrial hemp** - Introduced 3/13/2017 - To Agriculture and Rural Development - Adopted by Senate 3/24/2017 - To House 3/25/2017 - To Rules - To House Rules 3/25/2017
  36. By Sen. Maynard, Cline and Beach - **Requesting study of potential alternatives to current recycling methods for municipalities** - Introduced 3/13/2017 - To Government Organization

37. By Sen. Cline - **Urging DOT use existing signage on highways to display appropriate highway safety messages** - Introduced 3/13/2017 - To Transportation and Infrastructure
38. By Sen. Mann, Karnes, Hall, Maynard, Rucker, Swope, Trump, Beach, Plymale, Romano, Stollings and Unger - **Requesting Joint Committee on Government and Finance study establishing four-year social worker pilot program** - Introduced 3/14/2017 - Referred to Rules 3/13/2017
39. By Sen. Gaunch, Beach and Stollings - **US Army PFC Kelva H. Justice Memorial Road** - Introduced 3/15/2017 - To Transportation and Infrastructure - Adopted by Senate 4/1/2017 - To House 4/1/2017 - To Rules - To House Rules 4/1/2017 - Adopted by House 4/6/2017
40. By Sen. Maynard, Unger and Stollings - **Requesting study on available funds for improvements at Beech Fork State Park and Cacapon Resort State Park** - Introduced 3/15/2017 - To Finance
41. By Sen. Stollings, Ojeda, Beach and Plymale - **US Army PV2 Mandvial S. "Bunker" Bias Memorial Bridge** - Introduced 3/15/2017 - To Transportation and Infrastructure - Adopted by Senate 3/30/2017 - To House 3/30/2017 - To Rules - To House Rules 3/30/2017 - Adopted by House 4/6/2017
42. By Sen. Boso, Stollings and Beach - **Five Champ Brothers Bridge** - Introduced 3/16/2017 - To Transportation and Infrastructure - Adopted by Senate 4/4/2017 - To House 4/5/2017 - To Rules - To House Rules 4/5/2017 - Adopted by House 4/8/2017
43. By Sen. Boso - **Eugene Lee "Gene" Burner Memorial Bridge** - Introduced 3/18/2017 - To Transportation and Infrastructure - Adopted by Senate 3/30/2017 - To House 3/30/2017 - To Rules - To House Rules 3/30/2017 - Adopted by House 4/6/2017
44. By Sen. Maynard - **Tug Valley Students Memorial Bridge** - Introduced 3/18/2017 - To Transportation and Infrastructure - Adopted by Senate 3/30/2017 - To House 3/30/2017 - To Rules - To House Rules 3/30/2017
45. By Sen. Beach, Prezioso, Stollings and Plymale - **Home of Anna Lindquist, 1996 NHPA Hall of Fame Inductee highway sign** - Introduced 3/22/2017 - To Transportation and Infrastructure - Adopted by Senate 3/30/2017 - To House 3/30/2017 - To Rules - To House Rules 3/30/2017 - Adopted by House 4/6/2017
46. By Sen. Maynard - **Requesting study on consumer complaints regarding safety of aftermarket crash parts** - Introduced 3/23/2017 - To Transportation and Infrastructure - Referred to Rules 3/30/2017
47. By Sen. Ojeda, Beach, Facemire, Stollings and Plymale - **US Army PFC Dell Dingess Lane** - Introduced 3/23/2017 - To Transportation and Infrastructure
48. By Sen. Sypolt, Rucker, Clements, Cline, Mann, Maynard, Smith, Beach, Ojeda, Miller and Woelfel (Originating in Senate Agriculture and Rural Development) - **Requesting study of transferring WV food production inspections and**

- regulations to Department of Agriculture** - Introduced 3/23/2017 - Referred to Rules 3/23/2017
49. By Sen. Gaunch, Stollings and Boso - **Erecting signs in Kanawha County declaring Home of Ralph Maddox 1980 NHPA Hall of Fame** - Introduced 3/29/2017 - To Transportation and Infrastructure - Adopted by Senate 4/4/2017 - To House 4/5/2017 - To Rules - To House Rules 4/5/2017 - Adopted by House 4/8/2017
  50. By Sen. Trump, Beach, Clements, Ferns, Jeffries, Karnes, Maynard, Miller, Ojeda, Romano, Smith, Swope and Woelfel (Originating in Senate Judiciary) - **Urging Congress reschedule marijuana** - Introduced 3/29/2017 - Adopted by Senate 3/29/2017 - To House 3/29/2017 - To Rules - To House Rules 3/29/2017
  51. By Sen. Mann, Karnes, Hall, Maynard, Rucker, Swope, Trump, Beach, Plymale, Romano, Stollings and Unger (Originating in Senate Education) - **Requesting study on implementing Return-to-Learn protocols for certain students who have suffered concussions** - Introduced 3/30/2017 - Referred to Rules 3/31/2017
  52. By Sen. Stollings, Facemire, Ojeda, Plymale, Romano, Woelfel and Beach - **US Army PFC Glenn S. Perdue, US Army Tec 5 Charley H. Perdue and US Army Air Corps SGT Carl Perdue Memorial Road** - Introduced 4/1/2017 - To Transportation and Infrastructure - Adopted by Senate 4/7/2017
  53. By Sen. Maynard, Stollings, Swope, Plymale and Beach - **US Army SGT Benny Fleming Memorial Bridge** - Introduced 4/3/2017 - To Transportation and Infrastructure
  54. By Sen. Maynard and Cline - **Requesting study of allowing teachers to post online schedule of calendar of activities** - Introduced 4/4/2017 - To Rules
  55. By Sen. Maynard, Stollings, Cline, Plymale and Swope - **Requesting study on ways and methods of generating revenue to complete I-73 and I-74** - Introduced 4/4/2017 - To Rules
  56. By Sen. Maynard and Cline - **Requesting study of creation and role of WV Motorsports Commission** - Introduced 4/4/2017 - To Rules
  57. By Sen. Maynard and Cline - **Requesting study of feasibility of repurposing, renovating or disposing of vacated school buildings** - Introduced 4/4/2017 - To Rules
  58. By Sen. Maynard and Cline - **Requesting study on benefits of using nonemployees to improve state parks or forests** - Introduced 4/4/2017 - To Rules
  59. By Sen. Maynard, Gaunch, Rucker and Cline - **Requesting study of allowing WV Disaster Recovery Board restore access to private property following natural disaster** - Introduced 4/4/2017 - To Rules
  60. By Sen. Unger, Stollings, Plymale, Prezioso, Boso and Beach - **Designating 2017 as Robert C. Byrd Centennial Legacy Year** - Introduced 4/5/2017 - Committee



reference dispensed - Adopted by Senate 4/5/2017 - To House 4/5/2017 - To Rules - To House Rules 4/5/2017

61. By Sen. Maynard, Stollings, Boso and Beach - **Requesting study of economic, health and tourism impacts of biking, hiking and other forms of activity** - Introduced 4/5/2017 - To Rules
62. By Sen. Trump, Weld, Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Stollings and Swope (Originating in Senate Judiciary) - **Requesting study of feasibility and benefits of eliminating or reforming WV civil service system** - Introduced 4/5/2017 - Referred to Rules 4/5/2017
63. By Sen. Cline, Mullins, Stollings, Plymale, Beach and Swope - **Requesting study on options for financing construction and completion of Coalfields Expressway** (original similar to SB34) - Introduced 4/6/2017 - To Rules
64. By Sen. Sypolt, Plymale and Beach - **Requesting study of Division of Purchasing** - Introduced 4/7/2017 - To Rules

### ALL SENATE RESOLUTIONS OFFERED

1. By Sen. Ferns - **Adopting rules of Senate** - Introduced 1/11/2017 - Committee reference dispensed - Adopted 1/11/2017
2. By Sen. Ferns and Gaunch - **Raising committee to notify House Senate has assembled and organized** - Introduced 1/11/2017 - Committee reference dispensed - Adopted 1/11/2017
3. By Sen. Ferns - **Raising committee to notify Governor Legislature has organized** - Introduced 1/11/2017 - Committee reference dispensed - Adopted 1/11/2017
4. By Sen. Hall - **Mailing of bills and journals** - Introduced 1/11/2017 - Committee reference dispensed - Adopted 1/11/2017
5. By Sen. Hall - **Authorizing appointment of employees** - Introduced 1/11/2017 - Committee reference dispensed - Adopted 1/11/2017
6. By Sen. Carmichael (Mr. President), Blair, Boley, Ferns, Hall, Sypolt, Trump, Palumbo, Prezioso, Plymale and Stollings (Originating in Senate Rules) - **Creating Select Committee on Tax Reform** - Introduced 1/11/2017 - Adopted 1/11/2017
7. By Sen. Carmichael (Mr. President), Blair, Boley, Ferns, Hall, Sypolt, Trump, Palumbo, Prezioso, Plymale and Stollings (Originating in Senate Rules) - **Authorizing Senate Confirmations Committee to meet and be paid during interims** - Introduced 1/11/2017 - Adopted 1/11/2017
8. By Sen. Sypolt, Smith, Plymale, Blair and Jeffries - **Recognizing contributions and dedicated service of Gary K. Wilson to Mineral County** - Introduced 2/8/2017 - Committee reference dispensed - Adopted 2/8/2017

9. By Sen. Boley, Azinger and Beach - **Congratulating St. Mary's High School boys' cross country team for 2016 Class AA/A state championship** - Introduced 2/9/2017 - Committee reference dispensed - Adopted 2/9/2017
10. By Sen. Boley and Azinger - **Congratulating St. Mary's High School for winning 2016 Class A state football championship** - Introduced 2/9/2017 - Committee reference dispensed - Adopted 2/9/2017
11. By Sen. Stollings, Takubo, Plymale, Boso, Prezioso, Cline and Ojeda - **Designating February 10, 2017 as Dental Hygienists Day** - Introduced 2/10/2017 - Committee reference dispensed - Adopted 2/10/2017
12. By Sen. Trump and Blair - **Designating February 13, 2017, as Morgan County Day at Legislature** - Introduced 2/13/2017 - Committee reference dispensed - Adopted 2/13/2017
13. By Sen. Takubo, Plymale, Stollings and Prezioso - **Recognizing National Go Red for Women Day** - Introduced 2/14/2017 - Committee reference dispensed - Adopted 2/14/2017
14. By Sen. Karnes, Plymale, Romano, Gaunch, Sypolt, Blair, Cline, Trump, Swope, Maroney, Smith, Mann and Rucker - **Designating February 16, 2017, as WV Homeschool Day** - Introduced 2/16/2017 - Committee reference dispensed - Adopted 2/16/2017
15. By Sen. Gaunch, Jeffries, Plymale, Stollings and Boso - **Recognizing centennial year of City of Nitro** - Introduced 2/20/2017 - Committee reference dispensed - Adopted 2/20/2017
16. By Sen. Takubo, Plymale, Stollings, Prezioso, Boso, Cline and Maroney - **Designating June West Virginia Post-Traumatic Stress Injury Awareness Month and June 27 West Virginia Post-Traumatic Stress Injury Day** - Introduced 2/20/2017 - Committee reference dispensed - Adopted 2/20/2017
17. By Sen. Azinger, Plymale, Boso, Rucker, Stollings, Beach and Cline - **Designating February 21, 2017, as Celebrating Children and Families day** - Introduced 2/21/2017 - Committee reference dispensed - Adopted 2/21/2017
18. By Sen. Stollings, Unger, Gaunch, Cline, Prezioso, Takubo, Maroney, Romano, Boso and Plymale - **Designating week of March 5-11, 2017, as MS Awareness Week** - Introduced 2/22/2017 - Committee reference dispensed - Adopted 2/22/2017
19. By Sen. Trump, Cline, Blair and Rucker - **Expressing support for confirmation of Judge Neil M. Gorsuch to US Supreme Court** - Introduced 2/23/2017 - Adopted 2/24/2017
20. By Sen. Miller, Mann, Takubo, Stollings, Romano, Blair, Unger and Plymale - **Recognizing WV School of Osteopathic Medicine** - Introduced 2/23/2017 - Committee reference dispensed - Adopted 2/23/2017

21. By Sen. Miller, Cline, Stollings, Romano, Unger and Plymale - **Designating February 23, 2017, as WV Local Foods Day** - Introduced 2/23/2017 - Committee reference dispensed - Adopted 2/23/2017
22. By Sen. Plymale, Woelfel, Stollings and Unger - **Congratulating Cabell Midland golf team on winning 2016 Class AAA golf tournament** - Introduced 2/27/2017 - Committee reference dispensed - Adopted 2/27/2017
23. - **Recognizing Leadership Berkeley** - Introduced 2/27/2017 - Committee reference dispensed - Adopted 2/27/2017
24. By Sen. Stollings, Plymale, Takubo, Unger and Ojeda - **Congratulating Chapmanville Lady Tigers Softball team for winning 2016 Class AA state championship** - Introduced 2/28/2017 - Committee reference dispensed - Adopted 2/28/2017
25. By Sen. Romano, Facemire, Stollings and Maroney - **Congratulating Jeffrey Stutler as WV Outstanding Tree Farmer for 2017** - Introduced 3/1/2017 - Committee reference dispensed - Adopted 2/28/2017
26. By Sen. Miller, Unger and Plymale - **Recognizing Holly Boggs on winning 2016 Earle S. Dillard Insurance Agent of the Year** - Introduced 3/1/2017 - Committee reference dispensed - Adopted 3/1/2017
27. By Sen. Gaunch, Unger, Prezioso, Stollings, Boso and Romano - **Designating March 1, 2017, as Cancer Survivorship Day in WV** - Introduced 3/1/2017 - Committee reference dispensed - Adopted 3/1/2017
28. By Sen. Palumbo and Stollings - **Designating March 2, 2017, as All Kinds Are Welcome Here Day** - Introduced 3/2/2017 - Committee reference dispensed - Adopted 3/2/2017
29. By Sen. Miller, Stollings, Plymale, Romano, Unger, Facemire and Cline - **Recognizing WV Association of Retired School Employees for dedicated public service** - Introduced 3/2/2017 - Committee reference dispensed - Adopted 3/2/2017
30. By Sen. Romano, Plymale, Cline, Beach, Unger, Prezioso and Stollings - **Designating month of March as American Red Cross Month** - Introduced 3/6/2017 - Committee reference dispensed - Adopted 3/6/2017
31. By Sen. Stollings, Ojeda, Plymale, Cline, Beach, Unger, Blair and Takubo - **Recognizing contributions of southern WV to entire state** - Introduced 3/6/2017 - Committee reference dispensed - Adopted 3/6/2017
32. By Sen. Unger, Plymale, Beach, Stollings, Romano, Cline, Prezioso and Rucker - **Designating March 7, 2017, as WV Alzheimer's Association Day** - Introduced 3/7/2017 - Committee reference dispensed - Adopted 3/7/2017
33. By Sen. Gaunch, Plymale, Stollings, Beach, Cline and Unger - **Designating March 8, 2017, as Disability Advocacy Day** - Introduced 3/8/2017 - Committee reference dispensed - Adopted 3/8/2017

34. By Sen. Weld, Ferns, Stollings, Beach and Romano - **Memorializing Frank Cuomo, Jr.** - Introduced 3/9/2017 - Committee reference dispensed - Adopted 3/9/2017
35. By Sen. Boley, Beach, Plymale and Stollings - **Congratulating Wirt High School wrestling team for 2017 Class A state championship** - Introduced 3/14/2017 - Committee reference dispensed - Adopted 3/14/2017
36. By Sen. Gaunch, Jeffries, Cline, Beach, Plymale, Stollings, Palumbo and Unger - **Designating March 14, 2017, at WV State University Day** - Introduced 3/14/2017 - Committee reference dispensed - Adopted 3/14/2017
37. By Sen. Mann, Beach, Plymale, Romano, Cline, Unger, Sypolt, Rucker, Stollings and Prezioso - **Designating March 15, 2017, as Higher Education Day** - Introduced 3/15/2017 - Committee reference dispensed - Adopted 3/15/2017
38. By Sen. Palumbo, Stollings, Beach, Facemire and Plymale - **Recognizing Karen Donathan for winning Award for Teaching Excellence in Computer Science** - Introduced 3/16/2017 - Committee reference dispensed - Adopted 3/16/2017
39. By Sen. Palumbo, Stollings, Beach, Facemire, Plymale, Unger, Cline and Prezioso - **Designating March 16, 2017, as Innovation and Entrepreneurship day** - Introduced 3/16/2017 - Committee reference dispensed - Adopted 3/16/2017
40. By Sen. Boso, Beach, Plymale, Stollings, Takubo, Sypolt, Unger and Cline - **Designating March 17, 2017, as Corrections Day** - Introduced 3/17/2017 - Committee reference dispensed - Adopted 3/17/2017
41. By Sen. Cline, Beach, Plymale, Stollings, Mullins, Sypolt and Unger - **Recognizing Pineville Middle School's Pineville Giving Tree project** - Introduced 3/17/2017 - Committee reference dispensed - Adopted 3/17/2017
42. By Sen. Carmichael (Mr. President), Boso, Stollings and Plymale - **Designating March 20, 2017, as International Pageant Day** - Introduced 3/20/2017 - Committee reference dispensed - Adopted 3/20/2017
43. By Sen. Gaunch, Ferns, Karnes, Romano, Cline, Sypolt, Swope, Boso, Stollings, Plymale and Prezioso - **Recognizing Homer Hickam** - Introduced 3/20/2017 - Committee reference dispensed - Adopted 3/20/2017
44. By Sen. Mullins, Beach, Plymale, Stollings, Boso, Prezioso, Takubo and Cline - **Designating March 21, 2017, as Down Syndrome Awareness Day** - Introduced 3/21/2017 - Committee reference dispensed - Adopted 3/21/2017
45. By Sen. Sypolt, Smith, Beach, Plymale and Stollings - **Designating March 21, 2017, as Preston County Day** - Introduced 3/21/2017 - Committee reference dispensed - Adopted 3/21/2017
46. By Sen. Unger, Beach, Plymale, Stollings, Prezioso and Rucker - **Recognizing Leadership Jefferson** - Introduced 3/21/2017 - Committee reference dispensed - Adopted 3/21/2017

47. By Sen. Beach, Prezioso, Sypolt, Clements, Plymale and Stollings - **Celebrating achievements and contributions of Monongalia County** - Introduced 3/21/2017 - Committee reference dispensed - Adopted 3/21/2017
48. By Sen. Palumbo, Prezioso, Stollings, Takubo, Beach and Plymale - **Congratulating Charleston Catholic golf team for winning 2016 Class A State Championship** - Introduced 3/22/2017 - Committee reference dispensed - Adopted 3/22/2017
49. By Sen. Weld, Prezioso, Stollings, Boso, Beach and Plymale - **Designating March 22, 2017, as Civil Air Patrol Day in WV** - Introduced 3/22/2017 - Committee reference dispensed - Adopted 3/22/2017
50. By Sen. Sypolt, Smith, Prezioso, Stollings, Plymale and Beach - **Commemorating 25th anniversary for national and state Challenge Program** - Introduced 3/23/2017 - Committee reference dispensed - Adopted 3/23/2017
51. By Sen. Rucker, Unger and Beach - **Designating March 24, 2017, as Jefferson County Day** - Introduced 3/24/2017 - Committee reference dispensed - Adopted 3/24/2017
52. By Sen. Boso, Stollings, Gaunch, Sypolt, Romano, Unger, Beach and Plymale - **Designating March 24, 2017, as Firefighters Day** - Introduced 3/24/2017 - Committee reference dispensed - Adopted 3/24/2017
53. By Sen. Beach, Cline, Stollings, Plymale and Rucker - **Designating March 27, 2017, as WV Industrial Hemp Day** - Introduced 3/27/2017 - Committee reference dispensed - Adopted 3/27/2017
54. By Sen. Ferns, Stollings, Plymale, Beach and Rucker - **Designating March 27, 2017, as Women's and Girls' Day** - Introduced 3/27/2017 - Committee reference dispensed - Adopted 3/27/2017
55. By Sen. Beach, Prezioso, Boso, Stollings, Unger, Rucker, Romano, Plymale and Cline - **Designating March 28, 2017, as WVU and WVU Extension Service Day** - Introduced 3/28/2017 - Committee reference dispensed - Adopted 3/28/2017
56. By Sen. Beach, Prezioso, Boso, Stollings, Unger, Romano, Plymale and Cline - **Congratulating WVU rifle team for winning 2017 National Championship** - Introduced 3/28/2017 - Committee reference dispensed - Adopted 3/28/2017
57. By Sen. Maroney, Stollings, Unger, Plymale and Beach - **Recognizing 200th anniversary of Sistersville Ferry** - Introduced 3/28/2017 - Committee reference dispensed - Adopted 3/28/2017
58. By Sen. Boley, Azinger, Beach, Stollings, Unger and Plymale - **Recognizing centennial year of main structure at Parkersburg High School** - Introduced 3/28/2017 - Committee reference dispensed - Adopted 3/28/2017

59. By Sen. Smith, Sypolt, Stollings, Plymale, Boso and Unger - **Designating March 29, 2017, as Tucker County Day** - Introduced 3/29/2017 - Committee reference dispensed - Adopted 3/29/2017
60. By Sen. Plymale, Woelfel, Stollings and Boso - **Recognizing Cabell Midland High School band for exceptional accomplishments** - Introduced 3/29/2017 - Committee reference dispensed - Adopted 3/29/2017
61. By Sen. Carmichael (Mr. President), Stollings, Plymale and Boso - **Declaring WV Marching Band Invitational to be state's official marching band championship event** - Introduced 3/29/2017 - Committee reference dispensed - Adopted 3/29/2017
62. By Sen. Plymale, Woelfel, Prezioso, Stollings, Palumbo, Unger and Beach - **Designating March 30, 2017, as Marshall University Day** - Introduced 3/30/2017 - Committee reference dispensed - Adopted 3/30/2017
63. By Sen. Cline, Stollings, Facemire, Palumbo, Beach and Plymale - **Congratulating Wyoming East High School golf team for winning 2016 Class AA state championship** - Introduced 3/30/2017 - Committee reference dispensed - Adopted 3/30/2017
64. By Sen. Jeffries, Gaunch, Stollings, Facemire, Palumbo, Unger, Beach and Plymale - **Congratulating Herbert Hoover High School boys' basketball team for outstanding athletic achievement** - Introduced 3/30/2017 - Committee reference dispensed - Adopted 3/30/2017
65. By Sen. Prezioso, Stollings, Beach, Plymale and Boso - **Reaffirming sister-state ties between Taiwan and State of WV** - Introduced 3/31/2017 - Committee reference dispensed - Adopted 3/31/2017
66. By Sen. Rucker, Boso, Clements, Stollings, Swope, Plymale, Unger, Beach and Miller - **Honoring Katherine Johnson, Presidential Medal of Freedom recipient** - Introduced 4/3/2017 - Committee reference dispensed - Adopted 4/3/2017
67. By Sen. Romano, Facemire, Stollings and Plymale - **Declaring January 26 of each year Danny Heater Day** - Introduced 4/4/2017 - Committee reference dispensed - Adopted 4/4/2017
68. By Sen. Rucker, Stollings, Takubo, Plymale, Unger, Boso and Beach - **Designating April 5, 2017, as Nurses Unity Day** - Introduced 4/5/2017 - Committee reference dispensed - Adopted 4/5/2017
69. By Sen. Maynard, Stollings, Plymale and Beach - **Congratulating Mingo Central Miners high school football team for winning 2016 Class AA football championship** - Introduced 4/5/2017 - Committee reference dispensed - Adopted 4/5/2017
70. By Sen. Rucker, Stollings, Plymale, Unger, Boso and Beach - **Designating April as Autism Awareness Month** - Introduced 4/5/2017 - Committee reference dispensed - Adopted 4/5/2017

71. By Sen. Woelfel, Plymale, Stollings, Unger and Beach - **Congratulating St. Joseph's Central High School girls' basketball team for winning 2017 Class A basketball championship** - Introduced 4/6/2017 - Committee reference dispensed - Adopted 4/6/2017
72. By Sen. Woelfel, Plymale, Stollings, Unger and Beach - **Congratulating Huntington High School girls' basketball team for winning 2017 Class AAA basketball championship** - Introduced 4/6/2017 - Committee reference dispensed - Adopted 4/6/2017
73. By Sen. Woelfel, Plymale, Stollings, Unger and Beach - **Congratulating Huntington High School boys' basketball team for winning 2017 Class AAA basketball championship** - Introduced 4/6/2017 - Committee reference dispensed - Adopted 4/6/2017
74. By Sen. Ferns - **Notifying Governor Senate is ready to adjourn sine die** - Introduced 4/9/2017 - Committee reference dispensed - Adopted 4/9/2017

### SENATE BILLS COMMUNICATED TO HOUSE

- \*9. By Sen. Trump and Jeffries - **Regulating unmanned aircraft systems** (original similar to SB218) - Introduced 2/8/2017 - To Judiciary - Com. sub. reported 2/22/2017 - Amended - Passed Senate with amended title 3/1/2017 - To House 3/2/2017 - To Judiciary
- \*16. By Sen. Sypolt and Smith - **Repealing section related to wind power projects** - Introduced 2/8/2017 - To Energy, Industry and Mining then Finance - To Finance 2/24/2017 - Com. sub. reported 3/15/2017 - Passed Senate 3/18/2017 - To House 3/20/2017 - To Energy then Finance
- \*18. By Sen. Sypolt, Smith and Blair - **Requiring new comprehensive statewide student assessment** - Introduced 2/8/2017 - To Education then Finance - Com. sub. reported 2/24/2017 - To Finance 2/24/2017 - Amended - Passed Senate with amended title 3/24/2017 - To House 3/25/2017 - To Education then Finance
- \*27. By Sen. Karnes, Trump, Rucker and Sypolt - **Relating to microprocessor permit** (original similar to HB2458) - Introduced 2/8/2017 - To Agriculture and Rural Development then Health and Human Resources - Com. sub. reported 3/3/2017 - To Health and Human Resources 3/3/2017 - Com. sub. for com. sub. reported 3/17/2017 - Passed Senate 3/21/2017 - To House 3/22/2017 - To Health and Human Resources - Amended - Passed House 4/7/2017 - Title amended - Title amendment withdrawn - Title amended - Senate amended House amendment and passed 4/8/2017
- \*38. By Sen. Stollings, Ojeda, Jeffries and Beach - **Creating 5-year tax credit for new businesses locating on post-mine sites** - Introduced 2/8/2017 - To Economic Development then Finance - Com. sub. reported 3/17/2017 - To Finance 3/17/2017 - Com. sub. for com. sub. reported 3/25/2017 - Amended - Passed Senate 3/29/2017 - To House 3/29/2017 - To Finance
- \*57. By Sen. Ferns and Plymale - **Continuing personal income tax adjustment for certain retirees** - Introduced 2/8/2017 - To Finance - Com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - To House 3/29/2017 - To Finance

- \*60. By Sen. Gaunch, Trump, Boso, Blair, Rucker and Sypolt - **Relating to eligibility and fraud requirements for public assistance** (original similar to HB2741) - Introduced 2/8/2017 - To Health and Human Resources then Finance - Com. sub. reported 3/1/2017 - To Finance 3/1/2017 - Com. sub. for com. sub. reported 3/23/2017 - Amended - Passed Senate 3/28/2017 - To House 3/29/2017 - To Health and Human Resources then Judiciary - To House Judiciary 3/31/2017
- \*61. By Sen. Romano and Ojeda - **Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft** (original similar to HB2774, HB2806) - Introduced 2/8/2017 - To Economic Development then Finance - Com. sub. reported 3/2/2017 - To Finance 3/2/2017 - Passed Senate 3/24/2017 - To House 3/25/2017 - To Finance
- \*69. By Sen. Woelfel, Ojeda, Facemire and Jeffries - **Creating Sexual Assault Victims' Bill of Rights** - Introduced 2/8/2017 - To Judiciary then Finance - Com. sub. reported 3/18/2017 - To Finance 3/18/2017 - Passed Senate 3/27/2017 - To House 3/27/2017 - To Judiciary
- \*74. By Sen. Boso, Jeffries and Sypolt - **Allowing fire departments to charge fees for service calls** (original similar to HB2638) - Introduced 2/8/2017 - To Government Organization - Com. sub. reported 3/22/2017 - Amended on 3rd reading - Passed Senate 3/28/2017 - To House 3/29/2017 - To Finance
- \*80. By Sen. Woelfel, Plymale and Jeffries - **Equalizing criminal penalty for entering without breaking regardless of time of day** - Introduced 2/8/2017 - To Judiciary - Com. sub. reported 2/22/2017 - Passed Senate 2/27/2017 - To House 2/28/2017 - To Judiciary
- \*167. By Sen. Woelfel and Ojeda - **Relating to DNA evidence** - Introduced 2/8/2017 - To Judiciary - Com. sub. reported 3/24/2017 - Passed Senate 3/27/2017 - To House 3/27/2017 - To Judiciary
- \*182. By Sen. Blair, Sypolt and Rucker - **Providing procedures that prevent disqualifying low bids for government construction contracts due to document technicalities** - Introduced 2/8/2017 - To Government Organization - Com. sub. reported 2/20/2017 - Amended - Passed Senate 2/23/2017 - To House 2/24/2017 - To Government Organization
- \*183. By Sen. Blair, Sypolt, Gaunch, Rucker and Trump - **Transferring Division of Forestry from Department of Commerce to Department of Agriculture** (original similar to HB2790) - Introduced 2/8/2017 - To Agriculture and Rural Development then Government Organization - Com. sub. reported 3/17/2017 - 2nd reference dispensed - Referred to Finance 3/17/2017 - Passed Senate 3/24/2017 - To House 3/25/2017 - To Government Organization then Finance - To House Finance 3/28/2017
185. By Sen. Blair, Boso and Rucker - **Allowing spending units designate fund into which proceeds from sale of surplus property must be deposited** - Introduced 2/8/2017 - To Government Organization then Finance - To Finance 2/10/2017 - Passed Senate 3/9/2017 - To House 3/10/2017 - To Government Organization then Finance - To House Finance 3/28/2017



- \*190. By Sen. Blair, Hall, Boso, Cline and Sypolt - **Eliminating preferences for vendors bidding on state contracts for commodities or printing** - Introduced 2/8/2017 - To Government Organization - Com. sub. reported 2/28/2017 - Passed Senate 3/6/2017 - To House 3/7/2017 - To Government Organization then Finance
- \*192. By Sen. Weld - **Relating generally to licensed surveyors** - Introduced 2/8/2017 - To Judiciary - Com. sub. reported 3/13/2017 - Passed Senate 3/16/2017 - Effective from passage - To House 3/17/2017 - To Judiciary
- \*199. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Budget Bill** - Introduced 2/8/2017 - To Finance 2/8/2017 - Com. sub. reported 4/3/2017 - Passed Senate 4/5/2017
- \*202. By Sen. Weld and Trump - **Relating to pawnbrokers generally** (original similar to HB2452) - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 2/16/2017 - Passed Senate 2/21/2017 - To House 2/22/2017 - To Judiciary - Amended - Passed House 4/7/2017 - Title amended - Senate refused to concur in House amendment 4/8/2017
- \*209. By Sen. Weld - **Defining term "veteran" as it relates to veteran-owned business** - Introduced 2/9/2017 - To Military then Government Organization - To Government Organization 2/22/2017 - Com. sub. reported 3/1/2017 - Passed Senate 3/6/2017 - To House 3/7/2017 - To Veterans' Affairs and Homeland Security then Government Organization
- \*210. By Sen. Boso, Rucker and Unger - **Renaming Local Powers Act the County Local Powers Act** - Introduced 2/9/2017 - To Transportation and Infrastructure then Finance - Com. sub. reported 2/22/2017 - To Finance 2/22/2017 - Passed Senate 3/27/2017 - To House 3/27/2017 - To Finance
- \*212. By Sen. Trump, Blair and Maroney - **Relating generally to procedures for drivers' license suspensions and revocations** - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 3/9/2017 - Amended - Passed Senate with amended title 3/13/2017 - Effective July 1, 2017 - To House 3/14/2017 - To Judiciary
215. By Sen. Trump and Maroney - **Allowing county commissions authority to amend proposed rates, fees and charges proposed by public service districts** - Introduced 2/9/2017 - To Government Organization - Passed Senate 2/20/2017 - To House 2/21/2017 - To Political Subdivisions then Finance
- \*216. By Sen. Trump and Blair - **Permitting exclusion, modification or limitation of warranties in sale of used motor vehicles** (original similar to HB2578, SB217) - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 3/17/2017 - Passed Senate 3/21/2017 - Effective from passage - To House 3/22/2017 - To Judiciary
- \*217. By Sen. Trump - **Relating to disclaimers of warranties regarding used manufactured homes** (original similar to HB2464, HB2578, SB216) - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 3/24/2017 - Passed Senate 3/28/2017 - Effective from passage - To House 3/29/2017 - To Judiciary

- \*236. By Sen. Trump and Weld - **Relating to damages for medical monitoring** (original similar to HB2580) - Introduced 2/9/2017 - To Judiciary - Com. sub. reported 2/22/2017 - Amended - Passed Senate with amended title 3/7/2017 - To House 3/8/2017 - To Judiciary
237. By Sen. Trump and Blair - **Repealing obsolete rules of Department of Revenue** - Introduced 2/9/2017 - To Judiciary - Passed Senate with amended title 2/15/2017 - Effective from passage - To House 2/16/2017 - To Judiciary
- \*238. By Sen. Ferns, Plymale, Weld and Maroney - **Increasing tax credits allowed for rehabilitation of certified historic structures** (original similar to HB2416, SB323) - Introduced 2/9/2017 - To Economic Development then Finance - To Finance 2/23/2017 - Com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - To House 3/29/2017 - To Finance - Amended - Passed House 4/6/2017 - Title amended - Senate refused to concur in House amendment 4/7/2017 - Senate requests return of bill from House
- \*242. By Sen. Mullins, Boso and Cline - **Relating to school calendars** (original similar to HB2412, HB2584) - Introduced 2/10/2017 - To Education - Com. sub. reported 2/17/2017 - Passed Senate 2/22/2017 - Effective July 1, 2017 - To House 2/23/2017 - To Education
- \*243. By Sen. Gaunch and Boso - **Relating to domestic relations** (original similar to SB317) - Introduced 2/10/2017 - To Judiciary - Com. sub. reported 3/18/2017 - Passed Senate 3/22/2017 - To House 3/22/2017 - To Judiciary
- \*249. By Sen. Trump - **Relating to information required in abstract of judgment** - Introduced 2/10/2017 - To Judiciary - Com. sub. reported 2/16/2017 - Passed Senate 2/21/2017 - To House 2/22/2017 - To Judiciary
- \*259. By Sen. Trump and Cline - **Requiring administrators of intestate estates to give bond and take oath** - Introduced 2/10/2017 - To Judiciary - Com. sub. reported 3/7/2017 - Passed Senate 3/10/2017 - To House 3/13/2017 - To Judiciary
263. By Sen. Blair - **Creating exemption from certain contract and common carrier laws for vehicles used exclusively for transportation of railroad personnel** - Introduced 2/13/2017 - To Transportation and Infrastructure - Passed Senate 3/6/2017 - To House 3/7/2017 - To Roads and Transportation then Judiciary
282. By Sen. Trump - **Directing Office of Administrative Hearings to amend current legislative rule relating to appeal procedures** - Introduced 2/14/2017 - To Judiciary - Passed Senate 3/29/2017 - Effective from passage - To House 3/29/2017 - To Judiciary
- \*286. By Sen. Cline, Boso and Rucker - **Relating to grandparents' visitation rights** (original similar to HB2547) - Introduced 2/14/2017 - To Judiciary - Com. sub. reported 3/27/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Judiciary
- \*290. By Sen. Weld, Stollings, Takubo and Rucker - **Authorizing operators of distillery or mini-distillery offer for purchase and consumption of liquor on Sundays** - Introduced 2/14/2017 - To Economic Development then Judiciary -

- Com. sub. reported 3/11/2017 - To Judiciary 3/11/2017 - Com. sub. for com. sub. reported 3/16/2017 - Passed Senate 3/20/2017 - To House 3/21/2017 - To Government Organization then Judiciary
294. By Sen. Miller and Facemire - **Relating to Community Sustainability Investment Pilot Program** - Introduced 2/14/2017 - To Government Organization then Finance - 2nd reference dispensed - Passed Senate 3/29/2017 - To House 3/29/2017 - To Finance
- \*304. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Appropriating expiring funds from State Fund, General Revenue to DHHR** (original similar to HB3103) - Introduced 2/14/2017 - To Finance - Com. sub. reported 4/1/2017 - Passed Senate 4/4/2017 - Effective from passage - To House 4/4/2017 - To Finance
- \*308. By Sen. Trump - **Clarifying administrative and law-enforcement activities of DNR police officers are important to conservation and management of state's fish and wildlife** - Introduced 2/14/2017 - To Natural Resources then Judiciary - Com. sub. reported 3/13/2017 - To Judiciary 3/13/2017 - Com. sub. for com. sub. reported 3/15/2017 - Passed Senate 3/18/2017 - To House 3/20/2017 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 3/28/2017
- \*316. By Sen. Blair - **Requiring individuals receiving unemployment compensation apply for and accept seasonal employment** - Introduced 2/14/2017 - To Workforce then Finance - Com. sub. reported 3/23/2017 - 2nd reference dispensed - Passed Senate 3/27/2017 - To House 3/27/2017 - To Industry and Labor then Finance
325. By Sen. Maynard, Cline and Boso - **Relating to crossbow hunting** (original similar to HB2696) - Introduced 2/15/2017 - To Natural Resources - Passed Senate 2/24/2017 - To House 2/27/2017 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 3/28/2017
326. By Sen. Romano, Beach, Facemire, Jeffries, Miller, Ojeda, Plymale and Unger - **Requiring Department of Defense family advocacy groups be notified about abuse or neglect of military member's child** - Introduced 2/15/2017 - To Military then Health and Human Resources - To Health and Human Resources 3/8/2017 - Passed Senate 3/14/2017 - To House 3/15/2017 - To Veterans' Affairs and Homeland Security then Judiciary
330. By Sen. Trump, Boso and Blair - **Relating to WV Workplace Freedom Act** (original similar to HB2355) - Introduced 2/16/2017 - To Judiciary - Passed Senate 2/27/2017 - Effective from passage - To House 2/28/2017 - To Judiciary - Amended - Passed House 3/16/2017 - Amendment to Title Amendment rejected - Title amended - Senate concurred in House amendments and passed bill 3/17/2017 - Effective ninety days from passage - To Governor 3/22/17 - Vetoed by Governor 3/28/17 - Senate reconsidered action - Passed Senate notwithstanding objections of the Governor 3/30/2017 - Motion to consider notwithstanding the objections of the Governor - House passed over veto 4/7/2017 - Chapter 138, Acts, Regular Session, 2017

- \*341. By Sen. Ferns, Palumbo, Plymale, Mullins, Stollings, Takubo, Cline, Maroney and Unger - **Establishing WV business growth in low-income communities tax credit** - Introduced 2/17/2017 - To Economic Development then Finance - Com. sub. reported 2/23/2017 - To Finance 2/23/2017 - Com. sub. for com. sub. reported 3/17/2017 - Passed Senate 3/21/2017 - To House 3/22/2017 - To Small Business, Entrepreneurship and Economic Development then Finance - To House Finance 3/30/2017
- \*343. By Sen. Beach - **Relating to transportation network companies** - Introduced 2/17/2017 - To Transportation and Infrastructure then Government Organization then Judiciary - Com. sub. reported 3/1/2017 - To Government Organization 3/1/2017 - Com. sub. for com. sub. reported 3/27/2017 - 2nd reference dispensed - Passed Senate 3/29/2017 - To House 3/29/2017 - To Judiciary
346. By Sen. Blair and Boso - **Relating generally to jurisdiction of PSC over motor carriers** - Introduced 2/17/2017 - To Government Organization - Passed Senate 3/1/2017 - To House 3/2/2017 - To Government Organization then Judiciary - To House Judiciary 3/28/2017
- \*369. By Sen. Sypolt, Miller, Boso, Maroney and Smith - **Permitting surface owners purchase mineral interests when interest becomes tax lien** - Introduced 2/21/2017 - To Energy, Industry and Mining then Judiciary - Com. sub. reported 3/25/2017 - On 2nd reading to Judiciary 3/25/2017 - Amended - Passed Senate with amended title 3/29/2017 - To House 3/29/2017 - To Energy then Judiciary
- \*376. By Sen. Boso - **Relating generally to Sex Offender Registration Act** (original similar to HB2915) - Introduced 2/21/2017 - To Judiciary - Com. sub. reported 3/24/2017 - Passed Senate 3/28/2017 - To House 3/29/2017 - To Judiciary
- \*380. By Sen. Maynard and Plymale - **Creating 2-year pilot program to allow all-terrain or recreational vehicles in Cabwaylingo State Forest** - Introduced 2/21/2017 - To Natural Resources then Government Organization - Com. sub. reported 3/14/2017 - To Government Organization 3/14/2017 - Passed Senate 3/27/2017 - To House 3/27/2017 - To Agriculture and Natural Resources then Government Organization
- \*382. By Sen. Boso - **Allowing automobile auctions obtain abandoned vehicles' titles** (original similar to HB2402, HB2445) - Introduced 2/21/2017 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 3/8/2017 - To Government Organization 3/8/2017 - Com. sub. for com. sub. reported 3/20/2017 - Passed Senate 3/23/2017 - To House 3/24/2017 - To Finance
- \*399. By Sen. Ferns, Blair and Trump - **Prohibiting political subdivisions from enacting local ordinances regulating benefits employers provide to employees** - Introduced 2/22/2017 - To Workforce then Judiciary - Com. sub. reported 3/9/2017 - To Judiciary 3/9/2017 - Com. sub. for com. sub. reported 3/27/2017 - Amended - Passed Senate 3/29/2017 - To House 3/29/2017 - To Judiciary
401. By Sen. Gaunch and Takubo - **Allowing county board of education base employment decisions on individual's qualifications** - Introduced 2/22/2017 -

- To Education - Amended - Passed Senate with amended title 3/28/2017 - To House 3/29/2017 - To Education
- \*406. By Sen. Takubo - **Relating to generic drug products** - Introduced 2/23/2017 - To Judiciary - Com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - Effective from passage - To House 3/29/2017 - To Judiciary
- \*409. By Sen. Karnes - **Relating generally to 2017 Tax Reform Act** - Introduced 2/23/2017 - To Tax Reform then Finance - Com. sub. reported 3/25/2017 - On 2nd reading to Finance 3/25/2017 - Com. sub. for com. sub. reported 3/27/2017 - Amended - Passed Senate with amended title 3/29/2017 - To House 3/29/2017 - To Finance
- \*410. By Sen. Sypolt - **Relating to marking traps with DNR identification tag** - Introduced 2/23/2017 - To Natural Resources - Com. sub. reported 2/28/2017 - Passed Senate 3/3/2017 - To House 3/6/2017 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 3/15/2017
- \*412. By Sen. Blair - **Relating to WV Jobs Act reporting requirements** - Introduced 2/23/2017 - To Government Organization - Com. sub. reported 3/23/2017 - Passed Senate 3/27/2017 - To House 3/27/2017 - To Government Organization - Amended - On 3rd reading, House Calendar 4/8/2017
- \*413. By Sen. Blair - **Relating to bids on government construction contracts** - Introduced 2/23/2017 - To Government Organization - Com. sub. reported 3/13/2017 - Amended - Passed Senate with amended title 3/16/2017 - To House 3/17/2017 - To Government Organization
- \*414. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Creating Division of Multimodal Transportation** (original similar to HB2717) - Introduced 2/23/2017 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 3/20/2017 - 2nd reference dispensed - Passed Senate 3/23/2017 - To House 3/24/2017 - To Roads and Transportation then Finance
- \*423. By Sen. Weld - **Relating to operation of licensed group homes** - Introduced 2/23/2017 - To Health and Human Resources - Com. sub. reported 3/8/2017 - Passed Senate 3/11/2017 - To House 3/13/2017 - To Health and Human Resources
426. By Sen. Trump, Weld, Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel - **Repealing DNR legislative rule on litter control grant program** (original similar to SB 237) - Introduced 2/24/2017 - Passed Senate 2/28/2017 - Effective from passage - To House 3/1/2017 - To Judiciary
- \*428. By Sen. Weld, Stollings and Takubo - **Relating to partial filling of prescriptions** (original similar to HB2989) - Introduced 2/24/2017 - To Health and Human Resources then Judiciary - Com. sub. reported 3/10/2017 - To Judiciary 3/10/2017 - Passed Senate 3/25/2017 - To House 3/27/2017 - To Health and Human Resources then Judiciary - To House Judiciary 3/31/2017

- \*429. By Sen. Blair, Maroney and Trump - **Relating to monitoring inmate communications** - Introduced 2/24/2017 - To Judiciary - Com. sub. reported 3/1/2017 - Passed Senate 3/6/2017 - To House 3/7/2017 - To Judiciary
- \*436. By Sen. Gaunch, Blair, Maroney, Trump, Unger, Boso, Takubo, Rucker, Cline, Facemire and Romano - **Permitting investigators from Attorney General's office carry firearms** - Introduced 2/24/2017 - To Judiciary - Com. sub. reported 3/1/2017 - Passed Senate 3/6/2017 - To House 3/7/2017 - To Judiciary
- \*439. By Sen. Trump, Clements, Facemire, Maroney and Romano - **Relating to venue for civil and criminal actions at Salem Correctional Center** - Introduced 2/24/2017 - To Judiciary - Com. sub. reported 2/28/2017 - Passed Senate 3/3/2017 - To House 3/6/2017 - To Judiciary
- \*440. By Sen. Trump and Blair - **Relating to use of Regional Jail and Correctional Facility Authority funds** - Introduced 2/24/2017 - To Finance - Com. sub. reported 3/10/2017 - Passed Senate 3/14/2017 - To House 3/15/2017 - To Finance - Amended - Passed House 4/7/2017 - Title amended
- \*446. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Authorizing Governor issue executive orders to furlough state employees** (original similar to HB2879) - Introduced 2/27/2017 - To Judiciary then Finance - Com. sub. reported 3/27/2017 - 2nd reference dispensed - Passed Senate 3/29/2017 - Effective from passage - To House 3/30/2017 - To Judiciary then Finance
- \*453. By Sen. Boley and Cline - **Adding classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory** (original similar to HB3065) - Introduced 2/27/2017 - To Government Organization then Finance - Com. sub. reported 3/17/2017 - To Finance 3/17/2017 - Passed Senate 3/27/2017 - To House 3/27/2017 - To Finance
464. By Sen. Hall and Plymale - **Eliminating taxation on annuity consideration received by life insurer** - Introduced 2/28/2017 - To Finance - Passed Senate 3/24/2017 - To House 3/25/2017 - To Finance
- \*465. By Sen. Takubo, Stollings and Maroney - **Relating to medical professional liability** - Introduced 2/28/2017 - To Judiciary - Com. sub. reported 3/27/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Judiciary
- \*467. By Sen. Blair and Trump - **Removing restrictions on maximum wager per limited video lottery game and bill denominations accepted by video lottery terminals** - Introduced 2/28/2017 - To Finance - Com. sub. reported 3/20/2017 - Passed Senate 3/23/2017 - To House 3/24/2017 - To Finance
468. By Sen. Blair and Trump - **Removing restrictions on where traditional lottery games may be played** - Introduced 2/28/2017 - To Finance - Passed Senate 3/21/2017 - To House 3/22/2017 - To Judiciary then Finance - To House Finance 3/30/2017
- \*469. By Sen. Takubo, Jeffries, Maynard and Cline - **Prohibiting waste of game animals, birds or fish** (original similar to HB2662) - Introduced 2/28/2017 - To Natural Resources then Judiciary - Com. sub. reported 3/7/2017 - To Judiciary 3/7/2017

- Com. sub. for com. sub. reported 3/27/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Judiciary
- \*471. By Sen. Maynard, Stollings and Cline - **Relating to state ownership of wildlife** (original similar to HB2693) - Introduced 2/28/2017 - To Natural Resources then Judiciary - Com. sub. reported 3/7/2017 - To Judiciary 3/7/2017 - Passed Senate 3/16/2017 - To House 3/17/2017 - To Judiciary
- \*472. By Sen. Maynard, Stollings and Cline - **Permitting bear hunting with guides** - Introduced 2/28/2017 - To Natural Resources - Com. sub. reported 3/20/2017 - Passed Senate 3/23/2017 - To House 3/24/2017 - To Agriculture and Natural Resources then Judiciary
- \*474. By Sen. Maynard and Cline - **Exempting names of licensed hunters from public disclosure** (original similar to HB2699) - Introduced 2/28/2017 - To Natural Resources then Judiciary - Com. sub. reported 3/7/2017 - To Judiciary 3/7/2017 - Passed Senate 3/16/2017 - To House 3/17/2017 - To Judiciary
- \*477. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Increasing State Road Fund by raising DMV fees and motor fuel excise taxes** (original similar to HB2814) - Introduced 2/28/2017 - To Transportation and Infrastructure then Finance - Com. sub. reported 3/15/2017 - To Finance 3/15/2017 - Amended - Passed Senate 3/25/2017 - Effective July 1, 2017 - To House 3/27/2017 - To Finance
- \*479. By Sen. Blair, Rucker, Takubo, Maroney and Cline - **Relating to regulation of liquor sales** - Introduced 2/28/2017 - To Government Organization then Finance - Com. sub. reported 3/13/2017 - To Finance 3/13/2017 - Amended - Passed Senate 3/23/2017 - To House 3/24/2017 - To Government Organization then Judiciary
- \*480. By Sen. Blair - **Authorizing local government adopt energy efficiency partnership programs** - Introduced 2/28/2017 - To Government Organization - Com. sub. reported 3/17/2017 - Passed Senate 3/21/2017 - To House 3/22/2017 - To Government Organization
- \*481. By Sen. Blair - **Eliminating requirement municipal courts wait 90 days before notifying DMV of person's failure to appear or pay assessed costs** - Introduced 2/28/2017 - To Government Organization - Com. sub. reported 3/8/2017 - Passed Senate 3/11/2017 - To House 3/13/2017 - To Judiciary
- \*482. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating generally to WV Parkways Authority** (original similar to HB2803) - Introduced 2/28/2017 - To Transportation and Infrastructure then Finance - Com. sub. reported 3/20/2017 - To Finance 3/20/2017 - Com. sub. for com. sub. reported 3/27/2017 - Passed Senate 3/29/2017 - Effective July 1, 2017 - Senate requests return of bill from House - Senate reconsidered action - Passed Senate 3/29/2017 - Effective July 1, 2017 - To House 3/30/2017 - To Finance
- \*484. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating generally to taxation** (original similar to HB2816) - Introduced 2/28/2017 - To Finance - Com. sub. reported 3/24/2017 - Passed Senate

3/29/2017 - Effective from passage - To House 3/30/2017 - To Finance - To House Finance 4/3/2017 - Amended - Passed House 4/5/2017 - Title amended

491. By Sen. Trump and Maroney - **Relating to county litter control officers** - Introduced 3/1/2017 - To Government Organization - Passed Senate 3/11/2017 - To House 3/13/2017 - To Judiciary
- \*492. By Sen. Trump - **Eliminating requirement every circuit court participate in drug court program** - Introduced 3/1/2017 - To Judiciary - Com. sub. reported 3/8/2017 - Passed Senate 3/11/2017 - To House 3/13/2017 - To Judiciary
- \*496. By Sen. Gaunch - **Relating generally to guaranteed asset protection waivers** (original similar to HB2126) - Introduced 3/2/2017 - To Judiciary - Com. sub. reported 3/8/2017 - Passed Senate 3/11/2017 - To House 3/13/2017 - To Judiciary
- \*499. By Sen. Weld - **Creating Debt Resolution Services Division in Auditor's office** (original similar to HB2791) - Introduced 3/2/2017 - To Government Organization - Com. sub. reported 3/20/2017 - Passed Senate 3/23/2017 - To House 3/24/2017 - To Government Organization - Tabled on 2nd reading, Special Calendar 4/5/2017
- \*500. By Sen. Trump, Boley, Clements, Cline, Ferns, Maynard, Rucker, Weld, Takubo, Maroney and Smith - **Relating to Medicaid fraud and abuse** - Introduced 3/2/2017 - To Government Organization then Judiciary - Com. sub. reported 3/15/2017 - 2nd reference dispensed - Passed Senate 3/18/2017 - To House 3/20/2017 - To Judiciary then Finance
- \*501. By Sen. Gaunch and Stollings - **Relating to WV Economic Development Authority** (original similar to HB3086) - Introduced 3/3/2017 - To Economic Development then Government Organization - Com. sub. reported 3/17/2017 - To Government Organization 3/17/2017 - Com. sub. for com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - To House 3/31/2017 - To Government Organization
- \*507. By Sen. Cline, Maynard, Ojeda, Rucker, Smith, Swope, Takubo and Stollings - **Allowing pharmacists inform customers about lower cost alternatives to prescribed drugs** - Introduced 3/3/2017 - To Banking and Insurance then Judiciary - Com. sub. reported 3/21/2017 - To Judiciary 3/21/2017 - Com. sub. for com. sub. reported 3/27/2017 - Passed Senate 3/29/2017 - To House 3/31/2017 - To Judiciary
- \*521. By Sen. Trump - **Relating generally to Public Defender Services** - Introduced 3/6/2017 - To Judiciary then Finance - Com. sub. reported 3/20/2017 - To Finance 3/20/2017 - Com. sub. for com. sub. reported 3/25/2017 - Amended - Passed Senate 3/29/2017 - Senate requests return of bill from House - Senate requests return of bill from House - Passed Senate 3/29/2017 - To House 3/30/2017 - To Judiciary then Finance - To House Finance 4/3/2017
524. By Sen. Rucker, Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Smith, Swope, Sypolt, Takubo and Trump - **Relating to WV academic standards** - Introduced 3/6/2017 - To Education - Amended - Passed Senate with amended title 3/18/2017 - Effective from passage - To House 3/20/2017 - To Education



- \*526. By Sen. Takubo - **Requiring mandatory insurance coverage for inherited enzymatic disorders** - Introduced 3/7/2017 - To Banking and Insurance then Finance - Com. sub. reported 3/23/2017 - On 2nd reading to Finance 3/27/2017 - Com. sub. for com. sub. reported 3/27/2017 - Passed Senate 3/29/2017 - To House 3/31/2017 - To Judiciary
- \*534. By Sen. Palumbo, Gaunch, Jeffries, Romano, Stollings, Takubo and Cline - **Relating to incentives for consolidating local governments** - Introduced 3/7/2017 - To Government Organization - Com. sub. reported 3/25/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Government Organization
536. By Sen. Maynard, Jeffries and Ferns - **Authorizing tracking of wounded or injured bear or deer** - Introduced 3/7/2017 - To Natural Resources - Passed Senate 3/16/2017 - To House 3/17/2017 - To Judiciary
- \*538. By Sen. Trump, Stollings, Cline and Weld - **Creating special conditions of parole** - Introduced 3/8/2017 - To Judiciary - Com. sub. reported 3/21/2017 - Passed Senate 3/24/2017 - To House 3/25/2017 - To Judiciary
- \*539. By Sen. Ferns and Rucker - **Relating to regulation and control of financing elections** - Introduced 3/8/2017 - To Judiciary - Com. sub. reported 3/23/2017 - Amended - Passed Senate 3/27/2017 - To House 3/28/2017 - To Judiciary
- \*548. By Sen. Hall - **Providing for specific escheat of US savings bonds** - Introduced 3/8/2017 - To Judiciary - Com. sub. reported 3/17/2017 - Passed Senate 3/21/2017 - To House 3/22/2017 - To Judiciary
- \*559. By Sen. Ferns - **Relating to limited video lottery** - Introduced 3/8/2017 - To Judiciary - Com. sub. reported 3/15/2017 - Passed Senate 3/18/2017 - Effective from passage - To House 3/20/2017 - To Small Business, Entrepreneurship and Economic Development then Judiciary
- \*562. By Sen. Blair - **Relating to civil actions for damages brought against county commissions and municipalities** - Introduced 3/8/2017 - To Judiciary - Com. sub. reported 3/27/2017 - Rereferred to Judiciary on 2nd reading 3/27/2017 - Amended - Passed Senate with amended title 3/29/2017 - To House 3/30/2017 - To Judiciary
- \*572. By Sen. Sypolt and Gaunch - **Relating to nonpartisan election of county surveyors** - Introduced 3/10/2017 - To Judiciary - Com. sub. reported 3/20/2017 - Passed Senate 3/23/2017 - To House 3/24/2017 - To Judiciary
- \*576. By Sen. Trump and Blair - **Providing exception to waste for certain oil and gas development** (original similar to HB3094) - Introduced 3/10/2017 - To Judiciary - Com. sub. reported 3/24/2017 - Amended - Passed Senate with amended title 3/29/2017 - To House 3/31/2017 - To Energy
585. By Sen. Blair - **Relating to locomotive crew size** - Introduced 3/11/2017 - To Government Organization - Passed Senate 3/23/2017 - To House 3/24/2017 - To Judiciary

- \*586. By Sen. Sypolt - **Changing fees for custom slaughters from annual to triennial** - Introduced 3/13/2017 - To Agriculture and Rural Development then Finance - Com. sub. reported 3/23/2017 - 2nd reference dispensed - Passed Senate 3/27/2017 - To House 3/28/2017 - To Finance
595. By Sen. Hall - **Allowing county assessors make separate entries in land books when real property is partly used for exempt and partly nonexempt purposes** (original similar to HB2937) - Introduced 3/13/2017 - To Finance - Passed Senate 3/23/2017 - To House 3/24/2017 - To Finance
- \*601. By Sen. Gaunch - **Relating to requirements for making consumer loans** (original similar to HB2461, SB344, SB433) - Introduced 3/14/2017 - To Banking and Insurance then Judiciary - Com. sub. reported 3/21/2017 - To Judiciary 3/21/2017 - Com. sub. for com. sub. reported 3/24/2017 - Passed Senate 3/28/2017 - To House 3/29/2017 - To Judiciary
- \*609. By Sen. Ferns, Azinger, Rucker and Cline - **Creating additional flexibility for school systems in use of school aid funds** (original similar to SB485) - Introduced 3/15/2017 - To Education then Finance - Com. sub. reported 3/24/2017 - On 2nd reading to Finance 3/24/2017 - Amended - Passed Senate with amended title 3/29/2017 - To House 3/30/2017 - To Finance
614. By Sen. Blair, Boso and Sypolt - **Relating to expansion of broadband service** (original similar to SB485) - Introduced 3/15/2017 - To Economic Development then Finance - To Finance 3/17/2017 - Passed Senate 3/27/2017 - To House 3/28/2017 - To Finance
620. By Sen. Boso, Swope, Gaunch, Jeffries and Rucker (Originating in Senate Transportation and Infrastructure) - **Relating to traffic regulations** (original similar to HB2349) - Introduced 3/15/2017 - Passed Senate 3/18/2017 - To House 3/20/2017 - To Roads and Transportation then Judiciary
621. By Sen. Boso - **Providing certain rules inapplicable after county board of education notifies state board of possible closing or consolidations** - Introduced 3/16/2017 - To Education - Passed Senate 3/28/2017 - Effective from passage - To House 3/29/2017 - To Education - Amended - Amended - Passed House 4/6/2017 - Title amended - Senate refused to concur in House amendment 4/8/2017
- \*628. By Sen. Rucker, Boso, Sypolt, Trump and Cline - **Relating to providing funding for Statewide Interoperable Radio Network** - Introduced 3/16/2017 - To Judiciary then Finance - Com. sub. reported 3/20/2017 - To Finance 3/20/2017 - Com. sub. for com. sub. reported 3/24/2017 - Passed Senate 3/27/2017 - Effective July 1, 2017 - To House 3/28/2017 - To Finance
- \*647. By Sen. Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings - **Relating generally to additional county excise taxes on real property transfer** (original similar to HB2461, SB433) - Introduced 3/17/2017 - To Agriculture and Rural Development then Finance - Com. sub. reported 3/23/2017 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/28/2017 - To House 3/29/2017 - To Finance

664. By Sen. Sypolt and Cline - **Removing limitation on amount counties collect on hotel occupancy tax** - Introduced 3/18/2017 - To Finance - Passed Senate 3/29/2017 - To House 3/30/2017 - To Finance
685. By Sen. Trump, Weld, Azinger, Clements, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Romano and Woelfel (Originating in Senate Judiciary) - **Creating a one-day special license for charitable events sell nonintoxicating beer** - Introduced 3/24/2017 - Passed Senate 3/27/2017 - To House 3/28/2017 - To Small Business, Entrepreneurship and Economic Development then Judiciary
688. By Sen. Trump, Weld, Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (Originating in Senate Judiciary) - **Correcting technical error within Solid Waste Management Act** - Introduced 3/25/2017 - Passed Senate 3/29/2017 - Effective from passage - To House 3/30/2017 - To Judiciary
689. By Sen. Trump, Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (Originating in Senate Judiciary) - **Relating to payment of small claims by DOH** (original similar to HB2608, HB2977) - Introduced 3/25/2017 - Passed Senate 3/29/2017 - Effective July 1, 2017 - To House 3/30/2017 - To Judiciary
693. By Sen. Trump, Weld, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (Originating in Senate Judiciary) - **Creating WV Uniform Fiduciary Access to Digital Assets Act** - Introduced 3/27/2017 - Passed Senate 3/29/2017 - To House 3/30/2017 - To Judiciary

### SENATE JOINT RESOLUTIONS COMMUNICATED TO HOUSE

4. By Sen. Boso, Rucker and Weld - **County Economic Development Amendment** - Introduced 2/9/2017 - To Finance then Judiciary - On 2nd reading to Judiciary 3/24/2017 - Rejected by Senate 3/29/2017 - Senate reconsidered action - Adopted by Senate 3/29/2017 - To House 3/30/2017 - To Finance then Judiciary

### SENATE CONCURRENT RESOLUTIONS COMMUNICATED TO HOUSE

3. By Sen. Karnes, Boso and Gaunch - **Urging Congress call convention of states to impose fiscal restraints on federal government** - Introduced 2/8/2017 - To Judiciary - Adopted 3/9/2017 - To House 3/10/2017 - To Judiciary - To House Judiciary 3/10/2017
4. By Sen. Stollings, Jeffries and Beach - **US Navy MM2 Carl E. Keeney and US Army PFC Carl M. Nicholas Memorial Bridge** - Introduced 2/8/2017 - To Transportation and Infrastructure - Adopted by Senate 4/7/2017
5. By Sen. Woelfel, Plymale, Jeffries and Beach - **US Army PFC John Ira Pinkerman Memorial Bridge** - Introduced 2/8/2017 - To Transportation and

Infrastructure - Adopted by Senate 3/15/2017 - To House 3/16/2017 - To Rules - To House Rules 3/16/2017

17. By Sen. Rucker, Azinger, Blair, Boley, Boso, Cline, Maynard, Miller, Ojeda, Smith, Sypolt, Trump, Plymale and Stollings - **John Hancock Hall Memorial Bridge** - Introduced 2/17/2017 - To Transportation and Infrastructure - Adopted by Senate 3/15/2017 - To House 3/16/2017 - To Roads and Transportation then Rules - To House Roads and Transportation 3/16/2017
- \*19. By Sen. Maynard, Boley, Trump, Stollings and Beach - **Blue Demons Bridge** - Introduced 2/21/2017 - To Transportation and Infrastructure - Com. sub. reported 3/15/2017 - Adopted by Senate 3/15/2017 - To House 3/16/2017 - To Roads and Transportation then Rules - To House Roads and Transportation 3/16/2017
22. By Sen. Romano, Facemire and Stollings - **Walter E. Swiger, Jr., Memorial Bridge** - Introduced 2/24/2017 - To Transportation and Infrastructure - Adopted by Senate 3/15/2017 - To House 3/16/2017 - To Roads and Transportation then Rules - To House Roads and Transportation 3/16/2017
- \*25. By Sen. Beach, Clements, Stollings and Maroney - **Jeffrey Alan Clovis Memorial Bridge** - Introduced 3/1/2017 - To Transportation and Infrastructure - Com. sub. reported 4/7/2017 - Adopted by Senate 4/7/2017
32. By Sen. Ojeda, Stollings, Plymale and Beach - **US Army SGT Denver E. Short Memorial Road** - Introduced 3/11/2017 - To Transportation and Infrastructure - Adopted by Senate 3/30/2017 - To House 3/30/2017 - To Rules - To House Rules 3/30/2017
35. By Sen. Cline and Beach - **Urging Congress reassess federal definition of industrial hemp** - Introduced 3/13/2017 - To Agriculture and Rural Development - Adopted by Senate 3/24/2017 - To House 3/25/2017 - To Rules - To House Rules 3/25/2017
44. By Sen. Maynard - **Tug Valley Students Memorial Bridge** - Introduced 3/18/2017 - To Transportation and Infrastructure - Adopted by Senate 3/30/2017 - To House 3/30/2017 - To Rules - To House Rules 3/30/2017
50. By Sen. Trump, Beach, Clements, Ferns, Jeffries, Karnes, Maynard, Miller, Ojeda, Romano, Smith, Swope and Woelfel (Originating in Senate Judiciary) - **Urging Congress reschedule marijuana** - Introduced 3/29/2017 - Adopted by Senate 3/29/2017 - To House 3/29/2017 - To Rules - To House Rules 3/29/2017
52. By Sen. Stollings, Facemire, Ojeda, Plymale, Romano, Woelfel and Beach - **US Army PFC Glenn S. Perdue, US Army Tec 5 Charley H. Perdue and US Army Air Corps SGT Carl Perdue Memorial Road** - Introduced 4/1/2017 - To Transportation and Infrastructure - Adopted by Senate 4/7/2017
60. By Sen. Unger, Stollings, Plymale, Prezioso, Boso and Beach - **Designating 2017 as Robert C. Byrd Centennial Legacy Year** - Introduced 4/5/2017 - Committee reference dispensed - Adopted by Senate 4/5/2017 - To House 4/5/2017 - To Rules - To House Rules 4/5/2017

**HOUSE BILLS COMMUNICATED TO SENATE**

- \*2001. By Del. Lane, Sobonya, Moore, Kessinger, Foster, N. and Householder - **Relating to ethics and transparency in government** - Introduced 2/14/2017 - To Judiciary - Passed House 2/27/2017 - To Senate 2/28/2017 - To Judiciary - Amended - Passed Senate 3/28/2017 - Title amended - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 94, Acts, Regular Session, 2017
- \*2002. By Del. Kessinger, Fast, Evans, A., Romine, R., Frich, Arvon, Butler, Rowan, Wilson, Paynter and Lane - **Relating to parental notification of abortions performed on unemancipated minors** (original similar to HB2053, SB424) - Introduced 2/20/2017 - To Health and Human Resources then Judiciary - To House Judiciary 3/17/2017 - Passed House 3/28/2017 - To Senate 3/29/2017 - To Health and Human Resources then Judiciary - To Health and Human Resources 3/29/2017 - 2nd reference dispensed - Amended - Passed Senate with amended title 4/8/2017 - House concurred in Senate amendment 4/8/2017 - Passed House 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 186, Acts, Regular Session, 2017
- \*2004. By Del. Howell, Nelson, Cowles, Zatezalo, Hamrick, Ward, Deem, Summers, Sypolt, Lane and Atkinson - **Creating and maintaining a centralized state vehicle inventory system** (original similar to HB2622) - Introduced 2/20/2017 - To Government Organization then Finance - To House Finance 2/22/2017 - Amended - Passed House 3/27/2017 - Title amended - Effective July 1, 2017 - To Senate 3/28/2017 - To Government Organization then Finance - To Government Organization 3/28/2017 - On 2nd reading to Finance 4/4/2017
- \*2006. By Del. Shott, Mr. Speaker (Mr. Armstead), Hanshaw, Sobonya, Atkinson, Hill, Fleischauer, Pushkin, Lovejoy and Canestraro - **Increasing the penalties for violating the Whistle-blower Law** - Introduced 2/8/2017 - To Judiciary - Passed House 2/15/2017 - To Senate 2/16/2017 - To Judiciary - Passed Senate 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 184, Acts, Regular Session, 2017
- \*2007. By Del. Gearheart, Cooper, McGeehan, Hamrick, Westfall and Frich - **Eliminating courtesy patrol programs** - Introduced 2/8/2017 - To Roads and Transportation then Finance - To House Finance 2/14/2017 - Passed House 3/14/2017 - Title amended - To Senate 3/15/2017 - To Finance
- \*2018. By Mr. Speaker (Mr. Armstead) and Del. 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** - Introduced 2/8/2017 - To Finance - Amended - Motion to recommit bill to Finance committee rejected - Passed House 4/5/2017 - To Senate 4/6/2017 - Committee reference dispensed - Amended - Passed Senate 4/8/2017 - House concurred in Senate amendment and passed 4/9/2017 - To Governor 4/13/17 - Vetoed by Governor 4/13/17
- \*2028. By Del. Folk, Hanshaw, Shott, Butler, Dean, Fleischauer, Fluharty, McGeehan, Paynter, Martin and Wilson - **Relating to the venue for suits and other actions against the state** - Introduced 2/8/2017 - To Judiciary - Passed House 2/27/2017 - To Senate 2/28/2017 - To Judiciary - Amended - Passed Senate with amended

title 3/18/2017 - House refused to concur and requested Senate to recede 3/20/2017 - Senate refused to recede and requested conference 3/23/2017 - To conference 3/23/2017

- \*2083. By Del. Rodighiero and Frich - **Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing** - Introduced 2/8/2017 - To Prevention and Treatment of Substance Abuse then Judiciary - To House Judiciary 2/17/2017 - Passed House 2/28/2017 - To Senate 3/1/2017 - To Judiciary - Amended - Passed Senate with amended title 4/5/2017 - Senate requests return of bill from House - Senate reconsidered action - Amended - Passed Senate with amended title 4/5/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 44, Acts, Regular Session, 2017
- \*2099. By Del. McGeehan - **Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law** (original similar to SB208) - Introduced 2/8/2017 - To Judiciary - Amended - Passed House 2/17/2017 - Title amended - To Senate 2/20/2017 - To Judiciary - Amended - Passed Senate with amended title 3/11/2017 - House refused to concur and requested Senate to recede 3/16/2017 - Senate refused to recede and requested conference 3/23/2017 - To conference 3/23/2017
- \*2109. By Del. Rohrbach, Hornbuckle and Lovejoy - **Relating to the West Virginia Land Reuse Agency Authorization Act** - Introduced 2/8/2017 - To Political Subdivisions then Judiciary - To House Judiciary 3/20/2017 - Passed House 3/28/2017 - Effective from passage - To Senate 3/29/2017 - To Government Organization - Amended - Passed Senate with amended title 4/8/2017 - Effective from passage - House concurred in Senate amendment and passed 4/8/2017 - Effective ninety days from passage - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 162, Acts, Regular Session, 2017
2119. By Del. Ellington and Summers - **Repealing West Virginia Health Benefit Exchange Act** - Introduced 2/8/2017 - To Health and Human Resources then Finance - To House Finance 2/15/2017 - Passed House 3/14/2017 - To Senate 3/15/2017 - To Health and Human Resources - Passed Senate 4/5/2017 - To Governor 4/17/17 - Approved by Governor 4/21/17 - Chapter 35, Acts, Regular Session, 2017
2123. By Del. Rowan, Mr. Speaker (Mr. Armstead), Cowles, Hamilton, Espinosa, O'Neal, Anderson and Nelson - **Making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority** - Introduced 2/8/2017 - To Education then Finance - To House Finance 2/16/2017 - Passed House 2/28/2017 - Effective from passage - To Senate 3/1/2017 - To Education then Finance - To Education 3/1/2017
- \*2129. By Del. Fleischauer, Sobonya, Statler, Overington, Frich and Pyles - **Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs** - Introduced 2/8/2017 - To Judiciary - Passed House 3/29/2017 - To Senate 3/30/2017 - To Judiciary - Amended - Passed Senate with amended title 4/6/2017 - House refused to concur and requested Senate to recede 4/8/2017

- \*2167. By Del. Storch and Eldridge - **Creating a Silver Alert program for senior citizens** - Introduced 2/8/2017 - To Senior Citizen Issues - Passed House 2/22/2017 - To Senate 2/23/2017 - To Government Organization - Amended - Passed Senate with amended title 3/14/2017 - House concurred in Senate amendment and passed 3/15/2017 - To Governor 3/17/17 - Approved by Governor 3/23/17 - Chapter 207, Acts, Regular Session, 2017
- \*2180. By Del. Rodighiero, Marcum, Eldridge, Phillips, Maynard and Westfall - **Authorizing the issuance of special "In God We Trust" motor vehicle registration plates** (original similar to SB459) - Introduced 2/8/2017 - To Roads and Transportation then Judiciary - To House Judiciary 3/8/2017 - Passed House 3/24/2017 - To Senate 3/25/2017 - To Transportation and Infrastructure - Amended - Passed Senate with amended title 4/3/2017 - House concurred in Senate amendment and passed 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 153, Acts, Regular Session, 2017
2188. By Del. Rowe, Pushkin, Sobonya, Fleischauer and Hornbuckle - **Extending the length of time for the special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth** - Introduced 2/8/2017 - To Judiciary - Passed House 3/28/2017 - To Senate 3/29/2017 - To Health and Human Resources - Passed Senate 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/24/17 - Chapter 81, Acts, Regular Session, 2017
- \*2195. By Del. Rohrbach, Cooper, Rowan, Hornbuckle, Ambler, Hicks, Sobonya, Frich and Thompson - **Relating to requiring comprehensive drug awareness and prevention program in all public schools** - Introduced 2/8/2017 - To Prevention and Treatment of Substance Abuse then Education - To House Education 3/1/2017 - Passed House 3/29/2017 - To Senate 3/30/2017 - To Education - Passed Senate 4/6/2017 - To Governor 4/17/17 - Approved by Governor 4/26/17 - Chapter 69, Acts, Regular Session, 2017
- \*2196. By Del. Ellington, Gearheart and Overington - **Relating to the secondary schools athletic commission** - Introduced 2/8/2017 - To Education - Amended - Passed House 3/28/2017 - To Senate 3/29/2017 - To Education - Amended - Passed Senate with amended title 4/8/2017 - House concurred in Senate amend with amend, passed bill 4/8/2017 - Senate concurred in House amendments and passed bill 4/8/2017 - To Governor 4/21/17 - Vetoed by Governor 4/26/17
- \*2208. By Del. Fleischauer, Hamrick, Statler, Folk and Pyles - **Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan** - Introduced 2/8/2017 - To Political Subdivisions then Government Organization - To House Government Organization 3/8/2017 - Passed House 3/24/2017 - To Senate 3/25/2017 - To Government Organization
- \*2219. By Del. Sobonya - **Authorizing miscellaneous boards and agencies to promulgate legislative rules** (original similar to SB84) - Introduced 2/9/2017 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 2/22/2017 - Passed House 3/25/2017 - Effective from passage - To Senate 3/27/2017 - To Judiciary - Amended - Passed Senate 4/5/2017 - Effective from passage - House concurred in Senate amendment and passed 4/8/2017 - Effective from passage - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 144, Acts, Regular Session, 2017

2300. By Del. Kelly, Ellington, Summers, Criss, Wagner, Ward, Atkinson and Rohrbach - **Regulating step therapy protocols** - Introduced 2/9/2017 - To Health and Human Resources - Passed House 2/22/2017 - To Senate 2/23/2017 - To Health and Human Resources - Passed Senate 3/21/2017 - To Governor 3/24/17 - Approved by Governor 3/30/17 - Chapter 131, Acts, Regular Session, 2017
- \*2301. By Del. Summers and Ellington - **Relating to direct primary care** - Introduced 2/9/2017 - To Health and Human Resources then Judiciary - To House Judiciary 2/13/2017 - Amended - Passed House 2/22/2017 - To Senate 2/23/2017 - To Health and Human Resources - Passed Senate with amended title 3/11/2017 - House concurred in Senate title amendment 3/15/2017 - Passed House 3/15/2017 - To Governor 3/17/17 - Approved by Governor 3/23/17 - Chapter 175, Acts, Regular Session, 2017
- \*2303. By Del. Phillips, Westfall, Folk, Sobonya, Overington, Paynter, Eldridge and Miller, R. - **Increasing criminal penalties for littering** - Introduced 2/9/2017 - To Judiciary - Passed House 2/20/2017 - To Senate 2/21/2017 - To Judiciary - Amended - Passed Senate with amended title 4/5/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 150, Acts, Regular Session, 2017
- \*2318. By Del. Shott, Fleischauer, Hanshaw, Summers, Sobonya, Miller, C., Kessinger, Canestraro, Longstreth, Pushkin and Storch - **Relating generally to human trafficking** (original similar to HB2186, HB2342, SB70) - Introduced 2/10/2017 - To Judiciary - Passed House 2/22/2017 - To Senate 2/23/2017 - To Judiciary - Amended - Passed Senate with amended title 3/7/2017 - House concurred in Senate amend with amend, passed bill 3/16/2017 - Senate concurred in House title amendment 3/17/2017 - Passed Senate 3/17/2017 - To Governor 3/27/17 - Approved by Governor 3/31/17 - Chapter 129, Acts, Regular Session, 2017
- \*2319. By Del. Upson, Mr. Speaker (Mr. Armstead), Hamilton, Rohrbach and Baldwin - **Relating to candidates or candidate committees for legislative office disclosing contributions** (original similar to SB8) - Introduced 2/10/2017 - To Judiciary - Passed House 2/20/2017 - To Senate 2/21/2017 - To Judiciary - Passed Senate with amended title 4/5/2017 - House concurred in Senate title amendment 4/6/2017 - Passed House 4/6/2017 - To Governor 4/17/17 - Approved by Governor 4/26/17 - Chapter 85, Acts, Regular Session, 2017
- \*2329. By Del. Rohrbach, Sobonya, Ellington, Upson, Lovejoy, Frich, Canestraro, Isner, Foster, N., Ward and Miller, C. - **Prohibiting the production, manufacture or possession of fentanyl** - Introduced 2/10/2017 - To Prevention and Treatment of Substance Abuse then Judiciary - To House Judiciary 2/17/2017 - Passed House 3/2/2017 - To Senate 3/3/2017 - To Judiciary - Amended - Passed Senate with amended title 4/1/2017 - House refused to concur and requested Senate to recede 4/6/2017 - Senate refused to recede and requested conference 4/8/2017 - To conference 4/8/2017 - House adopted conference report and passed bill 4/8/2017 - Senate adopted conference report and passed bill 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/24/17 - Chapter 38, Acts, Regular Session, 2017
- \*2346. By Del. Howell, Upson, Maynard, Statler, Walters, McGeehan, Sypolt, Westfall, Hamrick, Higginbotham and Harshbarger - **Relating to motor vehicle license**



- plates** - Introduced 2/13/2017 - To Roads and Transportation then Government Organization - To House Government Organization 3/1/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - To Transportation and Infrastructure then Judiciary - To Transportation and Infrastructure 3/27/2017
- \*2347. By Del. Howell, Maynard, Walters, McGeehan, Sypolt, Miller, C., Westfall, Hamrick, Higginbotham, Harshbarger and Atkinson - **Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations** - Introduced 2/13/2017 - To Government Organization - Passed House 2/22/2017 - To Senate 2/23/2017 - To Government Organization - Passed Senate 3/11/2017 - To Governor 3/15/17 - Approved by Governor 3/17/17 - Chapter 181, Acts, Regular Session, 2017
2348. By Del. Howell, Maynard, Walters, McGeehan, Sypolt, Westfall, Miller, C., Hamrick, Higginbotham, Harshbarger and Ward - **Eliminating any requirement that class hours of students be consecutive** - Introduced 2/13/2017 - To Government Organization - Passed House 2/22/2017 - To Senate 2/23/2017 - To Government Organization - Passed Senate 4/6/2017 - To Governor 4/17/17 - Approved by Governor 4/26/17 - Chapter 180, Acts, Regular Session, 2017
- \*2359. By Del. Arvon - **Relating to offenses and penalties for practicing osteopathic medicine without a license** - Introduced 2/13/2017 - To Health and Human Resources then Judiciary - To House Judiciary 2/17/2017 - Passed House 2/27/2017 - Title amended - To Senate 2/28/2017 - To Government Organization then Judiciary - To Government Organization 2/28/2017 - To Judiciary 3/10/2017 - Amended - Passed Senate with amended title 4/8/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 174, Acts, Regular Session, 2017
- \*2363. By Del. Cooper, Howell, Ambler, Rowan and Moye - **Requiring that a state employee with a commercial driver's license have a current medical evaluation certification** - Introduced 2/13/2017 - To Roads and Transportation then Judiciary - To House Judiciary 3/1/2017 - Passed House 3/29/2017 - To Senate 3/30/2017 - To Government Organization
- \*2364. By Del. Hamilton, Ambler, Evans, A., Statler, Romine, R., Hicks, Rodighiero, Hamrick, Eldridge, Lynch and Frich - **Prohibiting electioneering within or near early voting locations during early voting periods** - Introduced 2/13/2017 - To Judiciary - Passed House 3/3/2017 - To Senate 3/6/2017 - To Judiciary - Amended - Passed Senate with amended title 4/4/2017 - House concurred in Senate amendment and passed 4/6/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 83, Acts, Regular Session, 2017
- \*2366. By Del. Ellington and Summers - **Relating to selling Jackie Withrow Hospital** (original similar to SB201) - Introduced 2/13/2017 - To Health and Human Resources then Finance - To House Finance 3/3/2017 - Passed House 3/24/2017 - To Senate 3/25/2017 - To Health and Human Resources then Finance - To Health and Human Resources 3/25/2017 - 2nd reference dispensed - Amended - Passed Senate with amended title 4/7/2017
- \*2367. By Del. Miller, R., Marcum, Eldridge, Rodighiero, Phillips, Sobonya, Lovejoy and Hicks - **Establishing a criminal offense of organized retail crime** - Introduced 2/13/2017 - To Judiciary - Passed House 3/7/2017 - To Senate

3/8/2017 - To Judiciary - Amended - Passed Senate with amended title 4/5/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 53, Acts, Regular Session, 2017

- \*2373. By Del. Statler, Hill, Espinosa, Kessinger, Foster, N., Wagner, McGeehan, Higginbotham, Ward, Williams and Ellington - **Authorizing school bus drivers trained in administration of epinephrine auto-injectors to administer auto-injectors** - Introduced 2/13/2017 - To Education then Judiciary - To House Judiciary 2/28/2017 - Passed House 3/16/2017 - Title amended - To Senate 3/17/2017 - To Judiciary - Amended - Passed Senate with amended title 4/5/2017 - House concurred in Senate amendment and passed 4/6/2017 - To Governor 4/18/17 - Approved by Governor 4/20/17 - Chapter 75, Acts, Regular Session, 2017
- \*2376. By Del. Ellington and Summers - **Relating to the organizational structure of state government** - Introduced 2/13/2017 - To Health and Human Resources then Government Organization - To House Government Organization 2/22/2017 - Passed House 3/28/2017 - To Senate 3/29/2017 - To Health and Human Resources then Government Organization - To Health and Human Resources 3/29/2017
- \*2402. By Del. Howell, Frich, Eldridge and Phillips - **Relating to abandoned antique vehicles** (original similar to HB2445, SB382) - Introduced 2/13/2017 - To Roads and Transportation then Finance - To House Finance 3/15/2017 - Passed House 3/21/2017 - To Senate 3/22/2017 - To Government Organization - Amended - Passed Senate 4/6/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 152, Acts, Regular Session, 2017
- \*2404. By Del. Rowan, Moye, Overington, Phillips, Hamilton, Romine, R., Rohrbach, Kelly, Pethel, Lynch and Ferro - **Barring persons who are convicted of certain criminal offenses from acquiring property from their victims** - Introduced 2/13/2017 - To Senior Citizen Issues then Judiciary - To House Judiciary 2/17/2017 - Passed House 2/23/2017 - Title amended - To Senate 2/24/2017 - To Judiciary - Amended - Passed Senate 4/4/2017 - House concurred in Senate amendment and passed 4/6/2017 - To Governor 4/13/17 - Approved by Governor 4/20/17 - Chapter 90, Acts, Regular Session, 2017
2427. By Del. Howell, Arvon, Atkinson, Blair, Hamrick, Hartman, Lynch and Ferro - **Requiring agencies listed in the online state phone directory to update certain employee information** (original similar to SB267) - Introduced 2/14/2017 - To Government Organization - Passed House 3/16/2017 - To Senate 3/17/2017 - To Government Organization - Passed Senate 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/18/17 - Chapter 109, Acts, Regular Session, 2017
- \*2428. By Del. Kelly, Anderson, Criss, Higginbotham, Ambler, Hollen, Wagner, Ward, Romine, C., Cooper and Atkinson - **Establishing additional substance abuse treatment facilities** - Introduced 2/14/2017 - To Prevention and Treatment of Substance Abuse then Finance - To House Finance 3/1/2017 - Passed House 3/29/2017 - Effective from passage - To Senate 3/30/2017 - To Health and Human Resources then Finance - To Health and Human Resources 3/30/2017 - 2nd

reference dispensed - Amended - Passed Senate with amended title 4/7/2017 - Effective from passage - House concurred in Senate amendment and passed 4/8/2017 - Effective from passage - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 194, Acts, Regular Session, 2017

2431. By Del. Ellington and Rohrbach - **Allowing influenza immunizations to be offered to patients and residents of specified facilities** (original similar to SB318) - Introduced 2/14/2017 - To Health and Human Resources - Amended - Passed House 2/22/2017 - Title amended - To Senate 2/23/2017 - To Health and Human Resources - Passed Senate with amended title 3/11/2017 - House concurred in Senate title amendment 3/15/2017 - Passed House 3/15/2017 - To Governor 3/17/17 - Approved by Governor 3/23/17 - Chapter 187, Acts, Regular Session, 2017
2446. By Del. Howell, Arvon, Atkinson, Blair, Hamrick, Hartman, Lynch and Ferro - **Relating to the requirement that all executive branch agencies maintain a website that contains specific information** (original similar to SB269) - Introduced 2/14/2017 - To Government Organization - Passed House 3/16/2017 - To Senate 3/17/2017 - To Government Organization - Amended - Passed Senate 4/5/2017 - House concurred in Senate amendment and passed 4/6/2017 - Effective from passage - Effective ninety days from passage - To Governor 4/18/17 - Vetoed by Governor 4/25/17
- \*2447. By Mr. Speaker (Mr. Armstead), Del. Shott, Summers, Overington, Foster, G., Hollen, Sobonya and O'Neal - **Renaming the Court of Claims the state Claims Commission** - Introduced 2/15/2017 - To Judiciary - Amended - Passed House 2/23/2017 - To Senate 2/24/2017 - To Judiciary - Amended - Passed Senate with amended title 3/21/2017 - House concurred in Senate amend with title amend, passed 4/1/2017 - Senate refused to concur - Senate requests conference 4/3/2017 - To conference 4/4/2017 - House adopted conference report and passed bill 4/8/2017 - Senate adopted conference report and passed bill 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 29, Acts, Regular Session, 2017
- \*2453. By Del. Eldridge, Butler and Summers - **Expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp** - Introduced 2/15/2017 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 3/1/2017 - Passed House 3/28/2017 - To Senate 3/29/2017 - To Agriculture and Rural Development then Government Organization - To Agriculture and Rural Development 3/29/2017 - 2nd reference dispensed - Passed Senate 4/5/2017 - To Governor 4/13/17 - Approved by Governor 4/25/17 - Chapter 6, Acts, Regular Session, 2017
- \*2459. By Del. Ellington, Summers, Rohrbach and Hollen - **Relating to regulation of health care and the certificate of need process** - Introduced 2/15/2017 - To Health and Human Resources then Judiciary - To House Judiciary 2/24/2017 - Passed House 3/6/2017 - Title amended - Effective from passage - To Senate 3/7/2017 - To Health and Human Resources - Passed Senate with amended title 3/30/2017 - Effective from passage - House concurred in Senate amendment and passed 3/30/2017 - Effective from passage - To Governor 4/4/17 - Approved by Governor 4/10/17 - Chapter 185, Acts, Regular Session, 2017

- \*2465. By Del. Cowles and Sobonya - **Modifying the requirements that allow a child witness to testify by closed circuit television** (original similar to SB48) - Introduced 2/15/2017 - To Judiciary - Passed House 2/23/2017 - To Senate 2/24/2017 - To Judiciary
- \*2471. By Del. Ellington, Summers, Rowan, Sobonya, Hollen, Rohrbach, Longstreth and Frich - **Relating to insurance coverage for breast cancer screening** - Introduced 2/15/2017 - To Banking and Insurance then Finance - To House Finance 2/24/2017 - Passed House 3/21/2017 - To Senate 3/22/2017 - To Banking and Insurance then Finance - To Banking and Insurance 3/22/2017 - To Finance 3/31/2017
- \*2475. By Del. Storch, Westfall, Moore, White, Frich and Ward - **Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents** - Introduced 2/15/2017 - To Government Organization then Finance - To House Finance 2/28/2017 - Amended - Passed House 3/24/2017 - To Senate 3/25/2017 - To Finance - Passed Senate 4/5/2017 - To Governor 4/17/17 - Approved by Governor 4/25/17 - Chapter 28, Acts, Regular Session, 2017
- \*2479. By Del. Storch, Ferro, Longstreth, McGeehan, Fleischauer, Canestraro, Isner, Lovejoy, Pushkin and Frich - **Uniform Deployed Parents Custody and Visitation Act** - Introduced 2/15/2017 - To Judiciary - Passed House 2/27/2017 - To Senate 2/28/2017 - To Judiciary - Amended - Passed Senate with amended title 4/4/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 66, Acts, Regular Session, 2017
- \*2483. By Del. Eldridge, Butler, Rohrbach, Miller, R., Sobonya and Iaquina - **Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday** (original similar to HB2593) - Introduced 2/15/2017 - To Judiciary - Passed House 3/29/2017 - To Senate 3/30/2017 - To Judiciary
- \*2486. By Del. Westfall - **Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order** - Introduced 2/15/2017 - To Judiciary - Passed House 2/28/2017 - To Senate 3/1/2017 - To Judiciary - Passed Senate with amended title 3/25/2017 - House concurred in Senate title amendment 3/31/2017 - Passed House 3/31/2017 - To Governor 4/4/17 - Approved by Governor 4/10/17 - Chapter 130, Acts, Regular Session, 2017
- \*2494. By Del. Westfall, Statler, White, Atkinson and Higginbotham - **Providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request** - Introduced 2/16/2017 - To Education then Government Organization - 2nd reference dispensed - Passed House 3/24/2017 - To Senate 3/25/2017 - To Education - Passed Senate with amended title 4/6/2017 - House concurred in Senate title amendment 4/6/2017 - Passed House 4/6/2017 - To Governor 4/18/17 - Approved by Governor 4/25/17 - Chapter 73, Acts, Regular Session, 2017

- \*2503. By Del. Ellington, Summers, Dean, Rohrbach, Sobonya and Hollen - **Relating to the rulemaking authority for Board of Osteopathic Medicine** - Introduced 2/16/2017 - To Government Organization - Passed House 3/9/2017 - To Senate 3/10/2017 - To Government Organization - Passed Senate 4/6/2017 - To Governor 4/17/17 - Approved by Governor 4/26/17 - Chapter 119, Acts, Regular Session, 2017
- \*2506. By Del. Zatezalo, Foster, G., Kessinger, Summers, Atkinson, Ambler, Phillips, Westfall and Miley - **Relating to the permit limit calculations and allowing overlapping mixing zones for calculating permit limits for drinking water criteria** - Introduced 2/16/2017 - To Judiciary - Amended - Passed House 3/1/2017 - Title amended - To Senate 3/2/2017 - To Judiciary - Passed Senate 3/28/2017 - To Governor 4/3/17 - Approved by Governor 4/8/17 - Chapter 88, Acts, Regular Session, 2017
- \*2509. By Del. Ellington, Summers, Rowan, Sobonya and Atkinson - **Relating to the practice of telemedicine** - Introduced 2/16/2017 - To Health and Human Resources then Judiciary - To House Judiciary 2/24/2017 - Passed House 3/6/2017 - Effective from passage - To Senate 3/7/2017 - To Health and Human Resources then Judiciary - To Health and Human Resources 3/7/2017 - To Judiciary 3/17/2017 - Amended - Passed Senate with amended title 4/4/2017 - Effective from passage - House concurred in Senate amendment 4/7/2017 - Passed House 4/7/2017 - Effective from passage - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 173, Acts, Regular Session, 2017
- \*2515. By Del. Howell and Rohrbach - **West Virginia Monument and Memorial Protection Act of 2017** - Introduced 2/16/2017 - To Political Subdivisions then Government Organization - To House Government Organization 3/15/2017 - Amended - Passed House 3/25/2017 - To Senate 3/27/2017 - To Government Organization
2518. By Del. Ellington, Summers, Rohrbach, Rowan, Hollen and Atkinson - **Creating a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations** - Introduced 2/16/2017 - To Health and Human Resources then Government Organization - To House Government Organization 2/24/2017 - Amended on 3rd reading - Passed House 3/14/2017 - To Senate 3/15/2017 - To Health and Human Resources - Passed Senate 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 176, Acts, Regular Session, 2017
- \*2519. By Del. Ellington, Summers, Rohrbach, Cooper, Hollen, Sobonya, Dean, Rowan and Longstreth - **Medicaid program compact** - Introduced 2/16/2017 - To Health and Human Resources then Government Organization - To House Government Organization 2/24/2017 - Passed House 3/23/2017 - To Senate 3/24/2017 - To Health and Human Resources - Passed Senate with amended title 4/4/2017 - House concurred in Senate title amendment 4/4/2017 - Passed House 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 127, Acts, Regular Session, 2017
- \*2520. By Del. Summers, Rohrbach, Criss, Atkinson, Higginbotham, Byrd, Lovejoy, Fleischauer and Rowan - **Prohibiting the use of a tanning device by a person under the age of eighteen** (original similar to SB672) - Introduced 2/16/2017 - To Health and Human Resources then Judiciary - To House Judiciary 3/1/2017 -

Passed House 3/28/2017 - To Senate 3/29/2017 - To Health and Human Resources - Passed Senate 4/8/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 192, Acts, Regular Session, 2017

2522. By Del. Ellington, Summers, Rohrbach, Sobonya, Dean, Cooper, Hollen and Rowan - **Nurse licensure compact** - Introduced 2/16/2017 - To Health and Human Resources then Judiciary - To House Judiciary 3/3/2017 - Passed House 3/16/2017 - Title amended - To Senate 3/17/2017 - To Health and Human Resources then Judiciary - To Health and Human Resources 3/17/2017 - 2nd reference dispensed - Passed Senate with amended title 4/4/2017 - House concurred in Senate title amendment 4/4/2017 - Passed House 4/4/2017 - To Governor 4/10/17 - Approved by Governor 4/25/17 - Chapter 178, Acts, Regular Session, 2017
- \*2524. By Del. Espinosa, Upson, Blair, Statler, Nelson, Shott, Howell, Ellington, Overington, Wilson and Householder - **Improving the focus on school-level continuous improvement processes** - Introduced 2/16/2017 - To Education then Finance - To House Finance 2/24/2017 - Amended - Passed House 3/24/2017 - Effective July 1, 2017 - To Senate 3/25/2017 - To Education then Finance - To Education 3/25/2017
- \*2526. By Del. Ellington, Summers, Sobonya and Rohrbach - **Classifying additional drugs to Schedules I, II, IV and V of controlled substances** - Introduced 2/16/2017 - To Health and Human Resources then Judiciary - To House Judiciary 2/24/2017 - Postponed on 2nd reading until 3/9/17 - Passed House 3/10/2017 - To Senate 3/11/2017 - To Judiciary - Amended - Passed Senate 4/4/2017 - House concurred in Senate amend with amend, passed bill 4/8/2017 - Senate concurred in House amendments and passed bill 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 39, Acts, Regular Session, 2017
- \*2540. By Del. Ellington, Summers, Rohrbach, Cooper, Hollen, Sobonya and Rowan - **Permitting a person to practice certain professions for limited time for a charitable function** - Introduced 2/17/2017 - To Government Organization - Passed House 3/9/2017 - To Senate 3/10/2017 - To Health and Human Resources
- \*2542. By Del. Statler, Espinosa, Cowles, Blair, Ambler, Shott, Kessinger, Hamilton, Dean, Ellington and Lewis - **Relating to public higher education personnel** (original similar to HB2849, SB274) - Introduced 2/20/2017 - To Education - Amended - Passed House 2/28/2017 - To Senate 3/1/2017 - To Education - Passed Senate 3/14/2017 - To Governor 3/17/17 - Approved by Governor 3/23/17 - Chapter 123, Acts, Regular Session, 2017
- \*2546. By Del. Foster, G., Higginbotham, Howell, Wilson, Fast, Zatezalo, Kelly, Hamrick, Harshbarger, Maynard and Walters - **Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned** - Introduced 2/20/2017 - To Industry and Labor then Judiciary - To House Judiciary 3/8/2017 - Passed House 3/17/2017 - To Senate 3/18/2017 - To Judiciary - Amended - Passed Senate with amended title 4/7/2017
2548. By Del. Pushkin, Howell, Rowe, Lane, Hamrick, Storch, Byrd and Robinson - **Relating to the use of outside speakers by persons licensed to manufacture, sell, possess for sale, transport or distribute nonintoxicating beer** (original

- similar to HB2888) - Introduced 2/20/2017 - To Small Business, Entrepreneurship and Economic Development then Judiciary - To House Judiciary 3/3/2017 - Passed House 3/27/2017 - To Senate 3/28/2017 - To Judiciary - Passed Senate 4/5/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 168, Acts, Regular Session, 2017
- \*2552. By Del. Rohrbach, Lovejoy, Wagner, Hartman, Ambler, Marcum, Rowan, Lynch, Fleischauer, Overington and White - **Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund** - Introduced 2/20/2017 - To Agriculture and Natural Resources then Finance - To House Finance 3/16/2017 - Amended - Passed House 3/28/2017 - To Senate 3/29/2017 - To Agriculture and Rural Development then Finance - To Agriculture and Rural Development 3/29/2017 - To Finance 4/1/2017 - Amended - Passed Senate 4/8/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 8, Acts, Regular Session, 2017
- \*2554. By Del. Foster, G., Higginbotham, Frich, Cowles, Hamrick, Howell, Wilson, Harshbarger, Maynard and Miller, C. - **West Virginia Contractor Licensing Act** - Introduced 2/20/2017 - To Government Organization - Passed House 3/10/2017 - Effective July 1, 2017 - To Senate 3/11/2017 - To Government Organization
- \*2555. By Del. Foster, G., Fast, Higginbotham, Howell, Frich, Zatezalo, Kelly, Summers, Cowles, Hamrick and Wilson - **Relating to tax credits for apprenticeship training in construction trades** (original similar to SB191) - Introduced 2/20/2017 - To Industry and Labor then Finance - To House Finance 3/1/2017 - Passed House 3/17/2017 - To Senate 3/18/2017 - To Finance - Amended - Passed Senate 4/6/2017 - Title amended - House refused to concur and requested Senate to recede 4/8/2017 - Senate receded and passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/24/17 - Chapter 231, Acts, Regular Session, 2017
- \*2561. By Del. Espinosa, Upson, Blair, Westfall, Romine, R., Rowan, Cooper, Statler, Kelly, Dean and Rohrbach - **Relating to public school support** - Introduced 2/20/2017 - To Education then Finance - To House Finance 3/2/2017 - Passed House 3/28/2017 - Effective July 1, 2017 - To Senate 4/5/2017 - Committee reference dispensed - Amended - Passed Senate with amended title 4/7/2017 - House refused to concur and requested Senate to recede 4/8/2017 - Senate receded and passed 4/8/2017 - Effective ninety days from passage - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 79, Acts, Regular Session, 2017
- \*2571. By Del. Rowan, Espinosa, Romine, R., Cooper, Hamilton, Mr. Speaker (Mr. Armstead), Wagner, Moye, Rohrbach, Kelly and Rodighiero - **Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition** - Introduced 2/20/2017 - To Education - Passed House 3/10/2017 - To Senate 3/11/2017 - To Education
- \*2579. By Del. Sobonya, Romine, R., Upson, Foster, G., Foster, N., Summers, Storch, Arvon, Miller, C., Rohrbach and Zatezalo - **Increasing the penalties for transporting controlled substances** (original similar to HB2448, HB2602) -

Introduced 2/21/2017 - To Prevention and Treatment of Substance Abuse then Judiciary - To House Judiciary 2/22/2017 - Passed House 3/7/2017 - To Senate 3/8/2017 - To Judiciary - Amended - Passed Senate with amended title 4/6/2017 - House refused to concur and requested Senate to recede 4/7/2017 - Senate refused to recede and requested conference 4/8/2017 - To conference 4/8/2017 - House adopted conference report and passed bill 4/8/2017 - Senate adopted conference report and passed bill 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 40, Acts, Regular Session, 2017

- \*2585. By Del. Storch, Arvon, Romine, R., Evans, A., Gearheart, Moore, Atkinson, Zatezalo, Shott, Hanshaw and Lewis - **Creating felony crime of conducting financial transactions involving proceeds of criminal activity** - Introduced 2/21/2017 - To Judiciary - Passed House 2/28/2017 - To Senate 3/1/2017 - To Judiciary - Amended - Passed Senate with amended title 4/6/2017 - House refused to concur and requested Senate to recede 4/7/2017 - Senate refused to recede and requested conference 4/8/2017 - To conference 4/8/2017 - House adopted conference report and passed bill 4/8/2017 - Senate adopted conference report and passed bill 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 57, Acts, Regular Session, 2017
- \*2586. By Del. Walters, Folk, Anderson, Hamilton, O'Neal, Evans, E. and Pethtel - **Relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board** (original similar to SB355) - Introduced 2/21/2017 - To Pensions and Retirement then Finance - To House Finance 3/1/2017 - Passed House 3/17/2017 - To Senate 3/18/2017 - To Finance - Passed Senate 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 216, Acts, Regular Session, 2017
- \*2589. By Del. Kessinger, Higginbotham, Paynter, Dean, Martin and Wilson - **Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school** - Introduced 2/21/2017 - To Education - Passed House 3/28/2017 - To Senate 3/29/2017 - To Education - Amended - Passed Senate with amended title 4/6/2017 - House refused to concur and requested Senate to recede 4/7/2017 - Senate refused to recede and requested conference 4/8/2017 - To conference 4/8/2017 - House adopted conference report 4/8/2017 - Passed House 4/8/2017 - Senate adopted conference report and passed bill 4/8/2017 - To Governor 4/20/17 - Vetoed by Governor 4/26/17
2590. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act** (original similar to SB363) - Introduced 2/21/2017 - To Finance - Passed House 3/6/2017 - Effective from passage - To Senate 3/7/2017 - To Finance - Passed Senate 3/14/2017 - Effective from passage - To Governor 3/17/17 - Approved by Governor 3/23/17 - Chapter 236, Acts, Regular Session, 2017
2594. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act** (original similar to SB368) - Introduced 2/21/2017 - To Finance - Passed House 3/6/2017 - Effective from passage - To Senate 3/7/2017 - To Finance - Passed Senate



3/14/2017 - Effective from passage - To Governor 3/17/17 - Approved by Governor 3/23/17 - Chapter 234, Acts, Regular Session, 2017

- \*2601. By Del. Walters, Folk, Anderson, Hamilton, O'Neal, Evans, E. and Pethtel - **Relating to municipal policemen's or municipal firemen's pension and relief funds** (original similar to SB393) - Introduced 2/21/2017 - To Pensions and Retirement then Finance - To House Finance 3/1/2017 - Passed House 3/16/2017 - To Senate 3/17/2017 - To Pensions then Finance - To Pensions 3/17/2017 - To Finance 3/31/2017 - Amended - Passed Senate with amended title 4/7/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/24/17 - Chapter 158, Acts, Regular Session, 2017
- \*2603. By Del. Walters, Folk, Anderson, Hamilton, O'Neal, Evans, E. and Pethtel - **Relating to municipal policemen's or firemen's pension and relief funds that are funded at one hundred and twenty-five percent or more** (original similar to SB354) - Introduced 2/21/2017 - To Pensions and Retirement then Finance - To House Finance 3/1/2017 - Passed House 3/16/2017 - To Senate 3/17/2017 - To Pensions - Referred to Finance 3/31/2017 - Passed Senate 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/14/17 - Chapter 157, Acts, Regular Session, 2017
- \*2618. By Del. Summers, Sypolt, Ellington, Blair, Kessinger, Foster, N. and McGeehan - **Relating to body mass index** - Introduced 2/21/2017 - To Education then Health and Human Resources - To House Health and Human Resources 3/8/2017 - Amended - Passed House 3/15/2017 - To Senate 3/16/2017 - To Health and Human Resources
- \*2619. By Del. Westfall, Romine, C., White and Frich - **Risk Management and Own Risk and Solvency Assessment Act** - Introduced 2/21/2017 - To Banking and Insurance then Judiciary - To House Judiciary 2/24/2017 - Passed House 3/3/2017 - To Senate 3/6/2017 - To Banking and Insurance then Judiciary - To Banking and Insurance 3/6/2017 - To Judiciary 3/21/2017 - Amended - Passed Senate with amended title 4/5/2017 - House concurred in Senate amendment and passed 4/6/2017 - Effective January 1, 2018 - Senate concurred in House effective date - Effective January 1, 2018 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 133, Acts, Regular Session, 2017
- \*2620. By Del. Frich, Ellington, Shott, Howell, Householder, Storch, Hanshaw, Kessinger, Hollen, Sobonya and Mr. Speaker (Mr. Armstead) - **West Virginia Drug Overdose Monitoring Act** - Introduced 2/21/2017 - To Prevention and Treatment of Substance Abuse then Judiciary - To House Judiciary 2/24/2017 - Amended - Passed House 3/2/2017 - To Senate 3/3/2017 - To Judiciary - Referred to Rules on 2nd reading 4/7/2017 - Amended - Constitutional rule suspended - Passed Senate 4/8/2017 - Title amended - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 188, Acts, Regular Session, 2017
2628. By Del. Howell, Hamrick, Summers, Ellington, Arvon, Rohrbach, Shott, Miller, C., Storch, Lewis and Maynard - **Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine** (original similar to HB2423, HB2630) - Introduced 2/21/2017 - To Health and Human Resources then Government Organization - To House Government Organization

2/24/2017 - Passed House 3/9/2017 - To Senate 3/10/2017 - To Government Organization - Amended - Passed Senate with amended title 4/6/2017 - House concurred in Senate amendment and passed 4/7/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 172, Acts, Regular Session, 2017

2630. By Del. Howell, Arvon, Rohrbach, Summers, Pushkin, Householder, Storch, Martin, Ellington, Longstreth and Ferro - **Authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff** (original similar to HB2628) - Introduced 2/21/2017 - To Government Organization - Passed House 3/3/2017 - To Senate 3/6/2017 - To Government Organization
- \*2631. By Del. Howell, Martin, Hill, Arvon, Shott, Hanshaw, Lewis, Criss, Hamrick, Paynter and Hollen - **Relating to time standards for disposition of complaint proceedings** - Introduced 2/21/2017 - To Government Organization then Judiciary - To House Judiciary 3/6/2017 - Amended - Passed House 3/16/2017 - Title amended - To Senate 3/17/2017 - To Government Organization - Amended - Passed Senate with amended title 4/6/2017 - House refused to concur and requested Senate to recede 4/8/2017 - Senate refused to recede and requested conference 4/8/2017 - To conference 4/8/2017 - House adopted conference report and passed bill 4/8/2017 - Senate adopted conference report and passed bill 4/8/2017 - To Governor 4/18/17 - Approved by Governor 4/21/17 - Chapter 169, Acts, Regular Session, 2017
- \*2637. By Del. Espinosa, Statler, Upson, Blair, Wilson, Westfall, Romine, R., Higginbotham, Harshbarger, Cooper and Folk - **Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage** - Introduced 2/21/2017 - To Education then Finance - To House Finance 3/2/2017 - Passed House 3/21/2017 - To Senate 3/22/2017 - To Education - Amended - Passed Senate with amended title 4/8/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 221, Acts, Regular Session, 2017
- \*2646. By Del. Kessinger, Foster, N., Sypolt, Summers, Blair, Arvon, Rowan and Miller, C. - **Terminating the Women's Commission and discontinue its functions** - Introduced 2/22/2017 - To Government Organization - Passed House 3/2/2017 - To Senate 3/3/2017 - To Government Organization - Amended - Passed Senate with amended title 4/6/2017 - House concurred in Senate amendment and passed 4/7/2017 - To Governor 4/18/17 - Vetoed by Governor 4/26/17
- \*2648. By Del. Sypolt, Rowan, Westfall, Evans, A., Upson, Miller, C., Sobonya, Storch, Rohrbach, Hollen and Frich - **Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor** (original similar to HB2448, HB2671) - Introduced 2/22/2017 - To Prevention and Treatment of Substance Abuse then Judiciary - To House Judiciary 2/24/2017 - Amended - Amended on 3rd reading - Passed House 3/3/2017 - Title amended - To Senate 3/6/2017 - To Judiciary - Amended - Passed Senate with amended title 4/8/2017
- \*2649. By Del. Hamilton, Walters, Cooper, Maynard, Wilson, Moore, Hamrick, Frich, Hill, Shott and Sypolt - **Adding violations of law upon which a public servant's retirement plan may be forfeited** (original similar to HB2393) - Introduced

2/22/2017 - To Pensions and Retirement then Judiciary - To House Judiciary  
3/8/2017 - Passed House 3/16/2017 - To Senate 3/17/2017 - To Pensions then  
Judiciary - To Pensions 3/17/2017

- \*2651. By Del. Espinosa, Romine, R., Westfall, Dean, Upson, Higginbotham, Kelly, Harshbarger, Cooper, Wagner and Rohrbach - **Relating generally to standardized testing requirements for nonpublic schools** - Introduced 2/22/2017 - To Education - Passed House 3/3/2017 - To Senate 3/6/2017 - To Education - On third reading to Rules 4/10/2017
2653. By Del. Ellington, Sobonya and Cooper - **Extending the Multi State Real-Time Tracking System** - Introduced 2/22/2017 - To Health and Human Resources then Finance - 2nd reference dispensed - Passed House 3/6/2017 - To Senate 3/7/2017 - To Health and Human Resources - Passed Senate 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 45, Acts, Regular Session, 2017
- \*2654. By Del. Statler, Miley, Lewis, Evans, E., Pethtel, Williams and Upson - **Expanding county commissions' ability to dispose of county or district property** (original similar to SB70) - Introduced 2/22/2017 - To Political Subdivisions then Judiciary - To House Judiciary 3/15/2017 - Passed House 3/28/2017 - To Senate 3/29/2017 - To Government Organization
- \*2674. By Del. Shott, Hanshaw, Arvon, Zatezalo, Sobonya, O'Neal, Fleischauer, Kessinger, Isner and Frich - **Relating to access to and receipt of certain information regarding a protected person** - Introduced 2/22/2017 - To Judiciary - Passed House 3/7/2017 - To Senate 3/8/2017 - To Judiciary - Passed Senate with amended title 4/8/2017 - House concurred in Senate title amendment 4/8/2017 - Passed House 4/8/2017 - To Governor 4/18/17 - Approved by Governor 4/24/17 - Chapter 64, Acts, Regular Session, 2017
2675. By Del. O'Neal, Hanshaw, Shott, Cowles, Sobonya, Phillips, Foster, N., Zatezalo, Kessinger, Hill and Fast - **Relating to primary elections and nominating procedures** - Introduced 2/22/2017 - To Judiciary - Passed House 3/10/2017 - To Senate 3/11/2017 - To Judiciary - Amended - Passed Senate with amended title 4/8/2017
- \*2676. By Del. White, Dean, Westfall, Blair, Paynter, Maynard, Foster, G., Hill, Harshbarger, Phillips and Higginbotham - **Transferring the Security office under the Division of Culture and History to the Division of Protective Services** - Introduced 2/22/2017 - To Judiciary - Passed House 3/17/2017 - To Senate 3/18/2017 - To Government Organization - Passed Senate 4/5/2017 - To Governor 4/18/17 - Approved by Governor 4/25/17 - Chapter 206, Acts, Regular Session, 2017
- \*2678. By Del. Anderson, Arvon, Overington, Foster, G., Romine, R., Householder, Upson and Shott - **Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions** (original similar to SB54) - Introduced 2/23/2017 - To Judiciary - Passed House 3/7/2017 - Effect January 1, 2018 - To Senate 3/8/2017 - To Judiciary - Passed Senate 3/17/2017 - Effective January 1, 2018 - Senate reconsidered action - Passed Senate 3/17/2017 - Effective January 1, 2018 - To Governor 3/24/17 - Approved by Governor 3/30/17 - Chapter 4, Acts, Regular Session, 2017

- \*2679. By Del. Summers, Frich, Overington, Paynter, Harshbarger, Moore, Dean, Foster, G., Higginbotham, Butler and Fast - **Relating to the possession of firearms in parks and park facilities** - Introduced 2/23/2017 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 3/15/2017 - Passed House 3/24/2017 - To Senate 3/25/2017 - To Judiciary - Amended - Passed Senate with amended title 4/1/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 163, Acts, Regular Session, 2017
- \*2683. By Del. Westfall, White, Hamrick, Hartman and Frich - **Relating to West Virginia Insurance Guaranty Association Act** (original similar to SB434) - Introduced 2/23/2017 - To Banking and Insurance then Judiciary - To House Judiciary 3/3/2017 - Passed House 3/16/2017 - To Senate 3/17/2017 - To Judiciary - Passed Senate 4/5/2017 - Senate requests return of bill from House - Senate reconsidered action - Passed Senate with amended title 4/6/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 132, Acts, Regular Session, 2017
2684. By Del. Canestraro, Lovejoy, Hollen, Miller, R., Shott and Isner - **Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license** - Introduced 2/23/2017 - To Judiciary - Passed House 3/3/2017 - Title amended - To Senate 3/6/2017 - To Judiciary - Amended - Passed Senate with amended title 4/8/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/25/17 - Chapter 240, Acts, Regular Session, 2017
2691. By Del. Hamrick, Martin, Ward, Howell, Boggs, Arvon, Storch, Westfall, Dean, McGeehan and Frich - **Allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber** - Introduced 2/24/2017 - To Government Organization - Passed House 3/7/2017 - To Senate 3/8/2017 - To Government Organization - Passed Senate 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/14/17 - Chapter 179, Acts, Regular Session, 2017
- \*2694. By Del. Hamrick, Gearheart, Zatezalo, Howell, Atkinson, Ward, Williams, Statler, Moye, Sobonya and Butler - **Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas** - Introduced 2/24/2017 - To Roads and Transportation then Finance - To House Finance 3/8/2017 - Passed House 3/17/2017 - To Senate 3/18/2017 - To Transportation and Infrastructure then Finance - To Transportation and Infrastructure 3/18/2017 - On 2nd reading to Finance 4/4/2017 - On 3rd reading with right to amend 4/8/2017
- \*2702. By Del. Westfall, Cooper, Ambler, Wagner, Moye, Atkinson, Marcum and Higginbotham - **Relating to excused absences for personal illness from school** - Introduced 2/24/2017 - To Education - Amended - Passed House 3/24/2017 - To Senate 3/25/2017 - To Education - Amended - Passed Senate 4/7/2017 - Title amended - Effective July 1, 2017 - House concurred in Senate amendment and passed 4/8/2017 - Effective July 1, 2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 78, Acts, Regular Session, 2017

- \*2704. By Del. Espinosa, Statler, Dean, Rohrbach, Wilson, Rowan, Harshbarger, Romine, R., Wagner, Cooper and Higginbotham - **Prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from holding certification or license valid in public schools** - Introduced 2/24/2017 - To Education then Judiciary - To House Judiciary 3/7/2017 - Passed House 3/28/2017 - To Senate 3/29/2017 - To Education then Judiciary - To Education 3/29/2017 - To Judiciary 4/3/2017 - Amended - Passed Senate with amended title 4/8/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 223, Acts, Regular Session, 2017
2706. By Del. Espinosa, Statler, Upson, Dean, Rohrbach, Wilson, Rowan, Harshbarger, Romine, R., Higginbotham and Kelly - **Authorizing legislative rules regarding higher education** - Introduced 2/24/2017 - To Education - Passed House 3/10/2017 - To Senate 3/11/2017 - To Education - Passed Senate 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 124, Acts, Regular Session, 2017
- \*2708. By Del. Hamilton, Evans, A., Paynter, Ambler, Butler, Brewer, Iaquina, Romine, R., Lewis, Rowan and Eldridge - **Relating to a lawful method for a developmentally disabled person to purchase a base hunting license** - Introduced 2/24/2017 - To Agriculture and Natural Resources then Judiciary - To House Finance 3/8/2017 - Passed House 3/29/2017 - To Senate 3/31/2017 - To Natural Resources then Judiciary - To Natural Resources 3/31/2017 - 2nd reference dispensed - Amended - Passed Senate with amended title 4/7/2017 - House refused to concur and requested Senate to recede 4/8/2017
- \*2709. By Del. Nelson, Lane, Byrd, Walters, Foster, N., Rowe, Robinson, White, Pushkin, Capito and Mr. Speaker (Mr. Armstead) - **Authorizing the City of South Charleston to levy a special district excise tax** (original similar to SB565) - Introduced 2/24/2017 - To Political Subdivisions then Finance - To House Finance 3/8/2017 - Passed House 3/24/2017 - To Senate 3/25/2017 - To Finance - Passed Senate 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/26/17 - Chapter 160, Acts, Regular Session, 2017
- \*2711. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Abolishing regional educational service agencies and providing for the transfer of property and records** (original similar to SB420) - Introduced 2/27/2017 - To Education then Finance - To House Finance 3/23/2017 - Amended - Passed House 3/28/2017 - To Senate 3/29/2017 - To Education then Finance - To Education 3/29/2017 - On 2nd reading to Finance 4/6/2017 - 2nd reference dispensed - Amended - Passed Senate 4/8/2017 - Title amended - House concurred in Senate amendment with amendment - Passed House 4/8/2017 - Title amended - Senate concurred in House amendments and passed bill 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 72, Acts, Regular Session, 2017
- \*2720. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Allowing the School Building Authority to transfer funds allocated into the School Construction Fund** (original similar to SB356) - Introduced 2/27/2017 - To Education then Finance - To House Finance 3/9/2017 - Passed House 3/28/2017 - To Senate 3/29/2017 - To Education then Finance - To Education 3/29/2017 - To Finance 4/3/2017 - Amended - Passed Senate with amended title

4/7/2017 - Effective July 1, 2017 - House concurred in Senate amendment and passed 4/8/2017 - Effective July 1, 2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 80, Acts, Regular Session, 2017

- \*2721. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Removing the cost limitation on projects completed by the Division of Highways** (original similar to SB416) - Introduced 2/27/2017 - To Roads and Transportation then Finance - To House Finance 3/20/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - Committee reference dispensed - Amended - Passed Senate with amended title 3/31/2017 - House refused to concur and requested Senate to recede 4/6/2017 - Senate refused to recede and requested conference 4/7/2017 - To conference 4/8/2017 - House adopted conference report and passed bill 4/8/2017 - Senate adopted conference report and passed bill 4/8/2017 - To Governor 4/18/17 - Approved by Governor 4/24/17 - Chapter 220, Acts, Regular Session, 2017
- \*2722. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Eliminating the financial limitations on utilizing the design-build program for highway construction** (original similar to SB417) - Introduced 2/27/2017 - To Roads and Transportation then Finance - To House Finance 3/20/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - Committee reference dispensed - Amended - Passed Senate with amended title 3/31/2017 - House refused to concur and requested Senate to recede 4/6/2017 - Senate refused to recede and requested conference 4/7/2017 - To conference 4/8/2017 - House adopted conference report and passed bill 4/8/2017 - Senate adopted conference report and passed bill 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 218, Acts, Regular Session, 2017
- \*2724. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to creating a pilot program under the Herbert Henderson Office of Minority Affairs** (original similar to SB425) - Introduced 2/27/2017 - To Political Subdivisions then Health and Human Resources - To House Health and Human Resources 3/8/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - To Health and Human Resources then Government Organization - To Health and Human Resources 3/27/2017 - To Government Organization 3/31/2017 - Passed Senate 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 104, Acts, Regular Session, 2017
2725. By Del. Howell, Hamrick, Atkinson, Householder, Arvon, Ellington, Walters, Shott, Hanshaw, Hill and Martin - **Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products** - Introduced 2/27/2017 - To Government Organization - Passed House 3/7/2017 - To Senate 3/8/2017 - To Government Organization
- \*2726. By Del. Shott, Miller, R., Kessinger, Lane, Byrd, Isner, Frich and Lovejoy - **Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order** - Introduced 2/28/2017 - To Judiciary - Passed House 3/10/2017 - To Senate 3/11/2017 - To Judiciary - Passed Senate 4/5/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 60, Acts, Regular Session, 2017
- \*2731. By Del. Shott, Miller, R., Kessinger, Lane and Byrd - **Clarifying civil actions heard in circuit court** (original similar to SB454) - Introduced 2/28/2017 - To

- Judiciary - Passed House 3/10/2017 - To Senate 3/11/2017 - To Judiciary - Amended - Passed Senate with amended title 4/4/2017 - House refused to concur and requested Senate to recede 4/6/2017 - Senate receded and passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 48, Acts, Regular Session, 2017
- \*2734. By Del. Boggs, Westfall, Nelson and Frich - **Authorizing a method for the collection and remittance of property taxes related to dealers' heavy equipment inventory** (original similar to SB603) - Introduced 2/28/2017 - To Finance - Passed House 3/24/2017 - To Senate 3/25/2017 - To Finance - Amended - Passed Senate with amended title 4/5/2017 - House concurred in Senate amendment and passed 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/26/17 - Chapter 228, Acts, Regular Session, 2017
- \*2738. By Del. Espinosa, Statler, Dean, Blair, Higginbotham, Moore, Wilson, Cooper and Upson - **Providing flexibility in the transfer process of school personnel** - Introduced 2/28/2017 - To Education - Passed House 3/21/2017 - To Senate 3/22/2017 - To Education
- \*2739. By Del. Summers, Ellington, Howell, Statler and Frich - **Relating to supplemental Medicaid provider reimbursement** - Introduced 2/28/2017 - To Health and Human Resources then Finance - To House Finance 3/8/2017 - Passed House 3/17/2017 - To Senate 3/18/2017 - To Health and Human Resources - Amended - Passed Senate 4/4/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 128, Acts, Regular Session, 2017
- \*2740. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Administration** (original similar to SB307) - Introduced 2/28/2017 - To Finance - Passed House 3/2/2017 - Effective from passage - To Senate 3/3/2017 - To Finance - Constitutional rule suspended - Passed Senate 3/7/2017 - Effective from passage - To Governor 3/10/17 - Approved by Governor 3/13/17 - Chapter 10, Acts, Regular Session, 2017
2745. By Del. Miller, R., Robinson, Lane and Rowe - **Adding the examination of Advanced Care Technician** - Introduced 3/1/2017 - To Political Subdivisions then Health and Human Resources - To House Health and Human Resources 3/20/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - To Health and Human Resources - On 3rd reading 4/8/2017
- \*2759. By Del. Ellington, Espinosa and Frich - **Creating Statewide Interoperable Radio Network** - Introduced 3/1/2017 - To Government Organization then Finance - To House Finance 3/21/2017 - Passed House 3/29/2017 - Effective from passage - To Senate 3/31/2017 - To Finance - Amended - Constitutional rule suspended - Passed Senate with amended title 4/6/2017 - Effective from passage - House concurred in Senate amendment and passed 4/8/2017 - Effective from passage - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 199, Acts, Regular Session, 2017
- \*2763. By Del. Espinosa, Moore, Wilson, Cooper and Harshbarger - **Relating to the approval by the Council for Community and Technical College Education of acquisitions** - Introduced 3/1/2017 - To Education then Finance - To House

Finance 3/13/2017 - Passed House 3/27/2017 - To Senate 3/28/2017 - To Education

2766. By Del. Shott, Miller, R., Kessinger, Lane, Byrd, Isner and Frich - **Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund** (original similar to SB443) - Introduced 3/1/2017 - To Prevention and Treatment of Substance Abuse then Finance - To House Finance 3/3/2017 - Passed House 3/17/2017 - To Senate 3/18/2017 - Committee reference dispensed - Amended - Passed Senate 3/21/2017 - House concurred in Senate amendment and passed 3/22/2017 - To Governor 3/24/17 - Approved by Governor 3/30/17 - Chapter 63, Acts, Regular Session, 2017
- \*2767. By Del. O'Neal, Hanshaw, Sobonya, Hollen, Moore, Kessinger, Summers, Fast, Overington and Foster, G. - **Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks** - Introduced 3/1/2017 - To Government Organization then Judiciary - To House Judiciary 3/13/2017 - Passed House 3/21/2017 - To Senate 3/22/2017 - To Government Organization - Amended - Passed Senate with amended title 4/5/2017 - House concurred in Senate amendment and passed 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/25/17 - Chapter 121, Acts, Regular Session, 2017
- \*2771. By Del. Upson, Espinosa, Statler, Blair, Cooper, Ambler, Householder, Moore, Butler, Kessinger and Lewis - **Relating to temporary teaching certificates for Armed Forces spouses** (original similar to SB327) - Introduced 3/1/2017 - To Veterans' Affairs and Homeland Security then Education - To House Education 3/9/2017 - Passed House 3/28/2017 - To Senate 3/29/2017 - To Education - Amended - Passed Senate 4/6/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 222, Acts, Regular Session, 2017
2774. By Del. Hamrick, Ward, Folk, Frich, Summers, Statler, Howell, Zatezalo, Queen, Jaquinta and Miley - **Defining special aircraft property** (original similar to SB61) - Introduced 3/2/2017 - To Finance - Passed House 3/24/2017 - To Senate 3/25/2017 - Passed Senate 3/28/2017 - To Governor 4/3/17 - Approved by Governor 4/8/17 - Chapter 229, Acts, Regular Session, 2017
- \*2781. By Del. Blair, Zatezalo, Householder, Ambler, Hamrick, Anderson, Martin, Maynard and Lewis - **Requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks** - Introduced 3/3/2017 - To Judiciary - Passed House 3/28/2017 - To Senate 3/29/2017 - To Judiciary - Amended - Passed Senate with amended title 4/8/2017 - Effective from passage - House concurred in Senate amendment and passed 4/8/2017 - Effective from passage - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 84, Acts, Regular Session, 2017
2788. By Del. Howell, Shott, Arvon, Martin, Lewis, Hill, Walters, Phillips, Moore, Espinosa and Butler - **Allowing military veterans with certain military ratings to qualify for examinations required of a probationary firefighter** - Introduced 3/3/2017 - To Veterans' Affairs and Homeland Security then Government Organization - To House Government Organization 3/16/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - To Military then Government Organization - To Military 3/27/2017



- \*2792. By Del. Arvon, Hill, Walters and Martin - **Requiring the Library Commission to survey the libraries of the state** (original similar to HB2332) - Introduced 3/6/2017 - To Government Organization - Passed House 3/16/2017 - To Senate 3/17/2017 - To Government Organization - Passed Senate 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/14/17 - Chapter 198, Acts, Regular Session, 2017
- \*2794. By Del. Frich, Upson, Westfall, White and Marcum - **Relating to the means of giving notice to a debt collector of a consumer's representation by legal counsel** - Introduced 3/6/2017 - To Banking and Insurance then Judiciary - To House Judiciary 3/10/2017 - Passed House 3/28/2017 - To Senate 3/29/2017 - To Judiciary
2796. By Del. Hanshaw - **Relating to the West Virginia National Guard entering into contracts and subcontracts for specialized technical services** (original similar to SB502) - Introduced 3/6/2017 - To Judiciary - Passed House 3/16/2017 - Title amended - To Senate 3/17/2017 - To Government Organization - Passed Senate with amended title 4/4/2017 - Effective from passage - House concurred in Senate title amendment 4/4/2017 - Passed House 4/4/2017 - Effective from passage - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 201, Acts, Regular Session, 2017
- \*2797. By Del. O'Neal, Shott, Hanshaw, Sobonya, Kessinger, Foster, N., Foster, G. and Overington - **Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records** - Introduced 3/6/2017 - To Judiciary - Passed House 3/21/2017 - To Senate 3/22/2017 - To Judiciary - Passed Senate 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/14/17 - Chapter 107, Acts, Regular Session, 2017
2798. By Del. O'Neal, Shott, Hanshaw, Sobonya and Overington - **Clarifying provisions relating to candidates unaffiliated with a political party** - Introduced 3/6/2017 - To Judiciary - Passed House 3/21/2017 - To Senate 3/22/2017 - To Judiciary
- \*2799. By Del. Foster, G., Higginbotham, Householder, Kessinger, Hill, Foster, N., Cowles, Fast, Summers, Miller, R. and Isner - **Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit** - Introduced 3/6/2017 - To Education then Judiciary - To House Judiciary 3/21/2017 - Passed House 3/27/2017 - To Senate 3/28/2017 - To Education - On 3rd reading 4/8/2017
- \*2801. By Del. Miley [By Request of the Executive] - **Expiring funds to the unappropriated balance in the State Fund from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund** (original similar to SB476) - Introduced 3/6/2017 - To Finance - Passed House 4/3/2017 - Effective from passage - To Senate 4/4/2017 - Committee reference dispensed - Amended - Passed Senate with amended title 4/8/2017 - Effective from passage - House concurred in Senate amendment and passed 4/8/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/14/17 - Chapter 11, Acts, Regular Session, 2017
- \*2804. By Del. Lane, Ferro, Williams, Phillips, Maynard and Robinson - **Removing chiropractors from the list of medical professions required to obtain**

- continuing education on mental health conditions common to veterans and family members** - Introduced 3/6/2017 - To Veterans' Affairs and Homeland Security then Health and Human Resources - To House Health and Human Resources 3/16/2017 - Passed House 3/28/2017 - To Senate 3/29/2017 - To Military then Health and Human Resources - To Military 3/29/2017 - 2nd reference dispensed - Amended - Passed Senate 4/7/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 170, Acts, Regular Session, 2017
- \*2805. By Del. Nelson, Boggs, Ambler, Anderson, Frich, Hamilton, Miller, C., Walters, Longstreth, Pethel and Sponaugle - **Finding and declaring certain claims against the state and its agencies to be moral obligations of the state** - Introduced 3/6/2017 - To Finance - Passed House 3/24/2017 - Effective from passage - To Senate 3/25/2017 - To Finance - Amended - Passed Senate 4/6/2017 - Effective from passage - House refused to concur and requested Senate to recede 4/8/2017 - Senate refused to recede and requested conference 4/8/2017 - House concurred in Senate amendment and passed 4/8/2017 - Effective from passage - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 26, Acts, Regular Session, 2017
- \*2808. By Del. Summers, Atkinson, Ellington, Rohrbach and Shott - **The West Virginia Assisted Outpatient Treatment Act** - Introduced 3/7/2017 - To Health and Human Resources then Judiciary - To House Judiciary 3/10/2017 - Passed House 3/23/2017 - To Senate 3/24/2017 - To Health and Human Resources then Judiciary - To Health and Human Resources 3/24/2017
- \*2811. By Del. Hanshaw, Hartman, Kelly, Boggs, Miley, Shott, Nelson, Anderson, Westfall and Hamrick - **Relating to the definition of above ground storage tanks** - Introduced 3/7/2017 - To Energy then Judiciary - To House Judiciary 3/10/2017 - Passed House 3/17/2017 - To Senate 3/18/2017 - To Energy, Industry and Mining - Passed Senate 3/25/2017 - To Governor 3/29/17 - Approved by Governor 4/4/17 - Chapter 89, Acts, Regular Session, 2017
- \*2815. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to higher education governance** (original similar to SB511) - Introduced 3/7/2017 - To Education then Judiciary - To House Judiciary 3/23/2017 - Amended on 3rd reading - Passed House 3/28/2017 - To Senate 3/29/2017 - To Education - Amended - Passed Senate 4/6/2017 - Title amended - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/25/17 - Chapter 122, Acts, Regular Session, 2017
- \*2816. By Del. Miley [By Request of the Executive] - **Eliminating new film tax credits** (original similar to SB484) - Introduced 3/7/2017 - To Finance - House rejected 3/28/2017
- \*2827. By Del. Ellington and Summers - **Updating the all payor claims database** - Introduced 3/8/2017 - To Health and Human Resources - 2nd reference dispensed - Passed House 3/22/2017 - To Senate 3/23/2017 - To Health and Human Resources

- \*2828. By Del. Summers, Canestraro, Miller, R. and Hollen - **Changing the number of strikes in jury selection in felony cases** - Introduced 3/8/2017 - To Judiciary - House rejected 3/21/2017
2833. By Del. Howell, Frich, Dean, Hill, Foster, G., Martin, Hamrick, Arvon, Criss, Lewis and Sybolt - **Specifying the contents and categories of information for inclusion in annual reports** - Introduced 3/8/2017 - To Government Organization - Passed House 3/20/2017 - To Senate 3/21/2017 - To Government Organization - Passed Senate 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/21/17 - Chapter 118, Acts, Regular Session, 2017
- \*2838. By Del. Howell, Shott, Frich, Dean, Harshbarger, Hill, Foster, G., Martin, Hamrick, Arvon and Criss - **Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician** - Introduced 3/8/2017 - To Veterans' Affairs and Homeland Security then Health and Human Resources - To House Health and Human Resources 3/16/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - To Military then Government Organization - To Military 3/27/2017
- \*2839. By Del. Howell, Frich, Dean, Hill, Foster, G., Martin, Hamrick, Arvon, Lewis, Sybolt and Rohrbach - **Updating the procedures for legislative review of departments and licensing boards** - Introduced 3/8/2017 - To Government Organization - Passed House 3/17/2017 - To Senate 3/18/2017 - To Government Organization - Amended - Passed Senate with amended title 4/6/2017 - Unfinished Business, Special Calendar 4/7/2017 - House concurred in Senate amendment and passed 4/7/2017 - To Governor 4/21/17 - Approved by Governor 4/25/17 - Chapter 148, Acts, Regular Session, 2017
- \*2840. By Del. Howell, Frich, Dean, Hill, Foster, G., Martin, Hamrick, Arvon, Criss, Lewis and Sybolt - **Reorganizing the departments, agencies and commissions within the executive branch of state government** - Introduced 3/8/2017 - To Government Organization then Finance - 2nd reference dispensed - Passed House 3/22/2017 - To Senate 3/23/2017 - To Government Organization
- \*2841. By Del. Howell, Frich, Dean, Harshbarger, Hill, Foster, G., Martin, Hamrick, Arvon, Criss and Lewis - **Requiring board members to have attended a board meeting in order to be compensated for the meeting** - Introduced 3/8/2017 - To Government Organization then Finance - To House Finance 3/14/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - To Government Organization
- \*2846. By Del. Fast, O'Neal, Kessinger, Sobonya, Rowan, Foster, G., Mr. Speaker (Mr. Armstead) and Del. Frich - **Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee** - Introduced 3/8/2017 - To Education then Health and Human Resources - To House Health and Human Resources 3/20/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - To Health and Human Resources - Passed Senate 4/8/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 177, Acts, Regular Session, 2017
- \*2850. By Del. Shott, O'Neal, Sobonya and Moore - **Relating to product liability actions** - Introduced 3/8/2017 - To Judiciary - Passed House 3/27/2017 - To Senate 3/28/2017 - To Judiciary - Passed Senate 4/7/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 2, Acts, Regular Session, 2017

- \*2851. By Del. White, Westfall, Moore, Dean, Lane, Ward and Frich - **Updating fee structure provisions for broker-dealers** (original similar to SB509) - Introduced 3/8/2017 - To Banking and Insurance then Finance - To House Finance 3/17/2017 - Passed House 3/29/2017 - To Senate 3/30/2017 - To Finance - Amended - Passed Senate 4/8/2017 - Title amended - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/24/17 - Chapter 225, Acts, Regular Session, 2017
- \*2852. By Del. Howell, Arvon, Hamrick, Hill, Martin, O'Neal, Storch, Sobonya, Frich, Sypolt and Ward - **Relating to the preparation of a comprehensive annual financial report** (original similar to HB3055) - Introduced 3/8/2017 - To Government Organization - Passed House 3/17/2017 - To Senate 3/18/2017 - To Government Organization
2856. By Del. O'Neal, Cooper, Ambler, Miller, C., Boggs, Fast, Kessinger, White, Sobonya, Romine, C. and Rohrbach - **Declaring public policy and legislative intent for improving the marketing, quality and frequency of passenger rail service of the Cardinal Passenger Train** - Introduced 3/8/2017 - To Finance - Passed House 3/22/2017 - To Senate 3/23/2017 - To Finance - Passed Senate with amended title 4/4/2017 - House concurred in Senate title amendment 4/4/2017 - Passed House 4/4/2017 - To Governor 4/6/17 - Approved by Governor 4/11/17 - Chapter 67, Acts, Regular Session, 2017
- \*2857. By Del. Foster, G., Westfall, White, Walters, Moore and Summers - **West Virginia Safer Workplaces Act** - Introduced 3/8/2017 - To Industry and Labor then Judiciary - To House Judiciary 3/15/2017 - Passed House 3/23/2017 - Title amended - To Senate 3/24/2017 - To Judiciary - Amended - Passed Senate with amended title 4/7/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 136, Acts, Regular Session, 2017
- \*2868. By Del. Hanshaw, Westfall and Frich - **Relating generally to Uniform Unclaimed Property Act** - Introduced 3/8/2017 - To Banking and Insurance then Judiciary - To House Judiciary 3/10/2017 - Passed House 3/17/2017 - Title amended - To Senate 3/18/2017 - To Judiciary - Amended - Passed Senate with amended title 3/28/2017 - House refused to concur and requested Senate to recede 4/6/2017 - Senate refused to recede and requested conference 4/7/2017
2869. By Mr. Speaker (Mr. Armstead), Del. Hanshaw and Ambler - **Providing for paid leave for certain state officers and employees during a declared state of emergency** - Introduced 3/9/2017 - To Judiciary - Passed House 3/27/2017 - To Senate 3/28/2017 - To Government Organization - Amended - Passed Senate with amended title 4/6/2017 - House refused to concur and requested Senate to recede 4/8/2017
2878. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Increasing amount of authorized Federal Grant Anticipation Notes for which Division of Highways may apply** (original similar to SB421) - Introduced 3/9/2017 - To Finance - Passed House 3/28/2017 - To Senate 3/29/2017 - Committee reference dispensed - Passed Senate 4/1/2017 - To Governor 4/4/17 - Approved by Governor 4/10/17 - Chapter 219, Acts, Regular Session, 2017

- \*2887. By Del. Espinosa, Statler, Walters, Upson, Blair, Wilson, Cooper and Higginbotham - **Relating to retirement and separation incentives** - Introduced 3/9/2017 - To Education - Passed House 3/28/2017 - To Senate 3/29/2017 - To Education - Referred to Finance on 2nd reading 4/6/2017 - Amended - Passed Senate 4/8/2017 - Title amended
- \*2897. By Del. Criss and Lane - **Raising the amount required for competitive bidding of construction contracts by the state and its subdivisions** - Introduced 3/9/2017 - To Industry and Labor then Government Organization - To House Government Organization 3/15/2017 - Passed House 3/28/2017 - To Senate 3/29/2017 - To Government Organization - Amended - Passed Senate with amended title 4/6/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 103, Acts, Regular Session, 2017
- \*2898. By Mr. Speaker (Mr. Armstead) - **Authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature** - Introduced 3/9/2017 - To Judiciary - Passed House 3/20/2017 - To Senate 3/21/2017 - To Judiciary - Passed Senate 4/5/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 147, Acts, Regular Session, 2017
- \*2916. By Del. Pethtel, Hanshaw and Lovejoy - **Authorizing certain first responders to carry firearms** - Introduced 3/10/2017 - To Judiciary - Amended - Passed House 3/20/2017 - To Senate 3/21/2017 - To Judiciary - Amended - On third reading to Rules 4/8/2017
- \*2930. By Del. Shott and Lane - **Allowing powerball, hot lotto, and mega millions winners to remain anonymous** - Introduced 3/10/2017 - To Judiciary - Passed House 3/28/2017 - To Senate 3/29/2017 - To Judiciary then Finance - To Judiciary 3/29/2017 - On 2nd reading to Finance 4/4/2017
- \*2935. By Mr. Speaker (Mr. Armstead), Del. Hanshaw, Ambler, Hill, Boggs and Baldwin - **Relating to state flood protection planning** - Introduced 3/10/2017 - To Government Organization - Passed House 3/25/2017 - To Senate 3/27/2017 - To Government Organization - Amended - Passed Senate with amended title 4/8/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 100, Acts, Regular Session, 2017
- \*2936. By Del. Fast, Howell, Arvon, Martin, Butler, Householder, Walters, Miller, C., Storch, Westfall and Rowan - **Requiring purchases to be made at lowest retail price available at level of quality sought by the spending unit** - Introduced 3/13/2017 - To Government Organization then Finance - To House Finance 3/16/2017 - Amended - Passed House 3/27/2017 - To Senate 3/28/2017 - To Government Organization - Amended - Passed Senate with amended title 4/8/2017
- \*2939. By Del. Hamilton - **Relating to the sale of items in the State Police Academy post exchange to the public** (original similar to SB570, SB665) - Introduced 3/13/2017 - To Government Organization then Judiciary - 2nd reference dispensed - Passed House 3/27/2017 - To Senate 3/28/2017 - To Government

Organization then Finance - To Government Organization 3/28/2017 - 2nd reference dispensed - Passed Senate 4/5/2017 - To Governor 4/18/17 - Approved by Governor 4/24/17 - Chapter 205, Acts, Regular Session, 2017

- \*2941. By Del. Gearheart, Storch, Hamrick, Criss, Hanshaw, Westfall, Paynter, Cooper, Moore, Ambler and White - **Requiring the Commissioner of the Division of Highways to utilize the Attorney General for all legal assistance and services** - Introduced 3/13/2017 - To Judiciary - Passed House 3/28/2017 - To Senate 3/29/2017 - To Government Organization - Passed Senate 4/6/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 112, Acts, Regular Session, 2017
- \*2948. By Del. Hanshaw, Sypolt, Zatezalo, Ward, Paynter, Harshbarger, Foster, G., Deem, Anderson, Foster, N. and Fast - **Establishing timelines for taking final action on certain permits** - Introduced 3/13/2017 - To Energy then Judiciary - To House Judiciary 3/17/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - To Government Organization - Amended - Passed Senate with amended title 4/4/2017 - House concurred in Senate amendment and passed 4/6/2017 - House further considered bill - Title amended - Senate concurred in House title amendment 4/7/2017 - Passed Senate 4/7/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 113, Acts, Regular Session, 2017
- \*2949. By Del. Hamilton, Eldridge, Lewis, Ambler and Romine, R. - **Exempting specified Division of Natural Resources' contracts for some replacement, repair or design for repairs to facilities from review and approval requirements** - Introduced 3/13/2017 - To Agriculture and Natural Resources then Government Organization - To House Government Organization 3/15/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - To Government Organization - Passed Senate 4/5/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 164, Acts, Regular Session, 2017
- \*2961. By Del. Nelson and Boggs - **Relating generally to charitable bingo games and charitable raffles** (original similar to SB625) - Introduced 3/13/2017 - To Judiciary then Finance - To House Finance 3/16/2017 - Passed House 3/28/2017 - To Senate 3/29/2017 - To Finance - Passed Senate with amended title 4/6/2017 - House concurred in Senate title amendment 4/6/2017 - Passed House 4/6/2017 - To Governor 4/18/17 - Approved by Governor 4/25/17 - Chapter 215, Acts, Regular Session, 2017
2962. By Del. Nelson and Boggs - **Enlarging the authority of the Tax Commissioner to perform background investigations of employees and contractors** (original similar to SB598) - Introduced 3/13/2017 - To Finance - Passed House 3/28/2017 - To Senate 3/29/2017 - To Government Organization - Amended - Passed Senate 4/6/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 110, Acts, Regular Session, 2017
2963. By Del. Nelson and Boggs - **Eliminating tax lien waiver requirement for estates of nonresidents** (original similar to SB594) - Introduced 3/13/2017 - To Finance - Passed House 3/28/2017 - Title amended - To Senate 3/29/2017 - To Finance - Passed Senate 4/5/2017 - To Governor 4/11/17 - Approved by Governor 4/26/17 - Chapter 230, Acts, Regular Session, 2017

- \*2966. By Mr. Speaker (Mr. Armstead), Del. Shott, Hanshaw, Summers, Sobonya, Lane, Foster, N., Overington, Fast, Foster, G. and O'Neal - **Creating the West Virginia Sentencing Commission** - Introduced 3/13/2017 - To Judiciary - Passed House 3/27/2017 - To Senate 3/28/2017 - To Judiciary
2967. By Del. Nelson and Boggs - **Relating generally to administration of estates and trusts** - Introduced 3/13/2017 - To Finance - Passed House 3/28/2017 - To Senate 3/29/2017 - To Government Organization - Amended - Passed Senate with amended title 4/6/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/24/17 - Chapter 93, Acts, Regular Session, 2017
- \*2980. By Del. Moore, Summers, Shott, Hollen, Sobonya, Hanshaw, Miller, C., Kessinger, Foster, N., O'Neal and Westfall - **Relating to civil lawsuit filing fees for multiple defendant civil action** - Introduced 3/13/2017 - To Judiciary then Finance - To House Finance 3/20/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - To Judiciary then Finance - To Judiciary 3/27/2017 - 2nd reference dispensed - Amended - Senate reconsidered action - Passed Senate with amended title 4/6/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/24/17 - Chapter 96, Acts, Regular Session, 2017
- \*3006. By Del. Hornbuckle, Miller, C., Rohrbach, Fleischauer, Sobonya and Fluharty - **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** (original similar to SB634) - Introduced 3/14/2017 - To Education - Passed House 3/28/2017 - To Senate 4/3/2017 - To Government Organization
3009. By Del. Summers - **Relating to access by the Office of Health Facility Licensure and Certification to the Controlled Substances Monitoring Program database** - Introduced 3/14/2017 - To Health and Human Resources then Judiciary - To House Judiciary 3/17/2017 - Passed House 3/23/2017 - To Senate 3/24/2017 - To Health and Human Resources
3018. By Del. Isner, Canestraro, Sobonya, Summers, Boggs, Fast, Kessinger, Miller, R., Capito, Robinson and Lovejoy - **Adding definition of correctional employee to the list of persons against whom an assault is a felony** - Introduced 3/14/2017 - To Judiciary - Passed House 3/25/2017 - Title amended - To Senate 3/27/2017 - To Judiciary - Amended - Passed Senate 4/7/2017 - Title amended - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 51, Acts, Regular Session, 2017
- \*3020. By Del. Harshbarger, Howell, Cowles, Ambler, Boggs, Paynter, Atkinson, Kessinger, Eldridge, Statler and Overington - **Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person** - Introduced 3/14/2017 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 3/17/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - To Natural Resources then Judiciary - To Natural Resources 3/27/2017 - 2nd reference dispensed - Amended - Passed Senate 4/8/2017 - Title amended

3022. By Del. Shott - **Relating to the reporting of fraud, misappropriation of moneys, and other violations of law to the commission on special investigations** - Introduced 3/14/2017 - To Judiciary - Passed House 3/28/2017 - To Senate 3/29/2017 - To Judiciary - Amended - Passed Senate with amended title 4/6/2017 - House concurred in Senate amend with amend, passed bill 4/8/2017 - Senate concurred in House amendments and passed bill 4/8/2017 - To Governor 4/21/17 - Approved by Governor 4/26/17 - Chapter 211, Acts, Regular Session, 2017
- \*3028. By Del. Miley [By Request of the Executive] - **Relating to the Comprehensive Substance Use Reduction Act** (original similar to SB418) - Introduced 3/14/2017 - To Prevention and Treatment of Substance Abuse then Health and Human Resources - To House Health and Human Resources 3/22/2017 - Passed House 3/27/2017 - To Senate 3/28/2017 - To Health and Human Resources then Government Organization - To Health and Human Resources 3/28/2017
- \*3030. By Del. Shott, Mr. Speaker (Mr. Armstead), Caputo and Lane - **Relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals** - Introduced 3/14/2017 - To Judiciary - Passed House 3/21/2017 - Title amended - To Senate 3/22/2017 - To Judiciary - Amended - Passed Senate with amended title 4/7/2017 - House refused to concur and requested Senate to recede 4/8/2017
3037. By Del. Anderson - **Removing the Division of Energy as an independent agency** - Introduced 3/14/2017 - To Energy then Government Organization - To House Government Organization 3/17/2017 - Passed House 3/28/2017 - Passed House 3/28/2017 - To Senate 3/29/2017 - To Government Organization - Amended - Passed Senate with amended title 4/6/2017 - House concurred in Senate amendment and passed 4/6/2017 - To Governor 4/18/17 - Approved by Governor 4/24/17 - Chapter 108, Acts, Regular Session, 2017
- \*3048. By Del. Miller, R., Marcum, Caputo and Phillips - **Relating to collection of Tier II fees for chemical inventories** (original similar to SB629) - Introduced 3/14/2017 - To Government Organization then Finance - To House Finance 3/21/2017 - Passed House 3/28/2017 - To Senate 3/29/2017 - To Finance - Passed Senate with amended title 4/6/2017 - House concurred in Senate title amendment 4/7/2017 - Passed House 4/7/2017 - To Governor 4/18/17 - Approved by Governor 4/26/17 - Chapter 97, Acts, Regular Session, 2017
3053. By Del. Howell, Dean, Maynard, Blair, Foster, N., Foster, G., Harshbarger, Hill, McGeehan, Paynter and Queen - **Relating to motor vehicle lighting** (original similar to HB3000) - Introduced 3/14/2017 - To Government Organization - Passed House 3/25/2017 - To Senate 3/27/2017 - To Government Organization - Passed Senate 4/6/2017 - To Governor 4/11/17 - Approved by Governor 4/14/17 - Chapter 241, Acts, Regular Session, 2017
- \*3061. By Del. Upson, Espinosa, Westfall, Statler, Cooper, Rowan, Romine, R., Higginbotham and Baldwin - **Encouraging mastery-based education through the Innovation In Schools program** - Introduced 3/14/2017 - To Education - Passed House 3/23/2017 - To Senate 3/24/2017 - To Education - On 3rd reading 4/8/2017
- \*3062. By Del. Shott and Nelson - **The state Settlement and Recovered Funds Accountability Act** - Introduced 3/14/2017 - To Judiciary then Finance - To



House Finance 3/21/2017 - Amended - Passed House 3/29/2017 - Title amended  
- To Senate 3/30/2017 - To Finance

- \*3064. By Del. Atkinson, Mr. Speaker (Mr. Armstead), Hill, Sobonya, Westfall and Frich - **Allowing vehicles of a size and weight exceeding certain specifications to operate over specified routes** - Introduced 3/14/2017 - To Judiciary - Passed House 3/25/2017 - To Senate 3/27/2017 - To Transportation and Infrastructure - Passed Senate 4/7/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 243, Acts, Regular Session, 2017
- \*3080. By Mr. Speaker (Mr. Armstead), Del. Maynard, Cooper, Overington and Moye - **Requiring instruction in the Declaration of Independence and the United States Constitution** - Introduced 3/14/2017 - To Education - Passed House 3/29/2017 - To Senate 3/30/2017 - To Education - Amended - Passed Senate 4/6/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 70, Acts, Regular Session, 2017
3088. By Del. Espinosa, Statler, Higginbotham and Dean - **Relating generally to teacher-pupil ratios** - Introduced 3/14/2017 - To Education - House rejected 3/28/2017
3089. By Del. Espinosa, Statler, Higginbotham, Upson, Cooper, Rowan, Harshbarger and Dean - **Relating to the adoption of instructional resources for use in the public schools** - Introduced 3/14/2017 - To Education - Amended - Passed House 3/23/2017 - To Senate 3/24/2017 - To Education
3091. By Del. Nelson and Boggs - **Relating generally to employer withholding taxes** (original similar to SB593) - Introduced 3/14/2017 - To Finance - Passed House 3/28/2017 - To Senate 3/29/2017 - To Finance
- \*3093. By Del. Hanshaw, Shott, Capito, Byrd, Robinson, Summers, Fluharty, Lane, Zatezalo, Foster, N. and Frich - **Establishing Broadband Enhancement and Expansion Policies** - Introduced 3/14/2017 - To Judiciary - Passed House 3/24/2017 - To Senate 3/27/2017 - To Government Organization - Amended - Passed Senate with amended title 4/7/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 22, Acts, Regular Session, 2017
- \*3095. By Del. Espinosa - **Allowing retired teachers to be employed by a higher education institution** (original similar to HB2184) - Introduced 3/14/2017 - To Education - Passed House 3/28/2017 - To Senate 3/29/2017 - To Education - On 3rd reading 4/8/2017
- \*3096. By Del. Espinosa - **Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state** (original similar to SB657) - Introduced 3/14/2017 - To Political Subdivisions then Finance - 2nd reference dispensed - Amended - Passed House 3/27/2017 - To Senate 3/28/2017 - To Government Organization - Amended - Passed Senate with amended title 4/8/2017 - House concurred in Senate amendment and passed 4/8/2017 - To Governor 4/20/17 - Approved by Governor 4/26/17 - Chapter 161, Acts, Regular Session, 2017

3101. By Del. Atkinson, Harshbarger, Love, Lynch, Romine, R., Sponaugle and Evans, A. (Originating in House Agriculture and Natural Resources) - **Creating a misdemeanor for violation of catching, taking or killing fish within two hundred feet of agency personnel stocking fish into public waters** - Introduced 3/17/2017 - To House Judiciary 3/17/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - To Natural Resources then Judiciary - To Natural Resources 3/27/2017
- \*3102. By Del. Ellington, Summers and Householder (Originating in House Health and Human Resources) - **Relating to selling Hopemont Hospital** - Introduced 3/15/2017 - To House Finance 3/15/2017 - Passed House 3/29/2017 - To Senate 3/30/2017 - To Health and Human Resources then Finance - To Health and Human Resources 3/30/2017 - 2nd reference dispensed - Amended - Passed Senate with amended title 4/7/2017
3103. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Health and Human Resources** (original similar to SB304) - Introduced 3/17/2017 - To Finance - Passed House 4/3/2017 - Effective from passage - To Senate 4/4/2017 - To Finance - Amended - Passed Senate 4/8/2017 - Effective from passage - House concurred in Senate amendment and passed 4/8/2017 - Effective from passage - To Governor 4/13/17 - Approved by Governor 4/14/17 - Chapter 12, Acts, Regular Session, 2017
3105. By Del. Gearheart, Nelson , Anderson, Frich, Butler, Ellington, Westfall, Walters and Miller, C. (Originating in House Finance) - **Relating to the Licensed Racetrack Modernization Fund** - Introduced 3/22/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - To Finance
3106. By Del. Barrett, Gearheart, Storch, Ambler, Espinosa, Rowe, Walters, Westfall, Sponaugle, Ellington and Evans, A. (Originating in House Finance) - **Relating to increasing the number of limited video lottery terminals** - Introduced 3/22/2017 - Passed House 3/25/2017 - To Senate 3/27/2017 - Committee reference dispensed - Passed Senate 3/31/2017 - To Governor 4/4/17 - Approved by Governor 4/10/17 - Chapter 117, Acts, Regular Session, 2017

## HOUSE CONCURRENT RESOLUTIONS COMMUNICATED TO SENATE

1. By Mr. Speaker (Mr. Armstead) - **Raising a Joint Assembly to open and publish election returns** - Introduced 1/11/2017 - Reference dispensed - Adopted by House 1/11/2017 - To Senate 1/11/2017 - Committee reference dispensed - Adopted by Senate 1/11/2017
2. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Introduced 1/11/2017 - Reference dispensed - Adopted by House 1/11/2017 - To Senate 1/11/2017 - Committee reference dispensed - Adopted by Senate 1/11/2017

3. By Mr. Speaker (Mr. Armstead) - **Providing for an adjournment of the Legislature until February 8, 2017** - Introduced 1/11/2017 - Reference dispensed - Adopted by House 1/11/2017 - To Senate 1/11/2017 - Committee reference dispensed - Adopted by Senate 1/11/2017
4. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Introduced 2/8/2017 - Reference dispensed - Adopted by House 2/8/2017 - To Senate 2/8/2017 - Committee reference dispensed - Adopted by Senate 2/8/2017
5. By Del. Summers - **U. S. Navy Rear Admiral Frederick Burdett Warder Memorial Bridge** - Introduced 2/8/2017 - To Rules - Adopted by House 3/14/2017 - To Senate 3/15/2017 - To Transportation and Infrastructure - Amended - Adopted by Senate 4/4/2017 - House concurred in Senate amendment and adopted 4/5/2017
6. By Mr. Speaker (Mr. Armstead) - **U.S. Army SPC 4 Thurman 'Duwayne' Young Memorial Road** - Introduced 2/8/2017 - To Rules - Adopted by House 3/14/2017 - To Senate 3/15/2017 - To Transportation and Infrastructure
8. By Del. Butler - **Dr. Roy and Marian Eshenaur Bridge** - Introduced 2/13/2017 - To Roads and Transportation then Rules - To House Rules 3/15/2017 - Adopted by House 3/23/2017 - To Senate 3/24/2017 - To Transportation and Infrastructure - Amended - Adopted by Senate 4/4/2017 - House concurred in Senate amendment and adopted 4/5/2017
9. By Del. Rowan - **Frenchburg Bridge** - Introduced 2/13/2017 - To Roads and Transportation then Rules - To House Rules 3/28/2017 - Adopted by House 4/3/2017 - To Senate 4/4/2017 - To Transportation and Infrastructure
10. By Del. Ambler, Cooper, Moye, Householder and Rowan - **John Cameron Brown Bridge** - Introduced 2/13/2017 - To Roads and Transportation then Rules - To House Rules 3/15/2017 - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure - Amended - Adopted by Senate 4/4/2017 - House concurred in Senate amendment and adopted 4/5/2017
13. By Del. Atkinson, Kelly, Ward, Westfall, Cooper, Butler, Hamrick, Hill, Howell, Martin and Wagner - **U.S. Army SSG Brian Curtis Rogers Memorial Bridge** - Introduced 2/15/2017 - To Rules - Adopted by House 3/14/2017 - To Senate 3/15/2017 - To Transportation and Infrastructure - Adopted by Senate 4/4/2017
15. By Del. Miller, C., Sobonya, McGeehan, Storch, Deem, Wagner, Rohrbach, Kelly, Zatezalo and Westfall - **Requesting Congress to fully support the National Park Service's recommendations to extend the Lewis and Clark National Historic Trail to include additional sites along the Expedition's Eastern Legacy** - Introduced 2/21/2017 - To Rules - Adopted by House 3/16/2017 - To Senate 3/17/2017 - To Natural Resources - Adopted by Senate 4/6/2017
19. By Del. Eldridge, Maynard, Miller, R., Rodighiero, Marcum, Phillips, Miller, C., Romine, C. and Hornbuckle - **U.S. Army PFC Freeman Ray Meade Memorial Road** - Introduced 2/22/2017 - To Rules - Adopted by House 3/22/2017 - To

- Senate 3/23/2017 - To Transportation and Infrastructure - Adopted by Senate 4/7/2017
20. By Del. Phillips, Eldridge, Miller, R., Rodighiero, Marcum and Maynard - **US Army PVT James Earl Pelfrey Memorial Bridge** - Introduced 2/22/2017 - To Rules - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure - Adopted by Senate 4/4/2017
  21. By Del. Phillips, Eldridge, Maynard and Rodighiero - **1SG Carl J. Crabtree Memorial Road** - Introduced 2/22/2017 - To Rules - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure - Amended - Adopted by Senate 4/8/2017 - House concurred in Senate amendment and adopted 4/8/2017
  22. By Del. Phillips, Eldridge, Miller, R., Rodighiero and Maynard - **U.S. Air Force MSgt Johnny Baxter Clark and U.S. Air Force MSgt Carl Richard (Dick) Clark Memorial Bridge** - Introduced 2/22/2017 - To Rules - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure - Adopted by Senate 4/4/2017
  23. By Del. Phillips, Eldridge, Miller, R., Rodighiero, Marcum and Maynard - **U.S. Army SSG Styish R. Morris Memorial Road** - Introduced 2/22/2017 - To Rules - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure - Adopted by Senate 4/7/2017
  24. By Del. Hamilton and Lynch - **SGT. Eugene E. Arbogast Memorial Bridge** - Introduced 2/24/2017 - To Rules - Adopted by House 3/16/2017 - To Senate 3/17/2017 - To Transportation and Infrastructure - Amended - Adopted by Senate 4/4/2017 - House concurred in Senate amendment and adopted 4/5/2017
  25. By Del. Hicks and Thompson - **U.S. Army PVT Charles E. Ellis and U.S. Army PVT Ira V. Ellis Memorial Bridge** - Introduced 2/24/2017 - To Rules - Adopted by House 3/23/2017 - To Senate 3/24/2017 - To Transportation and Infrastructure
  26. By Del. Pyles, Caputo, Pethtel, Longstreth, Upson, Fleischauer, Lynch, Williams, Summers, Statler, Frich, Mr. Speaker (Mr. Armstead), Ambler, Arvon, Atkinson, Baldwin, Barrett, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Cooper, Criss, Dean, Deem, Diserio, Eldridge, Espinosa, Evans, A., Evans, E., Ferro, Folk, Foster, G., Gearheart, Hamilton, Hamrick, Hartman, Higginbotham, Hill, Hornbuckle, Howell, Jaquinta, Isner, Kelly, Lane, Lewis, Love, Lovejoy, Martin, Maynard, McGeehan, Miley, Miller, C., Miller, R., Moore, Moye, O'Neal, Overington, Paynter, Pushkin, Queen, Rodighiero, Rohrbach, Romine, C., Romine, R., Rowan, Rowe, Shott, Sponaugle, Storch, Sypolt, Thompson, Wagner, Ward, Westfall and White - **Naming the NASA IV & V Facility at Fairmont for West Virginia mathematician Katherine Coleman Johnson** - Introduced 2/24/2017 - To Rules - Adopted by House 4/3/2017 - To Senate 4/3/2017 - Committee reference dispensed - Adopted by Senate 4/3/2017
  27. By Del. Rodighiero - **U.S. Army 1LT Patricia Simon Bridge** - Introduced 2/24/2017 - To Roads and Transportation then Rules - Adopted by House 3/23/2017 - To Senate 3/24/2017 - To Transportation and Infrastructure - Amended - Adopted by Senate 4/4/2017 - House concurred in Senate amendment and adopted 4/5/2017

30. By Del. Eldridge, Maynard, Miller, R., Rodighiero, Marcum, Phillips, Miller, C., Romine, C. and Hornbuckle - **U.S. Army PFC Cornelious Wiley Memorial Bridge** - Introduced 3/1/2017 - To Rules - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure - Adopted by Senate 4/7/2017
35. By Del. Rowe, Caputo, Robinson, White, Brewer, Byrd, Hornbuckle, Fleischauer, Pyles and Lynch - **Arnold Miller Memorial Bridge** - Introduced 3/2/2017 - To Roads and Transportation then Rules - To House Rules 3/15/2017 - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure - Amended - Adopted by Senate 4/8/2017 - House concurred in Senate amendment and adopted 4/8/2017
36. By Del. Miller, C., Hornbuckle, Eldridge, Lovejoy, Brewer, Butler, Rohrbach, Romine, R., Romine, C. and Sobonya - **U.S. Army PFC John Ira Pinkerman Memorial Bridge** (original similar to SCR5) - Introduced 3/2/2017 - To Rules - Adopted by House 3/14/2017 - To Senate 3/15/2017 - To Transportation and Infrastructure - Adopted by Senate 4/4/2017
- \*37. By Del. Miller, C., Maynard, Eldridge, Lovejoy, Brewer, Butler, Rohrbach, Romine, C. and Sobonya - **U.S. Army SPC William L. Amos Memorial Bridge** - Introduced 3/2/2017 - To Rules - Adopted by House 3/14/2017 - To Senate 3/15/2017 - To Transportation and Infrastructure
41. By Del. Upson, Cowles, Espinosa, Howell, Kessinger, Moore, O'Neal, Overington, Wagner, Westfall and Wilson - **Major Martin Robison Delany Memorial Bridge** - Introduced 3/2/2017 - To Roads and Transportation then Rules - To House Rules 3/28/2017 - Adopted by House 4/3/2017 - To Senate 4/4/2017 - To Transportation and Infrastructure - Adopted by Senate 4/7/2017
46. By Del. Gearheart, Householder, Romine, C., Phillips, White, Ellington, Paynter, Martin, Shott and Evans, E. - **Blue Demon Bridge** - Introduced 3/2/2017 - To Roads and Transportation then Rules - To House Rules 3/15/2017 - Adopted by House 3/23/2017 - To Senate 3/24/2017 - To Transportation and Infrastructure
47. By Del. Eldridge, Maynard, Miller, R., Rodighiero, Phillips, Marcum, Hornbuckle, Romine, C. and Miller, C. - **U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road** - Introduced 3/2/2017 - To Roads and Transportation then Rules - To House Rules 4/4/2017 - Adopted by House 4/6/2017 - To Senate 4/7/2017 - To Transportation and Infrastructure
48. By Del. Rodighiero - **U.S. Army SPC David H. Stamper Memorial Bridge** - Introduced 3/2/2017 - To Rules - Adopted by House 3/23/2017 - To Senate 3/24/2017 - To Transportation and Infrastructure - Adopted by Senate 4/7/2017
49. By Del. Phillips, Marcum, Rodighiero, Miller, R., Eldridge and Maynard - **U.S. Army PFC Donald Ray Cochran Memorial Bridge** - Introduced 3/2/2017 - To Rules - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure - Adopted by Senate 4/4/2017
- \*50. By Del. Phillips, Eldridge, Miller, R., Rodighiero and Maynard - **Lowe Mountain Memorial Highway** - Introduced 3/2/2017 - To Roads and

- Transportation then Rules - To House Rules 3/28/2017 - Adopted by House 4/3/2017 - To Senate 4/4/2017 - To Transportation and Infrastructure - Adopted by Senate 4/7/2017
51. By Del. Phillips, Eldridge, Rodighiero, Maynard and Miller, R. - **Toby” Runyon Memorial Bridge** - Introduced 3/2/2017 - To Rules - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure - Adopted by Senate 4/4/2017
- \*53. By Mr. Speaker (Mr. Armstead) and Del. Boggs - **US Army Corporal Jerry Lee Noble Memorial Bridge** - Introduced 3/7/2017 - To Roads and Transportation then Rules - To House Rules 4/4/2017 - Adopted by House 4/6/2017 - To Senate 4/7/2017 - To Transportation and Infrastructure
54. By Del. Hartman, Isner, Sponaugle and Lynch - **U.S. Army PVT Preston D. Vanscoy Memorial Bridge** - Introduced 3/7/2017 - To Rules - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure - Adopted by Senate 4/4/2017
56. By Del. Eldridge, Maynard, Miller, R., Rodighiero, Marcum, Hornbuckle, Phillips, Romine, C., Miller, C. and Westfall - **U. S. Army CPL George Browning Memorial Road** - Introduced 3/7/2017 - To Rules - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure
58. By Del. Miller, C., Romine, C., Lovejoy, Rohrbach, Sobonya, Hicks, Thompson, Hornbuckle and Westfall - **William C. Campbell Memorial Highway** - Introduced 3/7/2017 - To Roads and Transportation then Rules - To House Rules 3/15/2017 - Adopted by House 3/23/2017 - To Senate 3/24/2017 - To Transportation and Infrastructure - Amended - Adopted by Senate 4/8/2017 - House concurred in Senate amendment and adopted 4/8/2017
59. By Del. Gearheart, Phillips, Butler, Ellington, McGeehan, Shott, O’Neal, Paynter and Longstreth - **USMC LCpl Timothy J. Dunnigan Memorial Intersection** - Introduced 3/7/2017 - To Rules - Adopted by House 3/16/2017 - To Senate 3/17/2017 - To Transportation and Infrastructure
60. By Del. Summers, Ward, Caputo and Longstreth - **William “Bill” R. VanGilder Memorial Bridge** - Introduced 3/7/2017 - To Rules - Adopted by House 3/14/2017 - To Senate 3/15/2017 - To Transportation and Infrastructure - Adopted by Senate 4/4/2017
62. By Del. Lynch, Hartman, Iaquina, Ferro, Williams, Sponaugle, Caputo, Boggs, Diserio, Romine, R. and Hamilton - **Webster County Veterans Highway** - Introduced 3/7/2017 - To Rules - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure - Amended - Adopted by Senate 4/8/2017 - House concurred in Senate amendment and adopted 4/8/2017
63. By Del. Phillips, Maynard, Marcum, Rodighiero, Miller, R. and Eldridge - **William B. Burgess Memorial Road** - Introduced 3/8/2017 - To Rules - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure - Amended - Adopted by Senate 4/8/2017 - House concurred in Senate amendment and adopted 4/8/2017

- \*64. By Del. Miley, Hamrick, Queen and Iaquinta - **Gill Brothers World War II Veterans' Memorial Bridge** - Introduced 3/8/2017 - To Roads and Transportation then Rules - To House Rules 4/4/2017 - Adopted by House 4/6/2017 - To Senate 4/7/2017 - To Transportation and Infrastructure
- \*65. By Del. Walters - **Hobert G. 'Hobie' Underwood Memorial Bridge** - Introduced 3/8/2017 - To Roads and Transportation then Rules - To House Rules 4/4/2017 - Adopted by House 4/6/2017 - To Senate 4/7/2017 - To Transportation and Infrastructure - Amended - Adopted by Senate 4/8/2017 - House concurred in Senate amendment and adopted 4/8/2017
66. By Del. Miley, Ambler, Anderson, Baldwin, Barrett, Bates, Byrd, Canestraro, Caputo, Cooper, Dean, Diserio, Eldridge, Ellington, Espinosa, Evans, A., Evans, E., Ferro, Fleischauer, Fluharty, Folk, Foster, G., Frich, Hamilton, Hamrick, Hartman, Hicks, Hornbuckle, Isner, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Miller, R., Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Romine, C., Romine, R., Sponaugle, Statler, Storch, Summers, Upson, Walters, Westfall, White, Williams, Wilson, Zatezalo and Rowe - **Sustainability of the state's current system of higher education** - Introduced 3/8/2017 - To Education then Rules - To House Rules 3/20/2017 - Adopted by House 3/23/2017 - To Senate 3/24/2017 - To Education then Rules - To Education 3/24/2017 - To Rules 4/5/2017
68. By Del. Phillips, Eldridge, Marcum, Rodighiero and Maynard - **James Earl Gibson Memorial Road** - Introduced 3/8/2017 - To Rules - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure - Amended - Adopted by Senate 4/8/2017 - House concurred in Senate amendment and adopted 4/8/2017
73. By Del. Hartman, Iaquinta, Lynch, Sponaugle and Pyles - **U S Army Air Corps PVT William James Irwin, Memorial Bridge** - Introduced 3/9/2017 - To Rules - Adopted by House 3/22/2017 - To Senate 3/23/2017 - To Transportation and Infrastructure - Amended - Adopted by Senate 4/8/2017 - House concurred in Senate amendment and adopted 4/8/2017
- \*78. By Del. Moye, Bates, Arvon, Ellington, Love, O'Neal, Kessinger, Shott and Cooper - **Almond Brothers and Family Veterans Bridge** - Introduced 3/9/2017 - To Roads and Transportation then Rules - To House Rules 3/28/2017 - Amended - Adopted by House 4/4/2017 - To Senate 4/5/2017 - To Transportation and Infrastructure - Adopted by Senate 4/8/2017
82. By Del. Statler, Summers, Frich, Fleischauer, Pethtel, Pyles and Williams - **U.S. Marine Sergeant David Paul McCord Memorial Bridge** - Introduced 3/13/2017 - To Rules - Adopted by House 3/16/2017 - To Senate 3/17/2017 - To Transportation and Infrastructure - Adopted by Senate 4/4/2017
83. By Del. Statler and Williams - **U.S. Army SPC John R. Tennant Memorial Bridge** - Introduced 3/13/2017 - To Rules - Adopted by House 3/16/2017 - To Senate 3/17/2017 - To Transportation and Infrastructure - Adopted by Senate 3/30/2017
- \*84. By Del. Hamrick, Queen and Howell - **U.S. Army Air Force S/SGT Harold 'Dean' Baker Memorial Bridge** - Introduced 3/14/2017 - To Roads and

Transportation then Rules - To House Rules 4/4/2017 - Adopted by House 4/6/2017 - To Senate 4/7/2017 - To Transportation and Infrastructure - Adopted by Senate 4/8/2017

87. By Del. Eldridge - **Deputy Sheriff SGT. Justin Alan Thompson Memorial Highway** - Introduced 3/14/2017 - To Rules - Adopted by House 3/23/2017 - To Senate 3/24/2017 - To Transportation and Infrastructure - Adopted by Senate 4/8/2017
90. By Del. Storch, Deem, Folk, Ambler, Anderson, Arvon, Atkinson, Baldwin, Barrett, Bates, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Diserio, Eldridge, Ellington, Espinosa, Evans, A., Evans, E., Fast, Ferro, Fleischauer, Fluharty, Foster, G., Foster, N., Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Householder, Howell, Jaquinta, Isner, Kelly, Kessinger, Lane, Lewis, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, Miley, Miller, C., Miller, R., Moye, Nelson, O'Neal, Overington, Paynter, Pethel, Phillips, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Romine, C., Romine, R., Rowan, Rowe, Shott, Sobonya, Sponaule, Statler, Summers, Sypolt, Thompson, Upson, Wagner, Walters, Ward, Westfall, White, Williams and Wilson - **Study on the feasibility of light fidelity ("Li-Fi")**, - Introduced 3/21/2017 - To Rules - Adopted by House 3/24/2017 - To Senate 3/25/2017 - To Rules
91. By Del. Marcum, Rodighiero, Thompson and Hicks - **Alleen Ledson Memorial Bridge** - Introduced 3/21/2017 - To Rules - Adopted by House 3/24/2017 - To Senate 3/25/2017 - To Transportation and Infrastructure
92. By Del. Hanshaw - **U.S. Army SGT Eugene Dawson Memorial Highway** - Introduced 3/21/2017 - To Rules - Adopted by House 3/24/2017 - To Senate 3/25/2017 - To Transportation and Infrastructure - Adopted by Senate 4/7/2017
- \*93. By Del. Howell - **Extending WV Route 93** - Introduced 3/21/2017 - To Roads and Transportation then Rules - To House Rules 4/4/2017 - Adopted by House 4/6/2017 - To Senate 4/7/2017 - To Transportation and Infrastructure
94. By Del. Hornbuckle - **Katherine Johnson Day** - Introduced 3/21/2017 - To Rules - Adopted by House 4/3/2017 - To Senate 4/3/2017 - Committee reference dispensed - Adopted by Senate 4/3/2017
96. By Del. McGeehan, Hamilton and Folk - **U. S. Marine Corps Cpl Mark Douglas Cool Memorial Bridge** - Introduced 3/23/2017 - To Rules - Adopted by House 4/4/2017 - To Senate 4/5/2017 - To Transportation and Infrastructure - Adopted by Senate 4/8/2017
- \*98. By Del. Gearheart, Criss, Storch, Longstreth, Westfall, Hamrick, Phillips, Overington, Miller, C., Walters and Ambler - **John H. Reed, Jr. Memorial Bridge** - Introduced 3/23/2017 - To Roads and Transportation then Rules - To House Rules 4/4/2017 - Adopted by House 4/6/2017 - To Senate 4/7/2017 - To Transportation and Infrastructure - Adopted by Senate 4/8/2017
103. By Del. Evans, A., Hamilton, Rowan and Romine, R. - **U S Army PFC Tracy Victor Rohrbaugh Memorial Bridge** - Introduced 3/24/2017 - To Rules -



Adopted by House 4/4/2017 - To Senate 4/5/2017 - To Transportation and Infrastructure

105. By Del. Maynard, Eldridge, Miller, C. and Hornbuckle - **Army SSG Arthur N. McMellon Memorial Bridge** - Introduced 3/25/2017 - To Rules - Adopted by House 4/3/2017 - To Senate 4/4/2017 - To Transportation and Infrastructure
109. By Del. Cowles - **Extending the Committee of Conference relating to consideration of Com Sub for HB 2099** - Introduced 3/30/2017 - Reference dispensed - Adopted by House 3/29/2017 - To Senate 3/30/2017 - Committee reference dispensed - Adopted by Senate 3/30/2017
110. By Del. Cowles - **Extending the Committee of Conference relating to consideration of Com Sub for HB 2028** - Introduced 3/30/2017 - Reference dispensed - Adopted by House 3/29/2017 - To Senate 3/30/2017 - Committee reference dispensed - Adopted by Senate 3/30/2017
118. By Del. Hanshaw - **Craddock Brothers Bridge** - Introduced 4/3/2017 - To Roads and Transportation then Rules - To House Rules 4/4/2017 - Adopted by House 4/6/2017 - To Senate 4/7/2017 - To Transportation and Infrastructure - Amended - Adopted by Senate 4/8/2017 - House concurred in Senate amendment and adopted 4/8/2017

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- 586. Changing fees for custom slaughters from annual to triennial

#### **ALCOHOLIC LIQUORS AND BEERS**

- 290. Authorizing operators of distillery or mini-distillery offer for purchase and consumption of liquor on Sundays
- 430. Relating to hospital open meetings
- 479. Relating to regulation of liquor sales
- 517. Permitting ABCC appointees or employees carry firearms after completing training
- 533. Relating to taxes on wine and intoxicating liquors
- 637. Relating to private club operations requirements
- 685. Creating a one-day special license for charitable events sell nonintoxicating beer

#### **APPROPRIATIONS**

- 199. Budget Bill
- 299. Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH
- 300. Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel
- 301. Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program
- 302. Supplemental appropriation of federal funds from Treasury to Division of Human Services
- 303. Supplemental appropriation of public moneys from Treasury to DHHR
- 304. Appropriating expiring funds from State Fund, General Revenue to DHHR
- 305. Supplemental appropriation of public moneys from Treasury to Fire Commission
- 306. Supplemental appropriation of federal funds from Treasury to Workforce West Virginia
- 307. Supplemental appropriation of surplus balance in State Fund, General Revenue to Department of Administration
- 476. Expiring funds from Revenue Shortfall Reserve Fund to General Revenue
- 694. Expiring funds to unappropriated surplus balance in General Revenue fund to Department of Administration

#### **BANKING AND FINANCE**

- 179. Fees for certain currency transmission services

**BOARDS AND COMMISSIONS**

- 43. Restricting Oil and Gas Conservation Commission's authority to regulate setback and spacing between deep wells
- 75. Creating Small Business Regulatory Review Board
- 172. Eliminating salary for Water Development Authority board members
- 195. Terminating WV Medical Imaging and Radiation Therapy Technology Board of Examiners
- 196. Terminating WV Massage Therapy Licensure Board
- 254. Terminating WV Nursing Home Administrators Licensing Board
- 350. Allowing licensed professional counselors be issued temporary permit
- 400. Regarding appointments to WV Infrastructure and Jobs Development Council
- 437. Discontinuing WV Greyhound Breeding Development Fund
- 495. Relating to regulation of events by State Athletic Commission
- 503. Establishing Library Facilities Improvement Fund
- 538. Creating special conditions of parole
- 571. Relating generally to certification and qualifications of sanitarians
- 613. Relating to composition of State Fire Commission
- 621. Providing certain rules inapplicable after county board of education notifies state board of possible closing or consolidations
- 624. Decreasing minimum number of live racing days horse racing licensee must conduct
- 633. Creating WV Motorsports Committee
- 670. Establishing WV Advisory Council on Rare Diseases

**BONDS**

- 542. Providing special obligation notes to finance construction to complete Interstates 73 and 74

**CLAIMS**

- 499. Creating Debt Resolution Services Division in Auditor's office
- 509. Updating fee structure provisions for broker-dealers, agents and investment advisers
- 566. Claims against state.

**CONSTITUTIONAL OFFICERS**

- 436. Permitting investigators from Attorney General's office carry firearms
- 547. Modifying fees paid to Secretary of State

**CONSUMER PROTECTION**

- 202. Relating to pawnbrokers generally
- 216. Permitting exclusion, modification or limitation of warranties in sale of used motor vehicles
- 217. Relating to disclaimers of warranties regarding used manufactured homes

- 344. Relating to application of payments on consumer credit sale and loans
- 447. Prohibiting retailers from selling or leasing products without operating digital blocking capability
- 544. Relating to use of aftermarket automobile crash parts
- 556. Relating to Consumer Credit and Protection Act
- 563. Relating to Consumer Credit and Protection Act
- 601. Relating to requirements for making consumer loans

### **CORPORATIONS**

- 270. Relating to standards of proof in civil actions
- 440. Relating to use of Regional Jail and Correctional Facility Authority funds
- 485. Relating to expansion of broadband service
- 490. Clarifying standard of liability for officers of corporation
- 602. Creating uniform system of recording and indexing fictitious names used by sole proprietors
- 614. Relating to expansion of broadband service

### **CORRECTIONS**

- 337. Hiring correctional officers without regard to placement on correctional officer register
- 349. Repealing outdated code related to Division of Corrections
- 429. Relating to monitoring inmate communications
- 439. Relating to venue for civil and criminal actions at Salem Correctional Center
- 440. Relating to use of Regional Jail and Correctional Facility Authority funds
- 475. Creating incentives for hiring and retaining correctional officers
- 515. Relating to parole requirements for hearings and release
- 516. Establishing DOC responsibility for costs of housing and maintaining inmate
- 532. Requiring correctional officers be paid overtime
- 538. Creating special conditions of parole
- 599. Requiring transfer of juvenile to correctional facility or regional jail on age 18

### **COUNTIES**

- 1. Establishing additional dedicated 911 fee
- 14. Authorizing county commissions to impose surcharge on residential property owners for trash collection
- 28. Creating new system for certain contiguous counties to establish regional recreation authorities
- 52. Authorizing county commissions to approve, modify or disapprove local boards of health' policies
- 74. Allowing fire departments to charge fees for service calls
- 165. Allowing county commissions and municipalities adopt building codes equal to or less stringent than state building code

210. Renaming Local Powers Act the County Local Powers Act
211. Prohibiting county parks and recreation commissions from promulgating or enforcing rules prohibiting possession of firearms
215. Allowing county commissions authority to amend proposed rates, fees and charges proposed by public service districts
255. Relating generally to filling vacancies in elected office
268. Requiring county commissions maintain websites with specific information
310. Exempting certain hotel rooms from hotel occupancy tax
328. Allowing surcharge for certain fire-related cleanup and demolition
343. Relating to transportation network companies
383. Prohibiting local government entities from setting prevailing wages
433. Permitting counties increase excise tax on privilege of transferring real property
491. Relating to county litter control officers
534. Relating to incentives for consolidating local governments
562. Relating to civil actions for damages brought against county commissions and municipalities
595. Allowing county assessors make separate entries in land books when real property is partly used for exempt and partly nonexempt purposes
601. Relating to requirements for making consumer loans
611. Expanding county assessment and collection of head tax on farm animals
612. Granting county commissions authority to establish vacant building registration programs
646. Creating Public-Private Infrastructure Facilities Act
647. Relating generally to additional county excise taxes on real property transfer
657. Relating to operation and regulation of certain water and sewer utilities
663. Allowing county commissions set standards for certain road construction projects
664. Removing limitation on amount counties collect on hotel occupancy tax
676. Prohibiting counties from regulating sale and use of fireworks

#### **COUNTY OFFICIALS**

205. Providing deputy shall continue to discharge duties of any principal until successor is elected or appointed
234. Authorizing county process servers and court security personnel to carry weapons while on duty
572. Relating to nonpartisan election of county surveyors

#### **COURTS**

12. Changing number of strikes in jury selection for felony cases
35. Modifying funding assistance from Courthouse Facilities Improvement Authority
41. Extending time person may be subject to probation

- 45. Establishing Mental Health, Veteran and Service Members Court
- 58. Relating to product liability actions
- 67. Establishing Supreme Court online case management system
- 79. Providing judges flexibility in sentencing drug offenders
- 207. Establishing Mental Health and Military Service Member Court program with Supreme Court of Appeals
- 214. Adopting Uniform Electronic Legal Material Act
- 247. Authorizing prosecuting attorney designate and deliver grand jury records for investigative purposes
- 249. Relating to information required in abstract of judgment
- 277. Creating Intermediate Court of Appeals
- 315. Relating to compensation and expenses for attorneys appointed by circuit courts
- 317. Authorizing family court judge to order substance abuse counseling of child in emergency situations
- 443. Establishing Adult Drug Court Participation Fund
- 444. Establishing Court Advanced Technology Subscription Fund
- 445. Amending definition of “abused child”
- 454. Providing more efficient collection and submission of state moneys received from court transactions or court services
- 455. Relating generally to commitment of persons to custody of Commissioner of Corrections
- 456. Relating to standards for termination of parental rights in child abuse and neglect cases
- 492. Eliminating requirement every circuit court participate in drug court program
- 521. Relating generally to Public Defender Services
- 556. Relating to Consumer Credit and Protection Act
- 649. Requiring presuit mediation for civil actions filed in court
- 652. Requiring mental hygiene commissioner be on call
- 666. Correcting code regarding handgun safety
- 693. Creating WV Uniform Fiduciary Access to Digital Assets Act

**CRIME**

- 41. Extending time person may be subject to probation
- 66. Modifying definition of “terrorist act”
- 69. Creating Sexual Assault Victims’ Bill of Rights
- 70. Relating generally to human trafficking
- 71. Creating 24/7 Sobriety Program
- 78. Relating to criminal offenses within Uniform Controlled Substances Act
- 79. Providing judges flexibility in sentencing drug offenders
- 80. Equalizing criminal penalty for entering without breaking regardless of time of day
- 167. Relating to DNA evidence

193. Prohibiting smoking of tobacco products in motor vehicle when person 16 years old or younger is present
194. Increasing penalties for shoplifting offenses
206. Relating generally to criminal offense of kidnapping
208. Modifying crime of fleeing scene of accident involving injuries
219. Relating to conspiracy to commit crimes under Uniform Controlled Substances Act
220. Relating to offenses and penalties under Uniform Controlled Substances Act
223. Increasing minimum sentence for individuals convicted of manufacturing, delivering or transporting controlled substances in presence of minor
226. Relating to WV Contraband Forfeiture Act
233. Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act
240. Creating crime of nonconsensual distribution of sexual images
288. Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person
329. Addressing increase of fentanyl, fentanyl derivatives and analogs in state
334. Creating felony offense of aggravated cruelty to animals
388. Relating to dangerous weapons
442. Relating generally to crimes against persons
510. Eliminating requirement of no prior or subsequent conviction in order to have criminal conviction expunged
545. Increasing penalties for malicious assault, unlawful assault and assault on law-enforcement officer
568. Establishing penalties for filing false claims by doctors or lawyers for disability benefits
660. Relating to access to controlled substance monitoring
668. Defining crime of filing fraudulent claim against doctor

#### **DOMESTIC RELATIONS**

53. Accessing adoption records
189. Establishing that shared legal and physical custody of child in divorce cases is in best interest of child
225. Allowing magistrates to conduct proceeding for temporary emergency protective order dealing with temporary custody by family court
243. Relating to domestic relations
286. Relating to grandparents' visitation rights
326. Requiring Department of Defense family advocacy groups be notified about abuse or neglect of military member's child
332. Requiring DMV refuse motor vehicle registration renewal for failure to pay child support
445. Amending definition of "abused child"
456. Relating to standards for termination of parental rights in child abuse and neglect cases



470. Creating visitation rights for certain great-grandparents

**ECONOMIC DEVELOPMENT**

294. Relating to Community Sustainability Investment Pilot Program
501. Relating to WV Economic Development Authority
552. Authorizing WV Disaster Recovery Board intervene to restore access to private property
561. Allowing economically depressed county to retain 50 percent of coal severance tax collected in county
589. Requiring DNR study using nonemployee workforce to perform improvements in state parks and forests
661. Creating grant fund to encourage production of film and entertainment

**EDUCATION (HIGHER)**

17. Relating generally to salary structure for temporary higher education employees
32. Increasing high education student success
72. Relating to higher education advance allowance accounts
184. Transitioning WV School of Osteopathic Medicine to nonprofit corporation
273. Establishing Education Savings Account Pilot Program
274. Relating to public higher education personnel
324. Prohibiting Governor and Legislature from administering budget cuts to higher education
394. Relating generally to applied associate of science degrees targeting workforce needs
520. Relating to in-state resident tuition rates for certain reserve members
525. Establishing education savings accounts for WV students
527. Relating to traumatic brain injury
540. Requiring school counselors inform graduating students of student aid availability
561. Allowing economically depressed county to retain 50 percent of coal severance tax collected in county
651. Relating to research, development and technology parks
671. Relating to WV Anatomical Board

**EDUCATION (K12)**

2. Providing additional funding for exceptional children with high-cost/high-acuity special needs
3. Relating generally to truancy intervention
6. Creating Tim Tebow Act
18. Requiring new comprehensive statewide student assessment
24. Creating education expenses tax credits
36. Permitting school nurses to possess and administer opioid antagonists

39. Requiring BRIM cover volunteer workers and student teachers
40. Requiring inclusion of protocols for response to after-school emergencies in school crisis response plans
63. Requiring school counselors spend all their time on comprehensive school counseling programs
68. Relating generally to compulsory school attendance and early childhood education programs
181. Abolishing regional education service agencies
186. Adjusting date when children become eligible for certain school programs and school attendance requirements
200. Increasing high-quality educational opportunities within public school system
203. Defining “professional services” with respect to energy saving contracts
231. Relating to State Board of Education and Medicaid-eligible children
242. Relating to school calendars
251. Creating pilot program for school-based mental and behavioral health services for students and families
252. Allowing county boards of education and RESA agencies to purchase computer technology from other than statewide contract
256. Relating to prohibiting aiding and abetting of sexual abuse by school personnel
271. Preventing State Board of Education from implementing common core academic standards
312. Establishing four-year pilot program to have social workers in public schools
319. Relating to requirements for employing nurses in public schools
327. Relating to teaching certificates for teachers whose spouses are members of armed forces on active duty stationed in state
359. Allowing exemptions from mandated immunizations
371. Requiring CPRB adopt smoothing method regarding gains and losses on Teachers Retirement System Fund assets
401. Allowing county board of education base employment decisions on individual’s qualifications
431. Providing ratio of pupils to licensed school psychologist
432. Requiring proficiency in civics as condition of receiving high school diploma
524. Relating to WV academic standards
527. Relating to traumatic brain injury
528. Establishing process to provide student is ineligible for home instruction exemption
530. Replacing regional education service agencies
541. Permitting county boards of education post professional personnel job vacancies
543. Allowing maximum number of pupils exceed up to 5 in certain instances

- 550. Relating to disposition of vacated school buildings or other state-owned buildings
- 551. Limiting School Building Authority's discretion to disburse funds
- 553. Providing teachers with 3 percent pay raise
- 605. Establishing election procedure for all members of State Board of Education
- 609. Creating additional flexibility for school systems in use of school aid funds
- 621. Providing certain rules inapplicable after county board of education notifies state board of possible closing or consolidations
- 626. Relating to online posting of required calendar of scheduled activities
- 630. Establishing Accessibility and Equity in Public Education Enhancement Act
- 640. Relating to school attendance directors
- 655. Adding digital literacy skills to high-quality education standards
- 656. Relating to Student Data Accessibility, Transparency and Accountability Act
- 674. Relating to public school support

### **ELECTIONS**

- 7. Requiring election by division in House of Delegates' districts with two or more delegates
- 11. Requiring vacancies in certain elected offices be filled by person of same political party which previous officeholder was affiliated at time of election
- 33. Changing primary election date
- 44. Allowing ballot option to express opposition to all candidates
- 64. Requiring certain disclosures of election expenditures
- 262. Allowing signs for public office candidates on right-of-way of public road or highway
- 463. Eliminating WV Supreme Court of Appeals Public Campaign Financing Program
- 494. Relating to runoff elections for judicial offices
- 539. Relating to regulation and control of financing elections
- 572. Relating to nonpartisan election of county surveyors
- 584. Creating independent redistricting commission with certain requirements
- 592. Providing independent redistricting commission propose redistricting plans during census years
- 650. Requiring photo identification on voter registration cards

### **ENERGY**

- 680. Permitting surface owners seek damages from oil and gas operations
- 681. Requiring DEP work with Tax Commissioner, PSC and county assessors to develop system for verifying production information

### **ENVIRONMENT**

- 65. DEP fines against state governmental entities or political subdivisions

- 246. Implementing water quality standards for drinking water
- 427. Relating to special revenue funds administered by DEP
- 512. Requiring disclosure of attorney source payment in certain administrative hearings
- 583. Abolishing Office of Environmental Advocate within DEP
- 679. Defining “aboveground storage tanks”
- 680. Permitting surface owners seek damages from oil and gas operations
- 681. Requiring DEP work with Tax Commissioner, PSC and county assessors to develop system for verifying production information
- 688. Correcting technical error within Solid Waste Management Act

### **ESTATES AND TRUSTS**

- 259. Requiring administrators of intestate estates to give bond and take oath
- 358. Relating generally to trustee sale of timeshare estates
- 438. Relating generally to Uniform Unclaimed Property Act
- 548. Providing for specific escheat of US savings bonds
- 574. Relating generally to trusts and administration
- 580. Limiting funds deducted from Unclaimed Property Fund during fiscal year
- 581. Relating generally to administration of trusts
- 594. Eliminating tax lien waiver requirement for estates of nonresidents

### **ETHICS**

- 311. Classifying convention and visitor’s bureau as public agency

### **FINANCE AND ADMINISTRATION**

- 182. Providing procedures that prevent disqualifying low bids for government construction contracts due to document technicalities
- 185. Allowing spending units designate fund into which proceeds from sale of surplus property must be deposited
- 190. Eliminating preferences for vendors bidding on state contracts for commodities or printing
- 203. Defining “professional services” with respect to energy saving contracts
- 209. Defining term “veteran” as it relates to veteran-owned business
- 266. Establishing Fleet Management Office within Department of Administration
- 269. Requiring all executive branch agencies maintain website with specific information
- 413. Relating to bids on government construction contracts
- 443. Establishing Adult Drug Court Participation Fund
- 461. Exempting WV State Police from state purchasing requirements
- 558. Requiring state-owned or -leased vehicles be registered
- 597. Relating to procurement of technical infrastructure

**GOVERNOR — BILLS REQUESTED BY**

199. Budget Bill
297. Increasing minimum penalty for transportation of Schedule I or II narcotic drug into state
298. Relating generally to compensation of constitutional officers
299. Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH
300. Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel
301. Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program
302. Supplemental appropriation of federal funds from Treasury to Division of Human Services
303. Supplemental appropriation of public moneys from Treasury to DHHR
304. Appropriating expiring funds from State Fund, General Revenue to DHHR
305. Supplemental appropriation of public moneys from Treasury to Fire Commission
306. Supplemental appropriation of federal funds from Treasury to Workforce West Virginia
307. Supplemental appropriation of surplus balance in State Fund, General Revenue to Department of Administration
356. Allowing School Building Authority transfer funds to special revenue account in state Treasury
362. Authorizing redirection of certain amounts to General Revenue Fund
363. Updating meaning of federal taxable income
364. Incorporating changes to Streamlined Sales and Use Tax Agreement
365. Maintaining solvency of Unemployment Compensation Fund
366. Creating West Virginia Second Chance Act
367. Creating Fleet Management Office
368. Updating WV personal income tax terms
414. Creating Division of Multimodal Transportation
415. Relating to severance tax on natural gas
416. Relating to Public-Private Transportation Facilities Act
417. Removing financial limitations on number of design-build projects undertaken by DOH
418. Relating to Comprehensive Substance Use Reduction Act
419. Creating special revenue fund sources for Division of Labor to meet statutory obligations
420. Relating generally to education
421. Increasing amount of authorized federal Grant Anticipation Notes for which DOH may apply
425. Relating to responsibilities of Herbert Henderson Office of Inclusion
446. Authorizing Governor issue executive orders to furlough state employees
476. Expiring funds from Revenue Shortfall Reserve Fund to General Revenue

- 477. Increasing State Road Fund by raising DMV fees and motor fuel excise taxes
- 478. Relating generally to severance taxes on producing coal
- 482. Relating generally to WV Parkways Authority
- 483. Imposing license tax on successful bidders for road construction contracts
- 484. Relating generally to taxation
- 511. Relating generally to higher education governance
- 535. Reorganizing Division of Tourism
- 557. Dissolving Information Services and Communications Division

**HEALTH**

- 21. Relating to care of aborted fetuses
- 23. Relating generally to midwifery
- 36. Permitting school nurses to possess and administer opioid antagonists
- 37. Raising legal age for purchase of tobacco, alternative nicotine and vapor products to 21
- 46. Excluding mobile x-ray services from health care provider tax
- 47. Exempting certain employers from discriminating against tobacco users
- 51. Requiring patient notification when mammogram indicates dense breast tissue
- 52. Authorizing county commissions to approve, modify or disapprove local boards of health' policies
- 169. Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants
- 170. Repealing state hemophilia program
- 171. Repealing Programs of All-Inclusive Care for Elderly
- 175. Relating to direct primary care
- 176. Repealing article concerning detection of tuberculosis, high blood pressure and diabetes
- 177. Repealing article relating to prenatal examination
- 187. Providing for confidentiality of patients' medical records
- 188. Correcting definition of "telehealth" in medication-assisted treatment programs
- 193. Prohibiting smoking of tobacco products in motor vehicle when person 16 years old or younger is present
- 198. Expanding Health Sciences Program to allow certain medical practitioners in underserved areas
- 201. Exploring potential sale, renovation or leasing of certain state-owned health care facilities
- 215. Allowing county commissions authority to amend proposed rates, fees and charges proposed by public service districts
- 253. Relating to licensing requirements for physicians and osteopathic physicians in WV
- 318. Offering flu immunizations to patients 65 or older in specific facilities

- 319. Relating to requirements for employing nurses in public schools
- 329. Addressing increase of fentanyl, fentanyl derivatives and analogs in state
- 333. Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database
- 339. Creating Legislative Coalition on Chronic Pain Management
- 360. Creating Legislative Coalition on Diabetes Management
- 361. Allowing exemptions from certificate of need to develop and operate nursing home in county without skilled nursing facility
- 373. Authorizing medical power of attorney sign binding arbitration agreement with nursing home or assisted living facility
- 386. Creating WV Medical Cannabis Act
- 389. Creating exemption from certificate of need for services and equipment purchased for use in private physician offices
- 390. Relating to practice of medicine and telemedicine
- 391. Establishing call-in center for Bureau for Public Health for state residents to receive assistance with health care
- 395. Relating to WV Health Care Authority
- 398. Creating Emergency Volunteer Health Practitioners Act
- 402. Relating to covenants not to compete between physicians and hospitals
- 406. Relating to generic drug products
- 422. Relating to Uniform Controlled Substances Act
- 424. Relating generally to requirements and provisions for notice of requested abortions
- 457. Eliminating WV Health Care Authority
- 486. Relating to health care provider taxes
- 507. Allowing pharmacists inform customers about lower cost alternatives to prescribed drugs
- 519. Amending WV Nurse Overtime and Patient Safety Act
- 537. Relating to exemptions from mandated immunizations
- 569. Creating Office of Rural Health within Center for Rural Health Development, Inc.
- 578. Relating generally to copies of health care records furnished to patients
- 596. Creating WV Counseling Protection Act
- 600. Relating generally to accredited academic hospitals
- 659. Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact
- 670. Establishing WV Advisory Council on Rare Diseases
- 672. Prohibiting persons under 18 from using tanning device

## **HUMAN RIGHTS**

- 19. Creating WV Freedom of Conscience Protection Act
- 77. Relating to unlawful discriminatory practices
- 296. Relating generally to human trafficking

435. Relating to Youth Mental Health Protection Act

#### **HUMAN SERVICES**

60. Relating to eligibility and fraud requirements for public assistance  
292. Funding of civil legal services for low-income persons  
387. Creating Ryan Brown Addiction Prevention and Recovery Fund Act  
395. Relating to WV Health Care Authority  
423. Relating to operation of licensed group homes  
448. Continuing eligibility for developmental disability services to dependents of military service members  
500. Relating to Medicaid fraud and abuse  
564. Relating to Statewide Independent Living Council  
634. Relating generally to certain agreements between DHHR and state's medical schools  
654. Enacting Refugee Absorptive Capacity Act  
686. Exempting facilities governed by DHHR that provide direct patient care

#### **INSURANCE**

20. Limiting insurance coverage for elective abortions  
31. Prohibiting abortion coverage in qualified health plans  
39. Requiring BRIM cover volunteer workers and student teachers  
49. Requiring provisions for prior authorization of drug benefits by insurers  
56. Defining criteria private insurance carriers must consider when setting rates for health care providers  
168. Relating to surcharge on fire and casualty insurance policies to fund volunteer fire departments  
221. Relating to composition of PEIA Finance Board  
276. Relating to collection of air ambulance fees for emergency treatment  
328. Allowing surcharge for certain fire-related cleanup and demolition  
395. Relating to WV Health Care Authority  
434. Relating to WV Insurance Guaranty Association Act  
464. Eliminating taxation on annuity consideration received by life insurer  
496. Relating generally to guaranteed asset protection waivers  
522. Relating to pharmacy audits  
526. Requiring mandatory insurance coverage for inherited enzymatic disorders  
529. Requiring PEIA and finance board purchase stop-loss insurance  
549. Allowing individuals at least 21 or older operate or ride motorcycle without helmet  
555. Dissolving PEIA

#### **JUVENILES**

193. Prohibiting smoking of tobacco products in motor vehicle when person 16 years old or younger is present



- 315. Relating to compensation and expenses for attorneys appointed by circuit courts
- 326. Requiring Department of Defense family advocacy groups be notified about abuse or neglect of military member's child
- 445. Amending definition of "abused child"
- 456. Relating to standards for termination of parental rights in child abuse and neglect cases
- 546. Creating emergency text number systems for children

### **LABOR**

- 73. Permitting employers to have compulsory direct deposit for employees' wages
- 76. Creating WV Second Chance for Employment Act
- 222. Relating to disqualification for unemployment benefits
- 224. Repealing requirement for employer's bond for wages and benefits
- 257. Relating to Civil Air Patrol leave and protection of employees performing missions
- 272. Creating WV Safer Workplaces Act
- 330. Relating to WV Workplace Freedom Act
- 372. Prohibiting request of employee wage verification
- 383. Prohibiting local government entities from setting prevailing wages
- 399. Prohibiting political subdivisions from enacting local ordinances regulating benefits employers provide to employees
- 405. Providing WV Attorney General operate vehicles without "state car" plate
- 411. Relating to prime contractor's responsibility for wages and benefits
- 412. Relating to WV Jobs Act reporting requirements
- 518. Creating Returning Veterans and Displaced Miners Job Act
- 519. Amending WV Nurse Overtime and Patient Safety Act
- 606. Relating to minimum wage and maximum hours for employees
- 639. Expanding definition of deductions under Wage Payment and Collection Act
- 641. Requiring welders meet certain certification requirements and conform to national welding standards
- 642. Relating to wages for veterans on state government contracts
- 643. Creating preference for state citizens in construction contracts for public improvements
- 644. Reestablishing prevailing wages for certain state government contracts
- 645. Relating to employer's right to require employee training
- 648. Relating to WV jobs on public construction projects

### **LEGAL GAMING**

- 281. Increasing number of limited video lottery machines allowed at retail location
- 336. Increasing number of limited video lottery machines retailer may have

466. Calculating state share of gross profits from limited video lottery revenues at 50 percent
467. Removing restrictions on maximum wager per limited video lottery game and bill denominations accepted by video lottery terminals
468. Removing restrictions on where traditional lottery games may be played
559. Relating to limited video lottery
577. Licensing of advance deposit wagering
623. Changing license period for horse and dog racing
624. Decreasing minimum number of live racing days horse racing licensee must conduct
625. Relating generally to charitable bingo and raffles

### **LEGISLATURE**

8. Disclosing contributions during legislative session
248. Clarifying composition and chairmanship of Commission on Special Investigations
313. Renaming Court of Claims state Claims Commission
320. Creating Appropriation Supremacy Act of 2017
374. Relating to computing retirement benefits for certain members of Legislature
449. Relating to apportionment of compensation to members of Legislature
554. Relating to false swearing in legislative proceeding
608. Clarifying lawful business structures are unaffected by enactment of prohibitory legislation
615. Limiting number of days legislative members receive compensation during extended and extraordinary session
653. Relating to compensation of members of Legislature
673. Providing procedure for WV to select delegates to Article V convention

### **LEGISLATURE — RULE MAKING**

82. Agriculture rule relating to animal disease control
83. Agriculture rule relating to dangerous wild animals
84. Agriculture rule relating to livestock care standards
85. Agriculture rule relating to captive cervids
86. Board of Architects rule relating to registration of architects
87. Athletic Commission rule relating to administrative rules of WV State Athletic Commission
88. Athletic Commission rule relating to mixed martial arts regulations
89. Auditor rule relating to standards for requisitions for payment issued by state officers on Auditor
90. Auditor rule relating to procedure for local levying bodies to apply for permission to extend time to meet as levying body
91. Board of Barbers and Cosmetologists rule relating to waxing specialists

92. Board of Barbers and Cosmetologists rule relating to operation of barber, beauty, nail and aesthetic shops/salons and schools of barbering and beauty culture
93. Board of barbers and Cosmetologists rule relating to continuing education
94. Board of Barbers and Cosmetologists rule relating to barber apprenticeships
95. Board of Barbers and Cosmetologists rule relating to qualifications, training, examination and certification of instructors in barbering and cosmetology
96. Board of Barbers and Cosmetologists rule relating to licensing schools of barbering, cosmetology, nail technology and aesthetics
97. Board of Barbers and Cosmetologists rule relating to operational standards for schools of barbering, cosmetology, hair styling, nail technology and aesthetics
98. Board of Barbers and Cosmetologists rule relating to schedule of fees
99. Board of Examiners in Counseling rule relating to marriage and family therapist license renewal and continuing professional education requirements
100. Board of Examiners in Counseling rule relating to licensed professional counselor fees
101. Board of Examiners in Counseling rule relating to licensed professional counselor license renewal and continuing professional education requirements
102. Board of Examiners in Counseling rule relating to marriage and family therapist fees
103. Dangerous Wild Animal Board rule relating to dangerous wild animals
104. Board of Dentistry rule relating to board
105. DEP rule relating to alternative emission limitations during startup, shutdown and maintenance operations
106. DEP rule relating to various permits
107. DEP rule relating to permits for construction and modification of major stationary sources for prevention of significant deterioration of air quality
108. DEP rule relating to standards of performance for new stationary sources
109. DEP rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities
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appointed to conference committee as to Eng. Com. Sub. for Senate Bill 204.....	2935
appointed to conference committee as to Eng. Com. Sub. for House Bill 2805 .....	3095
appointed to standing committees.....	59-61
bills introduced (by request).....	104, 112-113, 115, 119, 121, 123-124, 126, 153-155, 177, 237-238, 263-264, 331, 335, 422-423, 426, 436- 437, 464, 537, 554-556, 560-561, 583, 641, 675, 680, 711, 889, 1010-1012
leave of absence granted to.....	1056
Pledge of Allegiance led by.....	345, 1851
qualified.....	4
remarks by (ordered printed in appendix).....	(569)
removal of sponsorship.....	307
resolutions offered (by request).....	223, 267, 426, 469, 472, 519, 539, 771, 892, 894, 1143, 1833-1834, 1925, 2156

## FERNS, RYAN J., a Senator from the 1st District:

appointed majority leader .....	61
appointed to select committee to escort Governor Justice to joint assembly (H. C. R. 4) .....	168
appointed to select committee to escort Governor Tomblin to joint assembly (H. C. R. 2) .....	58
appointed to select committee to escort president-elect to chair.....	4
appointed to select committee to notify Governor Senate is ready to adjourn <i>sine die</i> (S. R. 74).....	3536
appointed to select committee.....	170
appointed to standing committees.....	59-61, 433
bills introduced (by request) .....	115-119, 147-150, 177, 191, 202, 214-216, 244, 284-285, 298, 332, 357, 359, 362, 392, 439, 514, 538, 584- 585, 636, 643, 673, 678, 681, 859, 1010
main motion.....	876, 981, 1148, 1215, 1623-1624, 1631, 1661, 1675, 1824, 1855, 2332, 2493, 2682, 2684, 2764, 2795, 2934, 3079, 3145, 3179, 3200, 3259, 3581
nominated Andrew Palmer, Sergeant at Arms of Senate .....	9
Pledge of Allegiance led by .....	503, 2274, 3519
remarks by (ordered printed in appendix).....	255, 321, (702), 821, (1613), (1807)
removal of sponsorship.....	727
resolutions offered (by request) .....	10, 33, 34, 39, 247, 718, 1014, 1387, 3536
withdraws motion .....	951, 1629, 2683

## GAUNCH, C. EDWARD, a Senator from the 8th District:

appointed to conference committee as to Eng. Com. Sub. for Senate Bill 204.....	2935
appointed to conference committee as to Eng. Com. Sub. for House Bill 2589 .....	3094
appointed to select committee.....	170
appointed to standing committees.....	59-61

bills introduced (by request) .....	102, 112, 119, 123-124, 126, 147-148, 150, 152, 154, 190, 203, 205, 208-209, 214-216, 223, 238, 262, 284- 285, 299, 311, 332-334, 358, 362-363, 379, 392, 422-423, 434-436, 438-439, 461, 514-515, 537, 554, 582, 584-585, 641, 711, 826-827, 859, 971, 974, 1010
main motion.....	1863
nominated Jeffrey L. Branham, Doorkeeper of Senate .....	10
Pledge of Allegiance led by .....	1056
remarks by (ordered printed in appendix).....	(313), (369), (522), (686), (831), (1220), (1836), (1920)
reports by, as Chair of Committee on Banking and Insurance.....	458, 628, 823-824, 1063, 1065, 1132, 1858
reports by, as Chair of Committee on Pensions .....	377-378, 535, 708, 884, 1862
reports by as member of Joint Committee on Enrolled Bills .....	3550-3554
resolutions offered (by request) .....	157, 249, 286, 312, 363, 521, 685, 712, 829, 864, 1014, 1214, 1613, 1834, 2154

#### HALL, MIKE, a Senator from the 4th District:

addressed the Senate.....	732
appointed to select committee to notify Governor Senate is ready to adjourn <i>sine die</i> (S. R. 74).....	3536
appointed to standing committees.....	59-61
bills introduced (by request) .....	154, 186, 189, 204-205, 207, 238, 392, 461-462, 555, 557, 585, 641, 676, 711, 796-797, 825, 887-890, 971, 1010
main motion.....	1431
Pledge of Allegiance led by .....	532
remarks by (ordered printed in appendix).....	(369), (691), (732), 843, (1348)
reports by, as Chair of Committee on Finance.....	580, 628, 632, 706, 729, 736, 738, 759-761, 785, 823, 849, 931-932, 934, 935, 989, 991, 998- 999, 1005, 1007, 1059-1063, 1096, 1098, 1124-1125, 1130, 1132, 1188, 1190, 1195, 1204, 1210-1211, 1241-1242, 1253, 1373, 1376, 1384, 1426-1427, 1430- 1431, 1433, 1859, 1861, 1913, 1919, 1924-1925, 2093, 2098, 2100, 2101, 2146- 2147, 2262, 2690, 2692, 2761
resolutions offered (by request) .....	35, 55, 246, 337
withdraws (committee) amendment.....	(2564), (3148), (3150)
withdraws motion .....	297, 1378

#### JEFFRIES, GLENN D., a Senator from the 8th District:

appointed to conference committee as to Eng. Com. Sub. for House Bill 2099 .....	1116
appointed to conference committee as to Eng. Com. Sub. for House Bill 2329 .....	2937
appointed to conference committee as to Eng. Com. Sub. for House Bill 2447 .....	2004
appointed to conference committee as to Eng. Com. Sub. for House Bill 2579 .....	2937
appointed to conference committee as to Eng. Com. Sub. for House Bill 2585 .....	2938
appointed to conference committee as to Eng. Com. Sub. for House Bill 2721 .....	2750

appointed to conference committee as to	
Eng. Com. Sub. for House Bill 2722 .....	2751
appointed to select committee.....	170
appointed to standing committees.....	59-61
bills introduced (by request).....	101-102, 104-106, 110-114, 116, 118-128, 145-150, 153-156, 190, 223, 263-264, 299, 334, 436-437, 461, 463-464, 554, 556, 560-561, 583, 641, 643, 711, 795, 826, 859, 938, 941-943, 1010, 1012
Pledge of Allegiance led by .....	322, 2502
qualified.....	4
remarks by (ordered printed in appendix).....	(569), 571, (1220), (1836)
removal of sponsorship.....	170-171, 211, 229, 276, 1167
resolutions offered (by request) .....	157, 159, 161-162, 165, 249, 267, 312, 771, 829, 1834
yeas and nays demanded by.....	569

**KARNES, ROBERT, a Senator from the 11th District:**

appointed to conference committee as to	
Eng. Com. Sub. for Senate Bill 224.....	2936
appointed to select committee.....	170
appointed to standing committees.....	59-61
bills introduced (by request).....	102-103, 107-110, 173, 190-191, 219, 263, 284, 327, 333, 357, 380, 392, 424, 435-436, 461, 554, 582, 585, 637, 643, 826, 889, 1009-1011
Pledge of Allegiance led by .....	255, 1599
remarks by (ordered printed in appendix).....	307, (452), 571, 1085, (1348), (1613)
reports by, as Chair of Select Committee on Tax Reform .....	885, 1251, 1259
resolutions offered (by request) .....	157, 223, 286, 683, 712, 891, 1014

**LEONHARDT, KENT, a Senator from the 2nd District:**

appointed to standing committees.....	59-61
resignation announced .....	99

**MANN, KENNY, a Senator from the 10th District:**

appointed to conference committee as to	
Eng. Com. Sub. for House Bill 2589 .....	3094
appointed to standing committees.....	59-61, 433
bills introduced (by request) .....	284, 392, 514, 516, 554-555, 585, 635-636, 890, 971, 1008, 1010
Pledge of Allegiance led by .....	543
qualified.....	4
remarks by (ordered printed in appendix).....	(907), (1897)
reports by, as Chair of Committee on Education .....	295, 353, 413, 508, 737, 793, 802, 1191, 1194, 1196, 1201, 1204, 1205, 1367, 1383, 1853, 1864, 2095, 2096, 2099, 2100, 2318-2319, 2320-2321, 2550, 2689
resolutions offered (by request) .....	286, 399, 712, 868
withdraws (committee) amendment.....	(2577), (2780), (3081), (3186)

**MARONEY, MICHAEL J., a Senator from the 2nd District:**

appointed to conference committee as to	
Eng. Com. Sub. for House Bill 2631 .....	3094
appointed to standing committees.....	59-61, 433

bills introduced (by request) .....	173, 178, 180-183, 185-189, 191, 214-215, 219, 223, 234-235, 238, 283-285, 298-300, 311, 327-328, 331- 333, 357-361, 363, 379, 392, 421, 423, 426, 461-462, 466, 514, 516, 537-538, 585, 861-863, 939-940, 1010
leave of absence granted to .....	624, 655, 691, 727
Pledge of Allegiance led by .....	821
qualified .....	4
remarks by (ordered printed in appendix) .....	(1114), (1445), (1789)
removal of sponsorship .....	229, 881, 1115
reports by, as Chair of Committee on Economic Development .....	376, 377, 533, 758, 927-928, 935, 936
resolutions offered (by request) .....	193, 286, 313, 363, 395, 517, 712, 1445

**MAYNARD, MARK R., a Senator from the 6th District:**

appointed to conference committee as to Eng. Com. Sub. for House Bill 2099 .....	1116
appointed to conference committee as to Eng. Com. Sub. for House Bill 2329 .....	2937
appointed to conference committee as to Eng. Com. Sub. for House Bill 2447 .....	2004
appointed to conference committee as to Eng. Com. Sub. for House Bill 2579 .....	2937
appointed to conference committee as to Eng. Com. Sub. for House Bill 2585 .....	2938
appointed to standing committees .....	59-61
bills introduced (by request) .....	125, 128-145, 190, 214-216, 245, 264, 284, 298-299, 327, 334, 392, 422, 435, 463-464, 514, 538, 556, 561, 585-586, 643, 674-677, 681, 711, 794-795, 859, 863, 889, 939, 970, 972-973, 1010
main motion .....	3537
Pledge of Allegiance led by .....	958
remarks by (ordered printed in appendix) .....	(472), 543, 727, (958), (1833), (2328)
reports by, as Chair of Committee on Natural Resources .....	231, 326, 457, 459, 630-632, 788, 792, 793, 822, 999, 1245, 1384, 2497-2498, 2499
reports by, as Chair of Joint Committee on Enrolled Bills .....	754, 883, 963, 1058, 1123, 1187, 1240, 1366, 1853, 1913, 2092, 2145-2146, 2543, 2687, 3537-3548
resolutions offered (by request) .....	301, 338, 393, 440, 682, 712, 714, 800, 865, 978, 1142, 2008, 2148-2154, 2323, 2327
withdraws (committee) amendment .....	(871), (3159), (3163)

**MILLER, RONALD F., a Senator from the 10th District:**

appointed to standing committees .....	59-61
bills introduced (by request) .....	126, 207-208, 221, 234, 237-238, 245, 261-264, 283, 327-328, 331, 333, 335, 423, 434-439, 461, 554, 556, 560- 561, 680, 826, 862, 941-943, (975), 1010-1012
leave of absence granted to .....	77, 502
main motion .....	732
petitions presented by .....	1108, 1146, 1216, 1619

Pledge of Allegiance led by .....	290, 1975
prayer by .....	1230
remarks by (ordered printed in appendix).....	(167), (400), (402),
	(521), (539), (540), 690, (702), (732), 750, (808), 821, (945), (1108), 1114, 1166,
	(2090), (2323)
resolutions offered (by request) .....	301, 399, 401, 520, 539, 771, 2088
yeas and nays demanded by .....	1404, 1419

**MULLINS, JEFF, a Senator from the 9th District:**

appointed to standing committees .....	59-61
bills introduced (by request) .....	111-112, 190, 202-203, 209,
	216, 261, 284-285, 298-299, 333, 357, 359, 392, 514-516, 585, 635-636, 641,
	674, 762, 827
leave of absence granted to .....	322
main motion.....	3530
Pledge of Allegiance led by .....	656
remarks by (ordered printed in appendix).....	(452), (1068), (1834)
resolutions offered (by request) .....	223, 265, 268, 712, 945, 1066, 2551
voting sentiment .....	1806

**OJEDA, RICHARD N., II, a Senator from the 7th District:**

appointed to conference committee as to	
Eng. Com. Sub. for Senate Bill 224 .....	2936
appointed to standing committees .....	59-61
bills introduced (by request) .....	112-114, 120-121, 123, 126,
	146-147, 150, 153, 155, 207, 223, 263-264, 298, 335, 357, 392, 423, 436-437,
	464, 514, 554, 556, 560, 561, 582-583, 585, 641, 643, 680-681, 862, 941-943,
	1010, 1012
leave of absence granted to .....	1114
petitions presented by .....	896
Pledge of Allegiance led by .....	171, 1167
qualified .....	4
remarks by (ordered printed in appendix).....	(365), (472), (569), (691),
	(727), (732), (745), (831), (880), (945), (1352), (1434), (1789), 1850, 1975
removal of sponsorship .....	785
resolutions offered (by request) .....	210, 223-225, 267, 301,
	470, 589, 714, 767, 867, 975, 1143, 1925
voting sentiment .....	1166

**PALUMBO, COREY, a Senator from the 17th District:**

appointed minority whip .....	62
appointed to conference committee as to	
Eng. Com. Sub. for House Bill 2631 .....	3094
appointed to select committee to notify Governor Legislature	
has assembled and organized (S. R. 3).....	34
appointed to standing committees .....	59-61
bills introduced (by request) .....	104, 127, 149, 204-205, 215-216,
	263, 282-283, 298, 335, 423, 437, 461-462, 641, 675, 711, 765, 795, 826, 862,
	938, 974-975, 1010
Pledge of Allegiance led by .....	453



point of order raised by.....	2647, 2967, 3123
qualified.....	4
remarks by (ordered printed in appendix).....	(369), (894-895), (980), (1104)
resolutions offered (by request) .....	267, 538, 768-771, 829, 892, 894, 1103, 1831-1834

**PLYMALE, ROBERT H., a Senator from the 5th District:**

addressed the Senate.....	732
appointed to select committee.....	170
appointed to standing committees.....	59-61
bills introduced (by request) .....	101, 105, 113, 118, 127-128, 147-150, 156, 191, 204-205, 215-216, 223, 233, 261, 263-264, 282, 298, 327- 328, 334-335, 359, 363, 437, 461-462, 464, 514, 537, 554-555, 582-583, 635, 641, 674, 680-681, 762-765, 795, 826, 859, 862-863, 939, 941-943, 970, 974, 1010, 1012
main motion.....	1634, 2856
objection to unanimous consent.....	1197
Pledge of Allegiance led by .....	1086
point of order raised by.....	1583
presided as President .....	1657
qualified.....	4
remarks by (ordered printed in appendix).....	521, (702), (732), (896), (907), (1146), (1264), (1618), (1833), (2554), (2555), (2557), (3182)
resolutions offered (by request) .....	161, 165, 193, 210, 223, 246, 251, 265, 267, 286, 301, 312-313, 340, 363, 399, 401, 470, 520, 539, 588-589, 643, 685, 767-771, 827-829, 867-868, 894, 944-945, 975, 1013-1014, 1066, 1068, 1070-1071, 1101, 1103-1104, 1143, 1145, 1214, 1385, 1387, 1442-1446, 1614- 1618, 1831-1834, 1867, 1925, 2008, 2088, 2149, 2156, 2322, 2325, 2327-2328, 2551-2556, 2762
withdraws motion .....	955
yeas and nays demanded by.....	2646

**PREZIOSO, ROMAN W., JR., a Senator from the 13th District:**

addressed the Senate.....	732, 3066
appointed minority leader.....	62
appointed to select committee to escort Governor Justice to joint assembly (H. C. R. 4) .....	168
appointed to select committee to escort Governor Tomblin to joint assembly (H. C. R. 2) .....	58
appointed to select committee to escort president-elect to chair.....	4
appointed to select committee to notify Governor Senate is ready to adjourn <i>sine die</i> (S. R. 74).....	3536
appointed to standing committees.....	59-61
bills introduced (by request) .....	147-150, (170), 392, 437, 461, 554-555, 582, 675, 711, 795, 861-862, 939, 941-943, 970, 974, 975, 1008, 1010- 1011
bills introduced by request of executive .....	239-242, 312, 328-331, 381-391, 392, 435, 464-465, 467-468, 557, 642, 679, 765, 826
excused from voting .....	3530
main motion.....	700, 1160

Pledge of Allegiance led by .....	406, 2933
qualified.....	4
remarks by (ordered printed in appendix).....	(369), 433, (702), (732), (1114), (1443), (1869), (3066)
reports by, as member of Joint Committee on Enrolled Bills .....	3555
resolutions offered (by request) .....	39, 55, 210, 223, 251, 313, 363, 521, 588, 643, 771, 868, 894, 1014, 1066, 1070-1071, 1101, 1103-1104, 1145, 1442-1443, 1831, 1867, 2322
resolutions offered by request of executive .....	393
yeas and nays demanded by .....	700, 1160

**ROMANO, MICHAEL J., a Senator from the 12th District:**

appointed to conference committee as to	
Eng. Com. Sub. for House Bill 2589 .....	3094
appointed to conference committee as to	
Eng. Com. Sub. for House Bill 2868 .....	2779
appointed to standing committees 59-61, 406	
bills introduced (by request) .....	120-121, 126, 147, 223, 236, 263-264, 283-284, 335, 362-363, 379, 422-423, 426, 436-437, 461, 464, 516, 537, 554-556, 560-561, 583, 635-636, 641, 680, 826, 862, 1010, 1012
leave of absence granted to.....	307, 1056
main motion.....	1267
objection to unanimous consent.....	1407
Pledge of Allegiance led by .....	277, 1807, 1897
remarks by (ordered printed in appendix).....	(453), (473), (569), (589), (702), (732), (945), (1215), 1352, (2323)
resolutions offered (by request) .....	267, 286, 363, 399, 401, 426, 469, 472, 519, 521, 539, 588, 643, 718, 771, 868, 1014, 1214, 1442-1443, 1925, 2156
voting sentiment .....	321
yeas and nays demanded by.....	1267, 1339, 1403, 1641, 1644

**RUCKER, PATRICIA PUERTAS, a Senator from the 16th District:**

appointed to conference committee as to	
Eng. Com. Sub. for House Bill 2028 .....	1116
appointed to select committee to notify Governor Legislature	
has assembled and organized (S. R. 3).....	34
appointed to standing committees.....	59-61
bills introduced (by request) .....	101-103, 106-111, 115, 119, 146, 149, 151-154, 179, 190-191, 202, 204, 217, 219, 221, 235-236, 238, 284, 298, 311, 327, 335, 357, 392, 423, 435, 460-461, 466, 514, 538, 556, 561, 582-583, 585, 641, 643, 673, 859-861, 889, 940, 974, 1010
objection to unanimous consent.....	955
Pledge of Allegiance led by .....	907
qualified.....	4
remarks by (ordered printed in appendix).....	(402), (988), (1213), 1230, (1789), (2090), (2327), (2330), (2572)
removal of sponsorship.....	322
resolutions offered (by request) .....	157, 192, 286, 301, 340, 396, 643, 712, 868, 1070, 1212, 1385, 1387, 1442, 2088, 2154, 2325, 2328
yeas and nays demanded by .....	3077

## SMITH, RANDY E., a Senator from the 14th District:

appointed to conference committee as to Eng. Senate Bill 172 .....	2934
appointed to conference committee as to Eng. Com. Sub. for House Bill 2028 .....	1116
appointed to conference committee as to Eng. Com. Sub. for House Bill 2868 .....	2779
appointed to select committee to notify House of Delegates Senate has assembled and organized (S. R. 2) .....	34
appointed to standing committees .....	59-61
bills introduced (by request) .....	105-106, 190, 223, 244, 263-264, 283-285, 310-311, 331, 333, 357, 361, 392, 425-426, 435, 460, 514, 538, 554- 556, 561, 583, 585, 643, 675, 762-765, 862, 974, 1010-1011
birthday noted .....	571
leave of absence granted to .....	727
Pledge of Allegiance led by .....	625
prayer by .....	3519
qualified .....	4
remarks by (ordered printed in appendix) .....	532, (1069), (1146), (1616), (1664), 1807, (2847)
removal of sponsorship .....	784
reports by, as Chair of Committee on Energy, Industry and Mining .....	257, 292, 412, 670, 1101, 1244, 1255
resolutions offered (by request) .....	267, 286, 301, 712, 1068, 1145, 1614

## STOLLINGS, RON, a Senator from the 7th District:

appointed to standing committees .....	59-61
bills introduced (by request) .....	102, 104, 112-113, 115, 117, 126, 147-150, 202, 206, 214, 223, 233-238, 245, 261-263, 282-283, 298, 300, 328, 335, 357-358, 361-362, 391, 421-422, 436-437, 461-464, 466, 514-515, 537, 554-557, 561, 582-584, 635-636, 641, 673-675, 680-681, 710-711, 795, 826, 859-863, 939-943, 974, 1007-1008, 1010-1011
leave of absence granted to .....	988
main motion .....	1097
objection to unanimous consent .....	1378
Pledge of Allegiance led by .....	370, 2693
remarks by (ordered printed in appendix) .....	(365), (472), (522), (540), (592), (644), (1789), (1833), (2327), (2328)
removal of sponsorship .....	821
resolutions offered (by request) .....	159, 210, 223-225, 246-247, 251, 265, 267-268, 301, 312-313, 337-338, 340, 363, 393, 395, 399, 401, 426, 440, 469-470, 517, 519, 521, 538-539, 586, 588-589, 643, 685, 714, 717-718, 767, 771, 827-829, 864-868, 891-892, 894, 944-945, 1013-1014, 1066, 1068, 1070, 1071, 1101, 1103-1104, 1143, 1145, 1214, 1385, 1387, 1442-1446, 1613- 1618, 1831-1834, 1867, 1925, 2008, 2088, 2149, 2156, 2322-2328, 2551-2556
voting sentiment .....	1086

## SWOPE, CHANDLER, a Senator from the 6th District:

appointed to conference committee as to Eng. Com. Sub. for Senate Bill 224 .....	2936
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appointed to conference committee as to Eng. Com. Sub. for House Bill 2721 .....	2750
appointed to conference committee as to Eng. Com. Sub. for House Bill 2722 .....	2751
appointed to standing committees.....	59-61
bills introduced (by request) .....	155, 190, 264, 284-285, 335, 361, 392, 423, 435, 461, 464, 554, 556, 561, 583, 585, 641, 674, 681, 1010
Pledge of Allegiance led by .....	198, 1231
qualified.....	4
removal of sponsorship.....	624
reports by, as Chair of Committee on the Workforce .....	280, 293, 415, 709, 1126
resolutions offered (by request) .....	249, 286, 771, 1014, 2008, 2088, 2149, 2551
voting sentiment .....	1806

**SYPOLT, DAVE, a Senator from the 14th District:**

appointed to conference committee as to Eng. Com. Sub. for House Bill 2805 .....	3095
appointed to standing committees.....	59-61
bills introduced (by request) .....	101-103, 105-106, 108-109, (105), 118-119, 123, 128, 148, 151-152, 154, 156, 208, 263, 283-284, 286, 311, 327, 331, 357, 361, 380, 392, 426, 460, 514, 554-555, 561, 585, 641, 643, 762, 794, 827, 861-862, 889-890, 939-941, 969, 974, 1009-1012
leave of absence granted to.....	406, 433, 571
nominated Clark S. Barnes, Clerk of Senate.....	9
petitions presented by .....	721, 1447
Pledge of Allegiance led by .....	844
presided as President .....	1404
remarks by (ordered printed in appendix).....	(1069), (1146)
reports by, as Chair of Committee on .....	
Agriculture and Rural Development .....	278, 547, 710, 929, 1138, 1141, 1147, 1922-1923
resolutions offered (by request) .....	156-157, 165, 301, 868, 944-945, 1014, 1068, 1071, 1145, 1214, 1614, 2762
withdraws (committee) amendment.....	1275

**TAKUBO, TOM, a Senator from the 17th District:**

appointed to conference committee as to Eng. Com. Sub. for House Bill 2631 .....	3094
appointed to standing committees.....	59-61
bills introduced (by request) .....	147-150, 154-156, 190, 206-207, 223, 234, 236, 238, 245, 261, 283-285, 298-300, 327-328, 332, 357-363, 379, 391-392, 421-423, 434, 437, 439, 461-463, 466, 514, 537-538, 554-556, 583- 585, 634, 641, 674, 681, 710-711, 765, 795, 826, 859, 863, 938-939, 1007, 1010- 1011
leave of absence granted to.....	784, 988
Pledge of Allegiance led by .....	785
remarks by (ordered printed in appendix).....	(400), (1789), (1869), (2327)
reports by, as Chair of Committee on .....	
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2 -	By Senators Trump and Sypolt: Providing additional funding for exceptional children with high-cost/high-acuity special needs	101					101, 170
3 -	By Senators Trump, Plymale, Rucker, Jeffries, Sypolt and Woelfel: Relating generally to truancy intervention	101					102, 523
*4 -	By Senators Gaunch, Trump, Boso, Blair, Rucker, Jeffries, Stollings, Woelfel and Sypolt: Allowing licensed professionals donate time to care of indigent and needy in clinical setting	102	409	477, 562, 2502-2542	562, 2542	2502, 2694	102, 410, 451, 478, 541, 563, 2542, 3539, 3558
*5 -	By Senators Trump and Sypolt: Disqualifying CDL for DUI conviction in certain cases	102	411		523	1975	102, 229, 451, 478, 524, 624, 2687, 3557
6 -	By Senators Trump, Gaunch, Rucker, Karnes and Sypolt: Creating Tim Tebow Act	102					103
7 -	By Senators Trump, Blair, Rucker, Karnes and Sypolt: Requiring election by division in House of Delegates' districts with two or more delegates	103					103
8 -	By Senator Trump: Disclosing contributions during legislative session	103					103
*9 -	By Senators Trump and Jeffries: Regulating unmanned aircraft systems	104	346	478, 524	524		104, 405, 431, 450, 479, 624
10 -	By Senator Trump: Relating generally to CDLs	104					104
11 -	By Senators Palumbo, Facemire, Jeffries, Stollings and Beach: Requiring vacancies in certain elected offices be filled by person of same political party which previous officeholder was affiliated at time of election	105					105

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
12 -	By Senators Sypolt, Smith, Blair and Jeffries: Changing number of strikes in jury selection for felony cases	105					105
13 -	By Senators Sypolt, Smith, Plymale and Jeffries: Changing qualifier for low income for senior citizens' homestead tax exemption	105					105
14 -	By Senators Sypolt and Smith: Authorizing county commissions to impose surcharge on residential property owners for trash collection	105					105, 170
*15 -	By Senators Sypolt, Smith and Boso: Extending sunset on DOH public-private partnerships	106	847				106, 849
*16 -	By Senators Sypolt and Smith: Repealing section related to wind power projects	106	413, 849		979		106, 413, 906, 952-953, 980, 1086
17 -	By Senators Sypolt and Rucker: Relating generally to salary structure for temporary higher education employees	106					106, 229
*18 -	By Senators Sypolt, Smith and Blair: Requiring new comprehensive statewide student assessment	106	413, 989	1158-1160, 1218	1217		107, 414, 1084, 1111, 1158-1163, 1167, 1218-1219
19 -	By Senator Karnes: Creating WV Freedom of Conscience Protection Act	107					107
20 -	By Senators Karnes and Boso: Limiting insurance coverage for elective abortions	107					107
21 -	By Senators Karnes, Boso and Rucker: Relating to care of aborted fetuses	107					107
22 -	By Senators Karnes, Blair and Sypolt: Repealing article relating to mandatory motor vehicle state inspections	108					108
23 -	By Senators Karnes and Rucker: Relating generally to midwifery	108					108

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
24 -	By Senators Karnes, Rucker and Sypolt: Creating education expenses tax credits	108					108
25 -	By Senators Karnes, Rucker and Sypolt: Creating farm-to-food bank tax credit	108	729		832	3079	109, 783, 813, 832, 3539, 3558
26 -	By Senator Karnes: Providing for resident farm vendor's bidding preference	109					109
**27 -	By Senators Karnes, Trump, Rucker and Sypolt: Relating to microprocessor permit	109	547, 926	3096-3104	1074, 3104	3096	109, 548, 987, 1019, 1074, 3104
28 -	By Senator Karnes: Creating new system for certain contiguous counties to establish regional recreation authorities	109	457, 730	813, 840, 871-872, 2275, 2683	870, 2275, 2684	2275, 2976	110, 457, 783, 814, 840-841, 871-872, 2276, 2683-2684, 3547, 3566
29 -	By Senators Karnes, Jeffries and Rucker: Allowing purchase of Class XS hunting, fishing and trapping license at age 65	110					110
30 -	By Senator Karnes: Allowing local governments to lower personal property tax by imposing local sales tax	110					110
31 -	By Senators Karnes and Rucker: Prohibiting abortion coverage in qualified health plans	111					111
32 -	By Senators Karnes and Jeffries: Increasing high education student success	111					111
33 -	By Senator Mullins: Changing primary election date	111					111
34 -	By Senators Mullins, Jeffries and Cline: Relating to funding for completion of Coalfields Expressway	112					112
35 -	By Senators Stollings, Ojeda, Facemire and Jeffries: Modifying funding assistance from Courthouse Facilities Improvement Authority	112					112

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*36 -	By Senators Stollings, Gaunch, Ojeda, Facemire, Jeffries and Beach: Permitting school nurses to possess and administer opioid antagonists	112	927	1898-1899	1074, 1899	1898	112, 987, 1019, 1075, 1899, 2687, 3557
37 -	By Senators Stollings, Jeffries and Beach: Raising legal age for purchase of tobacco, alternative nicotine and vapor products to 21	112	290				113, 291
**38 -	By Senators Stollings, Ojeda, Jeffries and Beach: Creating 5-year tax credit for new businesses locating on post-mine sites	113	928, 1241	1510-1511	1600		113, 928, 1424, 1511, 1600
39 -	By Senators Stollings, Plymale, Ojeda and Facemire: Requiring BRIM cover volunteer workers and student teachers	113					113, 229
*40 -	By Senators Stollings, Ojeda and Jeffries: Requiring inclusion of protocols for response to after-school emergencies in school crisis response plans	113	291, 1367	3200-3202	1601, 3202	3200	114, 292, 1367, 1511, 1601, 3200-3203, 3550, 3559
41 -	By Senators Woelfel, Trump and Ojeda: Extending time person may be subject to probation	114	324		429	1899	114, 229, 369, 404, 429, 2687, 3557
42 -	By Senator Boso: Allowing certain construction for oil and gas activities pursuant to stormwater permit	114					114
43 -	By Senator Boso: Restricting Oil and Gas Conservation Commission's authority to regulate setback and spacing between deep wells	114					114
44 -	By Senators Woelfel and Ojeda: Allowing ballot option to express opposition to all candidates	114					115, 229
45 -	By Senators Ferns and Facemire: Establishing Mental Health, Veteran and Service Members Court	115					115

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
46 -	By Senators Ferns, Blair, Rucker and Stollings: Excluding mobile x-ray services from health care provider tax	115					116
47 -	By Senator Ferns: Exempting certain employers from discriminating against tobacco users	116					116
48 -	By Senators Ferns and Jeffries: Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation	116					116
49 -	By Senator Ferns: Requiring provisions for prior authorization of drug benefits by insurers	116					116
50 -	By Senator Ferns: Determining assessed value of natural resource property share	116					116
51 -	By Senator Ferns: Requiring patient notification when mammogram indicates dense breast tissue	117					117
52 -	By Senator Ferns: Authorizing county commissions to approve, modify or disapprove local boards of health policies	117					117
53 -	By Senators Ferns and Stollings: Accessing adoption records	117					118
54 -	By Senator Ferns: Relating to rate of interest allowed for prejudgment and post-judgment interest	118					118
55 -	By Senators Ferns and Sybolt: Allowing admission of use or nonuse of safety belt in civil actions for damages	118					118
56 -	By Senator Ferns: Defining criteria private insurance carriers must consider when setting rates for health care providers	118					118
*57 -	By Senators Ferns and Plymale: Continuing personal income tax adjustment for certain retirees	118	1241		1602		118, 170, 1424, 1511, 1602

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
58 -	By Senator Ferns: Relating to product liability actions	119					119
59 -	By Senators Ferns and Jeffries: Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation	119					119
**60 -	By Senators Gaunch, Trump, Boso, Blair, Rucker and Sybolt: Relating to eligibility and fraud requirements for public assistance	119	507, 1124	1412, 1413	1448		120, 229, 307, 508, 1229, 1269, 1447-1448
*61 -	By Senators Romano and Ojeda: Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft	120	533, 1059		1219		120, 229, 534, 1113, 1163, 1220
62 -	By Senators Romano, Jeffries and Ojeda: Relating generally to tax increment financing districts	120					121
63 -	By Senators Romano and Facemire: Requiring school counselors spend all their time on comprehensive school counseling programs	121					121, 229
64 -	By Senators Romano, Ojeda, Facemire, Jeffries and Woelfel: Requiring certain disclosures of election expenditures	121					121
65 -	By Senators Romano, Facemire, Jeffries and Ojeda: DEP fines against state governmental entities or political subdivisions	121					122
66 -	By Senators Boso and Jeffries: Modifying definition of "terrorist act"	122					122
67 -	By Senator Boso: Establishing Supreme Court online case management system	122					122
68 -	By Senators Boso and Jeffries: Relating generally to compulsory school attendance and early childhood education programs	122					123



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*69 -	By Senators Woelfel, Ojeda, Facemire and Jeffries: Creating Sexual Assault Victims' Bill of Rights	123	964, 1188		1388		123, 965, 1188, 1269, 1389
70 -	By Senators Gaunch, Trump, Facemire, Jeffries and Woelfel: Relating generally to human trafficking	123					124
71 -	By Senators Gaunch, Facemire and Jeffries: Creating 24/7 Sobriety Program	124					125
72 -	By Senators Maynard, Sypolt and Jeffries: Relating to higher education advance allowance accounts	125					125
73 -	By Senator Boso: Permitting employers to have compulsory direct deposit for employees' wages	125					125
*74 -	By Senators Boso, Jeffries and Sypolt: Allowing fire departments to charge fees for service calls	125	1092	1449	1449		126, 1165, 1227, 1261, 1389, 1448-1449
75 -	By Senators Boso and Jeffries: Creating Small Business Regulatory Review Board	126					126
*76 -	By Senators Jeffries, Romano, Miller, Ojeda, Woelfel, Beach, Gaunch, Facemire and Stollings: Creating WV Second Chance for Employment Act	126	928, 1059	3211-3227	1220, 3228	3210, 3509	127, 929, 1113, 1163, 1220, 3210-3228, 3547, 3559
77 -	By Senators Palumbo and Jeffries: Relating to unlawful discriminatory practices	127					127
78 -	By Senators Woelfel and Jeffries: Relating to criminal offenses within Uniform Controlled Substances Act	127					127
79 -	By Senators Woelfel, Trump, Plymale and Jeffries: Providing judges flexibility in sentencing drug offenders	127					128
*80 -	By Senators Woelfel, Plymale and Jeffries: Equalizing criminal penalty for entering without breaking regardless of time of day	128	347		445		128, 405, 431, 446

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
81 -	By Senator Sybolt: Increasing wages of judgment debtor that may be exempt from execution by judgment creditor	128					128, 170
82 -	By Senator Maynard: Agriculture rule relating to animal disease control	128					128
83 -	By Senator Maynard: Agriculture rule relating to dangerous wild animals	128					129
84 -	By Senator Maynard: Agriculture rule relating to livestock care standards	129					129
85 -	By Senator Maynard: Agriculture rule relating to captive cervids	129					129
86 -	By Senator Maynard: Board of Architects rule relating to registration of architects	129					129
87 -	By Senator Maynard: Athletic Commission rule relating to administrative rules of WV State Athletic Commission	129					129
88 -	By Senator Maynard: Athletic Commission rule relating to mixed martial arts regulations	129					129
89 -	By Senator Maynard: Auditor rule relating to standards for requisitions for payment issued by state officers on Auditor	130					130
90 -	By Senator Maynard: Auditor rule relating to procedure for local levying bodies to apply for permission to extend time to meet as levying body	130					130
91 -	By Senator Maynard: Board of Barbers and Cosmetologists rule relating to waxing specialists	130					130
92 -	By Senator Maynard: Board of Barbers and Cosmetologists rule relating to operation of barber, beauty, nail and aesthetic shops/salons and schools of barbering and beauty culture	130					130

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
93 -	By Senator Maynard: Board of Barbers and Cosmetologists rule relating to continuing education	130					131
94 -	By Senator Maynard: Board of Barbers and Cosmetologists rule relating to barber apprenticeships	131					131
95 -	By Senator Maynard: Board of Barbers and Cosmetologists rule relating to qualifications, training, examination and certification of instructors in barbering and cosmetology	131					131
96 -	By Senator Maynard: Board of Barbers and Cosmetologists rule relating to licensing schools of barbering, cosmetology, nail technology and aesthetics	131					131
97 -	By Senator Maynard: Board of Barbers and Cosmetologists rule relating to operational standards for schools of barbering, cosmetology, hair styling, nail technology and aesthetics	131					131
98 -	By Senator Maynard: Board of Barbers and Cosmetologists rule relating to schedule of fees	131					132
99 -	By Senator Maynard: Board of Examiners in Counseling rule relating to marriage and family therapist license renewal and continuing professional education requirements	132					132
100 -	By Senator Maynard: Board of Examiners in Counseling rule relating to licensed professional counselor fees	132					132
101 -	By Senator Maynard: Board of Examiners in Counseling rule relating to licensed professional counselor license renewal and continuing professional education requirements	132					132

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
102 -	By Senator Maynard: Board of Examiners in Counseling rule relating to marriage and family therapist fees	132					132
103 -	By Senator Maynard: Dangerous Wild Animal Board rule relating to dangerous wild animals	132					133
104 -	By Senator Maynard: Board of Dentistry rule relating to board	133					133
105 -	By Senator Maynard: DEP rule relating to alternative emission limitations during startup, shutdown and maintenance operations	133	257, 324				133
106 -	By Senator Maynard: DEP rule relating to various permits	133	292, 324				133, 292
107 -	By Senator Maynard: DEP rule relating to permits for construction and modification of major stationary sources for prevention of significant deterioration of air quality	133	257, 324				134
108 -	By Senator Maynard: DEP rule relating to standards of performance for new stationary sources	134	257, 324				134
109 -	By Senator Maynard: DEP rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities	134	258, 324				134
110 -	By Senator Maynard: DEP rule relating to emission standards for hazardous air pollutants	134	292, 324				134, 292
111 -	By Senator Maynard: DEP rule relating to ambient air quality standards	134	292, 324				135, 292
112 -	By Senator Maynard: DEP rule relating to voluntary remediation and redevelopment	135	292, 324				135, 292
*113 -	By Senator Maynard: Authorizing DEP promulgate legislative rules	135	292, 324		429	1851	135, 292, 369, 404, 430, 2092, 3065

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
114 -	By Senator Maynard: Ethics Commission rule relating to private gain	135	198				135
115 -	By Senator Maynard: State Fire Marshal rule relating to fireworks and related explosive materials regulation	135	256				135
*116 -	By Senator Maynard: Authorizing MAPS promulgate legislative rules	135	256	2938-2942	316, 2942	2938, 3509	136, 289, 306, 316, 2943, 3539, 3557
117 -	By Senator Maynard: Governor's Committee on Crime, Delinquency and Correction rule relating to William R. Laird IV Second Chance Driver's License Program	136					136
118 -	By Senator Maynard: DHHR rule relating to expedited partner therapy	136	256, 374				136
119 -	By Senator Maynard: DHHR rule relating to clinical laboratory technician and technologist licensure and certification	136	256, 374				136
120 -	By Senator Maynard: DHHR rule relating to clandestine drug laboratory remediation	136	256, 374				137
121 -	By Senator Maynard: DHHR rule relating to medication-assisted opioid treatment programs	137	347, 374				137, 348
122 -	By Senator Maynard: DHHR rule relating to medication-assisted treatment, office-based medication-assisted treatment	137	348, 374				137, 348
123 -	By Senator Maynard: Health Care Authority rule relating to exemption from certificate of need	137	257, 374				137
124 -	By Senator Maynard: Health Care Authority rule relating to Rural Health Systems Grant Program	137	257, 374				137

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*125 -	By Senator Maynard: Authorizing DHHR and Health Care Authority promulgate legislative rules	138	257, 374	2105-2111	474, 2111	2105, 2275	138, 432, 450, 474-475, 624, 2112, 3539, 3558
126 -	By Senator Maynard: Health Care Authority rule relating to certificate of need	138	257, 374				138
*127 -	By Senator Maynard: Authorizing certain Department of Revenue to promulgate legislative rules	138	230	1168-1178	303, 1179	1168	138, 276, 288, 303-304, 321, 1168-1179, 1913, 2686
128 -	By Senator Maynard: Lottery Commission rule relating to limited video lottery	138	230				138
129 -	By Senator Maynard: Board of Medicine rule relating to licensing and disciplinary procedures for physicians and podiatrists	138					138
130 -	By Senator Maynard: Board of Medicine rule relating to licensure, disciplinary and complaint procedures, continuing education and physicians assistants	139					139
131 -	By Senator Maynard: Board of Medicine rule relating to dispensing of legend drugs by practitioners	139					139
132 -	By Senator Maynard: Office of Miners' Health, Safety and Training rule relating to certification, recertification and training of EMT-Miners and certification of EMT-M instructors	139					139
133 -	By Senator Maynard: DNR rule relating to revocation of hunting and fishing licenses	139	231, 278				139
*134 -	By Senator Maynard: Authorizing Bureau of Commerce to promulgate legislative rules	139	231, 278	2943-2948	342, 2948	2943, 3510	140, 306, 320, 342, 2949, 3547, 3559
135 -	By Senator Maynard: DNR rule relating to special waterfowl hunting	140	231, 278				140

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
136 -	By Senator Maynard: DNR rule relating to commercial sale of wildlife	140	231, 278				140
137 -	By Senator Maynard: DNR rule relating to miscellaneous permits and licenses	140	231, 278				140
138 -	By Senator Maynard: Board of Optometry rule relating to continuing education	140					140
139 -	By Senator Maynard: Board of Osteopathic Medicine rule relating to licensing procedures for osteopathic physicians	140					141
140 -	By Senator Maynard: Board of Osteopathic Medicine rule relating to osteopathic physician assistants	141					141
141 -	By Senator Maynard: Board of Pharmacy rule relating to licensure and practice of pharmacy	141					141
142 -	By Senator Maynard: Board of Pharmacy rule relating to mail-order and nonresident pharmacies	141					141
143 -	By Senator Maynard: Board of Pharmacy rule relating to Controlled Substances Monitoring Program	141					141
144 -	By Senator Maynard: Board of Physical Therapy rule relating to fees for physical therapist and physical therapist assistant	141					142
145 -	By Senator Maynard: PSC rule relating to telephone conduit occupancy	142					142
146 -	By Senator Maynard: Racing Commission rule relating to thoroughbred racing	142	230				142
147 -	By Senator Maynard: Racing Commission rule relating to pari-mutuel wagering	142	230				142

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
148 -	By Senator Maynard: Board of Examiners for Registered Professional Nurses rule relating to requirements for registration and licensure and conduct constituting professional misconduct	142					142
149 -	By Senator Maynard: Board of Examiners for Registered Professional Nurses rule relating to limited prescriptive authority for advanced practice nurses	142					143
150 -	By Senator Maynard: BRIM rule relating to mine subsidence insurance	143	198				143
*151 -	By Senator Maynard: Authorizing Department of Administration promulgate legislative rules	143	198	1976-1977	270, 1977	1976, 2276	143, 228, 253, 270-271, 1976-1978, 3539, 3557
152 -	By Senator Maynard: State Board of Sanitarians rule relating to practice of public health sanitation	143					143
153 -	By Senator Maynard: Secretary of State rule relating to voter registration at DMV	143					143
154 -	By Senator Maynard: Secretary of State rule relating to voter registration list maintenance	143					143
155 -	By Senator Maynard: Board of Social Work Examiners rule relating to continuing education for social workers and providers	144					144
156 -	By Senator Maynard: Board of Speech-Language Pathology and Audiology rule relating to licensure of speech-pathology and audiology	144					144
157 -	By Senator Maynard: Treasurer rule relating to procedure for fees in collections by charge, credit or debit card or by electronic payment	144					144



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
158 -	By Senator Maynard: Treasurer rule relating to procedures for providing services to political subdivisions	144					144
159 -	By Senator Maynard: Treasurer rule relating to procedures for deposit of moneys with Treasurer by state agencies	144					145
160 -	By Senator Maynard: Treasurer rule relating to selection of state depositories for disbursement accounts through competitive bidding	145					145
161 -	By Senator Maynard: Treasurer rule relating to selection of state depositories for receipt accounts	145					145
162 -	By Senator Maynard: Treasurer rule relating to procedures for processing payments from State Treasury	145					145
163 -	By Senator Maynard: Board of Veterinary Medicine rule relating to standards of practice	145					145
164 -	By Senator Blair: Relating to traffic regulations and special load limits	145	348		446	1900	146, 170, 405, 431, 446, 2687, 3557
165 -	By Senators Blair and Rucker: Allowing county commissions and municipalities adopt building codes equal to or less stringent than state building code	146					146
166 -	By Senators Blair, Rucker and Jeffries: Requiring protective fencing on newly constructed or significantly improved overpasses	146					146
*167 -	By Senators Woelfel and Ojeda: Relating to DNA evidence	146	1188		1389		147, 229, 1190, 1269, 1389
*168 -	By Senators Romano, Ojeda and Jeffries: Relating to surcharge on fire and casualty insurance policies to fund volunteer fire departments	147					147

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
169 -	By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale and Blair: Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliantes	148	199		271	2276	148, 199-200, 228, 254, 271, 276, 3539, 3558
170 -	By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries: Repealing state hemophilia program	148	199		272	2276	148, 199-200, 228, 254, 272, 3540, 3557
171 -	By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale and Blair: Repealing Programs of All-Inclusive Care for Elderly	148	199		272	2276	148, 199-200, 228, 229, 254, 272-273, 3540, 3557
172 -	By Senator Blair: Eliminating salary for Water Development Authority board members	148	258	3277-3278	317, 3278	2112, 3510	148, 289, 306, 317, 2112-2113, 2934, 3144, 3173, 3277-3279, 3547, 3570
**173 -	By Senators Blair and Sypolt: Relating generally to autocycles	148	349, 580	725, 743, 2113-2123	743, 2123	2113	149, 349, 655, 689, 725, 743, 2124, 3537, 3557
174 -	By Senators Blair and Rucker: Exempting transportation of household goods from PSC jurisdiction	149	200	3047-3050	304, 3051	3047	149, 228, 254, 275-276, 288, 304, 321, 3051, 3547, 3558
175 -	By Senators Ferns, Karnes, Takubo, Trump, Palumbo, Plymale, Prezioso, Stollings, Unger and Jeffries: Relating to direct primary care	149					149
176 -	By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries: Repealing article concerning detection of tuberculosis, high blood pressure and diabetes	150	200		273	702	150, 228, 254, 273, 755, 822
177 -	By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale and Blair: Repealing article relating to prenatal examination	150					150, 229
178 -	By Senators Jeffries and Woelfel: Requiring license plates on front and back of vehicles	150					150, 211

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
179 -	By Senators Plymale and Jeffries: Fees for certain currency transmission services	150					151
*180 -	By Senator Blair: Relating to PSC jurisdiction over certain telephone company and internet services	151	414		526	2276	151, 251, 479, 526, 624, 3540, 3559
181 -	By Senator Trump: Abolishing regional education service agencies	151					151
*182 -	By Senators Blair, Sypolt and Rucker: Providing procedures that prevent disqualifying low bids for government construction contracts due to document technicalities	151	308	368	403		152, 345, 368, 403
*183 -	By Senators Blair, Sypolt, Gaunch, Rucker and Trump: Transferring Division of Forestry from Department of Commerce to Department of Agriculture	152	929, 1060		1221		152, 930, 1114, 1163, 1221
184 -	By Senators Blair, Boso, Rucker, Trump and Sypolt: Transitioning WV School of Osteopathic Medicine to nonprofit corporation	152					153
185 -	By Senators Blair, Boso and Rucker: Allowing spending units designate fund into which proceeds from sale of surplus property must be deposited	153	201, 581		722		153, 201, 655, 690, 723
**186 -	By Senators Jeffries, Ojeda, Facemire and Woelfel: Adjusting date when children become eligible for certain school programs and school attendance requirements	153	508, 786	2277	897, 2278	2277	153, 509, 842, 877, 897, 2278, 3540, 3557
*187 -	By Senators Takubo, Facemire, Jeffries and Woelfel: Providing for confidentiality of patients' medical records	154	293, 755	2694-2697	872, 2697	2694	154, 293, 820, 841, 872, 2697, 3547, 3559
188 -	By Senator Takubo: Correcting definition of "telehealth" in medication-assisted treatment programs	154	293		366	702	154, 170, 321, 344, 366, 755, 822

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
189 -	By Senators Blair, Gaunch and Rucker: Establishing that shared legal and physical custody of child in divorce cases is in best interest of child	154					154, 170
*190 -	By Senators Blair, Hall, Boso, Cline and Sybolt: Eliminating preferences for vendors bidding on state contracts for commodities or printing	154	457		592		154, 531, 542, 593
*191 -	By Senators Swope and Boso: Relating to tax credits for apprenticeship training in construction trades	155	294				155, 294
*192 -	By Senator Weld: Relating generally to licensed surveyors	155	787		898		155, 842, 877, 898-899
*193 -	By Senators Takubo and Jeffries: Prohibiting smoking of tobacco products in motor vehicle when person 16 years old or younger is present	155	548				155, 549, 563
194 -	By Senators Ojeda, Facemire and Jeffries: Increasing penalties for shoplifting offenses	155					155
195 -	By Senators Blair and Trump: Terminating WV Medical Imaging and Radiation Therapy Technology Board of Examiners	155					156
196 -	By Senators Blair and Sybolt: Terminating WV Massage Therapy Licensure Board	156					156
197 -	By Senator Takubo: Excluding certain medical care amounts from compensatory damage awards	156					156
198 -	By Senators Takubo, Plymale and Jeffries: Expanding Health Sciences Program to allow certain medical practitioners in underserved areas	156	549		687	2278	156, 623, 654, 687, 3540, 3557
*199 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Budget Bill	170	2093		2334		170, 2093-2094, 2176, 2333-2335

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
200 -	By Senator Karnes: Increasing high-quality educational opportunities within public school system	173					176, 229
201 -	By Senator Blair: Exploring potential sale, renovation or leasing of certain state-owned health care facilities	176					177
*202 -	By Senators Weld and Trump: Relating to pawnbrokers generally	177	279		343	2949	177, 306, 320, 343, 2949-2950
203 -	By Senators Boso and Blair: Defining "professional services" with respect to energy saving contracts	177					177
*204 -	By Senators Boso, Blair and Facemire: Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses	177	249	3274-3276	447, 3276	2124, 3510	177, 405, 431, 447, 2124-2126, 2935, 3143, 3151, 3273-3276, 3547, 3559
205 -	By Senators Azinger, Boley, Boso, Ferns and Blair: Providing deputy shall continue to discharge duties of any principal until successor is elected or appointed	177					178
*206 -	By Senator Weld: Relating generally to criminal offense of kidnapping	178	581	1978	723, 1978	1978	178, 655, 690, 723, 1979, 2687, 3557
207 -	By Senators Weld and Maroney: Establishing Mental Health and Military Service Member Court program with Supreme Court of Appeals	178					178
208 -	By Senator Weld: Modifying crime of fleeing scene of accident involving injuries	179					179
*209 -	By Senator Weld: Defining term "veteran" as it relates to veteran-owned business	179	350, 509		593		179, 351, 542, 565, 593
*210 -	By Senators Boso, Rucker and Unger: Renaming Local Powers Act the County Local Powers Act	179	351, 1190		1390		180, 353, 1191, 1270, 1390

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
211 -	By Senators Trump, Blair and Maroney: Prohibiting county parks and recreation commissions from promulgating or enforcing rules prohibiting possession of firearms	180					181
*212 -	By Senators Trump, Blair and Maroney: Relating generally to procedures for drivers' license suspensions and revocations	181	703	782, 804-807	804		183, 750, 782, 807-808
213 -	By Senator Trump: Requiring WV State Police disciplinary records be retained in perpetuity	183					183
*214 -	By Senator Trump: Adopting Uniform Electronic Legal Material Act	183	376	1979	475, 1979	1979	183, 432, 450, 475, 624, 1980, 2687, 3557
215 -	By Senators Trump and Maroney: Allowing county commissions authority to amend proposed rates, fees and charges proposed by public service districts	183	259		318		184, 289, 306, 318
*216 -	By Senators Trump and Blair: Permitting exclusion, modification or limitation of warranties in sale of used motor vehicles	184	930		1075		184, 987, 1020, 1075-1076
*217 -	By Senator Trump: Relating to disclaimers of warranties regarding used manufactured homes	184	1189		1449		184, 1190, 1270, 1413, 1450
218 -	By Senator Trump: Providing operational requirements for unmanned aircraft systems	184					185
**219 -	By Senator Weld: Relating to conspiracy to commit crimes under Uniform Controlled Substances Act	185	730, 932		1076	3080	185, 732-733, 987, 1020, 1077, 3547, 3559
*220 -	By Senator Weld: Relating to offenses and penalties under Uniform Controlled Substances Act	185	582	3105-3113	724, 3114	3104, 3510	185, 655, 690, 724, 3105-3114, 3550, 3559
*221 -	By Senators Blair and Maroney: Relating to composition of PEIA Finance Board	185	510		594	2354, 2976	185, 542, 565, 594, 2354-2355, 3540, 3559

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
**222 -	By Senators Weld and Trump: Relating to disqualification for unemployment benefits	185	280, 294	1980	366, 1980	1980	186, 229, 281, 321, 344, 367, 1981, 2145, 3066
223 -	By Senators Weld and Maroney: Increasing minimum sentence for individuals convicted of manufacturing, delivering or transporting controlled substances in presence of minor	186					186
*224 -	By Senators Hall, Azinger and Trump: Repealing requirement for employer's bond for wages and benefits	186	415, 510	3266- 3273	595, 3273	2126, 3510	186, 416, 542, 565- 569, 595, 2126-2132, 2935-2936, 3148, 3177, 3266-3273, 3547, 3558
*225 -	By Senators Trump and Blair: Allowing magistrates to conduct proceeding for temporary emergency protective order dealing with temporary custody by family court	187	411	1981	526, 1982	1981	187, 451, 479, 527, 624, 1982, 2687, 3557
226 -	By Senators Trump and Blair: Relating to WV Contraband Forfeiture Act	187					187
227 -	By Senators Trump, Blair and Maroney: Relating to carrying firearm for self-defense in certain state recreation areas	187					187
228 -	By Senator Boso: Relating to workers compensation disability and death benefits	187					188
229 -	By Senators Trump and Blair: Providing addition of mini-distillery does not change agricultural property for building codes and property tax classification	188					188
*230 -	By Senators Trump, Blair and Maroney: Relating to certain WV officials carrying concealed firearm nationwide	188	232	2133	304, 2133	2132	189, 276, 289, 305, 321, 2133, 3537, 3558
231 -	By Senator Hall: Relating to State Board of Education and Medicaid-eligible children	189	353	572- 575	447, 575	572, 882	189, 405, 432, 448, 576, 1058, 1240

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
232 -	By Senator Hall: Establishing procedures concerning delinquent personal income taxes	189					189
*233 -	By Senator Trump: Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act	189	232	1900-1904	305, 1904	1900	189, 276, 289, 305, 321, 1904, 2687, 3557
234 -	By Senators Trump and Maroney: Authorizing county process servers and court security personnel to carry weapons while on duty	189					190
235 -	By Senators Rucker, Azinger, Blair, Boso, Clements, Cline, Gaunch, Jeffries, Karnes, Maynard, Mullins, Smith, Swope, Takubo, Trump and Weld: Relating to motorcycle registration renewal	190	417, 628	2698	744, 2698	2697	190, 417, 690, 725, 744, 2699, 3547, 3558
*236 -	By Senators Trump and Weld: Relating to damages for medical monitoring	190	353	645-647, 648	648		190, 405, 432, 450, 479, 527, 542, 563, 595, 645-648
237 -	By Senators Trump and Blair: Repealing obsolete rules of Department of Revenue	190	201		273		191, 237, 254, 274-275
*238 -	By Senators Ferns, Plymale, Weld and Maroney: Increasing tax credits allowed for rehabilitation of certified historic structures	191	376, 1242		1602	2699	191, 377, 1424, 1511, 1603, 2699-2704, 3079
*239 -	By Senators Karnes, Blair, Ferns, Rucker and Weld: Limiting use of wages by employers and labor organizations for political activities	191	415, 534	599, 2977-2992	649, 2992	2977	192, 416, 570, 599, 649-650, 2992, 3547, 3571
*240 -	By Senators Ferns, Boso, Weld, Cline and Rucker: Creating crime of nonconsensual distribution of sexual images	202	309	2705-2707	404, 2707	2704, 3511	202, 345, 368, 404, 2708, 3550, 3558
241 -	By Senators Trump, Boso, Stollings, Blair, Cline and Rucker: Creating WV Volunteer Fire and Rescue Act of 2017	202					202



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*242 -	By Senators Mullins, Boso and Cline: Relating to school calendars	202	295		367		203, 321, 344, 367
*243 -	By Senators Gaunch and Boso: Relating to domestic relations	203	965		1108		203, 1055, 1083, 1109, 1166
244 -	By Senators Blair, Mullins, Carmichael (Mr. President) and Cline: Encouraging and facilitating efficient and economic development of oil and gas resources	203					204
245 -	By Senator Blair: Permitting natural gas companies enter private property without prior consent of owner for limited purposes	204					204
246 -	By Senators Boso, Plymale, Cline and Rucker: Implementing water quality standards for drinking water	204					204
*247 -	By Senators Trump, Carmichael (Mr. President), Hall, Palumbo, Woelfel and Blair: Authorizing prosecuting attorney designate and deliver grand jury records for investigative purposes	204	259	1905-1906	318, 1906	1904	205, 289, 306, 319, 1907, 2687, 3557
*248 -	By Senators Trump, Carmichael (Mr. President), Hall, Palumbo, Woelfel, Blair, Plymale and Gaunch: Clarifying composition and chairmanship of Commission on Special Investigations	205	260	1974	319, 1974	1973	206, 289, 306, 320, 1974, 2687, 3563
*249 -	By Senator Trump: Relating to information required in abstract of judgment	206	281		343		206, 307, 321, 344
250 -	By Senators Takubo, Stollings, Blair and Cline: Establishing tax credit for certain physicians who locate in WV to practice	206					206
251 -	By Senators Woelfel, Ojeda and Miller: Creating pilot program for school-based mental and behavioral health services for students and families	207					207

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
252 -	By Senator Hall: Allowing county boards of education and RESA agencies to purchase computer technology from other than statewide contract	207					207
253 -	By Senators Takubo, Blair and Miller: Relating to licensing requirements for physicians and osteopathic physicians in WV	207					207
254 -	By Senators Blair and Sypolt: Terminating WV Nursing Home Administrators Licensing Board	208					208
*255 -	By Senator Blair: Relating generally to filling vacancies in elected office	208	757	2708-2713	948, 2714	2708	208, 820, 841, 877, 904-905, 948, 2714, 3548, 3572
256 -	By Senators Trump, Boso, Cline, Gaunch and Woelfel: Relating to prohibiting aiding and abetting of sexual abuse by school personnel	208	733	833, 2091	832, 2091	2091, 2714	208, 783, 814, 833, 2092, 3540, 3558
**257 -	By Senators Boso, Weld, Cline and Miller: Relating to Civil Air Patrol leave and protection of employees performing missions	208	354, 417				208, 355, 451
258 -	By Senators Beach and Cline: Relating to safety of tow trucks, wreckers and tilt-bed vehicles	209					209
*259 -	By Senators Trump and Cline: Requiring administrators of intestate estates to give bond and take oath	209	629		744		209, 690, 725, 744
260 -	By Senators Gaunch, Mullins, Boso and Cline: Providing increase of 5 cents per gallon when average wholesale price is less than \$2 per gallon	209					209
*261 -	By Senator Trump: Relating to increasing salary or wages of judgment debtor	209	261, 411	1983	527, 1983	1982	210, 452, 480, 528, 624, 1984, 2688, 3557
262 -	By Senator Blair: Allowing signs for public office candidates on right-of-way of public road or highway	213					213

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
263 -	By Senator Blair: Creating exemption from certain contract and common carrier laws for vehicles used exclusively for transportation of railroad personnel	214	511				214, 543, 569, 596
264 -	By Senator Blair: Providing salaries of appointed officers be fixed by Governor	214					214
265 -	By Senator Cline: Requiring motor vehicles, trailers or semitrailers have warning device alerting operator that bed is in upward position	214					214
266 -	By Senators Blair, Gaunch, Boso, Ferns, Maynard, Stollings, Cline and Maroney: Establishing Fleet Management Office within Department of Administration	214					215
267 -	By Senators Blair, Gaunch, Boso, Ferns, Maynard, Palumbo, Plymale, Cline and Maroney: Requiring agencies in online phone directory update certain employee information	215					216
*268 -	By Senators Blair, Gaunch, Boso, Ferns, Maynard, Plymale and Cline: Requiring county commissions maintain websites with specific information	216	734				216, 734
269 -	By Senators Blair, Gaunch, Ferns, Maynard, Palumbo, Plymale, Boso and Cline: Requiring all executive branch agencies maintain website with specific information	216					216
270 -	By Senators Mullins and Cline: Relating to standards of proof in civil actions	216					216
271 -	By Senators Boley, Boso, Rucker, Cline and Blair: Preventing State Board of Education from implementing common core academic standards	217					218
272 -	By Senator Boso: Creating WV Safer Workplaces Act	218					219

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*273 -	By Senators Karnes, Rucker, Cline and Blair: Establishing Education Savings Account Pilot Program	219	1191				219, 1193
274 -	By Senators Blair and Maroney: Relating to public higher education personnel	219					221
275 -	By Senator Blair: Requiring WV Tax Commissioner include short survey on personal income tax return	221					221
276 -	By Senator Miller: Relating to collection of air ambulance fees for emergency treatment	221					221
277 -	By Senators Blair and Rucker: Creating Intermediate Court of Appeals	221					223
278 -	By Senators Jeffries, Beach, Boso, Cline, Gaunch, Ojeda, Romano, Smith, Stollings, Takubo, Weld, Woelfel, Plymale, Maroney and Blair: Relating to Sunday hunting laws	223					223
279 -	By Senators Plymale and Stollings: Limiting liability of Parks and Recreation section of DNR	233					233
*280 -	By Senators Boso and Weld: Moving administration of Civil Air Patrol to Adjutant General	234	350, 549		687	2278	234, 351, 623, 654, 688, 2278-2279, 3540, 3558
**281 -	By Senators Boso, Stollings, Takubo, Maroney and Trump: Increasing number of limited video lottery machines allowed at retail location	234	355, 1125				234, 355, 1229, 1270, 1413, 1450, 1603
282 -	By Senator Trump: Directing Office of Administrative Hearings to amend current legislative rule relating to appeal procedures	234	1368		1603		234, 1368, 1511, 1604
283 -	By Senator Miller: Creating Food Production Act	234					234
284 -	By Senators Blair and Maroney: Relating to issuance of registration plates for governmental vehicles by DMV	235					235

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
285 -	By Senators Cline and Stollings: Authorizing DOH Commissioner or local authorities establish minimum speed limits in congested areas	235					235
*286 -	By Senators Cline, Boso and Rucker: Relating to grandparents' visitation rights	235	1368		1761		235, 1369, 1511, 1604, 1761
287 -	By Senators Blair and Azinger: Relating generally to damages for medical monitoring	235					236
*288 -	By Senators Carmichael (Mr. President) and Stollings: Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person	236	966		1109	2993	236, 1056, 1083, 1109, 1166, 3540, 3557
289 -	By Senator Romano: Clarifying consumers sales and service tax applies to digital goods	236					236
**290 -	By Senators Weld, Stollings, Takubo and Rucker: Authorizing operators of distillery or mini-distillery offer for purchase and consumption of liquor on Sundays	236	759, 884		1018		237, 759, 957, 987, 1018
291 -	By Senators Miller, Stollings and Facemire: Relating to residential solar energy tax credits	237					237
292 -	By Senators Miller, Stollings and Facemire: Funding of civil legal services for low-income persons	237					237
293 -	By Senators Miller, Stollings and Facemire: Providing increase in annual salary of employees in Division of Corrections	237	1426	1512			237, 1426, 1512, 1604-1605
294 -	By Senators Miller and Facemire: Relating to Community Sustainability Investment Pilot Program	237	1243		1605		238, 1243, 1424, 1512, 1605

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
295 -	By Senators Gaunch, Boso, Miller, Unger, Stollings, Hall, Takubo, Maroney and Facemire: Providing tax credit for modifications to homes made more accessible for elderly or persons with disability	238					238
296 -	By Senators Trump, Gaunch, Hall, Takubo, Rucker and Azinger: Relating generally to human trafficking	238					239
297 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Increasing minimum penalty for transportation of Schedule I or II narcotic drug into state	239					239
*298 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating generally to compensation of constitutional officers	240	990				240, 991
*299 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH	240	706		808	2714	240, 750, 782, 808-809, 3540, 3557
*300 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel	240	706		809	2542	240, 750, 782, 810, 3540, 3557
*301 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program	240	707		810	908	241, 750, 782, 811, 1123, 1598
*302 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of federal funds from Treasury to Division of Human Services	241	759		872	1057	241, 820, 841, 873, 1187, 1853

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*303 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of public moneys from Treasury to DHHR	241	760		873	2542	241, 820, 841, 874, 3540, 3557
*304 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Appropriating expiring funds from State Fund, General Revenue to DHHR	241	1914		2158		242, 1919, 2013, 2158
*305 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of public moneys from Treasury to Fire Commission	242	707		811	2543	242, 750, 783, 812, 3540, 3557
*306 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of federal funds from Treasury to Workforce West Virginia	242	760		874	1231	242, 820, 841, 875, 1913, 2686
307 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of surplus balance in State Fund, General Revenue to Department of Administration	242					243
**308 -	By Senator Trump: Clarifying administrative and law-enforcement activities of DNR police officers are important to conservation and management of state's fish and wildlife	243	788, 849		980		243, 788, 906, 953, 980, 1086
309 -	By Senators Blair and Azinger: Authorizing counties to offer customized license plates for that county	243					243
310 -	By Senator Blair: Exempting certain hotel rooms from hotel occupancy tax	243					244
311 -	By Senator Blair: Classifying convention and visitor's bureau as public agency	244					244

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
312 -	By Senator Smith: Establishing four-year pilot program to have social workers in public schools	244					244
313 -	By Senators Carmichael (Mr. President) and Ferns: Renaming Court of Claims state Claims Commission	244					245
314 -	By Senator Weld: Allowing adjustment of gross income for calculating personal income tax liability of certain retirees	245					245
315 -	By Senator Miller: Relating to compensation and expenses for attorneys appointed by circuit courts	245					245
*316 -	By Senator Blair: Requiring individuals receiving unemployment compensation apply for and accept seasonal employment	245	1126		1390		245, 1127, 1229, 1270, 1391
317 -	By Senators Weld, Maynard, Stollings and Takubo: Authorizing family court judge to order substance abuse counseling of child in emergency situations	245					246
318 -	By Senators Takubo, Plymale, Stollings, Unger, Miller and Mullins: Offering flu immunizations to patients 65 or older in specific facilities	261					262
319 -	By Senators Miller, Stollings and Unger: Relating to requirements for employing nurses in public schools	262					262
*320 -	By Senator Trump: Creating Appropriation Supremacy Act of 2017	262	296				262, 297
321 -	By Senator Gaunch: Reporting requirements of employee information to CPRB	262	377	2279-2280	476, 2280	2279	262, 432, 450, 476, 624, 2280, 3541, 3557



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
322 -	By Senators Karnes, Boso, Cline and Blair: Requiring DOH Commissioner and Division of Personnel Director develop special hiring procedure for personnel positions in DOH	263					263
323 -	By Senators Jeffries, Azinger, Cline, Facemire, Ojeda, Palumbo, Plymale, Romano, Smith, Sypolt, Woelfel, Stollings, Boso, Beach and Miller: Increasing tax credit for qualified rehabilitated buildings investment	263					263
324 -	By Senators Beach and Romano: Prohibiting Governor and Legislature from administering budget cuts to higher education	263					263
325 -	By Senators Maynard, Cline and Boso: Relating to crossbow hunting	264	326		430		264, 369, 404, 431
326 -	By Senators Romano, Beach, Facemire, Jeffries, Miller, Ojeda, Plymale and Unger: Requiring Department of Defense family advocacy groups be notified about abuse or neglect of military member's child	264	661, 735		833		264, 661, 783, 814, 834
*327 -	By Senators Romano, Beach, Facemire, Jeffries, Miller, Ojeda, Weld and Plymale: Relating to teaching certificates for teachers whose spouses are members of armed forces on active duty stationed in state	264	661				264, 662
328 -	By Senators Romano, Beach, Jeffries, Miller, Ojeda, Smith, Swope and Plymale: Allowing surcharge for certain fire-related cleanup and demolition	264					265
329 -	By Senators Woelfel, Plymale, Palumbo and Stollings: Addressing increase of fentanyl, fentanyl derivatives and analogs in state	282					282
330 -	By Senators Trump, Boso and Blair: Relating to WV Workplace Freedom Act	282	297	908-910	448, 910, 1824	908, 2993	282, 321, 344, 369, 405, 432, 449, 910, 1123, 1823-1825

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
331 -	By Senators Sypolt, Smith, Boso, Blair, Cline and Miller: Exempting heating oil for residential use from motor fuel excise tax	283					283
332 -	By Senators Sypolt, Boso, Smith and Miller: Requiring DMV refuse motor vehicle registration renewal for failure to pay child support	283					283
**333 -	By Senators Takubo, Palumbo, Stollings, Romano, Cline and Maroney: Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database	283	663, 1243	3051-3065	1606, 3065	3051, 3511	283, 663, 1425, 1512, 1606, 3051-3065, 3550, 3560
334 -	By Senators Weld, Cline and Miller: Creating felony offense of aggravated cruelty to animals	283					283
*335 -	By Senators Karnes, Carmichael (Mr. President), Mullins, Maynard, Weld, Clements, Ferns, Cline, Smith, Sypolt, Azinger, Swope, Blair, Gaunch, Takubo, Boso, Mann and Trump: Creating the 2017 Tax Reform Act	284	885				284, 322, 881, 887
336 -	By Senators Trump, Boso, Blair, Romano, Sypolt and Maroney: Increasing number of limited video lottery machines retailer may have	284					285
*337 -	By Senator Blair: Hiring correctional officers without regard to placement on correctional officer register	285	356, 412		528	2543	285, 356, 452, 480, 528-529, 624, 3541, 3558
*338 -	By Senators Trump, Smith, Blair, Swope, Azinger, Mullins, Ferns, Weld, Gaunch and Cline: Relating to medical professional liability	285	550		688	1907	285, 623, 654, 688, 2092, 3066
**339 -	By Senators Takubo, Cline and Maroney: Creating Legislative Coalition on Chronic Pain Management	285	551, 966	2715-2716	1149, 2716	2714	285, 552, 1056, 1083, 1109, 1149, 2717, 3548, 3558

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
340 -	By Senator Trump: Creating offer of settlement	298					298
**341 -	By Senators Ferns, Palumbo, Plymale, Mullins, Stollings, Takubo, Cline, Maroney and Unger: Establishing WV business growth in low-income communities tax credit	298	377, 932		1077		298, 378, 987, 1021, 1077
342 -	By Senators Rucker, Azinger, Blair, Maynard, Ojeda, Mullins, Cline and Unger: Providing compensation to victims of abusive lawsuits	298					299
**343 -	By Senator Beach: Relating to transportation network companies	299	511, 1369		1606		299, 512, 1370, 1512, 1606
**344 -	By Senators Trump, Gaunch, Azinger and Blair: Relating to application of payments on consumer credit sale and loans	299	458, 708	2281-2287	812, 2288	2280	299, 459, 750, 783, 812, 2287-2288, 3541, 3558
**345 -	By Senators Maynard, Jeffries, Mullins, Takubo, Cline, Weld and Maroney: Allowing certain hunting and trapping on private lands on Sundays	299	326, 418	2717-2725	529, 2725	2717	299, 327, 452, 480, 530, 624, 2725, 3548, 3558
346 -	By Senators Blair and Boso: Relating generally to jurisdiction of PSC over motor carriers	300	419		530		300, 452, 480, 530, 624
*347 -	By Senators Takubo, Stollings and Maroney: Relating to modernization of Physician Assistant Practice Act	300	419	480-502, 531, 1908-1910	530, 1910	1907	300, 452, 502, 531, 624, 1911, 2688, 3561
348 -	By Senator Trump: Relating to parking along state highways	300					301
349 -	By Senators Trump, Blair and Boso: Repealing outdated code related to Division of Corrections	301	356		449	2133	301, 405, 432, 449, 3537, 3557
*350 -	By Senator Blair: Allowing licensed professional counselors be issued temporary permit	310	664		772	2288	310, 726, 745, 773, 3541, 3557

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
351 -	By Senator Smith: Relating to emergency medical services	310					311, 370
352 -	By Senators Smith, Cline and Rucker: Allowing utility consumers use consumer protection laws when questioning billing issues	311					311
353 -	By Senators Smith, Cline, Rucker, Sypolt and Boso: Specifying duties of telecommunications company	311					311
354 -	By Senators Gaunch, Cline and Maroney: Relating to municipalities' policemen and firemen pension plans	311	378				311, 379
355 -	By Senator Gaunch: Relating to required minimum distribution of retirement benefits from plans administered by CPRB	311	378				312, 379
356 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Allowing School Building Authority transfer funds to special revenue account in state Treasury	312					312
357 -	By Senators Weld, Plymale, Takubo, Miller, Maroney and Cline: Exempting certain persons from fees for hunting, fishing and trapping licenses	327					327
*358 -	By Senators Trump, Sypolt and Boso: Relating generally to trustee sale of timeshare estates	327	552	2288-2293	688, 2293	2288	327, 624, 655, 689, 2294, 3541, 3557
359 -	By Senators Rucker, Azinger, Cline, Karnes, Maynard and Sypolt: Allowing exemptions from mandated immunizations	327					328
**360 -	By Senators Takubo, Stollings, Maroney, Plymale and Miller: Creating Legislative Coalition on Diabetes Management	328	551, 967	1083-1084, 2726	1110, 2727	2725	328, 552, 1056, 1084, 1110, 1166, 2727, 3548, 3558

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
361 -	By Senators Boley, Azinger, Takubo, Maroney and Cline: Allowing exemptions from certificate of need to develop and operate nursing home in county without skilled nursing facility	328					328
*362 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Authorizing redirection of certain amounts to General Revenue Fund	328	991	2924-2307	1149, 2308	2294, 3080	329, 1084, 1111, 1150, 2308, 3548, 3559
363 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Updating meaning of federal taxable income	329					329
364 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Incorporating changes to Streamlined Sales and Use Tax Agreement	329	730		834	2308	329, 784, 814, 834, 3541, 3557
365 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Maintaining solvency of Unemployment Compensation Fund	329	581		724	2308	329, 655, 690, 725, 3541, 3558
366 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Creating West Virginia Second Chance Act	330					330
367 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Creating Fleet Management Office	330					330
368 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Updating WV personal income tax terms	331					331
*369 -	By Senators Sypolt, Miller, Boso, Maroney and Smith: Permitting surface owners purchase mineral interests when interest becomes tax lien	331	1244, 1427	1513-1528, 1607	1607		331, 1245, 1528, 1608

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
370 -	By Senators Sypolt, Facemire, Boso, Maroney and Smith: Requiring payment of funds due in partition suits of oil and gas interests	331					331
371 -	By Senators Gaunch and Boso: Requiring CPRB adopt smoothing method regarding gains and losses on Teachers Retirement System Fund assets	332	378				332, 379
372 -	By Senator Boso: Prohibiting request of employee wage verification	332					332
373 -	By Senators Trump, Takubo and Maroney: Authorizing medical power of attorney sign binding arbitration agreement with nursing home or assisted living facility	332					332
374 -	By Senator Ferns: Relating to computing retirement benefits for certain members of Legislature	332	884				332, 884
*375 -	By Senators Boso and Smith: Relating to rate and measure of severance taxes on certain natural resources	333	1245, 1426				333, 1246, 1528, 1609, 1675
*376 -	By Senator Boso: Relating generally to Sex Offender Registration Act	333	1189		1451		333, 1190, 1270, 1414, 1451
377 -	By Senators Karnes, Miller, Boso, Maroney, Mullins, Gaunch, Cline and Weld: Creating fixed income credit for low income senior citizens	333					333
378 -	By Senators Karnes, Miller, Boso, Maroney, Mullins, Gaunch, Cline and Weld: Creating earned income tax credit for low income workers	333					334
379 -	By Senators Gaunch and Jeffries: Excluding certain manufacturers and motor vehicles under law regulating motor vehicle dealers, distributors, wholesalers and manufacturers	334					334

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*380 -	By Senators Maynard and Plymale: Creating 2-year pilot program to allow all-terrain or recreational vehicles in Cabwaylingo State Forest	334	822, 1194		1391		334, 823, 1194, 1271, 1391
381 -	By Senator Boso: Relating to Parkways Authority maintaining status quo	334	788				334, 789
**382 -	By Senator Boso: Allowing automobile auctions obtain abandoned vehicles' titles	334	664, 992		1150		335, 665, 1084, 1111, 1150
383 -	By Senator Boso: Prohibiting local government entities from setting prevailing wages	335					335
384 -	By Senator Boso: Relating to definition of "managed timberland"	335					335
385 -	By Senator Stollings: Relating to tax on bottled soft drinks	335					335
*386 -	By Senators Ojeda, Beach, Facemire, Miller, Palumbo, Plymale, Romano, Rucker, Stollings, Swope, Woelfel and Boso: Creating WV Medical Cannabis Act	335	1246, 1598	1762-1785, 1786-1787, 2355-2424	1787, 2425	2355, 2727	337, 1248, 1599, 1609, 1761-1789, 2425, 3541, 3558
387 -	By Senators Weld, Ferns and Maroney: Creating Ryan Brown Addiction Prevention and Recovery Fund Act	357					357
*388 -	By Senators Sypolt, Azinger, Boso, Cline, Ferns, Karnes, Maynard, Ojeda, Rucker, Smith, Takubo, Trump and Maroney: Relating to dangerous weapons	357	1093	2993-3000	1391, 3000	2993	357, 1165, 1227, 1271-1275, 1392, 3000, 3553, 3560
389 -	By Senators Takubo, Stollings, Blair and Mullins: Creating exemption from certificate of need for services and equipment purchased for use in private physician offices	357					357
390 -	By Senators Takubo, Stollings, Unger, Blair and Maroney: Relating to practice of medicine and telemedicine	357					358

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
391 -	By Senators Takubo, Stollings, Unger and Boso: Establishing call-in center for Bureau for Public Health for state residents to receive assistance with health care	358					358
392 -	By Senator Gaunch: Relating to Municipal Police Officers and Firefighters Retirement System	358	535		650	2308	358, 535, 570, 599, 650, 3541, 3558
393 -	By Senators Gaunch and Maroney: Relating to administration of municipal pensions	358	708				359, 709
394 -	By Senators Plymale and Maroney: Relating generally to applied associate of science degrees targeting workforce needs	359					359, 433
395 -	By Senators Ferns, Blair, Takubo and Mullins: Relating to WV Health Care Authority	359					360
396 -	By Senators Sypolt, Azinger, Blair, Boso, Smith and Swope: Setting forth how minerals are to be valued	361					361
397 -	By Senators Takubo and Maroney: Granting immunity to health care providers	361					361
*398 -	By Senators Takubo, Stollings, Unger and Maroney: Creating Emergency Volunteer Health Practitioners Act	361	665, 968	2309	1110, 2310	2309	362, 666, 1056, 1084, 1111, 1166, 2310, 3541, 3558
**399 -	By Senators Ferns, Blair and Trump: Prohibiting political subdivisions from enacting local ordinances regulating benefits employers provide to employees	362	709, 1370	1528	1609		362, 710, 1372, 1529, 1610
400 -	By Senator Blair: Regarding appointments to WV Infrastructure and Jobs Development Council	362	512		596	2133	362, 543, 570, 596, 3537, 3557



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
401 -	By Senators Gaunch and Takubo: Allowing county board of education base employment decisions on individual's qualifications	362	1194	1414-1416, 1452	1451		362, 1194, 1276, 1414-1416, 1452-1453
*402 -	By Senators Takubo, Stollings and Romano: Relating to covenants not to compete between physicians and hospitals	362	1093, 1248	2728-2730	1610, 2730	2727	363, 1094, 1425, 1529, 1610, 2731, 3548, 3560
403 -	By Senators Gaunch, Takubo, Maroney, Romano and Boso: Increasing amount of retirement income excluded from certain retired public employees' state personal income taxes	363					363
404 -	By Senators Gaunch, Takubo, Maroney, Romano, Boso and Plymale: Reducing state income tax liability for certain retired public employees	363					363
405 -	By Senator Blair: Providing WV Attorney General operate vehicles without "state car" plate	379					379
*406 -	By Senator Takubo: Relating to generic drug products	379	1249		1611		379, 1425, 1529, 1611
407 -	By Senators Gaunch, Blair, Maroney, Trump and Romano: Relating to concealed weapons permits	379					380
*408 -	By Senators Trump and Blair: Relating to personnel management of public employees	380	1127				380, 1128
**409 -	By Senator Karnes: Relating generally to 2017 Tax Reform Act	380	1251, 1427	1594-1597, 1612	1612		380, 1252, 1428, 1529, 1597, 1613
*410 -	By Senator Sypolt: Relating to marking traps with DNR identification tag	380	459		563		380, 532, 542, 564
411 -	By Senator Blair: Relating to prime contractor's responsibility for wages and benefits	380					381
*412 -	By Senator Blair: Relating to WV Jobs Act reporting requirements	381	1129		1392		381, 1229, 1276, 1393

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*413 -	By Senator Blair: Relating to bids on government construction contracts	381	489	878, 899- 900	899		381, 842, 877-878, 900
*414 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Creating Division of Multimodal Transportation	381	993		1150		386, 998, 1084, 1111, 1151
415 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating to severance tax on natural gas	386					386
416 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating to Public-Private Transportation Facilities Act	386	1094, 1195				386, 1095, 1195, 1276, 1416, 1453, 1623
417 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Removing financial limitations on number of design-build projects undertaken by DOH	387	1095, 1195	1416			387, 1095, 1195, 1276, 1417, 1453, 1624
418 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating to Comprehensive Substance Use Reduction Act	387					388
*419 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Creating special revenue fund sources for Division of Labor to meet statutory obligations	388	1061		1221	1984, 3000	389, 1114, 1164, 1222, 1984-2000, 3548, 3559
420 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating generally to education	389					391
421 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Increasing amount of authorized federal Grant Anticipation Notes for which DOH may apply	391	1094, 1195				391, 1095, 1195, 1276, 1417, 1453, 1624
422 -	By Senators Takubo and Stollings: Relating to Uniform Controlled Substances Act	391					391

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*423 -	By Senator Weld: Relating to operation of licensed group homes	391	666		773		392, 726, 746, 773
424 -	By Senators Rucker, Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Prezioso, Smith, Swope, Sypolt, Takubo, Trump, Unger and Weld: Relating generally to requirements and provisions for notice of requested abortions	392					392
425 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating to responsibilities of Herbert Henderson Office of Inclusion	392					393
426 -	By Senators Trump, Weld, Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (originating in Senate Judiciary): Repealing DNR legislative rule on litter control grant program	402	402		476		432, 451, 477, 624
427 -	By Senators Blair and Boso: Relating to special revenue funds administered by DEP	420					421
*428 -	By Senators Weld, Stollings and Takubo: Relating to partial filling of prescriptions	421	735	1095	1261		421, 736, 1166, 1227, 1262
*429 -	By Senators Blair, Maroney and Trump: Relating to monitoring inmate communications	421	512		597		422, 543, 570, 597
430 -	By Senators Takubo and Boso: Relating to hospital open meetings	422					422
431 -	By Senators Gaunch, Romano, Stollings and Facemire: Providing ratio of pupils to licensed school psychologist	422					422

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
432 -	By Senators Boley, Maynard, Boso and Cline: Requiring proficiency in civics as condition of receiving high school diploma	422					422
433 -	By Senator Trump: Permitting counties increase excise tax on privilege of transferring real property	423	1096		1262	3000	423, 1166, 1227, 1262, 3548, 3558
434 -	By Senators Gaunch and Boso: Relating to WV Insurance Guaranty Association Act	423	823				423, 823
435 -	By Senators Weld, Miller, Ojeda, Palumbo, Takubo, Woelfel, Facemire and Romano: Relating to Youth Mental Health Protection Act	423					423, 532, 624, 1167
*436 -	By Senators Gaunch, Blair, Maroney, Trump, Unger, Boso, Takubo, Rucker, Cline, Facemire and Romano: Permitting investigators from Attorney General's office carry firearms	424	513		597		424, 543, 570, 598
*437 -	By Senators Karnes, Boso, Cline, Trump and Blair: Discontinuing WV Greyhound Breeding Development Fund	424	1130	1393, 1394	1394	2000	425, 1229, 1277, 1393-1396, 2145, 3535
438 -	By Senators Trump, Smith, Weld and Blair: Relating generally to Uniform Unclaimed Property Act	425					425
*439 -	By Senators Trump, Clements, Facemire, Maroney and Romano: Relating to venue for civil and criminal actions at Salem Correctional Center	426	460		564		426, 532, 542, 564
*440 -	By Senators Trump and Blair: Relating to use of Regional Jail and Correctional Facility Authority funds	426	736		835		426, 784, 814, 835
*441 -	By Senators Sypolt, Boso and Smith: Establishing Municipal Home Rule Pilot Program	426	667	3136	773, 3137	2950, 3511	426, 726, 746, 774, 2950-2967, 3114-3123, 3136-3137, 3548, 3573
*442 -	By Senators Weld and Cline: Relating generally to crimes against persons	434	535		651	1911	434, 570, 599, 651, 2688, 3557

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
443 -	By Senators Trump, Weld, Miller, Gaunch, Blair and Takubo: Establishing Adult Drug Court Participation Fund	434	823				435, 880, 905, 954, 981
444 -	By Senators Trump, Weld, Miller and Gaunch: Establishing Court Advanced Technology Subscription Fund	435	823		948	2931, 3511	435, 880, 905, 948, 2931-2933, 3548, 3558
*445 -	By Senators Trump and Miller: Amending definition of "abused child"	435	513	2001	598, 2001	2001	435, 543, 570, 598, 2002, 2688, 3557
*446 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Authorizing Governor issue executive orders to furlough state employees	435	1372		1624		435, 1373, 1529, 1625
447 -	By Senators Rucker, Azinger, Cline, Gaunch, Karnes, Maynard, Smith and Swope: Prohibiting retailers from selling or leasing products without operating digital blocking capability	435					436
448 -	By Senators Romano, Facemire, Jeffries, Karnes, Miller, Ojeda, Cline, Stollings and Unger: Continuing eligibility for developmental disability services to dependents of military service members	436					436
449 -	By Senator Gaunch: Relating to apportionment of compensation to members of Legislature	436					436
450 -	By Senator Trump: Relating to class action safeguards	436					437
451 -	By Senator Trump: Relating to venue in WV courts as applies to nonresidents	437					437
452 -	By Senators Miller, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, Woelfel and Takubo: Creating WV Earned Income Tax Credit	437					438

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*453 -	By Senators Boley and Cline: Adding classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory	438	933, 1132		1396		438, 934, 1229, 1277, 1396
*454 -	By Senators Trump, Weld, Miller and Gaunch: Providing more efficient collection and submission of state moneys received from court transactions or court services	438	758		875	2731	438, 820, 841, 876, 3541, 3558
*455 -	By Senators Trump, Weld, Miller and Gaunch: Relating generally to commitment of persons to custody of Commissioner of Corrections	438	731	1911	835, 1912	1911	439, 784, 815, 836, 1912, 2688, 3557
*456 -	By Senators Trump, Weld, Miller and Gaunch: Relating to standards for termination of parental rights in child abuse and neglect cases	439	535		651	2002	439, 570, 599, 652, 2688, 3557
457 -	By Senators Ferns and Takubo: Eliminating WV Health Care Authority	439					440
458 -	By Senators Smith, Sypolt and Blair: Eliminating need for certain power-generating facilities to obtain siting certificates from PSC	460					460
459 -	By Senators Boso and Rucker: Including "In God We Trust" license plate on statutory list of special license plates	460	667				461, 668
460 -	By Senators Boley and Blair: Replacing 48-hour stickers with 60-day registration plates	461					461
**461 -	By Senators Hall, Takubo and Stollings: Exempting WV State Police from state purchasing requirements	461	790, 998		1151	2731	461, 790, 1085, 1111, 1151, 3541, 3560
462 -	By Senators Jeffries, Boso, Karnes, Miller, Prezioso, Romano, Rucker, Stollings, Swope, Plymale, Maroney and Unger: Exempting military retirement benefits from personal income tax	461					461

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
463 -	By Senators Palumbo, Gaunch, Plymale, Prezioso, Takubo, Trump, Woelfel and Stollings: Eliminating WV Supreme Court of Appeals Public Campaign Financing Program	461					462
464 -	By Senators Hall and Plymale: Eliminating taxation on annuity consideration received by life insurer	462	1062		1222		462, 1114, 1164, 1222
*465 -	By Senators Takubo, Stollings and Maroney: Relating to medical professional liability	462	1368		1625		462, 1369, 1529, 1626
466 -	By Senators Blair, Trump and Palumbo: Calculating state share of gross profits from limited video lottery revenues at 50 percent	462	761				462, 820, 842, 876
*467 -	By Senators Blair and Trump: Removing restrictions on maximum wager per limited video lottery game and bill denominations accepted by video lottery terminals	462	999		1152		462, 1085, 1112, 1152
468 -	By Senators Blair and Trump: Removing restrictions on where traditional lottery games may be played	462	934		1077		463, 987, 1021, 1078
**469 -	By Senators Takubo, Jeffries, Maynard and Cline: Prohibiting waste of game animals, birds or fish	463	630, 1371		1626		463, 631, 1372, 1530, 1626
470 -	By Senators Stollings, Unger and Cline: Creating visitation rights for certain great-grandparents	463					463
*471 -	By Senators Maynard, Stollings and Cline: Relating to state ownership of wildlife	463	630, 791		900		463, 630, 842, 878, 900
*472 -	By Senators Maynard, Stollings and Cline: Permitting bear hunting with guides	463	1000		1152		463, 1085, 1112, 1153
*473 -	By Senators Maynard and Cline: Permitting collection and sale of naturally shed deer antlers	463	631		745	1912	464, 690, 725, 745, 2688, 3557

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*474 -	By Senators Maynard and Cline: Exempting names of licensed hunters from public disclosure	464	632, 791		901		464, 632, 843, 878, 901
475 -	By Senators Ojeda, Facemire, Jeffries, Plymale, Romano, Stollings, Swope, Unger and Cline: Creating incentives for hiring and retaining correctional officers	464					464
*476 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Expiring funds from Revenue Shortfall Reserve Fund to General Revenue	464	1914				464, 1919, 2013, 2159, 2335, 2559, 2763-2764
*477 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Increasing State Road Fund by raising DMV fees and motor fuel excise taxes	465	847, 1096	1263	1263		465, 849, 1227, 1264
478 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating generally to severance taxes on producing coal	465					466
*479 -	By Senators Blair, Rucker, Takubo, Maroney and Cline: Relating to regulation of liquor sales	466	791	1112	1153		466, 792, 821, 1085, 1112, 1153
*480 -	By Senator Blair: Authorizing local government adopt energy efficiency partnership programs	466	934		1078		466, 987, 1021, 1078
*481 -	By Senator Blair: Eliminating requirement municipal courts wait 90 days before notifying DMV of person's failure to appear or pay assessed costs	466	668		774		467, 726, 746, 774
**482 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating generally to WV Parkways Authority	467	1000, 1374		1627, 1629		468, 1002, 1375, 1530, 1627, 1628-1630



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
483 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Imposing license tax on successful bidders for road construction contracts	468					468
*484 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating generally to taxation	468	1195		1628		469, 1196, 1277, 1417, 1530-1584, 1628
485 -	By Senators Smith, Cline, Ferns, Mann, Maynard, Ojeda, Rucker, Sypolt, Mullins, Gaunch, Maroney and Plymale: Relating to expansion of broadband service	514					514, 784
**486 -	By Senators Takubo and Stollings: Relating to health care provider taxes	514	553, 1063	2731	1223, 2732	2731	515, 554, 1114, 1164, 1223, 2732-2733, 3548, 3559
487 -	By Senators Gaunch, Cline, Mullins and Stollings: Providing tax credit to eligible caregivers for modifications to homes	515					515
488 -	By Senator Blair: Relating to Office of Emergency Services	515					515
489 -	By Senators Azinger and Trump: Relating to commencement of civil actions in magistrate court	515					516
490 -	By Senators Azinger, Trump, Mullins and Boso: Clarifying standard of liability for officers of corporation	516	669	2733	775, 2734	2733	516, 726, 746, 775, 2734, 3548, 3558
491 -	By Senators Trump and Maroney: Relating to county litter control officers	516	669		775		516, 726, 746, 775
*492 -	By Senator Trump: Eliminating requirement every circuit court participate in drug court program	516	669		776		516, 726, 746, 776
493 -	By Senators Mann, Cline, Mullins, Maroney and Romano: Providing increase in compensation for conservation officers	516	792, 1132	1277, 2595-2597	1397, 2597	2595	516, 792, 1229, 1277, 1397, 2597, 3541, 3559

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
494 -	By Senator Carmichael (Mr. President): Relating to runoff elections for judicial offices	517					517
495 -	By Senator Blair: Relating to regulation of events by State Athletic Commission	536	793		901	2310	537, 843, 878, 902, 3541, 3558
*496 -	By Senator Gaunch: Relating generally to guaranteed asset protection waivers	537	670		776		537, 726, 746, 777
*497 -	By Senators Stollings, Takubo, Plymale, Maroney and Facemire: Relating to liability for health care providers who provide services at school athletic events	537	756, 989		876	1912	537, 821, 842, 877, 2688, 3557
498 -	By Senators Stollings, Romano and Facemire: Dedicating five-tenths percent annual severance tax on Marcellus and Utica natural gas to retired public employees	537					538
*499 -	By Senator Weld: Creating Debt Resolution Services Division in Auditor's office	538	1002		1153		538, 1085, 1112, 1154
*500 -	By Senators Trump, Boley, Clements, Cline, Ferns, Maynard, Rucker, Weld, Takubo, Maroney and Smith: Relating to Medicaid fraud and abuse	538	850		981		538, 851, 906, 954, 981, 1086
**501 -	By Senators Gaunch and Stollings: Relating to WV Economic Development Authority	554	851, 936, 1252		1630		554, 851, 936, 1425, 1584, 1631
502 -	By Senators Jeffries, Beach, Boso, Facemire, Karnes, Mann, Miller, Ojeda, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Unger, Weld, Plymale and Cline: Authorizing WV National Guard contract persons to perform specialized technical services	554					555
503 -	By Senators Plymale and Stollings: Establishing Library Facilities Improvement Fund	555					555

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
504 -	By Senators Hall, Boso, Prezioso, Facemire, Mann, Romano, Smith, Sypolt, Stollings and Plymale: Defining "special aircraft property"	555	1062				555, 1114, 1164, 1223-1224, 1264, 1397, 1454, 1631
*505 -	By Senators Smith and Sypolt: Providing five-year reclamation period following completion of well pads for horizontal wells	555	671		777	2310	555, 726, 747, 777, 3542, 3558
506 -	By Senators Weld, Boso, Takubo and Stollings: Exempting DNR police pension benefits from state income taxes	555					556
**507 -	By Senators Cline, Maynard, Ojeda, Rucker, Smith, Swope, Takubo and Stollings: Allowing pharmacists inform customers about lower cost alternatives to prescribed drugs	556	1063, 1371		1631		556, 1064, 1372, 1584, 1631
508 -	By Senators Romano, Facemire, Jeffries, Miller, Ojeda and Stollings: Providing cost-of-living adjustment to certain PERS and State Teachers Retirement System employees	556					556
509 -	By Senator Weld: Updating fee structure provisions for broker-dealers, agents and investment advisers	556					557
510 -	By Senators Hall and Stollings: Eliminating requirement of no prior or subsequent conviction in order to have criminal conviction expunged	557					557
511 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating generally to higher education governance	557					560
512 -	By Senators Romano, Facemire, Jeffries, Miller and Ojeda: Requiring disclosure of attorney source payment in certain administrative hearings	560					561

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
513 -	By Senators Romano, Facemire, Jeffries, Miller, Ojeda and Stollings: Increasing state employees' pay over two-year period	561					561
514 -	By Senators Cline, Maynard, Ojeda, Rucker, Smith, Swope and Sypolt: Providing special license plate for realtors	561					561
*515 -	By Senator Trump: Relating to parole requirements for hearings and release	561	1249		1632	3001	561, 1425, 1584, 1632, 3548, 3559
516 -	By Senators Trump and Cline: Establishing DOC responsibility for costs of housing and maintaining inmate	561	1375				562, 1375-1376
517 -	By Senators Ojeda, Azinger, Cline, Karnes, Prezioso, Rucker, Stollings, Plymale, Unger, Gaunch and Blair: Permitting ABCC appointees or employees carry firearms after completing training	582					583
518 -	By Senators Ojeda, Beach, Facemire, Jeffries, Romano, Smith, Swope, Plymale, Cline, Unger, Blair and Stollings: Creating Returning Veterans and Displaced Miners Job Act	583					583, 624
519 -	By Senators Ojeda, Facemire, Jeffries, Romano, Rucker and Stollings: Amending WV Nurse Overtime and Patient Safety Act	583					583, 727
*520 -	By Senators Weld, Blair and Takubo: Relating to in-state resident tuition rates for certain reserve members	583	662				584, 662
**521 -	By Senator Trump: Relating generally to Public Defender Services	584	1003, 1253	1584	1632, 1660		584, 1004, 1425, 1585, 1633, 1660
*522 -	By Senators Gaunch, Ferns, Blair, Stollings and Takubo: Relating to pharmacy audits	584	824	2134	949, 2134	2134	584, 880, 905, 949, 2135, 3537, 3558
*523 -	By Senator Weld: Converting to biweekly pay cycle for state employees	585	1004	3001-3032	1154, 3032	3001	585, 1085, 1112, 1154-1155, 3033, 3548, 3558

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
524 -	By Senators Rucker, Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Smith, Swope, Sypolt, Takubo and Trump: Relating to WV academic standards	585	793	954-955, 982	982		585, 785, 843, 878-879, 905, 954-955, 982-983, 1086
525 -	By Senators Maynard, Cline and Blair: Establishing education savings accounts for WV students	586					586
**526 -	By Senator Takubo: Requiring mandatory insurance coverage for inherited enzymatic disorders	634	1133, 1376		1633		635, 1133, 1377, 1585, 1633
527 -	By Senators Stollings, Mann, Plymale, Romano and Mullins: Relating to traumatic brain injury	635					636
528 -	By Senators Mann, Stollings, Romano and Mullins: Establishing process to provide student is ineligible for home instruction exemption	636					636
529 -	By Senators Weld and Ferns: Requiring PEIA and finance board purchase stop-loss insurance	636					637
530 -	By Senator Karnes: Replacing regional education service agencies	637					640
*531 -	By Senator Sypolt: Relating to renewal date for apiary certificates of registration	641	710	879	902	1912	641, 750, 783, 815, 842, 879, 902, 2688, 3557
532 -	By Senators Ojeda, Beach, Face mire, Plymale, Rucker, Swope, Unger, Stollings, Romano, Cline and Mullins: Requiring correctional officers be paid overtime	641					641
*533 -	By Senators Hall and Mullins: Relating to taxes on wine and intoxicating liquors	641	1005		1155	3033	641, 1085, 1113, 1155, 3542, 3559
*534 -	By Senators Palumbo, Gaunch, Jeffries, Romano, Stollings, Takubo and Cline: Relating to incentives for consolidating local governments	641	1254		1634		642, 1425, 1585, 1634

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*535 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Reorganizing Division of Tourism	642	1065	1164, 1224, 3203- 3205	1224, 3205	3203	642, 1065, 1114, 1164-1165, 1226, 3203-3206, 3549, 3558
536 -	By Senators Maynard, Jeffries and Ferns: Authorizing tracking of wounded or injured bear or deer	643	793		902		643, 843, 880, 903
*537 -	By Senators Rucker, Azinger, Ferns, Karnes, Maynard, Ojeda, Smith and Sypolt: Relating to exemptions from mandated immunizations	643	1196				643, 881, 1197
*538 -	By Senators Trump, Stollings, Cline and Weld: Creating special conditions of parole	673	1060		1226		673, 1114, 1165, 1226
*539 -	By Senators Ferns and Rucker: Relating to regulation and control of financing elections	673	1134	1340- 1345, 1398	1404		674, 1229, 1278-1348, 1397-1405
540 -	By Senators Maynard and Cline: Requiring school counselors inform graduating students of student aid availability	674					674
541 -	By Senators Maynard and Cline: Permitting county boards of education post professional personnel job vacancies	674					674
542 -	By Senators Maynard, Cline, Mullins, Plymale, Swope, Takubo and Stollings: Providing special obligation notes to finance construction to complete Interstates 73 and 74	674					674
543 -	By Senators Mullins and Cline: Allowing maximum number of pupils exceed up to 5 in certain instances	674					675
544 -	By Senators Maynard, Stollings, Smith, Cline, Prezioso, Facemire, Boso and Palumbo: Relating to use of aftermarket automobile crash parts	675					675
545 -	By Senator Cline: Increasing penalties for malicious assault, unlawful assault and assault on law-enforcement officer	675					675

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
546 -	By Senators Cline and Stollings: Creating emergency text number systems for children	675					676
547 -	By Senator Blair: Modifying fees paid to Secretary of State	676	935	3033-3034	1079, 3034	3033	676, 987, 1021, 1079, 3035, 3549, 3558
*548 -	By Senator Hall: Providing for specific escheat of US savings bonds	676	931		1079		676, 987, 1021, 1079
**549 -	By Senators Maynard and Cline: Allowing individuals at least 21 or older operate or ride motorcycle without helmet	676	1097, 1377, 1430	1586-1589			676, 1097-1098, 1378, 1589, 1634-1635
550 -	By Senator Maynard: Relating to disposition of vacated school buildings or other state-owned buildings	676					677
551 -	By Senator Maynard: Limiting School Building Authority's discretion to disburse funds	677					677
552 -	By Senator Maynard: Authorizing WV Disaster Recovery Board intervene to restore access to private property	677					677
553 -	By Senator Maynard: Providing teachers with 3 percent pay raise	677					677
554 -	By Senator Weld: Relating to false swearing in legislative proceeding	677	851	3265	983, 3266	2135, 3511	678, 906, 956, 983, 1086, 2135, 2936, 3090, 3141, 3265-3266, 3549, 3560
555 -	Dissolving PEIA	678					679, 727, 906
556 -	By Senator Trump: Relating to Consumer Credit and Protection Act	679					679
557 -	By Senator Prezioso [By Request of the Executive]: Dissolving Information Services and Communications Division	679	1378				680, 1378
558 -	By Senators Beach, Facemire, Miller, Ojeda, Romano, Woelfel, Plymale and Stollings: Requiring state-owned or -leased vehicles be registered	680					680

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*559 -	By Senator Ferns: Relating to limited video lottery	681	852		983		681, 906, 956, 984, 1086
*560 -	By Senators Takubo, Maynard, Stollings, Swope, Plymale and Cline: Creating medical malpractice peer review panel by Board of Medicine	681	1379				681, 1380
561 -	By Senators Stollings and Ojeda: Allowing economically depressed county to retain 50 percent of coal severance tax collected in county	681					682
*562 -	By Senator Blair: Relating to civil actions for damages brought against county commissions and municipalities	682	1380, 1441	1635-1637, 1638	1637		682, 1381, 1441, 1635-1638
*563 -	By Senator Trump: Relating to Consumer Credit and Protection Act	682	1429	1639	1638	2543	682, 1430, 1589, 1640, 3542, 3558
564 -	By Senators Takubo and Stollings: Relating to Statewide Independent Living Council	710	936	2311	1080, 2312	2310	711, 988, 1021, 1080, 2312, 3542, 3558
565 -	By Senators Gaunch, Palumbo, Takubo, Stollings and Jeffries: Authorizing City of South Charleston levy special district excise tax	711					711
566 -	By Senators Hall, Facemire and Stollings: Claims against state	711	1132		1405	2312	711, 1229, 1348, 1405-1406, 3542, 3558
567 -	By Senator Boso: Relating to fees collected to conduct criminal background checks	711					711
568 -	By Senators Maynard and Gaunch: Establishing penalties for filing false claims by doctors or lawyers for disability benefits	711					711
569 -	By Senators Prezioso, Hall, Stollings and Takubo: Creating Office of Rural Health within Center for Rural Health Development, Inc.	711					712



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
570 -	By Senator Boso: Allowing State Police Academy expand sale of items from post exchange to general public	738					739
571 -	By Senator Blair: Relating generally to certification and qualifications of sanitarians	739					739
*572 -	By Senators Sypolt and Gaunch: Relating to nonpartisan election of county surveyors	739	1006		1156		739, 1085, 1113, 1156
573 -	By Senator Maynard: Adjusting tax rate on wind-powered generating units	739					739
574 -	By Senators Trump and Woelfel: Relating generally to trusts and administration	740					740
*575 -	By Senator Trump: Relating generally to shooting ranges	740	787	2136-2138	903, 2138	2135	740, 843, 880, 903, 2138, 3537, 3557
*576 -	By Senators Trump and Blair: Providing exception to waste for certain oil and gas development	740	1197	1640, 1645-1647, 1655	1654		741, 1199, 1348, 1406, 1454, 1593, 1640-1656
577 -	By Senators Rucker, Blair, Clements, Maynard, Ojeda and Unger: Licensing of advance deposit wagering	741					742
578 -	By Senators Trump and Blair: Relating generally to copies of health care records furnished to patients	761	1199	2734-2738	1454, 2739	2734	761, 1200, 1348, 1417, 1454, 2739, 3549, 3559
579 -	By Senators Sypolt and Cline: Exempting farm winery from certain taxes	762					762
580 -	By Senator Trump: Limiting funds deducted from Unclaimed Property Fund during fiscal year	762					762
*581 -	By Senators Trump, Woelfel and Plymale: Relating generally to administration of trusts	762	852	2312-2313	984, 2313	2312	762, 906, 956, 985, 1086, 2314, 3542, 3558
582 -	By Senators Smith, Mullins, Boso and Cline: Relating generally to coal mining, coal mining safety and environmental protection	762					765

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
583 -	By Senators Smith and Cline: Abolishing Office of Environmental Advocate within DEP	765					765
584 -	By Senators Palumbo, Plymale, Prezioso, Takubo and Trump: Creating independent redistricting commission with certain requirements	765					767
585 -	By Senator Blair: Relating to locomotive crew size	767	1007		1156		767, 1113, 1157
*586 -	By Senator Sypolt: Changing fees for custom slaughters from annual to triennial	794	1138		1406		794, 1139, 1229, 1349, 1407
587 -	By Senator Azinger: Relating to dangerous weapons	794					794
*588 -	By Senator Sypolt: Relating to reproduction, distribution and sale of tax maps	794	1255	2425	1656, 2426	2425	794, 1425, 1589, 1656, 2426, 3542, 3558
589 -	By Senators Maynard and Cline: Requiring DNR study using nonemployee workforce to perform improvements in state parks and forests	794					795
590 -	By Senators Maynard and Cline: Requiring DMV create registration plate for full-size special purpose off-road vehicles	795					795
591 -	By Senators Maynard and Cline: Requiring emergency service organizations create towing service districts	795					795
592 -	By Senators Palumbo, Jeffries, Stollings, Takubo, Trump, Plymale, Prezioso, Unger, Woelfel and Cline: Providing independent redistricting commission propose redistricting plans during census years	795					796
593 -	By Senator Hall: Relating generally to employer withholding of taxes	796					797
594 -	By Senator Hall: Eliminating tax lien waiver requirement for estates of nonresidents	797					797

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
595 -	By Senator Hall: Allowing county assessors make separate entries in land books when real property is partly used for exempt and partly nonexempt purposes	797	1007		1157		797, 1085, 1113, 1157
596 -	By Senator Azinger: Creating WV Counseling Protection Act	797					797
597 -	By Senator Blair: Relating to procurement of technical infrastructure	825					825
598 -	By Senators Hall and Cline: Allowing Tax Commissioner perform background investigations on employees and contractors	825					825
599 -	By Senators Miller, Beach, Jeffries, Karnes, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Cline: Requiring transfer of juvenile to correctional facility or regional jail on age 18	826					826
600 -	By Senators Gaunch, Palumbo, Stollings and Takubo: Relating generally to accredited academic hospitals	826					826
**601 -	By Senator Gaunch: Relating to requirements for making consumer loans	826	1064, 1200		1455		827, 1064, 1201, 1349, 1417, 1455
*602 -	By Senator Blair: Creating uniform system of recording and indexing fictitious names used by sole proprietors	827	1098	2739	1265, 2740	2739	827, 1166, 1228, 1265, 2740, 3549, 3559
603 -	By Senator Gaunch: Authorizing method for collection and remittance of property taxes on dealers' heavy equipment inventory	827					827
604 -	By Senators Sypolt, Azinger, Cline and Mullins: Terminating Licensed Racetrack Modernization Fund after obligations paid	827					827
605 -	By Senators Maynard and Boso: Establishing election procedure for all members of State Board of Education	859					859

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*606 -	By Senators Maynard and Plymale: Relating to minimum wage and maximum hours for employees	859	1249	2969	1657, 2970	2969, 3512	859, 1425, 1590, 1656-1657, 2970, 3549, 3575
607 -	By Senators Takubo, Woelfel, Jeffries, Cline and Stollings: Allowing use of larger horsepower boats on limited horsepower lakes	859					859
608 -	By Senators Trump, Woelfel, Weld, Gaunch and Plymale: Clarifying lawful business structures are unaffected by enactment of prohibitory legislation	859	885		1018	2740	859, 957, 987, 1019, 3542, 3558
*609 -	By Senators Ferns, Azinger, Rucker and Cline: Creating additional flexibility for school systems in use of school aid funds	859	1201, 1430	1590, 1658	1658		861, 1203-1204, 1590, 1656-1660, 1806
610 -	By Senators Prezioso, Beach, Unger and Stollings: Requiring certain newly constructed dwellings meet minimum standards for persons with disabilities	861					861
611 -	By Senator Sypolt: Expanding county assessment and collection of head tax on farm animals	861					861
612 -	By Senators Boley, Rucker, Cline and Maroney: Granting county commissions authority to establish vacant building registration programs	861					862
613 -	By Senators Sypolt and Smith: Relating to composition of State Fire Commission	862	1382				862, 1115, 1382, 1590, 1661
614 -	By Senators Blair, Boso and Sypolt: Relating to expansion of broadband service	862	937, 1195		1407		862, 937, 1195, 1349, 1408
615 -	By Senators Prezioso, Palumbo, Beach, Miller, Ojeda, Plymale, Romano, Stollings, Unger and Woelfel: Limiting number of days legislative members receive compensation during extended and extraordinary session	862					863

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
616 -	By Senators Stollings, Plymale, Takubo and Maroney: Limiting recoverable damages when patient transferred from one health care facility to another	863					863
617 -	By Senators Maynard and Maroney: Requiring State Road Commission make available state road and highway map online	863					863
618 -	By Senators Maynard and Cline: Allowing continuing education credits for veterinarians	863					863
619 -	By Senator Maynard: Allowing WV Railroad Maintenance Authority to acquire idled railways properties	863					863
620 -	By Senators Boso, Swope, Gaunch, Jeffries and Rucker (originating in Senate Transportation and Infrastructure): Relating to traffic regulations	870	870		985		906, 956, 985, 1086
621 -	By Senator Boso: Providing certain rules inapplicable after county board of education notifies state board of possible closing or consolidations	887	1204		1455	2968	887, 1204, 1349, 1417, 1456, 2968
*622 -	By Senator Hall: Relating generally to tax procedures and administration	887	1099	3035-3039	1265, 3039	3035	887, 1166, 1228, 1266, 3040, 3549, 3567
623 -	By Senator Hall: Changing license period for horse and dog racing	887					888
624 -	By Senator Hall: Decreasing minimum number of live racing days horse racing licensee must conduct	888					888
625 -	By Senator Hall: Relating generally to charitable bingo and raffles	889					889
626 -	By Senator Maynard: Relating to online posting of required calendar of scheduled activities	889					889

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
627 -	By Senators Karnes and Facemire: Establishing 80 miles per hour speed limit on state highways	889					889
**628 -	By Senators Rucker, Boso, Sypolt, Trump and Cline: Relating to providing funding for Statewide Interoperable Radio Network	889	990, 1205		1408		889, 991, 1205, 1349, 1408
629 -	By Senator Boso: Relating to collection of Tier II fees for chemical inventories	890					890
*630 -	By Senators Mann, Hall and Sypolt: Establishing Accessibility and Equity in Public Education Enhancement Act	890	1206	3124-3134	1456, 3135	3124, 3512	891, 1207, 1349-1350, 1418, 1457, 3124-3135, 3549, 3560
*631 -	By Senators Palumbo, Jeffries and Takubo: Prosecuting violations of municipal building code	938	1207	2741	1409, 2742	2740	939, 1208, 1350, 1409, 2742, 3549, 3558
632 -	By Senator Maynard: Relating to obtaining title to reconstructed vehicle	939					939
633 -	By Senators Maynard and Cline: Creating WV Motorsports Committee	939					939
*634 -	By Senators Plymale, Stollings, Sypolt, Takubo, Prezioso, Beach, Clements and Maroney: Relating generally to certain agreements between DHHR and state's medical schools	939	1208	1418, 1458, 2002	1457, 2003	2002	939, 1209, 1350, 1418, 1458, 2003, 2688, 3557
635 -	By Senators Boso, Maynard and Cline: Increasing maximum weight amount for six-axle trucks	939					940
*636 -	By Senators Boso, Stollings, Maroney, Sypolt and Cline: Authorizing State Fire Commission establish program to address problems facing VFDs	940	1382		1661	2742	940, 1383, 1591, 1661, 3542, 3558
*637 -	By Senators Trump and Rucker: Relating to private club operations requirements	940	1198, 1250		1662	3040	940, 1199, 1215, 1425, 1591, 1662, 3549, 3559
638 -	By Senator Sypolt: Relating to WV Contractor Licensing Act	940					940

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
639 -	By Senator Trump: Expanding definition of deductions under Wage Payment and Collection Act	940					941
640 -	By Senators Prezioso, Sypolt and Unger: Relating to school attendance directors	941					941
641 -	By Senators Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings: Requiring welders meet certain certification requirements and conform to national welding standards	941					941
642 -	By Senators Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso, Stollings and Unger: Relating to wages for veterans on state government contracts	941					941
643 -	By Senators Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso, Stollings and Unger: Creating preference for state citizens in construction contracts for public improvements	941					942
644 -	By Senators Jeffries, Beach, Miller, Ojeda, Prezioso and Stollings: Reestablishing prevailing wages for certain state government contracts	942					942
645 -	By Senators Jeffries, Beach, Ojeda, Plymale, Prezioso, Stollings and Unger: Relating to employer's right to require employee training	942					942
646 -	By Senators Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings: Creating Public-Private Infrastructure Facilities Act	943					943
*647 -	By Senators Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings: Relating generally to additional county excise taxes on real property transfer	943	1138	1458-1461, 1462	1461		943, 1139, 1229, 1350, 1418, 1461-1462

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
648 -	By Senators Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings: Relating to WV jobs on public construction projects	943					944
649 -	By Senator Woelfel: Requiring presuit mediation for civil actions filed in court	969					969
650 -	By Senators Sypolt and Cline: Requiring photo identification on voter registration cards	969					969
651 -	By Senators Prezioso and Plymale: Relating to research, development and technology parks	970					970
652 -	By Senators Boso and Cline: Requiring mental hygiene commissioner be on call	970					970
653 -	By Senator Trump: Relating to compensation of members of Legislature	970					970
654 -	By Senator Maynard: Enacting Refugee Absorptive Capacity Act	970					971
655 -	By Senator Mann: Adding digital literacy skills to high-quality education standards	971					971
*656 -	By Senator Mann: Relating to Student Data Accessibility, Transparency and Accountability Act	971	1383	3040-3041	1662, 3041	3040	971, 1384, 1591, 1663, 3042, 3549, 3576
657 -	By Senators Hall, Trump and Gaunch: Relating to operation and regulation of certain water and sewer utilities	971					972
658 -	By Senators Maynard and Cline: Establishing procedure for retitling mobile and manufactured homes	972	1099		1266	2742	972, 1166, 1228, 1266, 3542, 3559
*659 -	By Senator Blair: Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact	972	1139				972, 1140



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
660 -	By Senator Weld: Relating to access to controlled substance monitoring	973					973
661 -	By Senator Maynard: Creating grant fund to encourage production of film and entertainment	973					973
662 -	By Senators Maynard and Cline: Providing for construction financing for completion of I-73 and I-74	973					973
663 -	By Senators Maynard and Cline: Allowing county commissions set standards for certain road construction projects	973					973
664 -	By Senators Sypolt and Cline: Removing limitation on amount counties collect on hotel occupancy tax	974	1384		1663		974, 1384, 1591, 1663, 1806
665 -	By Senators Plymale, Beach, Clements, Rucker, Smith, Stollings, Cline and Prezioso: Licensing of athletic trainers	974					974
666 -	By Senator Palumbo: Correcting code regarding handgun safety	974					974
667 -	By Senators Gaunch, Prezioso and Plymale: Limiting authority of Attorney General to disclose certain information provided by Tax Commissioner	974	1248		1675	2743	975, 1425, 1591, 1663, 1676, 1806, 3542, 3559
668 -	By Senator Miller: Defining crime of filing fraudulent claim against doctor	974					974
669 -	By Senators Palumbo and Prezioso: Replacing wireless enhanced 911 fee with telecommunications tax	974					974
670 -	By Senators Takubo and Stollings: Establishing WV Advisory Council on Rare Diseases	1007					1008
*671 -	By Senator Mann: Relating to WV Anatomical Board	1008	1209		1409	2314	1008, 1210, 1350, 1410, 3542, 3558

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
672 -	By Senators Stollings and Prezioso: Prohibiting persons under 18 from using tanning device	1008					1009
*673 -	By Senators Karnes, Boso and Sypolt: Providing procedure for WV to select delegates to Article V convention	1009	1381				1009, 1381
674 -	By Senator Boso: Relating to public school support	1009					1010
675 -	By Senators Takubo, Stollings, Carmichael (Mr. President), Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld and Woelfel: Providing rule-making authority to Board of Licensed Practical Nurses	1010					1011
676 -	By Senators Karnes and Boso: Prohibiting counties from regulating sale and use of fireworks	1011					1011
677 -	By Senators Takubo and Stollings: Increasing tax rate on cigarettes and e-cigarette liquid	1011					1011
678 -	By Senator Miller: Relating to tax on sales of e-cigarette liquid	1011					1011
679 -	By Senators Smith, Blair, Facemire, Prezioso and Sypolt: Defining "aboveground storage tanks"	1011					1011
680 -	By Senators Sypolt and Boso: Permitting surface owners seek damages from oil and gas operations	1011					1012
681 -	By Senators Sypolt and Boso: Requiring DEP work with Tax Commissioner, PSC and county assessors to develop system for verifying production information	1012					1012

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
682 -	By Senators Blair and Boso: Relating to state administration of local sales and use taxes	1012					1012
683 -	By Senators Jeffries, Miller, Beach, Facemire, Ojeda, Plymale and Romano: Increasing tax rate for higher earning businesses	1012					1013
684 -	By Senators Trump, Weld, Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (originating in Senate Judiciary): Relating generally to WV State Police	1017	1017		1157	1913	1085, 1113, 1158, 2688, 3557
685 -	By Senators Trump, Weld, Azinger, Clements, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Romano and Woelfel (originating in Senate Judiciary): Creating a one-day special license for charitable events sell nonintoxicating beer	1210	1210		1410		1210, 1350, 1410
686 -	By Senators Hall, Boley, Blair, Boso, Ferns, Gaunch, Facemire, Mann, Maroney, Mullins, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (originating in Senate Finance): Exempting facilities governed by DHHR that provide direct patient care	1211	1211	3042-3043	1462, 3043	3042	1211, 1351, 1418, 1462, 3044, 3549, 3560
687 -	By Senators Smith, Sypolt, Blair, Boley, Cline, Ferns, Mullins, Facemire, Jeffries and Woelfel (originating in Senate Energy, Industry and Mining): Relating generally to coal mining, safety and environmental protection	1256	1256	3206-3207	1664, 3207	3206	1425, 1591-1592, 1664, 3206-3207, 3549, 3560
688 -	By Senators Trump, Weld, Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (originating in Senate Judiciary): Correcting technical error within Solid Waste Management Act	1257	1257		1665		1425, 1592, 1665

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
689 -	By Senators Trump, Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (originating in Senate Judiciary): Relating to payment of small claims by DOH	1257	1257		1666		1425, 1592, 1666
690 -	By Senators Trump, Weld, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (originating in Senate Judiciary): Authorizing WV State Police impose and collect fees for agencies and entities using their facilities	1258	1258		1667	2743	1426, 1592, 1667, 3542, 3558
691 -	By Senators Maynard, Karnes, Stollings, Sypolt and Takubo (originating in Senate Natural Resources): Relating to off-road vehicles	1384	1384	1592, 3044-3045	1667, 3045	3044	1385, 1592, 1668, 3045, 3549, 3558
692 -	By Senators Hall, Mullins, Blair, Boley, Boso, Ferns, Gaunch, Mann, Maroney, Sypolt, Takubo, Facemire, Palumbo, Plymale, Prezioso, Stollings and Unger (originating in Senate Finance): Authorizing dedication of fee on certain managed timberland to Volunteer and Part-Volunteer Fire Departments Fee Fund	1431	1431				1431
693 -	By Senators Trump, Weld, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel (originating in Senate Judiciary): Creating WV Uniform Fiduciary Access to Digital Assets Act	1432	1432		1668		1433, 1593, 1668
694 -	By Senators Hall, Mullins, Blair, Boley, Boso, Ferns, Gaunch, Mann, Maroney, Sypolt, Takubo, Facemire, Palumbo, Plymale, Prezioso, Stollings and Unger (originating in Senate Finance): Expiring funds to unappropriated surplus balance in General Revenue fund to Department of Administration	1919	1919		2159	3045	1920, 2013, 2159, 3542, 3557

Number	TITLE OF SENATE JOINT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
1 -	By Senator Sypolt: Protection of Electronic Communication and Data Amendment	156					156
2 -	By Senators Sypolt, Jeffries and Gaunch: Homestead Exemption Increase Amendment	157					157
3 -	By Senators Karnes, Boso, Trump, Rucker, Woelfel and Sypolt: Right to Farm and Ranch Amendment	157					157
4 -	By Senators Boso, Rucker and Weld: County Economic Development Amendment	192	1211, 1441		1670		192, 1212, 1442, 1669-1672
5 -	By Senators Trump, Blair and Maroney: WV Better Roads Amendment of 2018	193					193
**6 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Roads to Prosperity Amendment of 2017	393	1100, 1259, 1433	1593, 2971-2974	1673, 2974	2971, 3512	393, 1100, 1259, 1593, 1672-1674, 2971-2976
7 -	By Senator Maynard: Senators and Delegates Service Limit Amendment	682					683
*8 -	By Senator Karnes: Fair and Simple Tax Reform or FASTR amendment	891	1260				891, 1261
9 -	By Senators Ojeda and Plymale: Use of Medical Marijuana Amendment	975					975
10 -	By Senators Trump, Azinger, Clements, Ferns, Jeffries, Karnes, Maynard, Miller, Romano, Rucker, Smith, Swope and Woelfel (originating in Senate Judiciary): Eliminating Office of Surveyor of Lands Amendment	1140	1140				1230, 1351, 1411

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
1 -	By Senators Carmichael (Mr. President), Ferns and Prezioso: Adopting joint rules of Legislature	39			55	74	55
2 -	By Senators Carmichael, Hall and Prezioso: Authorizing payment of supplies, services, printing and other expenses	55			56	74	56
3 -	By Senators Karnes, Boso and Gaunch: Urging Congress call convention of states to impose fiscal restraints on federal government	157	671		722		159, 197, 722
4 -	By Senators Stollings, Jeffries and Beach: US Navy MM2 Carl E. Keeney and US Army PFC Carl M. Nicholas Memorial Bridge	159	2756		2758		161, 197, 2758
5 -	By Senators Woelfel, Plymale, Jeffries and Beach: US Army PFC John Ira Pinkerman Memorial Bridge	161	853		854		162, 197, 854
6 -	By Senators Takubo, Jeffries and Beach: US Army SSG Styish R. Morris Memorial Road	163					165, 197
7 -	By Senators Plymale and Beach: US Army PFC Floyd H. Edmonds Memorial Road	193					194, 211
8 -	By Senators Mullins, Boso, Cline, Plymale, Beach, Karnes, Stollings, Ojeda, Facemire and Prezioso: Donnie Adkins Memorial Bridge	223	853		854		225, 253, 854
9 -	By Senators Ojeda and Stollings: Ingram's Way	225					226, 253
10 -	By Senators Hall, Weld, Plymale and Stollings: US Army SGT Arthur George Roush Memorial Bridge	246					247, 269
11 -	By Senators Ferns and Stollings: USMC Lance Corporal Edwin Russell 'Snook' Danehart Memorial Bridge	247	854		854	2743	248, 270, 854

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
12 -	By Senators Gaunch, Boso, Jeffries and Swope: Requesting Joint Committee on Children and Families study government benefit programs	249					251, 270
13 -	By Senators Mullins, Plymale, Stollings, Cline and Beach: US Army CPL James Russell Carter Memorial Road	265	1825		1826	2743	267, 288, 1826
14 -	By Senators Jeffries, Azinger, Cline, Facemire, Ojeda, Palumbo, Plymale, Romano, Smith, Sypolt, Weld, Woelfel, Stollings and Beach: US Army PVT Oren J. "Junior" Johnson Memorial Bridge	267	854		854	2743	268, 288, 854
*15 -	By Senators Mullins, Stollings, Cline and Beach: US Army CPL Herbert "Herb" Linkous Memorial Bridge	268	855		858	2743	269, 288, 858
16 -	By Senators Sypolt, Boso and Maroney: Urging WV congressional delegation require DHHR renegotiate state Medicaid expansion contracts	286					286, 303
17 -	By Senators Rucker, Azinger, Blair, Boley, Boso, Cline, Maynard, Miller, Ojeda, Smith, Sypolt, Trump, Plymale and Stollings: John Hancock Hall Memorial Bridge	301	854		854		302, 315, 854
18 -	By Senators Hall, Stollings and Beach: US Marine CPL Walter Vincent Filipek Memorial Bridge	337	854		854	2744	338, 365, 854
*19 -	By Senators Maynard, Boley, Trump, Stollings and Beach: Blue Demons Bridge	338	856		858		340, 365, 858
20 -	By Senators Maynard and Stollings: Curtis 'Pap' and Millie 'Mammie' Asbury Bridge	393					395, 428
21 -	By Senators Clements, Boso, Maroney, Weld and Stollings: US Army CPL Daniel Frederick Mehringer Memorial Bridge	395	854		854	2744	396, 428, 854

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
22 -	By Senators Romano, Facemire and Stollings: Walter E. Swiger, Jr., Memorial Bridge	426	854		854		428, 445, 854
*23 -	By Senators Maynard and Stollings: Johnny O'Dell Linville Memorial Bridge	440	1826		1830	2744	442, 474, 1830
24 -	By Senators Romano, Facemire and Stollings: US Army PFC Joe Messe, Sr., Memorial Bridge	469	1825		1826	2744	470, 523, 1826
*25 -	By Senators Beach, Clements, Stollings and Maroney: Jeffrey Alan Clovis Memorial Bridge	517	2758		2760		519, 541, 2760
*26 -	By Senators Romano, Facemire and Stollings: US Marine Corps SSG Beecher J Rhoades Memorial Bridge	519	1828		1830	2744	520, 541, 1830
27 -	By Senators Boso, Beach and Stollings: US Air Force Senior Airman Luke Christopher Wamsley Memorial Bridge	586					588, 645
28 -	By Senators Boso, Karnes and Beach: US Army SPC 4 Randall W. Arbogast Memorial Road	683	854	2745- 2747	854, 2747	2744	684, 722, 854, 2747
29 -	By Senators Rucker, Azinger, Blair, Boley, Clements, Gaunch, Karnes, Mann, Maroney, Maynard, Mullins and Smith: Declaring pornography public health crisis	712					714, 742
30 -	By Senators Beach, Clements, Ojeda, Woelfel, Stollings and Maynard: Urging US Congress convene to propose amendment to US Constitution restoring free and fair elections	714					717, 742
31 -	By Senators Boso, Stollings and Beach: US Navy BT2 Mark Edward Hutchison Memorial Bridge	717	1825		1826	2747	718, 742, 1826



Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
32 -	By Senators Ojeda, Stollings, Plymale and Beach: US Army SGT Denver E. Short Memorial Road	767	1825		1826		768, 803, 1826
33 -	By Senators Palumbo, Plymale and Beach: US Army Ranger SGT Richard E. Arden Memorial Bridge	769	2265		2266	3512	771, 803, 2267
34 -	By Senators Prezioso, Beach, Facemire, Jeffries, Miller, Palumbo, Plymale, Romano, Stollings, Swope and Unger: Joe Manchin, III Office Building	771					772, 804
35 -	By Senators Cline and Beach: Urging Congress reassess federal definition of industrial hemp	798	1141		1216		799, 831, 1216
36 -	By Senators Maynard, Cline and Beach: Requesting study of potential alternatives to current recycling methods for municipalities	800					801, 831
37 -	By Senator Cline: Urging DOT use existing signage on highways to display appropriate highway safety messages	801					801, 831
38 -	By Senators Mann, Karnes, Hall, Maynard, Rucker, Swope, Trump, Beach, Plymale, Romano, Stollings and Unger (originating in Senate Education): Requesting Joint Committee on Government and Finance study establishing four-year social worker pilot program	802	802				803
39 -	By Senators Gaunch, Beach and Stollings: US Army PFC Kelva H. Justice Memorial Road	864	1920		1920	2747	865, 896, 1920
40 -	By Senators Maynard, Unger and Stollings: Requesting study on available funds for improvements at Beech Fork State Park and Cacapon Resort State Park	865					867, 896
41 -	By Senators Stollings, Ojeda, Beach and Plymale: US Army PV2 Mandvial S. "Bunker" Bias Memorial Bridge	867	1825		1826	2747	868, 896, 1826

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
42 -	By Senators Boso, Stollings and Beach: Five Champ Brothers Bridge	891	2265		2266	3512	892, 947, 2267
43 -	By Senator Boso: Eugene Lee "Gene" Burner Memorial Bridge	975	1825		1826	2747	978, 1017, 1826
44 -	By Senator Maynard: Tug Valley Students Memorial Bridge	978	1825		1826		979, 1018, 1826
45 -	By Senators Beach, Prezioso, Stollings and Plymale: Home of Anna Lindquist, 1996 NHPA Hall of Fame Inductee highway sign	1101	1825		1826	2747	1103, 1148, 1826
46 -	By Senator Maynard: Requesting study on consumer complaints regarding safety of aftermarket crash parts	1142	1830				1143, 1217, 1831
47 -	By Senators Ojeda, Beach, Facemire, Stollings and Plymale: US Army PFC Dell Dingess Lane	1143					1145, 1217
48 -	By Senators Sypolt, Rucker, Clements, Cline, Mann, Maynard, Smith, Beach, Ojeda, Miller and Woelfel (originating in Senate Agriculture and Rural Development): Requesting study of transferring WV food production inspections and regulations to Department of Agriculture	1147	1147				1148
49 -	By Senators Gaunch, Stollings and Boso: Erecting signs in Kanawha County declaring Home of Ralph Maddox 1980 NHPA Hall of Fame	1613	2265		2266	3512	1614, 1836, 2267
50 -	By Senators Trump, Beach, Clements, Ferns, Jeffries, Karnes, Maynard, Miller, Ojeda, Romano, Smith, Swope and Woelfel (originating in Senate Judiciary): Urging Congress reschedule marijuana	1620	1620		1623		1623

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
51 -	By Senators Mann, Karnes, Hall, Maynard, Rucker, Swope, Trump, Beach, Plymale, Romano, Stollings and Unger (originating in Senate Education): Requesting study on implementing Return-to-Learn protocols for certain students who have suffered concussions	1854	1854				1855
52 -	By Senators Stollings, Facemire, Ojeda, Plymale, Romano, Woelfel and Beach: US Army PFC Glenn S. Perdue, US Army Tec 5 Charley H. Perdue and US Army Air Corps SGT Carl Perdue Memorial Road	1925	2757		2758		1928, 2012, 2758
53 -	By Senators Maynard, Stollings, Swope, Plymale and Beach: US Army SGT Benny Fleming Memorial Bridge	2008					2011, 2157
54 -	By Senators Maynard and Cline: Requesting study of allowing teachers to post online schedule of calendar of activities	2148					2149, 2332
55 -	By Senators Maynard, Stollings, Cline, Plymale and Swope: Requesting study on ways and methods of generating revenue to complete I-73 and I-74	2149					2151, 2332
56 -	By Senators Maynard and Cline: Requesting study of creation and role of WV Motorsports Commission	2151					2152, 2332
57 -	By Senators Maynard and Cline: Requesting study of feasibility of repurposing, renovating or disposing of vacated school buildings	2152					2153, 2333
58 -	By Senators Maynard and Cline: Requesting study on benefits of using nonemployees to improve state parks or forests	2153					2154, 2333
59 -	By Senators Maynard, Gaunch, Rucker and Cline: Requesting study of allowing WV Disaster Recovery Board restore access to private property following natural disaster	2154					2156, 2333

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
60 -	By Senators Unger, Stollings, Plymale, Prezioso, Boso and Beach: Designating 2017 as Robert C. Byrd Centennial Legacy Year	2322			2323		2323
61 -	By Senators Maynard, Stollings, Boso and Beach: Requesting study of economic, health and tourism impacts of biking, hiking and other forms of activity	2324					2325, 2558
62 -	By Senators Trump, Weld, Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Stollings and Swope (originating in Senate Judiciary): Requesting study of feasibility and benefits of eliminating or reforming WV civil service system	2330	2330				2332
63 -	By Senators Cline, Mullins, Stollings, Plymale, Beach and Swope: Requesting study on options for financing construction and completion of Coalfields Expressway	2551					2552, 2763
64 -	By Senators Sypolt, Plymale and Beach: Requesting study of Division of Purchasing	2762					2763, 3179

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
1 -	By Senator Ferns: Adopting rules of Senate	10			33	
2 -	By Senators Ferns and Gaunch: Raising committee to notify House Senate has assembled and organized	33			33	34
3 -	By Senator Ferns: Raising committee to notify Governor Legislature has organized	34			34	34
4 -	By Senator Hall: Mailing of bills and journals	35			35	
5 -	By Senator Hall: Authorizing appointment of employees	35			39	
6 -	By Senators Carmichael (Mr. President), Blair, Boley, Ferns, Hall, Sypolt, Trump, Palumbo, Prezioso, Plymale and Stollings: Creating Select Committee on Tax Reform	75			77	
7 -	By Senators Carmichael (Mr. President), Blair, Boley, Ferns, Hall, Sypolt, Trump, Palumbo, Prezioso, Plymale and Stollings: Authorizing Senate Confirmations Committee to meet and be paid during interims	75			77	
8 -	By Senators Sypolt, Smith, Plymale, Blair and Jeffries: Recognizing contributions and dedicated service of Gary K. Wilson to Mineral County	165			167	
9 -	By Senators Boley, Azinger and Beach: Congratulating St. Mary's High School boys' cross country team for 2016 Class AA/A state championship	194			195	
10 -	By Senators Boley and Azinger: Congratulating St. Mary's High School for winning 2016 Class A state football championship	195			196	
11 -	By Senators Stollings, Takubo, Plymale, Boso, Prezioso, Cline and Ojeda: Designating February 10, 2017 as Dental Hygienists Day	210			211	

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
12 -	By Senators Trump and Blair: Designating February 13, 2017, as Morgan County Day at Legislature	226-227			228	228
13 -	By Senators Takubo, Plymale, Stollings and Prezioso: Recognizing National Go Red for Women Day	251			253	
14 -	By Senators Karnes, Plymale, Romano, Gaunch, Sypolt, Blair, Cline, Trump, Swope, Maroney, Smith, Mann and Rucker: Designating February 16, 2017, as WV Homeschool Day	286			287	
15 -	By Senators Gaunch, Jeffries, Plymale, Stollings and Boso: Recognizing centennial year of City of Nitro	312			313	313
16 -	By Senators Takubo, Plymale, Stollings, Prezioso, Boso, Cline and Maroney: Designating June West Virginia Post-Traumatic Stress Injury Awareness Month and June 27 West Virginia Post-Traumatic Stress Injury Day	313			315	
17 -	By Senators Azinger, Plymale, Boso, Rucker, Stollings, Beach and Cline: Designating February 21, 2017, as Celebrating Children and Families day	340			341	
18 -	By Senators Stollings, Unger, Gaunch, Cline, Prezioso, Takubo, Maroney, Romano, Boso and Plymale: Designating week of March 5-11, 2017, as MS Awareness Week	363			365	365
19 -	By Senators Trump, Cline, Blair and Rucker: Expressing support for confirmation of Judge Neil M. Gorsuch to US Supreme Court	396			428	398, 428
20 -	By Senators Miller, Mann, Takubo, Stollings, Romano, Blair, Unger and Plymale: Recognizing WV School of Osteopathic Medicine	399			400	400

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
21 -	By Senators Miller, Cline, Stollings, Romano, Unger and Plymale: Designating February 23, 2017, as WV Local Foods Day	401			402	402
22 -	By Senators Plymale, Woelfel, Stollings and Unger: Congratulating Cabell Midland golf team on winning 2016 Class AAA golf tournament	442			443	443
23 -	By Senator Unger: Recognizing Leadership Berkeley	443			445	
24 -	By Senators Stollings, Plymale, Takubo, Unger and Ojeda: Congratulating Chapmanville Lady Tigers Softball team for winning 2016 Class AA state championship	471			472	472
25 -	By Senators Romano, Facemire, Stollings and Maroney: Congratulating Jeffrey Stutler as WV Outstanding Tree Farmer for 2017	472			473	473
26 -	By Senators Miller, Unger and Plymale: Recognizing Holly Boggs on winning 2016 Earle S. Dillard Insurance Agent of the Year	520			521	521
27 -	By Senators Gaunch, Unger, Prezioso, Stollings, Boso and Romano: Designating March 1, 2017, as Cancer Survivorship Day in WV	521			522	522
28 -	By Senators Palumbo and Stollings: Designating March 2, 2017, as All Kinds Are Welcome Here Day	538			539	
29 -	By Senators Miller, Stollings, Plymale, Romano, Unger, Facemire and Cline: Recognizing WV Association of Retired School Employees for dedicated public service	540			540	
30 -	By Senators Romano, Plymale, Cline, Beach, Unger, Prezioso and Stollings: Designating month of March as American Red Cross Month	588			589	589

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
31 -	By Senators Stollings, Ojeda, Plymale, Cline, Beach, Unger, Blair and Takubo: Recognizing contributions of southern WV to entire state	589			592	592
32 -	By Senators Unger, Plymale, Beach, Stollings, Romano, Cline, Prezioso and Rucker: Designating March 7, 2017, as WV Alzheimer's Association Day	643			644	644
33 -	By Senators Gaunch, Plymale, Stollings, Beach, Cline and Unger: Designating March 8, 2017, as Disability Advocacy Day	685			686	686
34 -	By Senators Weld, Ferns, Stollings, Beach and Romano: Memorializing Frank Cuomo, Jr.	718			721	721
35 -	By Senators Boley, Beach, Plymale and Stollings: Congratulating Wirt High School wrestling team for 2017 Class A state championship	827			828	828
36 -	By Senators Gaunch, Jeffries, Cline, Beach, Plymale, Stollings, Palumbo and Unger: Designating March 14, 2017, as WV State University Day	829			831	831
37 -	By Senators Mann, Beach, Plymale, Romano, Cline, Unger, Sypolt, Rucker, Stollings and Prezioso: Designating March 15, 2017, as Higher Education Day	868			869	
38 -	By Senators Palumbo, Stollings, Beach, Facemire and Plymale: Recognizing Karen Donathan for winning Award for Teaching Excellence in Computer Science	892			893	894
39 -	By Senators Palumbo, Stollings, Beach, Facemire, Plymale, Unger, Cline and Prezioso: Designating March 16, 2017, as Innovation and Entrepreneurship Day	894			895	895
40 -	By Senators Boso, Beach, Plymale, Stollings, Takubo, Sypolt, Unger and Cline: Designating March 17, 2017, as Corrections Day	944			945	945



Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
41 -	By Senators Cline, Beach, Plymale, Stollings, Mullins, Sypolt and Unger: Recognizing Pineville Middle School's Pineville Giving Tree project	946			947	947
42 -	By Senators Carmichael (Mr. President), Boso, Stollings and Plymale: Designating March 20, 2017, as International Pageant Day	1013			1014	
43 -	By Senators Gaunch, Ferns, Karnes, Romano, Cline, Sypolt, Swope, Boso, Stollings, Plymale and Prezioso: Recognizing Homer Hickam	1015			1017	
44 -	By Senators Mullins, Beach, Plymale, Stollings, Boso, Prezioso, Takubo and Cline: Designating March 21, 2017, as Down Syndrome Awareness Day	1066			1067	1068
45 -	By Senators Sypolt, Smith, Beach, Plymale and Stollings: Designating March 21, 2017, as Preston County Day	1068			1069	1069
46 -	By Senators Unger, Beach, Plymale, Stollings, Prezioso and Rucker: Recognizing Leadership Jefferson	1070			1071	
47 -	By Senators Beach, Prezioso, Sypolt, Clements, Plymale and Stollings: Celebrating achievements and contributions of Monongalia County	1071			1073	1073
48 -	By Senators Palumbo, Prezioso, Stollings, Takubo, Beach and Plymale: Congratulating Charleston Catholic golf team for winning 2016 Class A State Championship	1103			1104	1104
49 -	By Senators Weld, Prezioso, Stollings, Boso, Beach and Plymale: Designating March 22, 2017, as Civil Air Patrol Day in WV	1104			1107	1107

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
50 -	By Senators Sypolt, Smith, Prezioso, Stollings, Plymale and Beach: Commemorating 25th anniversary for national and state ChalleNGe Program	1145			1146	1146
51 -	By Senators Rucker, Unger and Beach: Designating March 24, 2017, as Jefferson County Day	1212			1213	1213
52 -	By Senators Boso, Stollings, Gaunch, Sypolt, Romano, Unger, Beach and Plymale: Designating March 24, 2017, as Firefighters Day	1214			1215	1215
53 -	By Senators Beach, Cline, Stollings, Plymale and Rucker: Designating March 27, 2017, as WV Industrial Hemp Day	1385			1387	
54 -	By Senators Ferns, Stollings, Plymale, Beach and Rucker: Designating March 27, 2017, as Women's and Girls' Day	1387			1388	
55 -	By Senators Beach, Prezioso, Boso, Stollings, Unger, Rucker, Romano, Plymale and Cline: Designating March 28, 2017, as WVU and WVU Extension Service Day	1442			1443	1443
56 -	By Senators Beach, Prezioso, Boso, Stollings, Unger, Romano, Plymale and Cline: Congratulating WVU rifle team for winning 2017 National Championship	1443			1444	1444
57 -	By Senators Maroney, Stollings, Unger, Plymale and Beach: Recognizing 200th anniversary of Sistersville Ferry	1445			1445	1445
58 -	By Senators Boley, Azinger, Beach, Stollings, Unger and Plymale: Recognizing centennial year of main structure at Parkersburg High School	1446			1447	1447
59 -	By Senators Smith, Sypolt, Stollings, Plymale, Boso and Unger: Designating March 29, 2017, as Tucker County Day	1615			1616	1616

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
60 -	By Senators Plymale, Woelfel, Stollings and Boso: Recognizing Cabell Midland High School band for exceptional accomplishments	1616			1617	1618
61 -	By Senators Carmichael (Mr. President), Stollings, Plymale and Boso: Declaring WV Marching Band Invitational to be state's official marching band championship event	1618			1619	
62 -	By Senators Plymale, Woelfel, Prezioso, Stollings, Palumbo, Unger and Beach: Designating March 30, 2017, as Marshall University Day	1831			1833	1833
63 -	By Senators Cline, Stollings, Facemire, Palumbo, Beach and Plymale: Congratulating Wyoming East High School golf team for winning 2016 Class AA state championship	1833			1834	1834
64 -	By Senators Jeffries, Gaunch, Stollings, Facemire, Palumbo, Unger, Beach and Plymale: Congratulating Herbert Hoover High School boys' basketball team for outstanding athletic achievement	1834			1836	1836
65 -	By Senators Prezioso, Stollings, Beach, Plymale and Boso: Reaffirming sister-state ties between Taiwan and State of WV	1867			1869	1869
66 -	By Senators Rucker, Boso, Clements, Stollings, Swope, Plymale, Unger, Beach and Miller: Honoring Katherine Johnson, Presidential Medal of Freedom recipient	2088			2090	2090
67 -	By Senators Romano, Facemire, Stollings and Plymale: Declaring January 26 of each year Danny Heater Day	2156			2157	
68 -	By Senators Rucker, Stollings, Takubo, Plymale, Unger, Boso and Beach: Designating April 5, 2017, as Nurses Unity Day	2325			2326	2327

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
69 -	By Senators Maynard, Stollings, Plymale and Beach: Congratulating Mingo Central Miners high school football team for winning 2016 Class AA football championship	2327			2328	2328
70 -	By Senators Rucker, Stollings, Plymale, Unger, Boso and Beach: Designating April as Autism Awareness Month	2329			2330	2330
71 -	By Senators Woelfel, Plymale, Stollings, Unger and Beach: Congratulating St. Joseph's Central High School girls' basketball team for winning 2017 Class A basketball championship	2553			2554	2554
72 -	By Senators Woelfel, Plymale, Stollings, Unger and Beach: Congratulating Huntington High School girls' basketball team for winning 2017 Class AAA basketball championship	2554			2555	2555
73 -	By Senators Woelfel, Plymale, Stollings, Unger and Beach: Congratulating Huntington High School boys' basketball team for winning 2017 Class AAA basketball championship	2556			2557	2557
74 -	By Senator Ferns: Notifying Governor Senate is ready to adjourn <i>sine die</i>	3536			3536	3536

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2001 -	By Delegates Lane, Sobonya, Moore, Kessinger, N. Foster and Householder: Relating to ethics and transparency in government	454	1141	1463-1505, 1506	1505	3513	455, 1230, 1351, 1411, 1463-1507, 3550, 3560
*2002 -	By Delegates Kessinger, Fast, A. Evans, R. Romine, Frich, Arvon, Butler, Rowan, Wilson, Paynter and Lane: Relating to parental notification of abortions performed on unemancipated minors	1789	2546	3066-3076, 3078	3078	3513	1790, 2546, 2847, 3066-3079, 3550, 3560
*2004 -	By Delegates Howell, Nelson, Cowles, Zatezalo, Hamrick, Ward, Deem, Summers, Sypolt, Lane and Atkinson: Creating and maintaining a centralized state vehicle inventory system	1435	2261				1436, 2261
*2006 -	By Delegates Shott, Mr. Speaker (Mr. Armstead), Hanshaw, Sobonya, Atkinson, Hill, Fleischauer, Pushkin, Lovejoy and Canestraro: Increasing the penalties for violating the Whistle-blower Law	277	1921		2335		278, 2084, 2177, 2335, 3542, 3558
*2007 -	By Delegates Gearheart, Cooper, McGeehan, Hamrick, Westfall and Frich: Eliminating courtesy patrol programs	844					844
*2018 -	By Delegates Mr. Speaker (Mr. Armstead) and 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	2543		3284-3503	3504	3581	2543, 2847, 2930, 3137-3138, 3284-3504, 3543, 3564
*2028 -	By Delegates Folk, Hanshaw, Shott, Butler, Dean, Fleischauer, Fluharty, McGeehan, Paynter, Martin and Wilson: Relating to the venue for suits and other actions against the state	455	858	956-957, 986	986		455, 906, 957, 986, 1086, 1115-1116, 1180, 1813

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2083 -	By Delegates Rodighiero and Frich: Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing	503	1921	2177-2178, 2336, 2494, 2495	2336, 2495	3153	503, 2084, 2177-2178, 2336, 2493-2496, 3550, 3559
*2099 -	By Delegate McGeehan: Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law	308	672	747-749, 778	778		308, 749, 778, 1116, 1180
*2109 -	By Delegates Rohrbach, Hornbuckle and Lovejoy: Relating to the West Virginia Land Reuse Agency Authorization Act	1790	2689	2848-2852, 3138	3138	3513	1790, 2689, 2852, 3139, 3550, 3559
2119 -	By Delegates Ellington and Summers: Repealing West Virginia Health Benefit Exchange Act	844	1856		2337		844, 1968, 2084, 2178, 2337, 3544, 3558
2123 -	By Delegates Rowan, Mr. Speaker (Mr. Armstead), Cowles, Hamilton, Espinosa, O'Neal, Anderson and Nelson: Making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority	503					504
*2129 -	By Delegates Fleischauer, Sobonya, Statler, Overington, Frich and Pyles: Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs	1808	2094	2427-2429, 2559	2559		1808, 2257, 2429, 2560
*2167 -	By Delegates Storch and Eldridge: Creating a Silver Alert program for senior citizens	370	737	815-819, 836	836	882	371, 784, 819, 837, 963, 1187
*2180 -	By Delegates Rodighiero, Marcum, Eldridge, Phillips, Maynard and Westfall: Authorizing the issuance of special "In God We Trust" motor vehicle registration plates	1231	1831	1932-1968, 2012	2012	2314	1231, 1896, 1968, 2013, 2544, 3557

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
2188 -	By Delegates Rowe, Pushkin, Sobonya, Fleischauer and Hornbuckle: Extending the length of time for the special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth	1790	1856		2160		1790, 1968, 2013, 2160, 2545, 3558
*2195 -	By Delegates Rohrbach, Cooper, Rowan, Hornbuckle, Ambler, Hicks, Sobonya, Frich and Thompson: Relating to requiring comprehensive drug awareness and prevention program in all public schools	1808	2095		2560		1808, 2257, 2429, 2560, 3544, 3560
*2196 -	By Delegates Ellington, Gearheart and Overington: Relating to the secondary schools athletic commission	1790	2689	2853-2854, 3084, 3228-3229	3084, 3229	3228	1791, 2690, 2852-2854, 3084, 3228-3230, 3554, 3577
*2208 -	By Delegates Fleischauer, Hamrick, Statler, Folk and Pyles: Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan	1232					1232
*2219 -	By Delegate Sobonya: Authorizing miscellaneous boards and agencies to promulgate legislative rules	1353	1921	2178-2199	2337	3513	1356, 2084, 2199, 2338, 3551, 3559
2300 -	By Delegates Kelly, Ellington, Summers, Criss, Wagner, Ward, Atkinson and Rohrbach: Regulating step therapy protocols	371	937		1080		371, 988, 1021, 1081, 1240, 1853
*2301 -	By Delegates Summers and Ellington: Relating to direct primary care	371	672	779	779	882	372, 749, 780, 963, 1187
*2303 -	By Delegates Phillips, Westfall, Folk, Sobonya, Overington, Paynter, Eldridge and R. Miller: Increasing criminal penalties for littering	323	1856	2199-2205, 2339	2338	3513	323, 1968, 2085, 2199-2205, 2339, 3551, 3558
*2318 -	By Delegates Shott, Fleischauer, Hanshaw, Summers, Sobonya, C. Miller, Kessinger, Canestraro, Longstreth, Pushkin and Storch: Relating generally to human trafficking	372	536	599-623, 653, 911	652, 912	910	373, 570, 623, 654, 913, 1367, 1913

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2319 -	By Delegates Upson, Mr. Speaker (Mr. Armstead), Hamilton, Rohrbach and Baldwin: Relating to candidates or candidate committees for legislative office disclosing contributions	323	1922	2340	2340	2748	324, 2085, 2206-2208, 2341, 3544, 3560
*2329 -	By Delegates Rohrbach, Sobonya, Ellington, Upson, Lovejoy, Frich, Canestraro, Isner, N. Foster, Ward and C. Miller: Prohibiting the production, manufacture or possession of fentanyl	544	1623	1929, 3231-3258	1929, 3258	3231	544, 1850, 1872-1896, 1928-1929, 2937, 3084, 3090-3091, 3153, 3231-3258, 3555, 3558
*2346 -	By Delegates Howell, Upson, Maynard, Statler, Walters, McGeehan, Sypolt, Westfall, Hamrick, Higginbotham and Harshbarger: Relating to motor vehicle license plates	1356					1357
*2347 -	By Delegates Howell, Maynard, Walters, McGeehan, Sypolt, C. Miller, Westfall, Hamrick, Higginbotham, Harshbarger and Atkinson: Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations	373	673		780		374, 749, 780, 883, 963
2348 -	By Delegates Howell, Maynard, Walters, McGeehan, Sypolt, Westfall, C. Miller, Hamrick, Higginbotham, Harshbarger and Ward: Eliminating any requirement that class hours of students be consecutive	374	2095		2560		374, 2257, 2429, 2561, 3544, 3560
*2359 -	By Delegate Arvon: Relating to offenses and penalties for practicing osteopathic medicine without a license	456	737, 2546	2854-2856, 3140	3139	3513	456, 2547, 2856, 3140, 3551, 3560
*2363 -	By Delegates Cooper, Howell, Ambler, Rowan and Moye: Requiring that a state employee with a commercial driver's license have a current medical evaluation certification	1808					1809



Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2364 -	By Delegates Hamilton, Ambler, A. Evans, Statler, R. Romine, Hicks, Rodighiero, Hamrick, Eldridge, Lynch and Frich: Prohibiting electioneering within or near early voting locations during early voting periods	576	1856	2014-2017, 2161	2161	2748	577, 1968, 2013-2017, 2162, 3544, 3560
*2366 -	By Delegates Ellington and Summers: Relating to selling Jackie Withrow Hospital	1232	2496	2598-2600, 2764	2764		1232, 2496, 2600, 2765
*2367 -	By Delegates R. Miller, Marcum, Eldridge, Rodighiero, Phillips, Sobonya, Lovejoy and Hicks: Establishing a criminal offense of organized retail crime	656	1922	2208-2210, 2341	2341	3154	657, 2085, 2210, 2342, 3551, 3560
*2373 -	By Delegates Statler, Hill, Espinosa, Kessinger, N. Foster, Wagner, McGeehan, Higginbotham, Ward, Williams and Ellington: Authorizing school bus drivers trained in administration of epinephrine auto-injectors to administer auto-injectors	913	1922	2210-2214, 2342	2342	2748	913, 2085, 2214, 2343, 3545, 3558
*2376 -	By Delegates Ellington and Summers: Relating to the organizational structure of state government	1791					1792
*2402 -	By Delegates Howell, Frich, Eldridge and Phillips: Relating to abandoned antique vehicles	1087	2096	2429-2430	2561	3514	1088, 2257, 2430, 2561, 3551, 3559
*2404 -	By Delegates Rowan, Moyer, Overington, Phillips, Hamilton, R. Romine, Rohrbach, Kelly, Pethtel, Lynch and Ferro: Barring persons who are convicted of certain criminal offenses from acquiring property from their victims	407	1856	2017-2020	2162	2748	407, 1969, 2017-2020, 2162, 3543, 3558
2427 -	By Delegates Howell, Arvon, Atkinson, Blair, Hamrick, Hartman, Lynch and Ferro: Requiring agencies listed in the online state phone directory to update certain employee information	913	1857		2343		914, 1969, 2085, 2214, 2343, 3543, 3558

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2428 -	By Delegates Kelly, Anderson, Criss, Higginbotham, Ambler, Hollen, Wagner, Ward, C. Romine, Cooper and Atkinson: Establishing additional substance abuse treatment facilities	1809	2497	2601-2603, 2765	2765	3514	1809, 2497, 2603, 2766, 3551, 3559
2431 -	By Delegates Ellington and Rohrbach: Allowing influenza immunizations to be offered to patients and residents of specified facilities	374	672	781	781	882	374, 749, 781, 963, 1187
2446 -	By Delegates Howell, Arvon, Atkinson, Blair, Hamrick, Hartman, Lynch and Ferro: Relating to the requirement that all executive branch agencies maintain a website that contains specific information	914	1858	2214	2344	2748, 3046	914, 1969, 2085, 2214, 2344, 3545, 3568
*2447 -	By Delegates Mr. Speaker (Mr. Armstead), Shott, Summers, Overington, G. Foster, Hollen, Sobonya and O'Neal: Renaming the Court of Claims the state Claims Commission	407	938	1022-1055, 1081, 3154-3156	1081, 3156	3154	408, 988, 1055, 1082, 2003-2005, 2314, 2427, 3154-3157, 3551, 3559
*2453 -	By Delegates Eldridge, Butler and Summers: Expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp	1792	1923		2344		1792, 1923, 2085, 2215, 2345, 3543, 3559
*2459 -	By Delegates Ellington, Summers, Rohrbach and Hollen: Relating to regulation of health care and the certificate of need process	625	1433	1676-1759, 1837-1839	1837	1851	625, 1597, 1676-1759, 1836-1839, 2146, 3557
*2465 -	By Delegates Cowles and Sobonya: Modifying the requirements that allow a child witness to testify by closed circuit television	408					409
*2471 -	By Delegates Ellington, Summers, Rowan, Sobonya, Hollen, Rohrbach, Longstreth and Frich: Relating to insurance coverage for breast cancer screening	1088	1858				1088, 1859

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2475 -	By Delegates Storch, Westfall, Moore, White, Frich and Ward: Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents	1232	1859		2345		1233, 1969, 2085, 2215, 2345, 3544, 3559
*2479 -	By Delegates Storch, Ferro, Longstreth, McGeehan, Fleischauer, Canestraro, Isner, Lovejoy, Pushkin and Frich: Uniform Deployed Parents Custody and Visitation Act	456	1857	2020-2035, 2163	2162	3514	457, 1970, 2020-2035, 2164, 3551, 3558
*2483 -	By Delegates Eldridge, Butler, Rohrbach, R. Miller, Sobonya and Iaquinta: Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday	1809					1810
*2486 -	By Delegate Westfall: Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order	504	1095	1268	1267	2005	504, 1166, 1228, 1266-1268, 2146, 3557
*2494 -	By Delegates Westfall, Statler, White, Atkinson and Higginbotham: Providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request	1233	2096	2562	2562	2749	1233, 2257, 2430, 2562, 3545, 3559
*2503 -	By Delegates Ellington, Summers, Dean, Rohrbach, Sobonya and Hollen: Relating to the rulemaking authority for Board of Osteopathic Medicine	728	2005		2563		728, 2257, 2430, 2563, 3544, 3560

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2506 -	By Delegates Zatezalo, G. Foster, Kessinger, Summers, Atkinson, Ambler, Phillips, Westfall and Miley: Relating to the permit limit calculations and allowing overlapping mixing zones for calculating permit limits for drinking water criteria	533	1142		1508		533, 1230, 1351, 1418-1420, 1508, 2092, 3066
*2509 -	By Delegates Ellington, Summers, Rowan, Sobonya and Atkinson: Relating to the practice of telemedicine	625	937, 1859	2036-2046, 2165	2164	3046	626, 938, 1970, 2035-2046, 2165, 3554, 3560
*2515 -	By Delegates Howell and Rohrbach: West Virginia Monument and Memorial Protection Act of 2017	1357					1357
2518 -	By Delegates Ellington, Summers, Rohrbach, Rowan, Hollen and Atkinson: Creating a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations	845	1856		2166		845, 1970, 2047, 2166, 2545, 3557
*2519 -	By Delegates Ellington, Summers, Rohrbach, Cooper, Hollen, Sobonya, Dean, Rowan and Longstreth: Medicaid program compact	1180	1860	2167	2166	2314	1180, 1970, 2047, 2167, 2545, 3557
*2520 -	By Delegates Summers, Rohrbach, Criss, Atkinson, Higginbotham, Byrd, Lovejoy, Fleischauer and Rowan: Prohibiting the use of a tanning device by a person under the age of eighteen	1792	2318		3140		1792, 2682, 2856, 3141, 3545, 3560
2522 -	By Delegates Ellington, Summers, Rohrbach, Sobonya, Dean, Cooper, Hollen and Rowan: Nurse licensure compact	914	1860	2167-2168	2167	2315	915, 1861, 1970, 2047, 2168, 3538, 3559
*2524 -	By Delegates Espinosa, Upson, Blair, Statler, Nelson, Shott, Howell, Ellington, Overington, Wilson and Householder: Improving the focus on school-level continuous improvement processes	1233					1236

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2526 -	By Delegates Ellington, Summers, Sobonya and Rohrbach: Classifying additional drugs to Schedules I, II, IV and V of controlled substances	752	1857	2047-2080, 3230	2168, 3230	3230	752, 1970, 2080, 2169, 3230-3231, 3555, 3560
*2540 -	By Delegates Ellington, Summers, Rohrbach, Cooper, Hollen, Sobonya and Rowan: Permitting a person to practice certain professions for limited time for a charitable function	728					729
*2542 -	By Delegates Statler, Espinosa, Cowles, Blair, Ambler, Shott, Kessinger, Hamilton, Dean, Ellington and Lewis: Relating to public higher education personnel	504	738		837		506, 784, 819, 837, 963, 1187
*2546 -	By Delegates G. Foster, Higginbotham, Howell, Wilson, Fast, Zatezalo, Kelly, Hamrick, Harshbarger, Maynard and Walters: Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned	958	2097	2766-2772, 2773	2772		959, 2257, 2430, 2603, 2766-2774
2548 -	By Delegates Pushkin, Howell, Rowe, Lane, Hamrick, Storch, Byrd and Robinson: Relating to the use of outside speakers by persons licensed to manufacture, sell, possess for sale, transport or distribute nonintoxicating beer	1436	1861		2346		1436, 1970-1971, 2085, 2215, 2346, 3554, 3560
*2552 -	By Delegates Rohrbach, Lovejoy, Wagner, Hartman, Ambler, Marcum, Rowan, Lynch, Fleischauer, Overington and White: Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund	1792	1923, 2147	2603	3141	3514	1793, 1924, 2492, 2603, 2774, 3142, 3555, 3560

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2554 -	By Delegates G. Foster, Higginbotham, Frich, Cowles, Hamrick, Howell, Wilson, Harshbarger, Maynard and C. Miller: West Virginia Contractor Licensing Act	752					753
*2555 -	By Delegates G. Foster, Fast, Higginbotham, Howell, Frich, Zatezalo, Kelly, Summers, Cowles, Hamrick and Wilson: Relating to tax credits for apprenticeship training in construction trades	959	1861	2431, 2564, 3209	2563, 3210		959, 1971, 2085, 2215, 2431, 2564, 3209-3210, 3554, 3558
*2561 -	By Delegates Espinosa, Upson, Blair, Westfall, R. Romine, Rowan, Cooper, Statler, Kelly, Dean and Rohrbach: Relating to public school support	2315		2604-2646, 2775-2777, 3283	2774, 3284		2316, 2604-2648, 2777, 3283-3284, 3551, 3560
*2571 -	By Delegates Rowan, Espinosa, R. Romine, Cooper, Hamilton, Mr. Speaker (Mr. Armstead), Wagner, Moye, Rohrbach, Kelly and Rodighiero: Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition	753					753
*2579 -	By Delegates Sobonya, R. Romine, Upson, G. Foster, N. Foster, Summers, Storch, Arvon, C. Miller, Rohrbach and Zatezalo: Increasing the penalties for transporting controlled substances	657	2094	2432-2434, 2565, 3259-3262	2564, 3262	3259	657, 2257, 2434, 2565, 3084, 3091, 3153, 3259-3263, 3555, 3560
*2585 -	By Delegates Storch, Arvon, R. Romine, A. Evans, Gearheart, Moore, Atkinson, Zatezalo, Shott, Hanshaw and Lewis: Creating felony crime of conducting financial transactions involving proceeds of criminal activity	506	2098	2434-2438, 2566, 3263-3264	2565, 3264	3263	506, 2258, 2438, 2566, 3084, 3091, 3151, 3153, 3263-3265, 3555, 3560

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2586 -	By Delegates Walters, Folk, Anderson, Hamilton, O'Neal, E. Evans and Pethtel: Relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board	959	1859		2169		960, 1971, 2080, 2169, 2545, 3557
*2589 -	By Delegates Kessinger, Higginbotham, Paynter, Dean, Martin and Wilson: Permitting students who are homeschooled or attend private schools to enroll and take classes at the county's vocational school	1793	2096	2439-2444, 2567, 3280	2566, 3281	3279	1793, 2258, 2444, 2568, 3094, 3152, 3172, 3279-3281, 3551, 3578
2590 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act	626	738		838		626, 784, 820, 838, 963, 1187
2594 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act	626	738		839		626, 784, 820, 839, 963, 1187
*2601 -	By Delegates Walters, Folk, Anderson, Hamilton, O'Neal, E. Evans and Pethtel: Relating to municipal policemen's or municipal firemen's pension and relief funds	915	1862, 2147	2648, 2778	2778	3157	915, 1862, 2492, 2648, 2778, 3554, 3558
*2603 -	By Delegates Walters, Folk, Anderson, Hamilton, O'Neal, E. Evans and Pethtel: Relating to municipal policemen's or firemen's pension and relief funds that are funded at one hundred and twenty-five percent or more	915	1862, 2098		2568		916, 1863, 2258, 2444, 2569, 3538, 3557
*2618 -	By Delegates Summers, Sypolt, Ellington, Blair, Kessinger, N. Foster and McGeehan: Relating to body mass index	882					883

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2619 -	By Delegates Westfall, C. Romine, White and Frich: Risk Management and Own Risk and Solvency Assessment Act	577	1863	2216-2224, 2347	2346	2749	577, 1971, 2085, 2224, 2347, 2749-2750, 3555, 3560
*2620 -	By Delegates Frich, Ellington, Shott, Howell, Householder, Storch, Hanshaw, Kessinger, Hollen, Sobonya and Mr. Speaker (Mr. Armstead): West Virginia Drug Overdose Monitoring Act	544	1066, 2547, 3187	3187-3192, 3194	3193	3514	545, 1066, 2547, 2856, 3187-3195, 3545, 3560
2628 -	By Delegates Howell, Hamrick, Summers, Ellington, Arvon, Rohrbach, Shott, C. Miller, Storch, Lewis and Maynard: Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine	729	2006	2444-2445, 2569	2569	3046	729, 2258, 2445, 2570, 3545, 3560
2630 -	By Delegates Howell, Arvon, Rohrbach, Summers, Pushkin, Householder, Storch, Martin, Ellington, Longstreth and Ferro: Authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff	577					577
*2631 -	By Delegates Howell, Martin, Hill, Arvon, Shott, Hanshaw, Lewis, Criss, Hamrick, Paynter and Hollen: Relating to time standards for disposition of complaint proceedings	916	2099	2446, 2571, 3282	2570, 3283	3281	916, 2258, 2446, 2571, 3094, 3148, 3153, 3281-3283, 3545, 3558
*2637 -	By Delegates Espinosa, Statler, Upson, Blair, Wilson, Westfall, R. Romine, Higginbotham, Harshbarger, Cooper and Folk: Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage	1088	2319	2856-2857, 3142	3142	3514	1089, 2682, 2857, 3143, 3551, 3559
*2646 -	By Delegates Kessinger, N. Foster, Sypolt, Summers, Blair, Arvon, Rowan and C. Miller: Terminating the Women's Commission and discontinue its functions	545	2099	2446-2448, 2572	2571	3046	545, 2258, 2448, 2572, 3545, 3580



Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2648 -	By Delegates Sypolt, Rowan, Westfall, A. Evans, Upson, C. Miller, Sobonya, Storch, Rohrbach, Hollen and Frich: Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor	578	2547	2857-2858, 3144	3144		579, 2548, 2857-2858, 3145
*2649 -	By Delegates Hamilton, Walters, Cooper, Maynard, Wilson, Moore, Hamrick, Frich, Hill, Shott and Sypolt: Adding violations of law upon which a public servant's retirement plan may be forfeited	916					916
*2651 -	By Delegates Espinosa, R. Romine, Westfall, Dean, Upson, Higginbotham, Kelly, Harshbarger, Cooper, Wagner and Rohrbach: Relating generally to standardized testing requirements for nonpublic schools	579	2319				579, 2682, 2858, 3145
2653 -	By Delegates Ellington, Sobonya and Cooper: Extending the Multi State Real-Time Tracking System	626	1856		2170		626, 1971, 2080, 2170, 2545, 3557
*2654 -	By Delegates Statler, Miley, Lewis, E. Evans, Pethtel, Williams and Upson: Expanding county commissions' ability to dispose of county or district property	1793					1794
*2674 -	By Delegates Shott, Hanshaw, Arvon, Zatezalo, Sobonya, O'Neal, Fleischauer, Kessinger, Isner and Frich: Relating to access to and receipt of certain information regarding a protected person	657	2548	3146	3145	3515	658, 2548, 2859, 3146, 3545, 3558
2675 -	By Delegates O'Neal, Hanshaw, Shott, Cowles, Sobonya, Phillips, N. Foster, Zatezalo, Kessinger, Hill and Fast: Relating to primary elections and nominating procedures	753	2549	2859-2876, 3147	3146		753, 2549, 2876, 3148

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2676 -	By Delegates White, Dean, Westfall, Blair, Paynter, Maynard, G. Foster, Hill, Harshbarger, Phillips and Higginbotham: Transferring the Security office under the Division of Culture and History to the Division of Protective Services	960	1864		2347		960, 1972, 2086, 2224, 2348, 3545, 3559
*2678 -	By Delegates Anderson, Arvon, Overington, G. Foster, R. Romine, Householder, Upson and Shott: Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions	658	825		950, 951		659, 880, 906, 949-952, 1240, 1853
*2679 -	By Delegates Summers, Frich, Overington, Paynter, Harshbarger, Moore, Dean, G. Foster, Higginbotham, Butler and Fast: Relating to the possession of firearms in parks and park facilities	1237	1434	1840-1848, 1930	1930	3157	1237, 1598, 1760, 1839-1848, 1869-1870, 1931, 3551, 3560
*2683 -	By Delegates Westfall, White, Hamrick, Hartman and Frich: Relating to West Virginia Insurance Guaranty Association Act	917	1921	2685	2348, 2685	3157	917, 2086, 2225, 2348, 2684-2686, 3551, 3558
2684 -	By Delegates Canestraro, Lovejoy, Hollen, R. Miller, Shott and Isner: Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license	579	2548	2876-2878, 3171	3170	3515	579, 2548, 2878, 3171, 3556, 3559
2691 -	By Delegates Hamrick, Martin, Ward, Howell, Boggs, Arvon, Storch, Westfall, Dean, McGeehan and Frich: Allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber	659	2095		2572		659, 2258, 2448, 2573, 3538, 3557

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2694 -	By Delegates Hamrick, Gearheart, Zatezalo, Howell, Atkinson, Ward, Williams, Statler, Moye, Sobonya and Butler: Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas	960	2261	2690			960, 2262, 2878
*2702 -	By Delegates Westfall, Cooper, Ambler, Wagner, Moye, Atkinson, Marcum and Higginbotham: Relating to excused absences for personal illness from school	1237	2096	2448- 2449, 2779, 2780	2780	3157	1237, 2258, 2449, 2573, 2593, 2781, 3551, 3559
*2704 -	By Delegates Espinosa, Statler, Dean, Rohrbach, Wilson, Rowan, Harshbarger, R. Romine, Wagner, Cooper and Higginbotham: Prohibiting persons convicted of sexual offenses against children with whom they hold positions of trust from holding certification or license valid in public schools	1794	2099, 2549	2879, 3172	3171	3581	1794, 2100, 2550, 2879, 3172, 3552, 3559
2706 -	By Delegates Espinosa, Statler, Upson, Dean, Rohrbach, Wilson, Rowan, Harshbarger, R. Romine, Higginbotham and Kelly: Authorizing legislative rules regarding higher education	753	1864		2170		754, 1972, 2080, 2171, 2545, 3557
*2708 -	By Delegates Hamilton, A. Evans, Paynter, Ambler, Butler, Brewer, Iaquina, R. Romine, Lewis, Rowan and Eldridge: Relating to a lawful method for a developmentally disabled person to purchase a base hunting license	1852	2497	2781- 2788, 2789	2788		1852, 2498, 2649, 2781-2789
*2709 -	By Delegates Nelson, Lane, Byrd, Walters, N. Foster, Rowe, Robinson, White, Pushkin, Capito and Mr. Speaker (Mr. Armstead): Authorizing the City of South Charleston to levy a special district excise tax	1238	2100		2573		1238, 2258, 2449, 2573, 3538, 3560

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2711 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Abolishing regional educational service agencies and providing for the transfer of property and records	1794	2550	2879-2900, 3081-3083, 3506-3508	3081, 3508	3506	1796, 2550, 2557-2558, 2900, 3081-3083, 3506-3509, 3556, 3560
*2720 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Allowing the School Building Authority to transfer funds allocated into the School Construction Fund	1796	2100, 2148	2649, 2790	2789	3157	1796, 2101, 2492, 2649, 2790, 3552, 3559
*2721 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Removing the cost limitation on projects completed by the Division of Highways	1357		1849, 1870, 3195-3196	1870, 3196	3195	1358, 1598, 1760, 1848-1849, 1870, 2750, 3095-3096, 3152, 3195-3197, 3545, 3559
*2722 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Eliminating the financial limitations on utilizing the design-build program for highway construction	1358		1849, 1871, 3197-3198	1871, 3199	3197	1358, 1598, 1760, 1849-1850, 1871, 2750-2751, 3096, 3152, 3197-3199, 3552, 3559
*2724 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Relating to creating a pilot program under the Herbert Henderson Office of Minority Affairs	1358	1864, 2262		2791		1358, 1865, 2492, 2649, 2791, 3552, 3559
2725 -	By Delegates Howell, Hamrick, Atkinson, Householder, Arvon, Ellington, Walters, Shott, Hanshaw, Hill and Martin: Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products	659					659
*2726 -	By Delegates Shott, R. Miller, Kessinger, Lane, Byrd, Isner, Frich and Lovejoy: Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order	754	1921		2348		754, 2086, 2225, 2349, 3545, 3560

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2731 -	By Delegates Shott, R. Miller, Kessinger, Lane and Byrd: Clarifying civil actions heard in circuit court	754	1857	2080-2081, 2171, 3209	2171, 3209		754, 1972, 2082, 2171, 3208-3209, 3556, 3560
*2734 -	By Delegates Boggs, Westfall, Nelson and Frich: Authorizing a method for the collection and remittance of property taxes related to dealers' heavy equipment inventory	1238	1924	2225-2226, 2349	2349	2751	1238, 2086, 2226, 2350, 3638, 3560
*2738 -	By Delegates Espinosa, Statler, Dean, Blair, Higginbotham, Moore, Wilson, Cooper and Upson: Providing flexibility in the transfer process of school personnel	1089					1090
*2739 -	By Delegates Summers, Ellington, Howell, Statler and Frich: Relating to supplemental Medicaid provider reimbursement	960	1860	2082	2172	3158	961, 1972, 2083, 2172, 3552, 3560
*2740 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Administration	546			633		546, 633-634, 755, 822
2745 -	By Delegates R. Miller, Robinson, Lane and Rowe: Adding the examination of Advanced Care Technician	1358	2318				1359, 2682, 2900
*2759 -	By Delegates Ellington, Espinosa and Frich: Creating Statewide Interoperable Radio Network	1852	2262	2650-2651, 2652	2652	3080	1853, 2492, 2650-2653, 3552, 3559
*2763 -	By Delegates Espinosa, Moore, Wilson, Cooper and Harshbarger: Relating to the approval by the Council for Community and Technical College Education of acquisitions	1436					1436

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
2766 -	By Delegates Shott, R. Miller, Kessinger, Lane, Byrd, Isner and Frich: Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund	961		1055	1082	1116	961, 1055, 1083, 1240, 1853
*2767 -	By Delegates O'Neal, Hanshaw, Sobonya, Hollen, Moore, Kessinger, Summers, Fast, Overington and G. Foster: Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks	1090	1865	2226-2251, 2350	2350	3046	1091, 1972, 2086, 2251, 2351, 3552, 3559
*2771 -	By Delegates Upson, Espinosa, Statler, Blair, Cooper, Ambler, Householder, Moore, Butler, Kessinger and Lewis: Relating to temporary teaching certificates for Armed Forces spouses	1796	2096	2449	2574	3158	1796, 2258, 2449, 2574, 3552, 3559
2774 -	By Delegates Hamrick, Ward, Folk, Frich, Summers, Statler, Howell, Zatezalo, Queen, Iaquina and Miley: Defining special aircraft property	1238			1508		1238, 1420, 1509, 2092, 3066
*2781 -	By Delegates Blair, Zatezalo, Householder, Ambler, Hamrick, Anderson, Martin, Maynard and Lewis: Requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks	1797	2551	2900-2904, 3184	3184	3515	1797, 2551, 2904, 3185, 3546, 3560
2788 -	By Delegates Howell, Shott, Arvon, Martin, Lewis, Hill, Walters, Phillips, Moore, Espinosa and Butler: Allowing military veterans with certain military ratings to qualify for examinations required of a probationary firefighter	1359					1359
*2792 -	By Delegates Arvon, Hill, Walters and Martin: Requiring the Library Commission to survey the libraries of the state	917	2006		2574		917, 2258, 2449, 2575, 3538, 3557

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2794 -	By Delegates Frich, Upson, Westfall, White and Marcum: Relating to the means of giving notice to a debt collector of a consumer's representation by legal counsel	1797					1797
2796 -	By Delegate Hanshaw: Relating to the West Virginia National Guard entering into contracts and subcontracts for specialized technical services	917	1865	2173	2172	2316	918, 1972, 2083, 2173, 2545, 3557
*2797 -	By Delegates O'Neal, Shott, Hanshaw, Sobonya, Kessinger, N. Foster, G. Foster and Overington: Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records	1091	2007		2575		1091, 2258, 2450, 2575, 3538, 3557
2798 -	By Delegates O'Neal, Shott, Hanshaw, Sobonya and Overington: Clarifying provisions relating to candidates unaffiliated with a political party	1091					1091
*2799 -	By Delegates G. Foster, Higginbotham, Householder, Kessinger, Hill, N. Foster, Cowles, Fast, Summers, R. Miller and Isner: Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit	1436	2319				1437, 2682, 2906
*2801 -	By Delegate Miley [By Request of the Executive]: Expiring funds to the unappropriated balance in the State Fund from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund	2138		2906-2912, 3085-3090	3085	3515	2143, 2492, 2654, 2912, 3090, 3543, 3557

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2804 -	By Delegates Lane, Ferro, Williams, Phillips, Maynard and Robinson: Removing chiropractors from the list of medical professions required to obtain continuing education on mental health conditions common to veterans and family members	1797	2320	2654	2791	3515	1798, 2320, 2654, 2791, 3552, 3560
*2805 -	By Delegates Nelson, Boggs, Ambler, Anderson, Frich, Hamilton, C. Miller, Walters, Longstreth, Pethel and Sponaugle: Finding and declaring certain claims against the state and its agencies to be moral obligations of the state	1239	2101	2450	2576	3516	1239, 2259, 2450, 2575-2576, 3095, 3552, 3559
*2808 -	By Delegates Summers, Atkinson, Ellington, Rohrbach and Shott: The West Virginia Assisted Outpatient Treatment Act	1180					1182
*2811 -	By Delegates Hanshaw, Hartman, Kelly, Boggs, Miley, Shott, Nelson, Anderson, Westfall and Hamrick: Relating to the definition of above ground storage tanks	961	1101		1268		961, 1166, 1229, 1269, 1853, 2260
*2815 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Relating to higher education governance	1798	2097	2451-2457, 2577	2577	3158	1801, 2259, 2457, 2581, 3556, 3559
*2827 -	By Delegates Ellington and Summers: Updating the all payor claims database	1117					1117
2833 -	By Delegates Howell, Frich, Dean, Hill, G. Foster, Martin, Hamrick, Arvon, Criss, Lewis and Sypolt: Specifying the contents and categories of information for inclusion in annual reports	1057	2095		2581		1057, 2259, 2457, 2582, 3539, 3558



Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2838 -	By Delegates Howell, Shott, Frich, Dean, Harshbarger, Hill, G. Foster, Martin, Hamrick, Arvon and Criss: Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician	1359					1359
*2839 -	By Delegates Howell, Frich, Dean, Hill, G. Foster, Martin, Hamrick, Arvon, Lewis, Sypolt and Rohrbach: Updating the procedures for legislative review of departments and licensing boards	961	2007	2458-2468, 2582	2582	3047	962, 2259, 2468, 2583, 3554, 3559
*2840 -	By Delegates Howell, Frich, Dean, Hill, G. Foster, Martin, Hamrick, Arvon, Criss, Lewis and Sypolt: Reorganizing the departments, agencies and commissions within the executive branch of state government	1117					1117
*2841 -	By Delegates Howell, Frich, Dean, Harshbarger, Hill, G. Foster, Martin, Hamrick, Arvon, Criss and Lewis: Requiring board members to have attended a board meeting in order to be compensated for the meeting	1359					1360
*2846 -	By Delegates Fast, O'Neal, Kessinger, Sobonya, Rowan, G. Foster, Mr. Speaker (Mr. Armstead) and Frich: Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee	1360	2318		3199		1360, 2682, 2913, 3199-3200, 3546, 3560
*2850 -	By Delegates Shott, O'Neal, Sobonya and Moore: Relating to product liability actions	1437	2263		2792		1437, 2493, 2654, 2792, 3546, 3560
*2851 -	By Delegates White, Westfall, Moore, Dean, Lane, Ward and Frich: Updating fee structure provisions for broker-dealers	1810	2690	3148-3150, 3151	3150	3516	1810, 2691, 2913, 3148-3151, 3554, 3559

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2852 -	By Delegates Howell, Arvon, Hamrick, Hill, Martin, O'Neal, Storch, Sobonya, Frich, Sypolt and Ward: Relating to the preparation of a comprehensive annual financial report	962					962
2856 -	By Delegates O'Neal, Cooper, Ambler, C. Miller, Boggs, Fast, Kessinger, White, Sobonya, C. Romine and Rohrbach: Declaring public policy and legislative intent for improving the marketing, quality and frequency of passenger rail service of the Cardinal Passenger Train	1117	1861	2174	2173	2317	1118, 1973, 2083, 2174, 2545, 3557
*2857 -	By Delegates G. Foster, Westfall, White, Walters, Moore and Summers: West Virginia Safer Workplaces Act	1182	2263	2655, 2793	2792	3158	1183, 2493, 2655, 2794, 3552, 3560
*2868 -	By Delegates Hanshaw, Westfall and Frich: Relating generally to Uniform Unclaimed Property Act	962	1141	1420-1424, 1509-1510	1509		963, 1230, 1352, 1420-1424, 1510, 2779
2869 -	By Delegates Mr. Speaker (Mr. Armstead), Hanshaw and Ambler: Providing for paid leave for certain state officers and employees during a declared state of emergency	1437	2102	2468, 2583	2583		1437, 2259, 2468, 2584
2878 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Increasing amount of authorized Federal Grant Anticipation Notes for which Division of Highways may apply	1801			1931		1802, 1850, 1896, 1931, 2146, 3557
*2887 -	By Delegates Espinosa, Statler, Walters, Upson, Blair, Wilson, Cooper and Higginbotham: Relating to retirement and separation incentives	1802	2320, 2761	2762, 3186	3185		1802, 2321, 2761-2765, 3186
*2897 -	By Delegates Criss and Lane: Raising the amount required for competitive bidding of construction contracts by the state and its subdivisions	1802	2102	2468-2469, 2584	2584	3158	1802, 2259, 2469, 2585, 3552, 3560

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2898 -	By Delegate Mr. Speaker (Mr. Armstead): Authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature	1057	1921		2351		1057, 2086, 2251, 2351, 3546, 3560
*2916 -	By Delegates Pethtel, Hanshaw and Lovejoy: Authorizing certain first responders to carry firearms	1058	2264	2656-2660			1058, 2493, 2656-2660, 2795
*2930 -	By Delegates Shott and Lane: Allowing powerball, hot lotto, and mega millions winners to remain anonymous	1802	2264				1803, 2264-2265
*2935 -	By Delegates Mr. Speaker (Mr. Armstead), Hanshaw, Ambler, Hill, Boggs and Baldwin: Relating to state flood protection planning	1360	2691	2913-2918, 3093	3093	3516	1360, 2691, 2918, 3093, 3546, 3560
*2936 -	By Delegates Fast, Howell, Arvon, Martin, Butler, Householder, Walters, C. Miller, Storch, Westfall and Rowan: Requiring purchases to be made at lowest retail price available at level of quality sought by the spending unit	1437	2691	2918-2926, 3169	3169		1438, 2692, 2926, 3170
*2939 -	By Delegate Hamilton: Relating to the sale of items in the State Police Academy post exchange to the public	1438	1866		2352		1438, 1866, 1973, 2086, 2251, 2352, 3546, 3559
*2941 -	By Delegates Gearheart, Storch, Hamrick, Criss, Hanshaw, Westfall, Paynter, Cooper, Moore, Ambler and White: Requiring the Commissioner of the Division of Highways to utilize the Attorney General for all legal assistance and services	1803	2007		2585		1803, 2259, 2469, 2585, 3546, 3560
*2948 -	By Delegates Hanshaw, Sypolt, Zatezalo, Ward, Paynter, Harshbarger, G. Foster, Deem, Anderson, N. Foster and Fast: Establishing timelines for taking final action on certain permits	1361	1866	2083-2084, 2175, 2751-2752	2175, 2753	2751	1361, 1973, 2084, 2176, 2751-2753, 3556, 3560

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2949 -	By Delegates Hamilton, Eldridge, Lewis, Ambler and R. Romine: Exempting specified Division of Natural Resources' contracts for some replacement, repair or design for repairs to facilities from review and approval requirements	1361	1867		2352		1361, 1973, 2086, 2251, 2353, 3554, 3560
*2961 -	By Delegates Nelson and Boggs: Relating generally to charitable bingo games and charitable raffles	1803	2101	2586	2586	2753	1804, 2259, 2469, 2586, 3546, 3559
2962 -	By Delegates Nelson and Boggs: Enlarging the authority of the Tax Commissioner to perform background investigations of employees and contractors	1804	2103	2470	2587	3080	1804, 2259, 2470, 2587, 3556, 3560
2963 -	By Delegates Nelson and Boggs: Eliminating tax lien waiver requirement for estates of nonresidents	1804	1925		2353		1804, 2086, 2252, 2353, 3539, 3560
*2966 -	By Delegates Mr. Speaker (Mr. Armstead), Shott, Hanshaw, Summers, Sobonya, Lane, N. Foster, Overington, Fast, G. Foster and O'Neal: Creating the West Virginia Sentencing Commission	1438					1439
2967 -	By Delegates Nelson and Boggs: Relating generally to administration of estates and trusts	1804	2103	2470-2482, 2588	2587	3080	1805, 2259, 2482, 2588, 3553, 3559
*2980 -	By Delegates Moore, Summers, Shott, Hollen, Sobonya, Hanshaw, C. Miller, Kessinger, N. Foster, O'Neal and Westfall: Relating to civil lawsuit filing fees for multiple defendant civil action	1362	1924	2252-2257, 2594	2594	3080	1362, 1924, 2086, 2257, 2354, 2588, 2593-2594, 3556, 3559
*3006 -	By Delegates Hornbuckle, C. Miller, Rohrbach, Fleischauer, Sobonya and Fluharty: 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	2005					2005

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
3009 -	By Delegate Summers: Relating to access by the Office of Health Facility Licensure and Certification to the Controlled Substances Monitoring Program database	1183					1183
3018 -	By Delegates Isner, Canestraro, Sobonya, Summers, Boggs, Fast, Kessinger, R. Miller, Capito, Robinson and Lovejoy: Adding definition of correctional employee to the list of persons against whom an assault is a felony	1362	2264	2661-2664, 2795	2795	3159	1362, 2493, 2661-2664, 2795-2796, 3553, 3560
*3020 -	By Delegates Harshbarger, Howell, Cowles, Ambler, Boggs, Paynter, Atkinson, Kessinger, Eldridge, Statler and Overington: Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person	1362	2498	3159-3163, 3164	3163		1363, 2499, 2664, 2796, 2930, 3159-3164
3022 -	By Delegate Shott: Relating to the reporting of fraud, misappropriation of moneys, and other violations of law to the commission on special investigations	1805	2103	2482-2484, 2589, 3504-3505	2589, 3505	3504	1805, 2259, 2484, 2590, 3504-3505, 3555, 3560
*3028 -	By Delegate Miley [By Request of the Executive]: Relating to the Comprehensive Substance Use Reduction Act	1439					1439
*3030 -	By Delegates Shott, Mr. Speaker (Mr. Armstead), Capito and Lane: Relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals	1091	2148	2665-2677, 2797	2796		1092, 2677, 2797
3037 -	By Delegate Anderson: Removing the Division of Energy as an independent agency	1805	2104	2484-2491, 2590	2590	2753	1805, 2259, 2491, 2591, 3546, 3559
*3048 -	By Delegates R. Miller, Marcum, Caputo and Phillips: Relating to collection of Tier II fees for chemical inventories	1805	2101	2591	2591	3047	1805, 2260, 2491, 2591, 3546, 3560

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
3053 -	By Delegates Howell, Dean, Maynard, Blair, N. Foster, G. Foster, Harshbarger, Hill, McGeehan, Paynter and Queen: Relating to motor vehicle lighting	1363	2008		2592		1363, 2260, 2491, 2592, 3539, 3557
*3061 -	By Delegates Upson, Espinosa, Westfall, Statler, Cooper, Rowan, R. Romine, Higginbotham and Baldwin: Encouraging mastery-based education through the Innovation In Schools program	1183	2319				1184, 2682, 2926
*3062 -	By Delegates Shott and Nelson: The state Settlement and Recovered Funds Accountability Act	1810					1811
*3064 -	By Delegates Atkinson, Mr. Speaker (Mr. Armstead), Hill, Sobonya, Westfall and Frich: Allowing vehicles of a size and weight exceeding certain specifications to operate over specified routes	1363	2265		2797		1364, 2493, 2678, 2798, 3553, 3560
*3080 -	By Delegates Mr. Speaker (Mr. Armstead), Maynard, Cooper, Overington and Moye: Requiring instruction in the Declaration of Independence and the United States Constitution	1811	2097	2492	2592	3516	1811, 2260, 2492, 2593, 3553, 3560
3089 -	By Delegates Espinosa, Statler, Higginbotham, Upson, Cooper, Rowan, Harshbarger and Dean: Relating to the adoption of instructional resources for use in the public schools	1184					1184
3091 -	By Delegates Nelson and Boggs: Relating generally to employer withholding taxes	1806					1806
*3093 -	By Delegates Hanshaw, Shott, Capito, Byrd, Robinson, Summers, Fluharty, Lane, Zatezalo, N. Foster and Frich: Establishing Broadband Enhancement and Expansion Policies	1364	2499	2798-2843, 2844	2844	3159	1365, 2499, 2678, 2798-2845, 3553, 3561
*3095 -	By Delegate Espinosa: Allowing retired teachers to be employed by a higher education institution	1806	2319				1806, 2682, 2926

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*3096 -	By Delegate Espinosa: Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state	1439	2692	3165-3167, 3168	3167	3516	1440, 2692, 2926-2929, 3164-3169, 3553, 3561
3101 -	By Delegates Atkinson, Harshbarger, Love, Lynch, R. Romine, Sponaugle and A. Evans: Creating a misdemeanor for violation of catching, taking or killing fish within two hundred feet of agency personnel stocking fish into public waters	1365					1365
*3102 -	By Delegates Ellington, Summers and Householder: Relating to selling Hopemont Hospital	1811	2496	2679-2681, 2846	2846		1812, 2496, 2682, 2847
3103 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Health and Human Resources	2143	2693	2929	3092	3517	2144, 2693, 2930, 3092, 3543, 3557
3105 -	By Delegates Gearheart, Nelson, Anderson, Frich, Butler, Ellington, Westfall, Walters and C. Miller: Relating to the Licensed Racetrack Modernization Fund	1365					1366
3106 -	By Delegates Barrett, Gearheart, Storch, Ambler, Espinosa, Rowe, Walters, Westfall, Sponaugle, Ellington and A. Evans: Relating to increasing the number of limited video lottery terminals	1366			1872		1366, 1598, 1760, 1850, 1872, 2146, 3557

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
1 -	By Delegate Mr. Speaker (Mr. Armstead): Raising a Joint Assembly to open and publish election returns	56			57		57
2 -	By Delegate Mr. Speaker (Mr. Armstead): Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor	57			57		58
3 -	By Delegate Mr. Speaker (Mr. Armstead): Providing for an adjournment of the Legislature until February 8, 2017	58			59		59
4 -	By Delegate Mr. Speaker (Mr. Armstead): Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor	167			168		168
5 -	By Delegate Summers: U. S. Navy Rear Admiral Frederick Burdett Warder Memorial Bridge	845	2267	2268-2270	2270	2543	845, 2270
6 -	By Delegate Mr. Speaker (Mr. Armstead): U.S. Army SPC 4 Thurman 'Duwayne' Young Memorial Road	845					845
8 -	By Delegate Butler: Dr. Roy and Marian Eshenaur Bridge	1184	2267	2271	2271	2544	1185, 2271
9 -	By Delegate Rowan: Frenchburg Bridge	2144					2144
10 -	By Delegates Ambler, Cooper, Moye, Householder and Rowan: John Cameron Brown Bridge	1118	2267	2271-2272	2272	2544	1118, 2272
13 -	By Delegates Atkinson, Kelly, Ward, Westfall, Cooper, Butler, Hamrick, Hill, Howell, Martin and Wagner: U.S. Army SSG Brian Curtis Rogers Memorial Bridge	846	2265		2266		846, 2267



Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
15 -	By Delegates C. Miller, Sobonya, McGeehan, Storch, Deem, Wagner, Rohrbach, Kelly, Zatezalo and Westfall: Requesting Congress to fully support the National Park Service's recommendations to extend the Lewis and Clark National Historic Trail to include additional sites along the Expedition's Eastern Legacy	918	2499		2558		918, 2558
19 -	By Delegates Eldridge, Maynard, R. Miller, Rodighiero, Marcum, Phillips, C. Miller, C. Romine and Hornbuckle: U.S. Army PFC Freeman Ray Meade Memorial Road	1118	2757		2758		1118, 2758
20 -	By Delegates Phillips, Eldridge, R. Miller, Rodighiero, Marcum and Maynard: US Army PVT James Earl Pelfrey Memorial Bridge	1119	2265		2266		1119, 2267
21 -	By Delegates Phillips, Eldridge, Maynard and Rodighiero: 1SG Carl J. Crabtree Memorial Road	1119	2760	3179-3181	3181	3517	1119, 3181
22 -	By Delegates Phillips, Eldridge, R. Miller, Rodighiero and Maynard: U.S. Air Force MSgt Johnny Baxter Clark and U.S. Air Force MSgt Carl Richard (Dick) Clark Memorial Bridge	1119	2266		2266		1119, 2267
23 -	By Delegates Phillips, Eldridge, R. Miller, Rodighiero, Marcum and Maynard: U.S. Army SSG Styish R. Morris Memorial Road	1120	2757		2758		1120, 2758
24 -	By Delegates Hamilton and Lynch: SGT. Eugene E. Arbogast Memorial Bridge	918	2267	2272-2273	2273	2544	918, 2273
25 -	By Delegates Hicks and Thompson: U.S. Army PVT Charles E. Ellis and U.S. Army PVT Ira V. Ellis Memorial Bridge	1185					1185

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
26 -	By Delegates Pyles, Caputo, Pethel, Longstreth, Upson, Fleischauer, Lynch, Williams, Summers, Statler, Frich, Mr. Speaker (Mr. Armstead), Ambler, Arvon, Atkinson, Baldwin, Barrett, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Cooper, Criss, Dean, Deem, Diserio, Eldridge, Espinosa, A. Evans, E. Evans, Ferro, Folk, G. Foster, Gearheart, Hamilton, Hamrick, Hartman, Higginbotham, Hill, Hornbuckle, Howell, Iaquina, Isner, Kelly, Lane, Lewis, Love, Lovejoy, Martin, Maynard, McGeehan, Miley, C. Miller, R. Miller, Moore, Moye, O'Neal, Overington, Paynter, Pushkin, Queen, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowan, Rowe, Shott, Sponaugle, Storch, Sypolt, Thompson, Wagner, Ward, Westfall and White: Naming the NASA IV & V Facility at Fairmont for West Virginia mathematician Katherine Coleman Johnson	2087			2087		2087
27 -	By Delegate Rodighiero: U.S. Army 1LT Patricia Simon Bridge	1185	2267	2273	2274	2544	1185, 2274
30 -	By Delegates Eldridge, Maynard, R. Miller, Rodighiero, Marcum, Phillips, C. Miller, C. Romine and Hornbuckle: U.S. Army PFC Cornelious Wiley Memorial Bridge	1120	2757		2758		1120, 2758
35 -	By Delegates Rowe, Caputo, Robinson, White, Brewer, Byrd, Hornbuckle, Fleischauer, Pyles and Lynch: Arnold Miller Memorial Bridge	1120	2760	3181	3181	3517	1120, 3182
36 -	By Delegates C. Miller, Hornbuckle, Eldridge, Lovejoy, Brewer, Butler, Rohrbach, R. Romine, C. Romine and Sobonya: U.S. Army PFC John Ira Pinkerman Memorial Bridge	846	2266		2266		846, 2267

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*37 -	By Delegates C. Miller, Maynard, Eldridge, Lovejoy, Brewer, Butler, Rohrbach, C. Romine and Sobonya: U.S. Army SPC William L. Amos Memorial Bridge	846					846
41 -	By Delegates Upson, Cowles, Espinosa, Howell, Kessinger, Moore, O'Neal, Overington, Wagner, Westfall and Wilson: Major Martin Robison Delany Memorial Bridge	2144	2757		2758		2144, 2758
46 -	By Delegates Gearheart, Householder, C. Romine, Phillips, White, Ellington, Paynter, Martin, Shott and E. Evans: Blue Demon Bridge	1185					1186
47 -	By Delegates Eldridge, Maynard, R. Miller, Rodighiero, Phillips, Marcum, Hornbuckle, C. Romine and C. Miller: U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road	2754					2754
48 -	By Delegate Rodighiero: U.S. Army SPC David H. Stamper Memorial Bridge	1186	2757		2758		1186, 2758
49 -	By Delegates Phillips, Marcum, Rodighiero, R. Miller, Eldridge and Maynard: U.S. Army PFC Donald Ray Cochran Memorial Bridge	1121	2266		2266		1121, 2267
*50 -	By Delegates Phillips, Eldridge, R. Miller, Rodighiero and Maynard: Lowe Mountain Memorial Highway	2144	2757		2758		2145, 2758
51 -	By Delegates Phillips, Eldridge, Rodighiero, Maynard and R. Miller: Toby" Runyon Memorial Bridge	1121	2266		2266		1121, 2267
*53 -	By Delegates Mr. Speaker (Mr. Armstead) and Boggs: US Army Corporal Jerry Lee Noble Memorial Bridge	2754					2754
54 -	By Delegates Hartman, Isner, Sponaugle and Lynch: U.S. Army PVT Preston D. Vanscoy Memorial Bridge	1121	2266		2266		1121, 2267

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
56 -	By Delegates Eldridge, Maynard, R. Miller, Rodighiero, Marcum, Hornbuckle, Phillips, C. Romine, C. Miller and Westfall: U. S. Army CPL George Browning Memorial Road	1122					1122
58 -	By Delegates C. Miller, C. Romine, Lovejoy, Rohrbach, Sobonya, Hicks, Thompson, Hornbuckle and Westfall: William C. Campbell Memorial Highway	1186	2760	3182	3182	3517	1186, 3182
59 -	By Delegates Gearheart, Phillips, Butler, Ellington, McGeehan, Shott, O'Neal, Paynter and Longstreth: USMC LCpl Timothy J. Dunnigan Memorial Intersection	918					919
60 -	By Delegates Summers, Ward, Caputo and Longstreth: William "Bill" R. VanGilder Memorial Bridge	847	2266		2266		847, 2267
62 -	By Delegates Lynch, Hartman, Iaquinta, Ferro, Williams, Sponaule, Caputo, Boggs, Diserio, R. Romine and Hamilton: Webster County Veterans Highway	1122	3173	3174	3174	3517	1122, 3174
63 -	By Delegates Phillips, Maynard, Marcum, Rodighiero, R. Miller and Eldridge: William B. Burgess Memorial Road	1122	3173	3174- 3175	3175	3517	1122, 3175
*64 -	By Delegates Miley, Hamrick, Queen and Iaquinta: Gill Brothers World War II Veterans' Memorial Bridge	2754					2754
*65 -	By Delegate Walters: Hobert G. 'Hobie' Underwood Memorial Bridge	2755	3173	3175	3175	3518	2755, 3175

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
66 -	By Delegates Miley, Ambler, Anderson, Baldwin, Barrett, Bates, Byrd, Canestraro, Caputo, Cooper, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Ferro, Fleischauer, Fluharty, Folk, G. Foster, Frich, Hamilton, Hamrick, Hartman, Hicks, Hornbuckle, Isner, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, C. Romine, R. Romine, Sponaugle, Statler, Storch, Summers, Upson, Walters, Westfall, White, Williams, Wilson, Zatezalo and Rowe: Sustainability of the state's current system of higher education	1186	2321				1186, 2321
68 -	By Delegates Phillips, Eldridge, Marcum, Rodighiero and Maynard: James Earl Gibson Memorial Road	1122	3173	3176	3176	3518	1123, 3176
73 -	By Delegates Hartman, Iaquinta, Lynch, Sponaugle and Pyles: U S Army Air Corps PVT William James Irwin, Memorial Bridge	1123	2760	3183	3183	3518	1123, 3183
*78 -	By Delegates Moye, Bates, Arvon, Ellington, Love, O'Neal, Kessinger, Shott and Cooper: Almond Brothers and Family Veterans Bridge	2317	3178		3178		2317, 3178
82 -	By Delegates Statler, Summers, Frich, Fleischauer, Pethtel, Pyles and Williams: U.S. Marine Sergeant David Paul McCord Memorial Bridge	919	2266		2266		919, 2267
83 -	By Delegates Statler and Williams: U.S. Army SPC John R. Tennant Memorial Bridge	919	1826		1826		919, 1826
*84 -	By Delegates Hamrick, Queen and Howell: U.S. Army Air Force S/SGT Harold 'Dean' Baker Memorial Bridge	2755	3178		3178		2755, 3178

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
87 -	By Delegate Eldridge: Deputy Sheriff SGT. Justin Alan Thompson Memorial Highway	1187	3178		3178		1187, 3178
90 -	By Delegates Storch, Deem, Folk, Ambler, Anderson, Arvon, Atkinson, Baldwin, Barrett, Bates, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Fast, Ferro, Fleischauer, Fluharty, G. Foster, N. Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Householder, Howell, Iaquina, Isner, Kelly, Kessinger, Lane, Lewis, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, Miley, C. Miller, R. Miller, Moye, Nelson, O'Neal, Overington, Paynter, Pethel, Phillips, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowan, Rowe, Shott, Sobonya, Sponaule, Statler, Summers, Sypolt, Thompson, Upson, Wagner, Walters, Ward, Westfall, White, Williams and Wilson: Study on the feasibility of light fidelity ("Li-Fi"),	1239					1239
91 -	By Delegates Marcum, Rodighiero, Thompson and Hicks: Alleen Ledson Memorial Bridge	1239					1239
92 -	By Delegate Hanshaw: U.S. Army SGT Eugene Dawson Memorial Highway	1239	2757		2758		1240, 2758
*93 -	By Delegate Howell: Extending WV Route 93	2755					2756
94 -	By Delegate Hornbuckle: Katherine Johnson Day	2087			2088		2088
96 -	By Delegates McGeehan, Hamilton and Folk: U. S. Marine Corps Cpl Mark Douglas Cool Memorial Bridge	2317	3178		3178		2317, 3178

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*98 -	By Delegates Gearheart, Criss, Storch, Longstreth, Westfall, Hamrick, Phillips, Overington, C. Miller, Walters and Ambler: John H. Reed, Jr. Memorial Bridge	2756	3178		3178		2756, 3178
103 -	By Delegates A. Evans, Hamilton, Rowan and R. Romine: U S Army PFC Tracy Victor Rohrbaugh Memorial Bridge	2317					2318
105 -	By Delegates Maynard, Eldridge, C. Miller and Hornbuckle: Army SSG Arthur N. McMellon Memorial Bridge	2145					2145
109 -	By Delegate Cowles: Extending the Committee of Conference relating to consideration of Com Sub for HB 2099	1812			1812		1812
110 -	By Delegate Cowles: Extending the Committee of Conference relating to consideration of Com Sub for HB 2028	1812			1813		1813
118 -	By Delegate Hanshaw: Craddock Brothers Bridge	2756	3173	3177	3177	3518	2756, 3177





# JOURNAL of THE SENATE State of West Virginia

**EIGHTY-THIRD LEGISLATURE**

First Extraordinary Session, 2017

May 4 - June 26, 2017



NOTE: The proceedings of the First Extraordinary Session of the West Virginia Legislature in the year 2017 (convened by the Governor on May 4, 2017, and adjourned *sine die* on June 26, 2017, are shown hereinafter.



WEST VIRGINIA LEGISLATURE  
**SENATE JOURNAL**  
EIGHTY-THIRD LEGISLATURE  
FIRST EXTRAORDINARY SESSION, 2017

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THURSDAY, MAY 4, 2017

Pursuant to the proclamation of His Excellency, the Governor, the Honorable Jim Justice, dated the third day of May, two thousand seventeen, convening the eighty-third Legislature of West Virginia in extraordinary session today (Thursday, May 4, 2017), under the provisions of section seven, article seven of the Constitution of West Virginia, the Senate assembled in its chamber in the state capitol in the City of Charleston at eleven o'clock a.m., and was called to order by its President, the Honorable Mitch Carmichael.

Prayer was offered by the Honorable Ronald F. Miller, a senator from the tenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

On the call of the roll, the following answered to their names:

Senators Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President).

Thirty-two members having answered to their names, the President declared the presence of a quorum.

**Executive Communications**

Senator Carmichael (Mr. President) laid before the Senate the following proclamation from His Excellency, the Governor, convening the Legislature in extraordinary session, which was read by the Clerk:

**STATE OF WEST VIRGINIA  
EXECUTIVE DEPARTMENT  
Charleston**

**A P R O C L A M A T I O N**

**By the Governor**

**I, JIM JUSTICE**, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at eleven a.m. on the fourth day of May, Two Thousand Seventeen, in its chambers in the State Capitol, City of Charleston, for the limited purpose of considering and acting upon the following matters:

**FIRST:** A bill relating to taxation, including: reducing number of classifications and rates of personal income tax as of January 1, 2018; providing phase-out of personal income tax and specifying triggering events; exempting military retirement from personal income tax after specified date; increasing rate of corporate net income tax as of specified date; increasing rate of consumers sales and service tax as of specified date and exemptions related thereto; imposing temporary additional income tax on persons with West Virginia taxable incomes of \$300,000 or more as of specified date; imposing graduated rate severance tax on privilege of producing coal as of specified date; imposing graduated rate severance tax on privilege of producing natural gas sale, profit or commercial use as of a specified date; increasing rate of tax credit for qualified rehabilitation expenditures on historical structures;

**SECOND:** A bill increasing the State Road Fund by raising DMV fees and motor fuel excise taxes;

**THIRD:** A bill relating generally to the West Virginia Parkway Authority;

**FOURTH:** A bill increasing teacher salaries;

**FIFTH:** Legislation authorizing and appropriating the expenditure of public funds to pay the expenses for the Extraordinary Session.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



**DONE** at the Capitol in the City of Charleston, State of West Virginia, this third day of May, in the year of our Lord, Two Thousand Seventeen, and in the One Hundred Fifty-Fourth year of the State.

**JIM JUSTICE**  
**GOVERNOR**

**By the Governor**

**MAC WARNER**  
**SECRETARY OF STATE**

At the request of Senator Ferns, unanimous consent being granted, Senator Ferns offered the following resolution from the floor:

**Senate Resolution 101**—Raising a committee to inform the House of Delegates the Senate has assembled in extraordinary session.

*Resolved by the Senate:*

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled in extraordinary session, with a quorum present, and is ready to proceed with the

business for which the extraordinary session was called by His Excellency, the Governor.

At the request of Senator Ferns, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with and adopted.

Whereupon, the President appointed as members of such committee the following:

Senators Boso, Cline and Jeffries.

Subsequently, Senator Boso, from the committee to notify the House of Delegates the Senate has assembled in extraordinary session, and is ready to proceed with the business of the session, announced that the committee had discharged its duties.

A message from the House of Delegates, by

Delegates Harshbarger, Rowan and Hartman, announced that the House of Delegates has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business stated in the proclamation convening the Legislature.

At the request of Senator Ferns, unanimous consent being granted, Senator Ferns offered the following resolution from the floor:

**Senate Resolution 102**—Raising a committee to wait upon the Governor.

*Resolved by the Senate:*

That a committee of three on the part of the Senate, to join with a similar committee on the part of the House of Delegates, be appointed by the President to notify His Excellency, the Governor, that at his call the Legislature has assembled in extraordinary session, with a quorum of each house present; and is ready to receive any communication or message he may be pleased to present under section seven, article seven of the Constitution of West Virginia, which provides that no business except that stated in his proclamation be considered.

At the request of Senator Ferns, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with and adopted.

Whereupon, the President appointed as members of such committee the following:

Senators Mann, Takubo and Ojeda.

A message from the House of Delegates, by

Delegates Summers, Frich and Lynch, announced that the Speaker had appointed them a committee of three to join with a similar committee on the part of the Senate to wait upon the Governor, under the provisions of Senate Resolution 102. Senate and House members of this select committee then proceeded to the executive offices.

Subsequently, Senator Mann reported that the joint Senate and House committee had performed the duty assigned to it.

On motion of Senator Ferns, the Senate recessed until 3 p.m. today.

Upon expiration of the recess the Senate reconvened and proceeded to the third order of business.

### **Executive Communications**

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, consisting of executive nominations for appointees:

**Jim Justice**  
**Governor of West Virginia**

May 4, 2017

**Senate Executive Message 1**  
**First Extraordinary Session 2017**

TO: The Honorable Members of the  
West Virginia Senate

Ladies and Gentlemen:

I respectfully submit the following nominations for your advice and consent:

1. For Member, West Virginia Board of Physical Therapy, D.C. Offutt, Jr., Barboursville, Cabell County, for the term ending June 30, 2019.

2. For Member, West Virginia Board of Physical Therapy, Jessica Santrock, Culloden, Lincoln County, for the term ending June 30, 2020.

3. For Member, Council for Community and Technical College Education, Charles A. Parker, Ripley, Jackson County, for the term ending December 20, 2018.

4. For Member, Council for Community and Technical College Education, Kenneth Boggs, Keyser, Mineral County, for the term ending December 20, 2019.

5. For Member, Council for Community and Technical College Education, Tracy Karin Miller, Bridgeport, Harrison County, for the term ending December 20, 2018.

6. For Member, Council for Community and Technical College Education, The Honorable Harry Keith White, Gilbert, Mingo County, for the term ending December 20, 2020.

7. For Member, West Virginia Board of Education, Debra K. Sullivan, Charleston, Kanawha County, for the term ending November 4, 2025.

8. For Member, West Virginia Board of Education, Joseph Wallace, Elkins, Randolph County, for the term ending November 4, 2024.

9. For Member, Unemployment Compensation Board of Review, The Honorable Jack Yost, Wellsburg, Brooke County, for the term ending January 1, 2023.



10. For Member, Municipal Home Rule Board, Brian Jones, Morgantown, Monongalia County, to serve at the will and pleasure of the Governor.

11. For Member, Municipal Home Rule Board, Mark A. Polen, Cross Lanes, Kanawha County, to serve at the will and pleasure of the Governor.

12. For Member, National Coal Heritage Area Authority, Ralph Triplett, Branchland, Lincoln County, for the term ending June 30, 2021.

13. For Member, Industrial Council, Debra Scudiere, Westover, Monongalia County, for the term ending June 30, 2020.

14. For Member, Industrial Council, Bengy K. Swanson, Pentress, Monongalia County, for the term ending June 30, 2020.

15. For Director/State Forester, West Virginia Division of Forestry, Barry L. Cook, Beckley, Raleigh County, to serve at the will and pleasure of the Governor.

16. For Member, Design-Build Board, Richard Forren, Fairmont, Marion County, for the term ending July 7, 2017.

17. For Member, Design-Build Board, Roy M. Smith, Beckley, Raleigh County, for the term ending July 7, 2019.

18. For Member, Design-Build Board, Ronnie Spradling, St. Albans, Kanawha County, for the term ending July 7, 2019.

19. For Member, Design-Build Board, Jim Matheney, Charleston, Kanawha County, for the term ending July 7, 2017.

20. For Member, Design-Build Board, Chad Riley, Bridgeport, Harrison County, for the term ending July 7, 2017.

21. For Member, Design-Build Board, Keith A. McClanahan, Eleanor, Putnam County, for the term ending July 7, 2019.

22. For Member, Design-Build Board, David G. Hammond, Charleston, Kanawha County, for the term ending July 7, 2017.

23. For Member, Design-Build Board, Ginny Favede, Wheeling, Ohio County, for the term ending July 7, 2019.

Notice of these appointments was previously provided to the appropriate legislative staff at the time the appointments were made.

Sincerely,

Jim Justice  
Governor

cc: Clerk of the Senate  
Assistant Clerk of the Senate  
Senate Confirmations Chair

Which communication was received and referred to the Committee on Confirmations.

On motion of Senator Boley, consideration of the nominations immediately hereinbefore reported was made a special order of business for Friday, May 5, 2017, at 11 a.m.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced and read by their titles:

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 1001**—A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to raising the salary for classroom teachers.

At the request of Senator Ferns, unanimous consent being granted, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.











